

**TOWN OF SWEDEN
Planning Board Minutes
September 9, 2019**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 9, 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; Jim Oberst, P.E., MRB, Kris Schultz, Schultz Associates; Steve Licciardello; Fred Shelley, BME Associates; Lucio and Jody Battisti, Joe Hens, Ingalls and Associates, LLC; Tom Guzek, Solar Park Energy; Blaze and Kelly Broskin; Nicholas Williams; Pam Krahe; Lori Heckleman; Karen Hylbert; Adam Hinkley; Mark Bubb; Paul and Eileen Byers; Diane and Bill Dawson; Mark Rabjohn; Jim and Sue Genthner; Joan Genthner; Elaine Gregory; John and Carol Desimone; Bill Johnson; Carolyn Marcuccio; Darlene Jennejohn; Bonita Power.

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. Monno, seconded by Mr. Dollard, that the minutes of August 12, 2019, be approved.

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

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

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

The Public Hearing began at 7:02 p.m.

Chairman McAllister read the notice of public hearing and affidavit of publication.

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

Mr. Blaze Broskin addressed the Board. Chairman McAllister asked if there were any questions, comments or concerns relative to the application. There were none.

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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. He distributed smaller-sized maps of the development to the audience. In 2007, the property was under review for development by Mr. Jack Hassall. Wal-Mart and Lowes were being built at that time. Mr. Hassall applied for Incentive Zoning, which was a new code adopted by the Town of Sweden. Incentive Zoning allowed the developer some flexibility in design with different uses. Because Incentive Zoning allowed for different uses, setbacks, etc., the property directly south of Wal-Mart would be developed as commercial use (shopping plaza), and the balance of the property would be developed as a multi residential use (existing townhomes).

The review of the project lasted several months, and a full environmental review was completed. Infrastructure, design layout, and market demand were looked at by the Planning Board and Town Engineer. The map handed out shows a development that is almost identical to the one reviewed under Incentive Zoning as far as the road network, how many units, locations, and setbacks. The cul-de-sac and the stub road, which would be for future development to the west, are what was depicted with the Incentive Zoning approval of Villas I.

The difference from what we have now is reflective of the market demand. Currently, there is a high demand for townhouse type buildings. People don't want to have to deal with the responsibilities of owning a home, which wasn't the case ten years ago. There are other similar developments in the town already.

This property transferred from Mr. Hassall to Mr. Nothnagle, who was now responsible for finishing the development of Villas I as well as cleaning up the stormwater ponds. The Planning Board was concerned with the maintenance of the ponds. About a year ago, Steve Licciardello, Home Pride, connected with Mr. Nothnagle. Since that time, Mr. Licciardello has done the maintenance on the ponds, surveyed the ponds and paid to have the proposed development designed for Villas II. The dark green areas were originally left to be undisturbed or undeveloped to avoid clearcutting the whole area. A Conservation Easement was given to the town so that these wooded areas would remain as a buffer.

The main point to understand is this is not a new plan to the Board and that a full environmental review has been done, just nothing has been built. Mr. Schultz showed the residents a rendering of what is proposed. Of the four-unit buildings, the end units are single stories and the center units are two stories; all with two car garages. This is done to provide more windows to the center units. This design has been used in countless developments throughout the county and is very popular and will be ADA compliant.

The site will be serviced by sanitary sewer, sidewalks throughout the property and gas/electric for utilities. Mr. Schultz would be happy to answer any questions.

William Johnson, 4775 Sweden Walker Road – Mr. Johnson pointed out that the historical significance of this property was not mentioned throughout Mr. Schultz' presentation, which is the Niagara Escarpment. The ECB has submitted comments to the Board regarding this. When you read them, this is a unique piece of property that we have in the town. The amount of deforestation would be extreme. There may be a buffer zone retained, but the developer is still taking out two thirds to three quarter of the forest including the slope. The historical significance of the Niagara Escarpment is something this town really must pay attention to, and this is not a development respecting it. The density of structures is too great especially looking at adjoining properties. The stub road indicates there will be another development taking out the Niagara Escarpment in the very near future.

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Traffic is also a major concern with one stop sign at Transit Way and Nathaniel Poole Trail to accommodate 99 additional proposed units.

Mr. Johnson stressed the importance of reading the ECB's comments. The Board thanked Mr. Johnson.

Carolyn Marcuccio, 29 Wood Trace – Ms. Marcuccio lives in the last house before the new development starts. She has a few concerns. Are the units designed to be rentals or privately owned? Mr. Schultz stated both, initially as rentals. Mrs. Marcuccio was concerned that there could be 99 rental units as opposed to a rental here and there. Also, worth mentioning is that there are units in Villas I that are having trouble being rented so she's not sure how successful the renting of 99 units will be.

She asked, who is the developer of the Villas II, and what are some other projects he has worked on. Mr. Licciardello will answer those questions at the end of the public hearing. She explained that the majority of Villas I is single family homes where the owner resides at the house. When the homes were first built, they were marketed as homes for 55 years and up with a homeowner's association, which was proposed for the next phase of development when it would occur. The expectation was that the development would be a nice, quiet neighborhood, not living in the middle of an apartment complex. After the houses were built and residents moved in, and the requirement of 55 and up went away without any input from the residents. This represents the current residents' perspective so that our concerns will be better understood. Thank you.

Pam Krahe, 35 Talamora Trail – Mrs. Krahe stated it looks like she is going to have some very near neighbors very soon. She wondered if the developer would consider not building the units at the end of the cul-de-sac so close to the existing property. The units would only have about a 30 ft. buffer. Even with the very mature trees that exist, she would still be able to see from her kitchen window into their kitchen window. What type of other buffering could be done to prevent this?

Mark Bubb, 40 Talamora Trail – Mr. Bubb stated he has lived in or near Brockport his whole life and purchased his house four years ago. His concern is Nathaniel Poole Trail and what he describes as the "wild, wild west." There is a reason why Runnings has installed speed bumps on their property. The neighborhood is pedestrian heavy, and he is very concerned about adding triple the units that exist today, 26 to an additional 99 units. The existing access roads are strained today. He can't imagine what impact 100 to 200 more cars will have, not to mention visitors heading in and out of Wal-Mart and Rte. 31 traffic, which is an accident cess pool. Also, the light at Owens Road and the continued development. Residents have been trying to have a light installed at Sherry Lane. He's not a "not in my backyard" guy, and wants to see the Town grow, but this development appears to be aggregous or over the top for the existing access. That's a lot of cars flooding the area without some sort of controlled access. What is proposed is not controlled, there are no lines or curbing on the roads, and Talamora Trail has no sidewalks, making this area very pedestrian heavy. There needs to be a better way for access. Wal-Mart is not supposed to be serving as an access.

Karen Hylbert, 1635 Nathaniel Poole Trail – Ms. Hylbert has lived here for two years and she has a few concerns. The biggest concern is safety. Traffic on the road is unbelievable already with the existing houses. There are two quads and a duplex that are having trouble being rented. She is not sure if there is a need for 99 more rental units. Also, this is not what we were told when we purchased our homes; more homes, but not 99 apartments. The roadway doesn't support that many units. It's already heavy with kids and bikers. Cars park on the street from the rentals and drivers go through the stop sign all the time. It's a huge safety issue for the community.

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Carol Desimone, 29 Talamora Trail – Mrs. Desimone asked where the market demand is for the area with two empty lots and rentals from Villas I. She’s concerned about destroying all the woods and wildlife.

Sue Genthner, 31 Talamora Trail – Mrs. Genthner stated there has been a lot of discussion regarding conservation, which would mean preserving land in this area. There should be a balance between development and protecting the wildlife, which the residents would be more in favor of.

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

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

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

The Public Hearing ended at 7:29 p.m.

Mr. Hale stated the developer still needs to address the audience.

Mr. Steve Licciardello greeted everyone and stated he is the president of Home Pride Builders and Developers. He has been blessed to do this work for 25 plus years and has done numerous townhome projects in Monroe County (Webster, Greece, Gates, Ogden, and Spencerport). There are always “not in my backyard” people at these meetings. Townhomes are not apartments. The difference between the two is townhomes are like homes with separate utilities, basements, garages and can be sold like an individual home. Apartments will have one common entrance with units inside. These townhomes are like the single-family homes in Talamora Trail.

Mr. Licciardello had the chance to walk through the apartments that are for rent in Villas I and stated they are substandard in his opinion. He builds luxury units/homes with granite counter tops and stainless-steel appliances. He very rarely has difficulty selling his units to both old and young. He has had several protesters from other developments, who lease, and/or buy homes because they are nicer than what’s around them.

Mr. Licciardello knows the market and what people want, which is nice quality homes. A lot of these people are selling their homes because they don’t want to pay property taxes and decide to purchase one of my townhomes, which are maintained. One company does the lawn mowing, another company does the snowplowing, etc. With that said, he thinks this development will be a benefit to the community and a lot of the seniors will take advantage of the ranch units. Young people tend to be interested in the center units. Generally, he rents or sells the most to the 50 to 55-year range people. This development will be a gem for the community.

It’s important to note that when he first came here, he cleaned up the mess at the ponds which was left behind and looked like a jungle. He has a very good track record, just check with any of the above-mentioned towns. He knows what he’s doing when it comes to building homes for 25 plus years.

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A resident asked what the price range would be. Mr. Licciardello stated it depends. For a two story, the price range would be \$180,000 to \$200,000. Another resident stated so the homes will be for sale. Mr. Licciardello stated yes, but he's not limited if he wants to rent them as well.

A resident stated that Phil Nothnagle, who purchased Villas I, made promises he didn't keep, and he's been in the business for well over 25 years too. Mr. Licciardello understands the concerns, but he's been in this position before with acquiring abandoned property in Spencerport, but now the development is a gem in the community. Mr. Licciardello assured the audience that the Villas I residents will not be part of a homeowner's association, and he will clean up the mess that's been left. A resident asked if Mr. Licciardello feels there is a demand for this housing. Mr. Licciardello stated he knows there is a demand. He offers a lot better product than the homes in Villas I, i.e., better flooring, appliances, gas fireplaces, granite counter tops, etc. Will there be a temporary access road while building or will the residents have to battle with the trucks during construction. Mr. Licciardello doesn't plan on having a temporary road as the trucks will all be parked on the site.

Nowak Site Plan. 201 Capen Road. 113.01-1-44

Mr. Fred Shelley addressed the Board. He is representing Mr. Frank Nowak, Nowak Enterprises. The proposed project is for a single-family home built on a 59-acre parcel located on the south side of Capen Road. The proposed layout includes a home, driveway and accessory structure. The site will be serviced by a private septic system and well. The driveway will extend from an existing paved apron on the south side of Capen Road with adequate sight distance and the home will be located approximately 115 ft. from the R.O.W.

Erosion control features have been shown on the plan. The project has been submitted to the Monroe County Planning and Department and the Monroe County Department of Health. Review comments have been received from MCDOH regarding the septic system. There will be over an acre of disturbance and will require a SWPPP and a SPDES Permit. We propose that the project is an unlisted action and suggest that the Planning Board declare themselves as lead agency for this project.

He would be happy to answer any questions. There were none.

Moved by Mr. Hale, seconded by Mr. Rickman, that the Nowak Site Plan 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 October 28, 2019.

Mr. Minor asked the Clerk to send Mr. Shelley the few standard comments regarding water and farm operations to be included on the plan.

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Home Occupation Approval, 233 Beadle Road. 099.04-2-9.31.

Lucio and Jody Battisti addressed the Board. Mr. Battisti explained that the work is straightforward, self-explanatory. They will be doing some laser engraving out of their home for firearm components. Mrs. Battisti explained the reason for this request is that they need a change of address for their FFL, since they recently moved to the Town of Sweden. The FFL is requesting in writing whether approval is required from the Town to do this type of work before they finalize the change of address. Mr. Battisti noted that the FBI and ATF already approved the change, just waiting for the Town of Sweden to approve it.

Mr. Hale is not in favor of the Planning Board approving home occupations and is looking forward to seeing the code changed.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Home Occupation Approval - Lucio Battisti be accepted for review.

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

The Public Hearing will be October 28, 2019.

Yaeger Subdivision and Site Plan – 2 Lots. Sweden Walker Road-East Avenue. 069.02-2-13, 069.02-2-14.11.

Mr. Kris Schultz addressed the Board. He distributed updated plans due to changes required by the MCDOH MCWA, and Town Engineer. MCWA is ready to sign off.

The plan before the Board is significantly different from what was originally reviewed. MCWA has been reviewing a large project in the Town of Clarkson, Brooks Village, which is grabbing water from Ridge Road to its project and connecting to a main on East Avenue. Early planning was to grab the water from Sweden Walker Road and loop it to East Avenue, which didn't happen. In the interim, MCWA decided not to go to Sweden Walker Road, but backlot out from East Avenue and come in on East Avenue west of the creek, and tap into that main and run back towards Sweden Walker to get water to the two lots. An easement would waive no frontage on East Avenue.

The plan has been redesigned. MCWA is all set, but the MCDOH didn't approve it due to financial concerns of the developer. MCWA changed the plan back to grabbing water from Sweden Walker Road through the new easement to the center of property on East Avenue. Plans were revised again. MCWA is all set with changes to the plan, but still waiting for MCDOH. Once approved, then MRB's comments will be finalized.

Mr. Monno asked where the sewer line was located. Mr. Schultz stated too far for gravity.

The only outstanding issue is that these are two houses that will have public water, but not located in a water district. The applicant will have to approach the Town Board to request out-of-district service.

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Mr. Hale confirmed with the Clerk and Mr. Schultz that this project has received SEQR and Preliminary approval as well as a public hearing was held. Mr. Hale asked is there a clock running. Chairman McAllister stated the Board is still waiting for more information before final approval can be granted. Once received the Board will have 62 days, then after the plans are signed by the Chairman, the applicant has 60 days to file the subdivision plat.

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 collision repair at this time. Mr. Broskin added if someone hits a deer, a new fender is bought from the junk yard and replaced, no spraying of paint.

Chairman McAllister asked the Building Inspector and Fire Marsal present at the meeting if there were any concerns. Both acknowledged there were no concerns.

Mr. Minor asked the Town Engineer the same. Mr. Oberst reviewed the responses to his comments and was all set.

Moved by Mr. Minor, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for Special Use Permit approval pursuant to Section 175-10 of the Town of Sweden Zoning Code for the NB Automotive & Restoration, LLC, located at 2400 Colby Street, and

WHEREAS, the Planning Board held a public hearing on September 9, 2019, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Special Use Permit Application, Short Environmental Assessment Form, comments of the Town Engineer, Fire Marshal, Building Inspector/Stormwater Manager, Environmental Conservation Board, and Monroe County Planning and Development;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the NB Automotive & Restoration LLC Special Use Permit is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the NB Automotive & Restoration LLC Special Use Permit be granted approval to operate as an auto repair garage to the public.

The Board agreed they had no special conditions to add.

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

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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. He distributed copies of a response letter to MRB's comments, dated August 31, 2019.

Mr. Schultz added that the Board should have a copy of the resubdivision map of the ponds. The Clerk confirmed copies were handed out. Mr. Schultz explained that the plan is to merge the two pond parcels as requested by the Board. Originally, the private drive between the two ponds was supposed to be dedicated to the Town, resulting in the creation of two separate pond parcels, but that didn't happen. Merging the two ponds doesn't hurt anything and helps to link the pond improvements to Villas – Section 2.

The map has been reviewed and approved by MCDOH. The Chairman's signature is the only one needed to finalize the merging of the two ponds. MC Precise Survey is all set with the map as well.

Chairman McAllister asked if there was any special wording needed to link the ponds to Section II for maintenance. Counsel Lester explained that to avoid what happened with Section I, where the developer walked away from the maintenance of the ponds, he is proposing a possible drainage district where the parent parcel is responsible for maintenance.

Mr. Schultz stated there is a maintenance agreement signed by Mr. Licciardello to the Town where he has agreed to take care of the ponds. Mr. Schultz added the agreement should be linked to the homeowners as well should Mr. Licciardello decide to leave town. This was supposed to happen with Section I residents, but didn't, and now it is too late to go back to the Section I residents. Counsel Lester is proposing a drainage district be created linking the maintenance of the pond to Section 2 residents. As soon as Mr. Licciardello sells a home, a homeowner's association would need to be formed. The Town Board approves drainage districts, which needs to be done before final approval can be granted.

MRB Comments – dated August 31, 2019

Comments were addressed and letter is on file for review. Highlights of questions discussed are as follows:

- A copy of the approved resolution for Incentive Zoning with conditions will be given to Mr. Oberst.
- Need to clarify with Mr. Oberst if zoning statistics are what he is looking for.
- From a development standpoint, Mr. Licciardello would prefer to install all the infrastructure as a single-phase project. Chairman McAllister added 99 homes are proposed, but Mr. Licciardello is not limited to the number of years to build them.
- As soon as this project is approved, Mr. Hogan, the owner of the property west of Wood Trace, will begin developing his property. Prior to Villas II, it wasn't economical. Water pressure will improve. Mr. Oberst stated the Town recently closed the loop between Shumway Road and Talamora Trail.
- The easements provide enough room to install utilities without digging up any shrubbery.
- Enough room has been provided between the garage and sidewalk so when people park, their vehicles are not hanging over the sidewalk. The closest distance is 21 ft. while most exceed 25 ft. Mr. Schultz will investigate increasing those units with 21 ft.
- Standard street lighting with dedicated roads. Homes will not have excessive lighting.
- All easement descriptions and maps will be provided for review to the Town.
- The Fire Marshal is looking into whether sprinklers will be required for several homes on the cul-de-sac road per the Fire Code. Mr. Schultz will design and label the plan as required. Mr. Strabel would like to be involved in the discussion. A meeting this week will be coordinated.

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- The traversable roadway width at the hydrant locations will be 27 ft.
- The original SWPPP included the entire buildout, but only referenced the townhomes in Section I. A new NOI will be provided for the balance of the buildout and submitted to the Town Engineer.
- Sheet C-2 now shows the 715 sq. ft. of wetland disturbance.
- Roof leaders will drain directly into storm laterals as shown on the plans to prevent basement flooding. Mr. Strabel suggested using screen scuppers to catch debris.
- The area of disturbance for the entire section will be approximately 15.9 acres as noted on Sheet C-4.
- Construction traffic will enter the site off Rte. 31 to Transit Way to Nathaniel Poole Trail to Wood Trace and into construction area.
- A 5-acre waiver note has been updated and added to the plan.

Mr. Monno asked how erosion will be stopped with all the steep slopes. Mr. Shultz stated by following basic stormwater practices, silt fence, and stormwater inspections. Don't leave fresh dirt exposed for more than a day or two. Stabilization is required. A pre-construction meeting will be held to confirm details.

Mr. Strabel asked Mr. Schultz for a comparison of densities between Villas versus Talamora Trail based on the comments from the public hearing tonight. Mr. Strabel feels it would be due diligence on the part of the Board to complete a comparison. He believes it will show that it's not that drastically different as it seems with the proposal of 99 units. Also, there was concern over the destruction of the escarpment and balance of conservation so a comparison of that would be due diligence as well. Mr. Schultz agreed. Mr. Strabel suggested using a figure ground diagram to show escarpment and grades in one color and developed and lesser slopes in another.

Fire Marshal Comments

1. The stub road to west may suffice as a second egress.
2. The number of units in the cul-de-sac may potentially require the units to be sprinkled.
3. The plans should be changed to show a 48 ft. turning radius for the ladder truck.

Building Inspector/Stormwater Manager

1. Part II – PIF should show that a permit will be required from the DEC.
2. Make sure pond is linked to Section II through a drainage district.
3. There should be a town hammerhead at the west end of Wood Trace for the town trucks to turnaround.
4. There is no buffer shown between the conservation easement and the units. The purpose of the conservation easement is to create a buffer. There should be 50 ft. from the property line to the unit including the buffer. Unit 211 may have to be redesigned or eliminated as it falls short.
5. Mr. Schultz will review the grading as there should be nothing steeper than 1 on 3.

ECB Comments

Mr. Schultz respects the ECB's opinion, but must fall back on the Comprehensive Plan which states development can occur where there are utilities to support it. It has been planned for development several years now. If there is anything the developer can do to lessen the impact to the environment, it will be done.

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Chairman McAllister asked the Board if it would like to entertain a motion to approve the subdivision of the ponds since there are no contingencies. Mr. Minor disagreed and stated the drainage easement should be put in place first. Chairman McAllister stated site plan approval will be contingent upon the drainage easement.

Chairman McAllister clarified for the Board that he is requesting approval that the two pond parcels be made into 1 parcel which was requested by this Board. Mr. Dollard would like to hear Counsel Lester's opinion. Counsel Lester asked the Board what's the harm if the approval is done right now. Mr. Licciardello is not going to get final site plan approval until everything is in place. There's no harm in taking no action either. Mr. Schultz stated the only issue with the ponds being approved tonight is if the Chairman signed the mylar, it would have to be filed within 60 days. Also, the applicant would have to pay all school taxes prior to having the map filed. Discussion followed.

Chairman McAllister stated this Board has everything it needs to approve the subdivision, what is the time limit the Board is under. Mr. Schultz thought it was 45 days. Counsel Lester added to have the ponds into one parcel would make it easier for Mr. Licciardello to approach the Town Board to create a drainage district. Mr. Minor strongly feels subdivision approval should wait until the drainage district is tied to it due to the history of the ponds being illegally subdivided.

Moved by Mr. Rickman, seconded by Mr. Dollard,

WHEREAS, the resubdivision of Lots R-1C and R-1D, Villas at Brandon Woods, Section 1, be merged into one parcel.

Discussion took place as to what wording the motion should include; i.e., public hearing was held September 9, 2019, and SEQR was done years ago by the Town Board on April 24, 2007. Discussion followed. Counsel recommends another SEQR approval be done for this project as an unlisted action. Mr. Hale stated the appropriate forms reviewed should be included. Chairman McAllister recommends not to go forward with the subdivision approval tonight until a SEQR review/approval has been done. Mr. Hale stated the previous motion should be tabled.

Chairman McAllister called a vote:

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

It was determined that a subdivision application and SEQR Form were not submitted for review, just the subdivision plat.

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Moved by Strabel, seconded by, Mr. Hale, that the regular meeting be adjourned to Executive Session to consult with Counsel.

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

Moved by Mr. Hale, seconded by Mr. Minor, to adjourn the Executive Session to the regular meeting.

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, to rescind the previous motion for subdivision of the ponds due to a SEQRA Form was not submitted and an application fee for subdivision approval was not provided.

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

Mr. Minor excused himself.

Helios Energy New York Sweden Solar Farm. Subdivision, Site Plan and Special Use Permit. 098.04-1-2.1.

Mr. Joe Hens and Mr. Tom Guzek addressed the Board. Mr. Hens distributed updated plans, response comments to MRB, information regarding the DOT curb cut permit, and a Full EAF as requested. He explained July was the last time the project was in front of the Board. Since then, the attorneys involved had an internal discussion regarding the SEQR process requirements and what the path forward should be.

Chairman McAllister explained that MRB will review what has been submitted. The Planning Board has been advised by a third-party attorney that to date everything was handled correctly, however, the Planning Board needs to complete an environmental review since the Town Board did not properly handle the SEQR process.

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Moved by Mr. Hale, seconded by Mr. Rickman, that the Town of Sweden Planning Board acknowledges receipt of the Full EAF as a Type I action for the Helios Solar Farm application and declares its desire to be Lead Agency for the SEQR review of this project

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

The Clerk was instructed by the Board to send out a packet to the Interested and Involved agencies requesting a response within 30 days. Per the third-party attorney, the only Involved Agency is NYSDOT for the curb cut and Robert King, Agricultural and Markets, for an Interested Agency.

After the Board receives NYSDOT's response, the Board can schedule a public hearing and move towards final approval.

Mr. Guzek questioned using some of the salvage values of the equipment to pay towards the decommissioning plan. NYSERDA has developed a standard number, which is \$30,000 per megawatt or a \$300,000 bond, which we would like the Board to adopt.

Chairman McAllister made it clear that MRB will determine the amount that is satisfactory.

Mr. Guzek is attending next week's Town Board meeting to check on the status of approval for a Pilot Program. The program guarantees that every business and resident in the Town of Sweden will receive a savings for signing up. Mr. Guzek asked about the Board's input in determining building permit fees. Chairman McAllister stated the Town Board determines the fees. NYSERDA has a guideline of \$5,000 per megawatt and Mr. Guzek is hopeful the Town Board will agree to that.

Mr. Guzek thanked the Board for its time.

The Clerk asked Counsel for guidance as to a change to the July 8 minutes pertaining to the Helios project per Mr. Guzek's request. The change was relevant to information between Helios and the school pilot. Without confirmation of what was said, the Clerk was advised to put a copy of the requested change in the file. Mr. Guzek agreed.

The Clerk asked the Board's opinion whether the installation of a pre-built shed to a commercial business could be allowed with an expedited amended site plan approval. The Board agreed, providing there were no issues.

The meeting was adjourned on motion at 10 p.m.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk