

**TOWN OF SWEDEN
Planning Board Minutes
August 12, 2019**

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 12, 2019, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard; David Hale; Craig McAllister; Matthew Minor; Arnie Monno; Wayne Rickman; David Strabel.

Also, present: Nat O. Lester, III, Planning Counsel; Kris Schultz, Schultz Associates; Steve Licciardello; Blaze and Kelly Broskin; Nicholas Williams.

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. Monno, that the minutes of July 8, 2019, be approved.

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Abstain
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

Special Use Permit – 2400 Colby Street. NB Automotive and Restoration LLC. 084.04-1-25.007.

Mr. Blaze Broskin addressed the Board.

Chairman McAllister confirmed with Mr. Broskin there will be no auto sales, only auto repairs. Mr. Broskin is trying to make sure all paperwork for the business is current. There will be no need to update the site plan. Any new signage will go through the Building Department.

Moved by Mr. Strabel, seconded by Mr. Rickman, that the NB Automotive and Restoration LLC Special Use Permit E, be accepted for review.

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Aye
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

The Public Hearing will be September 9, 2019.

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Villas at Brandon Woods – Section 2. Subdivision and Site Plan. Wood Trace. 084.01-1-14.114.

Mr. Kris Schultz addressed the Board. Mr. Schultz presented a copy of the deed showing that Mr. Licciardello, applicant, now owns the ponds for this development. The pond parcels are highlighted in blue on the map. Mr. Licciardello is responsible for the maintenance of the ponds relieving Section 1 residents of that responsibility. The pond parcels will be linked to Section 2 in order to complete the development of Section 2.

Counsel Lester confirmed with Mr. Schultz that the ponds each have their own tax parcel number and that a drainage district was proposed at one time. Mr. Schultz explained the ponds will be linked to Section 2 by an easement so that they are an integral part of the development and can't be separated.

Mr. Schultz summarized that there will be a pond maintenance agreement given to the Town, which will indicate that the ponds are Mr. Licciardello's responsibility to maintain forever. Mr. Schultz suggested that a condition of approval of Section 2 should state that the ponds be included as an intractable part of the development and can't be sold separately.

Counsel Lester asked can there be a drainage district. Mr. Schultz stated there can be, he didn't want to burden Section 1 residents, and the owners of the plaza would most likely sue. It was agreed the drainage district would include Section 2 residents only. Most important was having Mr. Licciardello own the ponds in order to move forward with the approval and design requirements.

Mr. Licciardello has done similar townhouse projects in the past. The townhouses will be built for sale or rental and will have all separate utilities. The townhouses will require resubdivision approval like Section 1 after the footprint of the house has been established. The whole development will be approved per Mr. Licciardello's request. The road will stay exactly the same. A portion of the sanitary sewer will be reversed for ease of maintenance and a substantial savings on cost.

Mr. Minor requested the ponds be made part of this subdivision as they never were legally subdivided. The application forms and map would have to be updated with this information to be included in the legal notice for the public hearing. Mr. Schultz will look into Section 1 approval regarding how the ponds were approved.

Mr. Licciardello arrived.

Discussion took place regarding when and how to include the subdivision of the ponds into the project. Since the application packet for Section 2 included the deed and map showing the ponds, the Clerk was instructed to include both Section 2 and the ponds in the legal notice.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Villas at Brandon Woods - Section 2 Subdivision and Site Plan, including the subdivision of the two ponds, be accepted for review.

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

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Mr. Monno asked why the Villas project information form doesn't include the amount of crushed stone that will be used for the road boxes. Mr. Schultz explained that information is usually provided for commercial projects with a large parking lot, but he will provide that information for this project.

Hedman Subdivision and Site Plan. 593 Root Road.

Mr. Schultz submitted a letter requesting a one-year extension for his clients, David and Kara Hedman, for the above-mentioned project to expire on August 11, 2020. The Board agreed.

Moved by Mr. Minor, seconded by Mr. Dollard, that pursuant to a letter from Mr. Schultz, dated August 11, 2019, concerning the Hedman Subdivision and Site Plan, 593 Root Road, Brockport, New York, Town of Sweden, requesting a one-year extension from its current status, that the subdivision and site plan approval be extended for one year until August 11, 2020.

Mr. Hale asked if there was a limit on how many times this Board can extend a project. Counsel Lester stated not that he is aware of, but it certainly behooves a municipality to move a subdivision project approved as soon as possible. The Board can always deny the extension request and the applicants can start the approval over and/or hold another public hearing when ready to continue. Should there be a major design change or DOH updated approval required, the Board may take other action if there is another extension request.

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Aye
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

Moved by Mr. Rickman, seconded by, Mr. Dollard, that the regular meeting be adjourned to Executive Session to consult with Counsel regarding the Town's solar laws and the Helios Solar Farm application.

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Abstain
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

Moved by Mr. Rickman, seconded by, Mr. Strabel, to adjourn the Executive Session to the regular meeting.

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Abstain
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

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Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, Helios Energy New York 3, LLC (“Applicant”) previously applied to this Board in 2018 for subdivision, site plan and special use permit approval for a solar farm to be located on property located at Lake Road and Swamp Road, tax account number, 098.04-1-2.1, pursuant to the provisions then in effect of Article 174 of the Sweden Town Code (Solar Energy Systems and Solar Energy Farms) (included in the Sweden Town Code by Local Law No. 6 of 2017) and the general provisions governing such approvals by this Board pursuant to Article 175 of the Sweden Town Code; and

WHEREAS, applicant subsequently requested several adjournments of this Board’s review of above applications while Applicant discussed with the Sweden Town Board amendments to Article 174 which would permit consideration of the proposed solar farm by the Town Board under an incentive zoning proposal and the Town Board subsequently amended Article 174 via Local Law No. 1 of 2019 adopted on February 12, 2019 to include, among other items, the ability of the Town Board to approve solar farms by incentive zoning, and Applicant made such an incentive zoning application to the Sweden Town Board thereby suspending review of the then pending applications before this Board; and

WHEREAS, the Sweden Town Board subsequently adopted a Negative Declaration as to this application under State Environmental Quality Review Act (“SEQRA”) but denied Applicant’s application for incentive zoning approval of its proposed solar farm on May 28, 2019, and Applicant thereafter essentially renewed its applications to tis Board under Article 174 and 175 of the Sweden Town Code, but based upon plans and specifications that Applicant had revised in several respects from the plans and specifications it had initially submitted, and this Board has proceeded to review these renewed applications; and

WHEREAS, the Planning Board Attorney has advised this Board that the renewal of these applications subsequent to the amendment of Article 174, the revisions thereto, and the Town Board’s adoption of a Negative Declaration under SEQRA as to the incentive zoning provision have presented issues regarding the proper version of Article 174 to apply to these revised applications under the provisions of both Article 174 and 175, the impact of any requirements to which these revised applications are subject due to the location of the property in the Monroe County Western Agricultural District, and the effect of the existing Negative Declaration adopted by the Town Board on the revised applications, and has requested that this Board authorize the retention of Karl S. Essler, Esq., an attorney with substantial experience in municipal zoning matters, as special counsel to this Board to advise it as to these issues as deemed necessary by the Planning Board Attorney;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby authorizes the retention of Karl S. Essler, Esq., as special counsel to this Board as to those issues regarding the pending applications of the Applicant deemed necessary by the Planning Board Attorney, with any such advice from said special counsel to be obtained as expeditiously as reasonably possible with an hourly rate of \$195.

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

The meeting was adjourned on motion at 8 p.m.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk