

**TOWN OF SWEDEN
Planning Board Minutes
July 12, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 12, 2021, at the Sweden Town Courtroom, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, Matthew Minor, Craig McAllister, Wayne Rickman, Peter Sharpe; David Strabel.

Absent: David Hale

Also present: Nat O. Lester, III, Planning Board Counsel; James Oberst, P.E., Town Engineer, MRB; Kris Schultz, Schultz Associates; Anthony Tintera, Meagher Engineering; Garrett Steiner and Cade Krueger, DDS Companies; Kristi Molisani Henner; Karen LaBracco; Tammy Baker; Patricia Hayles.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Strabel, that the minutes of June 14, 2021, be approved.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Absent
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

Moved by Mr. Strabel, seconded by Mr. Minor, that the regular meeting be adjourned to the public hearing.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Absent
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

Public Hearing began at 7:03 p.m.

Chairman McAllister waived reading the legal notice.

Battisti-Young Subdivision – 3 Lots. Shumway Road. 084.03-1-16.23.

Mr. Anthony Tintera, Meagher Engineering, addressed the Board. He explained a three-lot subdivision is being proposed on the south side of Shumway Road. The property is zoned R1-2. After consulting with Gerald Rightmeyer, MCDOH, regarding a preliminary septic system investigation, it was determined that modified raised septic systems would be appropriate for lots 1 through 3. The site plan shows development of a single family-home for lot 2.

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Chairman McAllister asked if there was anyone present with comments, questions, or concerns for the Battisti-Young Subdivision. There were none.

Heritage Square Phase 1A Site Plan. Persistence Path. 068.03-1-18.113

Mr. Kris Schultz, P.E., addressed the Board. The plans before the Board tonight are pretty much the same as the plans submitted over a year and a half ago. Unfortunately, due to Covid and some other reasons the project approvals expired. There have been no changes to the plans except for some small notations added to the plans. Eighty apartments have been proposed and will be serviced by utilities, sanitary sewer, and public water.

Chairman McAllister asked if there was anyone present with comments, questions, or concerns for the Heritage Square Phase 1A Site Plan.

Tammy Baker, Sweden Assessor – Ms. Baker wanted to know if the applicant has plans to sell the units, convert them to condominium status or turn them into student housing.

Mr. Schultz stated all the units will be rentals and the applicant has no intention of selling them off.

Ms. Baker explained that the soil rating is different than what was submitted on the application. Per the USDA soil survey, it is not Odessa Silt Loam, but Cazenovia Gravelly Loam. She is not sure how much of a difference this will make.

Mr. Schultz stated there are many types of soils on that site. The applicant hired a geotechnical engineer to look at the site. Because the buildings are one and two stories, there should not be any issues.

Chairman McAllister asked if there were any other comments, questions, or concerns. There were none.

Moved by Mr. Strabel, seconded by Mr. Dollard, to adjourn the public hearing to the regular meeting.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Absent
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The Public Hearing ended at 7:07 p.m.

Henner Subdivision and Site Plan – 2 Lots. 6620 Redman Road. 113.04-1-5.8.

Mr. Garrett Steiner, Project Engineer, DDS Companies, addressed the Board. Present tonight is Cade Kruger, Project Manager, and Kristi Molisani, property owner. The proposed project involves construction of an approximate 2,500 square foot house. The existing parcel is zoned R1-2 and is approximately 70 acres. The parcel will be subdivided into two lots. Lot 1, approximately 8.023 acres, will include development of a house, driveway and utilities, and Lot 2, approximately 62 acres, no proposed development. The parcel is located at the dead end of Redman Road. The applicant is proposing to use an existing access easement to connect to an asphalt driveway and then to the house. The MCDOH has already been to the site and witnessed a deep hole perc test which confirmed the house will be serviced by a conventional septic system.

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The house will have a private well for its water supply. Total project disturbance area is approximately 1.5 acres. Erosion and Sediment Control tactics are in place to ensure no sediments will be leaving the site during construction. Mr. Steiner would be happy to answer any questions.

Mr. Strabel asked if there was an issue regarding the access to the property that had to be resolved? Counsel Lester stated the ZBA had granted an area variance to use the existing access easement for ingress/egress to Redman Road.

Moved by Mr. Rickman, seconded by Mr. Strabel, that the Henner Subdivision and Site Plan – 2 Lots be accepted for review.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Absent
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The Public Hearing will be August 9, 2021.

B&T Pumpkin Patch Subdivision and Bonin Site Plan. 2020 Reed Road. 128.01-1-13.2, 128.01-1-13.12, 128.01-1-13.11.

Chairman McAllister asked the Town Engineer for a status of the project. Mr. Oberst stated there were concerns about the impact the proposed development would have on the drainage heading south to the culvert on Reed Road. The design engineer made modifications to create an area to retain water to address the concerns. Both Mr. Ingraham, Highway Superintendent, and Mr. Oberst reviewed the modifications and are satisfied with what has been provided. It is the best solution to mitigate any drainage issues from the site. Mr. Oberst is all set to sign the mylar.

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision and site plan approval of the B&T Pumpkin Patch Subdivision and Bonin Site Plan, located at 2040 Reed Road, which was accepted for review on May 24, 2021, and

WHEREAS, a public hearing was held by the Planning Board on June 14, 2021, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Environmental Conservation Board, Monroe County Planning and Development, Highway Superintendent, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the B&T Pumpkin Patch Subdivision and Bonin Site Plan are unlisted actions, which will not have a significant impact on the environment and grants the subdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, and the B&T Pumpkin Patch Subdivision be granted final approval, and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bonin Site Plan be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Discussion: Mr. Minor requested the subdivision name on the title block be changed to B&T Pumpkin Patch Subdivision to match the approval and printed on the mylar.

Chairman McAllister - Aye
Mr. Dollard – Aye
Mr. Hale – Absent
Mr. Minor - Aye
Mr. Rickman – Abstain
Mr. Sharpe – Aye
Mr. Strabel – Aye

Battisti-Young Subdivision – 3 Lots. Shumway Road. 084.03-1-16.23.

Chairman McAllister continued review of this application. Mr. Tintera addressed the Board. He explained since the initial accept for review meeting, there have been some small tweaks to the plans. All review comments have been received from the various agencies and have been addressed with written responses. Responses to the Town Engineer’s comments were sent last Wednesday prior to this meeting. The water service was bumped up to two inches based on existing pressure and hydro flow tests completed by MCWA. The water easement is being handled by the client, their attorney, and MCWA. Chairman McAllister asked Mr. Oberst if he is all set? Mr. Oberst stated he received a response letter and updated plans on July 6, and all comments from his June 22 letter were addressed.

Mr. Strabel asked if the water easement is on the plans. Mr. Tintera stated yes, sheet C2. Counsel Lester stated he is all set with the easement.

Moved by Mr. Strabel, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision and site plan approval of the Battisti-Young Subdivision – 3 Lots, located at Shumway Road, which was accepted for review on June 14, 2021, and

WHEREAS, a public hearing was held by the Planning Board on July 12, 2021, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Environmental Conservation Board, Monroe County Planning and Development, Highway Superintendent, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Battisti-Young Subdivision – 3 Lots and Site Plan – Lot 2 are unlisted actions, which will not have a significant impact on the environment and grants the subdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, and the Battisti-Young Subdivision – 3 Lots be granted final approval, and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Battisti-Young Site Plan – Lot 2 be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Chairman McAllister - Aye
Mr. Dollard – Aye
Mr. Hale – Absent
Mr. Minor - Aye
Mr. Rickman – Aye
Mr. Sharpe – Aye
Mr. Strabel – Aye

Heritage Square Phase 1A Site Plan. Persistence Path. 068.03-1-18.113

Chairman McAllister continued review of this application. Mr. Schultz has responded to the Town Engineer’s latest review comments. Mr. Oberst explained most of his comments were related to further clarification on the status of the units, townhouses versus apartments. Also, whether parking requirements have been met for the type of unit. Mr. Schultz responded that all the proposed units will be apartments. Mr. Schultz added for the proposed 80 apartment units, 160 parking spaces are required. Shown on the plans are 177 parking spaces plus 52 land banked parking spaces.

Mr. Strabel stated, for the record, if the units are all apartments, they are required to be sprinkled. Mr. Schultz stated his client is aware of that. He added whether they are all sprinkled or not, all the units are apartments. Mr. Oberst stated the response letter indicates only some units will be sprinkled, not all the units. Mr. Schultz stated the response states at the discretion of the building inspector.

Mr. Strabel explained per MR-1 zoning, townhouses require garages. For each building that is built like a townhouse per the residential code and has a garage, it can be called a townhouse. If it is built like a townhouse, but does not have a garage, it can not be called a townhouse without obtaining a variance. Without a variance, the unit will be called an apartment and will require full fire alarm and full sprinkler systems. Mr. Schultz agreed. Mr. Strabel stated the above clarification will prevent the applicant from not complying per the code.

Mr. Schultz stated the above point was stressed multiple times. His client has been made aware that he would be confirming with this Board that 80 apartments are proposed. Initially, his client had referred to some of the units as townhouses, but that was only to reference the style of the unit.

Mr. Strabel confirmed with Mr. Schultz that this project is proposing 80 market rate apartments. Currently, there are 113 (398 beds) student apartments. The original agreement for the incentive zoning was 150 commercial rate apartments, 100 townhouses (garages), 150 senior assisted living apartments for residents over 50 years old and a bunch of senior single-family homes.

By adding 80 units, the total is 193 market rate apartments unless some of the units are townhouses. The agreement was for 150 market rate apartments.

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Mr. Schultz stated the counts were reviewed when the project received approvals in August 2020. Mr. Schultz was not sure how it was resolved a year ago, but knows it was discussed. Mr. Strabel was not at the approval meeting. He added the units were being called townhouses even though the units did not have garages, which caused some of the problem or confusion. Mr. Schultz agreed that some of the units may have been called townhouses to make the ratio work.

Mr. Strabel confirmed with Mr. Oberst that 15 garages are proposed. Fifteen units could be townhouses, which would reduce the 193 market rate apartments to 178. This does not align with the rezoning agreement with the Town Board. Mr. Schultz stated this is new information to him so he cannot comment at this time as he needs to verify it.

Mr. Minor asked if the student apartments fall into the category of market rate apartments? Mr. Strabel stated they are not senior apartments and market rate apartments is the only category left it would fit into.

Chairman McAllister asked for the project to be put on the August agenda. He recommended Mr. Schultz discuss the numbers with Mr. Sean McLean, the original developer. Mr. McLean may have to renegotiate the numbers with the Town Board and modify the agreement. This will also allow time for the Town Engineer to review information again. Chairman McAllister asked if the sidewalk was all set? The sidewalk is in the process of being constructed as the applicant did not respond in a timely manner.

Mr. Oberst stated there were a couple minor modifications to the easement/map Mr. Schultz submitted.

Mr. Minor asked for clarification of Mr. Schultz' statement that it was at the discretion of the building department if the apartments need to be sprinkled? Mr. Schultz explained he was referencing his conversation with the building inspector relative to the Villas at Brandon Wood project when determining how many units could be built on a dead-end road. The Villas are townhouses and are interpreted differently. It depends on what the units are being called. Mr. Strabel stated there are definitions of construction that need to be followed to be considered a townhouse. Townhouses are single family homes that touch each other, and the common wall must be a 2-hour fire separation. They are allowed to be built as single-family homes except for the 2-hour fire separation, which means a single-family home does not have fire sprinklers, it has smoke detectors. Townhouses can be two stories; however, one townhouse cannot be built over another townhouse.

The Town's MR-1 zoning requires townhomes to have three parking spaces with one covered and apartments must have two parking spaces. Mr. Schultz stated the confusion with the number of parking spaces most likely happened because the units were being considered townhouses when they are apartments.

Chairman McAllister stated if the Board approves the units as apartments, a permit can only be issued for construction of apartments. Mr. Dollard confirmed with Mr. Schultz that the units are all rentals, which means they can never be sold individually.

Mr. Schultz will discuss all this information with his client and be back in August with issues resolved.

The meeting was adjourned on motion at 7:35 p.m.

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk