

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021**

APPROVED

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 13, 2021, at the Sweden Town Courtroom, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: James Oberst, P.E., Town Engineer, MRB. – Excused.

Also present: Nat O. Lester, III, Planning Board Counsel; Kris Schultz, Schultz Associates; Edmund S. Martin, LandTech; Cade Krueger and Garrett Steiner, DDS Companies; Brian and Kristi Henner; Joe and Lori Maher; Jay Smith; Kris and Nancy Sanger.

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. Hale, that the minutes of August 9, 2021, be approved.

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

Public Hearing began at 7:04 p.m.

Chairman McAllister waived reading the legal notice.

Clay Amended Site Plan – Lot 1, 2434 Reed Road, 128.01-1-7.11.

Mr. Kris Schultz addressed the Board. He distributed updated plans per the Town Engineer's comments. Mr. Schultz explained this is a two-lot subdivision approved years ago. His clients purchased Lot 1 of the Clay Subdivision which was never built on. They would like to amend the site plan by moving the house north, closer to the woods. The approved proposed septic system design will stay at the same location. MCDOH has had an opportunity to review the plans.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021**

Chairman McAllister asked if there was anyone present with comments, questions, or concerns. There were none.

Maier Subdivision and Site Plan – 2 Lots. 2819 Colby Street. 099.01-1-1

Mr. Kris Schultz addressed the Board. He distributed updated plans. This project was before the Board a little over a year ago. There were some unusual issues with the wetlands and drainage. His client hired a wetland biologist to take a hard look at the wetlands and existing tributaries that run through the property and complete a delineation. This resulted in perc hole retesting and moving the proposed houses forward. The Town Engineer has reviewed the updated plans and is good with them. The SWPPP still needs to be submitted, reviewed, and approved.

This project is for a two-lot subdivision with a single driveway off Colby Street. The driveway will be split off to each home. There will be a cross-access utility easement between the two lots. There will be no disturbance to the wetlands or tributary that runs east to west through the property.

Chairman McAllister asked if there was anyone present with comments, questions, or concerns.

Kris Sanger, 2845 Colby Street – Mr. Sanger had a four-page document that he would like to submit. He lives west of this property. Mr. Sanger distributed an overlay of the proposed development from Monroe County GIS Division. Mr. Sanger read a letter prepared by him and his wife, Nancy Sanger (see attached).

Joseph Maher, 2789 Colby Street – Mr. Maher stated there is one property between his property and the proposed property. His concern is the water. If five feet of fill is brought on the proposed property, Mr. Maher is concerned his hardwoods will be flooded and the lay of the land ruined not like when he purchased it and has enjoyed it. The main concern is the water. Thank you (see attached letter).

Jay Smith, 2851 Colby Street – Mr. Smith lives west of Kris Sanger. There is the north ditch and south ditch which is approximately 75 ft. from his house. In the spring, as Kris mentioned, the water gets very high and there is flooding. Prior to the applicant's owning 2819 Colby St., Mr. Smith walked the property to find ways to help eliminate the water from his yard and Kris' yard. There is a low spot on the proposed property. In addition, all the water that comes from across the street comes to Mr. Smith's house and goes behind his house and just sits. This area is flooded frequently and is a mosquito haven. If the Board is not aware of this, it should be looked at during the spring and the fall. Thank you.

Chairman McAllister thanked everyone for their comments.

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

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

The Public Hearing ended at 7:22 p.m.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021**

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

Chairman McAllister confirmed with Mr. Cade Krueger, Project Manager, that this project is for a two-lot subdivision and site plan. He explained that the area variance granted was for a one-lot subdivision. This Board can't grant subdivision approval because Lot 2 doesn't have the required 60 ft. of road frontage and would need another variance.

Mr. Krueger explained he spoke with Mr. Oberst prior to this meeting regarding increasing the shown access easement through lot one to 60 ft. so that Lot 2 would have the required frontage. Chairman McAllister stated the road frontage is to a dedicated road which is not the case here.

At the last meeting, Planning Counsel stated the easement was good. Chairman McAllister stated the easement was good for one lot; a house can be built on the 70 plus acres. If you want to subdivide the 70 plus acres, then the ZBA would have to grant another variance. Mr. Krueger stated that is the first-time hearing this. Is site plan approval an option? Chairman McAllister stated not showing two lots as the setbacks wouldn't be relevant.

Mr. Krueger asked for direction from Planning Counsel. Counsel Lester stated Town Attorney Bell handled the variance for the ZBA as he had a conflict of interest. Attorney Bell would have to comment on the discussion.

Mr. Krueger asked if his applicant would have to make application to the ZBA for a variance. Chairman McAllister stated yes. Chairman McAllister summarized why the first variance was granted. Mr. Krueger stated that was not mentioned at the first meeting. The first meeting is to accept the project for review. A review is conducted after that by the Town Engineer.

Chairman McAllister explained the applicant's options. This project can be kept open by granting an extension while the ZBA reviews your request for another variance for Lot 2 or the project can be rejected, and the applicant can start over again. Mr. Krueger would like an extension for 60 days.

Moved by Mr. Hale, seconded by Mr. Dollard, that a 60-day extension be granted to the Henner Subdivision and Site Plan – 2 Lots.

Discussion: Ms. Henner explained her concern regarding applying for another variance. Mr. Minor stated the extension affords you more time to decide your next step so that a quick decision isn't made tonight. Ms. Henner stated it is very frustrating. Chairman McAllister commented the Board was aware that a variance was granted but only saw the actual resolution this week, which made very clear it was for one single family home on the 70 plus acres.

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

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021**

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

Chairman McAllister explained that he and Mr. Strabel met with the applicants prior to tonight's meeting and came up with some suggestions and recommendations for moving forward with this project. The applicant's project will be on the next meeting agenda.

Clay Amended Site Plan – Lot 1. 2434 Reed Road. 128.01-1-7.11.

Chairman McAllister continued review of this application. He read the comments received from the Town Engineer:

No response has been provided by Schultz Associates. We have the following remaining comments. SWPPP will need to be submitted for review and approval prior to final sign-off. Correspondence needs to be provided from MCDOH and Genesee County Highway Department.

Mr. Schultz stated this project is unusual located on the county line where the other county controls the driveway highway permit. The Town Engineer has seen responses to his review comments. The deadline for submitting responses to the Town Engineer is the Wednesday before the meeting.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Clay Subdivision – Lot 1, located at 2434 Reed Road, which was accepted for review on August 9, 2021, and

WHEREAS, a public hearing was held by the Planning Board on September 13, 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 Clay Amended Site Plan – Lot 1 is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Clay Amended Site Plan – Lot 1 be approved contingent upon the SWPPP being submitted for review and approval, receiving all required signatures, and the Chairman be authorized to sign.

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

Maier Subdivision and Site Plan – 2819 Colby Street. 099.01-1-1

Chairman McAllister continued review of this application. He read the comments received from the Town Engineer:

No response has been provided by Schultz Associates. We have the following remaining comments. SWPPP will need to be submitted for review and approval prior to final sign-off. The dimensions of the plans for the driveway turnout (20 ft. by 50 ft.) should be added to the plans.

TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021

Chairman McAllister commented the SWPPP is huge for this project due to what he has heard tonight, and that he is seeing two different flows of water on the property but only one on the plan. Mr. Schultz disagreed that it is huge; it is basically the same type of SWPPP as the other applications showing erosion, sediment, and control measures.

Mr. Schultz explained that the key to this project, and why it is a weird situation, is the intermittent creek that flows across Colby Street to the site is in a different location than where it is shown on GIS Mapping. The true test to identify the flow is to have a wetland biologist go out to the site. His client spent a lot of money to hire Mr. Gene Pellet, Wetland Biologist, who is well respected by the ACOE, to complete a wetland delineation.

Mr. Pellet spent a lot of time designating each of the areas that were potentially federally regulated wetlands. Mr. Strabel asked if the delineation is essentially the ditch on the plan. It is the south ditch. It is delineated as an intermittent tributary. How does Mr. Pellet not see any wetlands on the north ditch? Mr. Schultz explained there are three classifications: the presence of water, evidence of wetland species, i.e., plants that grow in wet areas, and testing soil samples looking for hydric soils. Mr. Pellet found that if the intermittent creek is the north creek, it hasn't been one for a very long time. There were no hydric soils or nothing along the north swale that would be considered a wetland. It appears that through previous development to the west, drainage was corralled due to normal development and grading. The south ditch became the tributary and Mr. Pellet flagged it as such. It is where all the drainage is if you walk the entire site.

The decision was made to move everything north of that tributary and retest perc holes. The new design is north of the creek. Only freshwater wetlands have a 100 ft. buffer, federal wetlands do not. Federal wetlands are everything from a tributary to a small ditch. Because there were so many comments about the drainage, Mr. Schultz walked the site in July after the heavy rainfall. He walked to the south tributary and stood with one foot on each side of the tributary. Mr. Schultz took a pic to the west showing the thoroughly defined, nice swale that has been maintained by the neighbor to the west and kept the drainage going. The final map before the Board reflects the Town Engineer's comments with several spot elevations. The driveway has been picked up to remove any low spots. It shows how the drainage from the north swale will be brought back correctly and discharge into the south tributary. A lot of time was spent on the final map to ensure the Town Engineer's comments were addressed, and as of Friday, Mr. Oberst was good with the final plan.

Chairman McAllister stated he sees the north tributary but doesn't see the south one. Mr. Strabel added the south tributary is essentially the ditch going behind the houses. Mr. Schultz pointed to it on the plan.

Mr. Strabel asked what happens to the wetland labeled "B" when it fills up? Mr. Schultz pointed to the spot elevation arrows showing the drainage will be relieved. Again, there will be no disturbance to any federal wetlands. Mr. Strabel asked permission to invite Mr. Kris Sanger, neighbor to the west, to come to the table. Chairman McAllister had no objection. Discussion took place among Chairman McAllister, Mr. Strabel, Mr. Sanger, and Mr. Schultz at the table regarding the final plan.

Mr. Schultz stated what we must guarantee is that when the proposed houses are built, the grading is done correctly. Mr. Schultz would be happy to add a condition to the plan that before a certificate of occupancy is issued, a grading plan is provided comparing the proposed grading to what was done for the Town Engineer to check. Mr. Schultz wants to make sure the plan is done right. He doesn't want someone to not follow his plans.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021**

Chairman McAllister pointed out that is why we have MRB as our Town Engineer to ensure that drainage is done correctly and that the design is appropriate.

Mr. Sanger highly recommended not building a basement for the proposed new homes.

Mr. Sharpe asked Mr. Shultz if on the plan does it show topographically anywhere a 35 ft. to 40 ft. hill to the south and is runoff a concern there? Mr. Schultz discussed this point separately with Mr. Sharpe.

Chairman McAllister summarized that the Town Engineer is waiting for the SWPPP to be submitted, reviewed, and approved; otherwise, there are no outstanding issues. Mr. Schultz agreed.

Mr. Dollard requested a copy of the wetland report from the expert biologist be given to the Board to keep on file. Mr. Schultz agreed.

Moved by Mr. Hale, seconded by

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision and site plan approval of the Maier Subdivision – 2 Lots, located at 2819 Colby Street, which was accepted for review on August 9, 2021, and

WHEREAS, a public hearing was held by the Planning Board on September 13, 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 Maier Subdivision and Site Plan – 2 Lots are unlisted actions, which will not have a significant impact on the environment, and that the subdivision be granted Preliminary Approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, the Maier Subdivision and Site Plan – 2 Lots be approved contingent upon the SWPPP being submitted for review and approval, a copy of the wetland delineation report is received, all required signatures, and the Chairman be authorized to sign the mylar.

Discussion: Mr. Minor asked Planning Counsel Lester if there are any easements for the common driveway to be reviewed. Counsel Lester asked for Mr. Schultz to email him the easements to review. Mr. Schultz agreed.

There was no second. Motion failed.

Moved by Mr. Minor, seconded by Mr. Sharpe, that the Maier Subdivision and Site Plan – 2 Lots be rejected.

Discussion: Mr. Strabel commented that he believes more research must be done regarding the drainage of this property because it is so sensitive to flooding the neighbor on the west side and potentially other neighbors all around. Also, the trapping of water in certain areas because there is hardly any grading, i.e., for example the north ditch as opposed to the south ditch where the water gets trapped in that area. Is there a way the water could go under the driveway so that it doesn't get blocked?

TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021

Chairman McAllister questioned who we go to for more research since we are not using the Town's engineering firm that has already determined that the project is acceptable.

Mr. Strabel stated the applicant is the one proposing change that will modify the flow of drainage. I request the Board look at a bigger picture of this area with lidars. When is the next time the elevation drops one foot? Is it a 100 ft. from here or over by the stone quarry? Mr. Strabel sees contours going in a space that currently sheet flows. Mr. Strabel is concerned that a lot of problems will be created with this project.

Mr. Schultz stated he wants to make sure the Board is comfortable with this project either by getting more information from Mr. Oberst or by having a conversation with him.

Moved by Mr. Hale, seconded by Mr. Strabel, to table the motion to reject the Maier Subdivision and Site Plan - 2 Lots until the September 27, 2021, meeting.

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

Chairman McAllister stated further review of this project will take place with the Town Engineer at a workshop prior to the next meeting on September 27, 2021, at 6 p.m.

INFORMAL

10 Eisenhower Drive Amended Site Plan

Mr. Ed Martin, LandTech, addressed the Board. He is representing Mr. Pat Lloyd to discuss his pending application. He thanked the Clerk for meeting with him and Mr. Lloyd to discuss the project and the code; it was very helpful.

Mr. Lloyd would like to develop his 11.5 acres further than what it is. His current business is operated at 10 Eisenhower Drive and he would like to develop the lands to the west, which creates a potential subdivision. With commercial developments, until a user is identified, there is a certain number of adjustments that are made to the site plan. His client would like to avoid costly revisions down the road, namely land subdivision.

In our meeting with the Clerk, it was explained that no where in the code is this allowed. Chairman McAllister, with all your years on the Board, if this is not possible, then the plan before you will be modified. The plan before you show a potential subdivision, which his client doesn't want to do until specific users are identified. His client is willing to create Lot 2 on the plan with site plan details shown, but not show anything on the lands to the west of that. The overall goal is what is shown. The site plan is designed for private septic and public water. For stormwater management, full permit coverage is required for any commercial development disturbing an acre or more. Building 2 has code compliant stormwater management within its lot so it could be developed. The two buildings to the west rely on final treatment combined so his client would have to have a better understanding of how the land would be used.

TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021

Chairman McAllister read an additional comment from the Town Engineer regarding drainage. He explained the Board should look at combined impervious surfaces being created by the four buildings versus each on their own, regardless of the timing of when each building will be constructed. Also, there is the need to confirm sizing and conformance to stormwater design requirements.

Mr. Martin stated he is prepared to address full compliant drainage both phased and at buildout. Discussion took place where on the plan the existing building is and where the proposed development is. Chairman McAllister added for subdivision and overall approval, the existing building will need to be included.

Mr. Minor asked what is the next step as far as buildings? Mr. Martin explained without an identified user, how much flexibility could be designed into the plan. The plan started with large impervious areas that could be paved or have a building on it. Bio retention areas are used for the drainage. Dry ponds will be used for final detention. His client did not want to subdivide but try to market the areas first. Because the code does not allow that, his client wanted to do Building 2 first creating a three-lot subdivision, and potentially an amended site plan once a user is identified.

Mr. Minor discussed stormwater drainage for Building 2 and the whole lot. Mr. Martin will address all stormwater management requirements.

Chairman McAllister stated to answer Mr. Martin's question, subdivision is required. Mr. Martin agreed. He will focus on Lot 2 and overall plans for drainage with the next submission.

Bentley Brothers Inc. Amended Site Plan

Chairman McAllister explained that the applicant is proposing a 6 ft. fence as shown on the site plan including the access driveway and new display area due to a recent serious theft on the property.

The Clerk discussed the proposed fence with the Fire Marshal. He wanted to make sure vehicles leaving the site through the gate have a clear view before exiting onto Brockport-Spencerport Road. The proposed fence will be installed 10 ft. from the front property line.

Chairman McAllister thought the code stated the required front 25 ft. strip of land had to be vacant. The Clerk explained the code, which states:

Use of frontal area. Employee and customer parking is permitted on all except a strip of land 25 feet in depth adjacent to the public highway boundary, which strip of land shall remain vacant, unused, and clear for visibility, to be curbed, fenced, or otherwise rendered impassable to vehicles and set aside for lawn or landscaped, with advertising signs permitted in accordance with the sign provisions of this chapter.

Mr. Strabel discussed the proposed fence and gate, which would have to swing inward.

The Board agreed an amended site plan approval will be required for a fence.

TOWN OF SWEDEN
Planning Board Minutes
September 13, 2021

Wegmans

Mr. Strabel explained he was contacted by Wegmans to see if the overgrown pine trees down the main access could be taken down. They are crowding and cutting off the light and security camera vision. There are deciduous trees with the pine trees. Mr. Strabel will confirm that only the pine trees are being taken down. The pine trees will not be replaced. Should they replace the pine trees, low growing plantings would be chosen.

The meeting was adjourned on motion at 8:45 p.m.

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk

September 13, 2021

Town of Sweden Planning Board
Attn: Mr. Craig McAllister, Chairman
18 State Street
Brockport, NY 14420

Chairman McAllister & Board Members,

Thank you for the opportunity to ask questions about the application submitted for 2819 Colby Street. We have lived adjacent to the west, 2845 Colby Street, since October 1999 and have an extensive knowledge of the area and believe our insight will be helpful to the Board in making sound Planning and Development decisions in this area of our beloved town. We provide this document of compiled questions and concerns to the Board.

Maier Subdivision – 2819 Colby Street is shown as future lot 3 of the Henion Subdivision first approved in 1978 filed in liber 207 of maps page 22. This created 2747, 2785, 2789, 2851 and 2869.

Regarding the plans submitted, I have overlaid them with a map from the Monroe County GIS services online. I would like to point out the location of my house (and basement floor elevation of 657) as it is mislabeled on the plans. The building that is labeled Ex. House is actually a Barn/Garage. I have also shown the location of our pond and 100 ft offset of the wetlands that were delineated. See Fig 1a

This Parcel has been for sale multiple times since we lived here. It seems that any time a new sign went up it would always be on our property. I still remember showing up when the Henions donated it to Brockport College and they were hanging a plaque on our property. We have offered to buy it from the Henions and Brockport College but could not justify the asking price for swamp land.

WETLANDS (Projection Information Form Part I B)

We note the presence of federal wetlands in the area and that a current field delineation has been performed on the subject property. Has the United States Army Corps of Engineers (USACOE) issued a jurisdictional determination regarding the field delineation, seeing how it disagrees with their mapping, and the potential impact to federal wetlands caused by the proposed development? See Fig 16 and 17. Fig 18 shows the wetland flags with water from the July 2021 rains all around the flags, not just in the ditch that was delineated as wetlands

By filling in 5', from an elevation of 658 to 663, building 2 houses with no driveway culvert, basically creating an island in the low spot elevation of 579 which is the same as the entire lot and surrounding area of #2789 #2801 #2845 and then an elevation of 660 for #2851 and #2869, see Fig 1a and 14. To where will the diverted drainage go?

As discussed during the June 22, 2020 meeting, regarding a 100 ft buffer from a wetland. The plans show both houses being within 100 ft of the South ditch. I say the South ditch because that is where the wetlands have been delineated. There is still the matter of the North ditch which is the original USGS Stream, R4SPC ID -125-7a from the National Wetlands Inventory. While there is no well define ditch shown on the plans the mapping shows this North ditch going through the leach field. We are concerned where this water will go, as there are two well defined swales going across my property. Seeing a swale cut along my East property and their West property I feel that all of this water will flood me out worse than it is already does. As there has been logging already done I am concerned that the logging road has cut through the North ditch disrupting the drainage pattern already. See Fig 16 and 19.

DRAINAGE (Projection Information Form Part II J) YES both upstream and downstream

Drainage is perhaps our greatest concern with the proposed development as the area is very poorly drainage and experiences seasonal flooding on an annual basis, September to May and this year with the rain from July 13 to 17, 2021. See figs 16-21. We note the 2 proposed homes are to be constructed along a major drainage pathway. To where will the diverted drainage go?

We know where it stays now, see figs 8 through 11. When I figured out that I had to keep the south ditch clear of trees, we've managed to keep our driveway mostly cleared for all but the heavy downfalls. Nov 2017 fig 08, 09 11.

This "South Ditch" that was created after the original wetland designation, is the main ditch with the north ditch (fig 09) still running full. See fig 02 and 15. This south ditch is approximately 8' wide and 8-10" deep through #2845 entering into #2819 Colby St. The South Ditch meets up with the original North Wetland ditch on the East property line of #2819. The area is basically flat from #2845 to #2789 Colby St., where the ditch gets smaller in another wetland area (see fig 06 and 13). Again as I stated above I just cleaned some trees that had falling across this ditch to keep my driveway from flooding.

This is why we are asking that the planning board require a wetland delineation by the USACOE and a drainage study that takes into consideration the approximately 45 acres north of Colby St along with the approximately 50 acres on the South side upstream of the convergence, along with the remaining 56 acres. See Fig 12

Water Table (Projection Information Form Part II E)

The Perc and Deep hole tests where conducted on June 25, 2021 show "no seepage". Please understand that the water table varies throughout the year, just 3 weeks later during the rain storm of July 13th to 17th we were flooded out worse than a normal winter/spring. The area where these tests were conducted were underwater. See Fig 17. Our pond which is about 8' deep goes from flooding over to bone dry on solid bedrock. In 2001 we connected to public water as our 30-40' deep well went dry. With the current mining down the road it's understandable that the water table fluctuates.

Most of the pictures shown were taken in Dec 2018 and April 2019 (see Fig 07) show a few of the pre prec holes either under water or filled with water. Along with almost 360deg view of old Lot 1 (fig 01 02 05) and the east pl of the old lot 2 (fig 03 04). Figures 08-11 show that the area has been flooding over the year, I've just happen to have taken some in 2004, 2005 and 2017. Fig 12 and 13 show the existing drainage area and wetlands. Fig 14 shows the contours and how flat the area is, while fig 15 is a "hillshade" map from MC GIS that shows the subtle drainage flows through the proposed subdivision and the "South" Ditch is clearly shown.

TOWN OF SWEDEN ZONING CODE

It appears that neither lot complies with the Town Code as both utilize modified raised septic systems but fail to provide 260' of lot width at the front of each proposed house location. The proposed 161'± is about 61% of the required for each lot. While we understand that there is the ability to grant a waiver, we believe this to be excessive. Moreover, neither modified raised fill system provides at least 75' of side setback to property lines and would only leave 10' wide for the system.

§175-36D(2)

- (a) — A lot using an aboveground modified raised fill septic system (due to mineral deposits or shallow bedrock) shall have an area of 150,000 square feet with 60 feet of road frontage. The width at the front line of the house shall be 260 feet minimum.***
- (b) — A lot using a full raised fill septic system shall have a minimum area of five acres and a minimum road frontage of 60 feet, and the width at the front of the house shall be 260 feet minimum.***
- (c) — Lots served by public water and with an in-ground or modified raised fill system shall have a minimum area of 40,000 square feet and a width at the front line of the house of 150 feet.***
- (d) — Lot areas shall be exclusive of designated wetlands and their one-hundred-foot buffers, highway rights-of-way and reserved strips, and land containing the driveways on flag lots.***
- (e) — Aboveground modified raised fill systems on lots of 150,000 square feet shall have a minimum of seventy-five-foot side setbacks and a minimum of fifty-foot front and/or rear setbacks. Aboveground modified raised fill systems on lots of 40,000 square feet shall have minimum twenty-five-foot setbacks to all property lines. Front leach field setbacks shall be measured from the point at which the lot attains the required width at the front line of the house.***

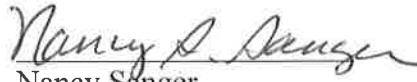
To answer the question "where does the water go" It doesn't. It finally dries up when the water table drops in the spring.

On a final note that if there any houses built please take some neighborly advice, we would recommend not building with a basement. Our house which is about 200 feet from the proposed West house has a basement about 5 ft deep from the grade shown of 662. Making the basement floor elevation approx. 657. Our sump pump runs constantly from fall to spring. When we lose power I have about 20 minutes to get the generator running and plug in the sump pump before the basement floods. Also make sure you have a backup sump pump ready to install.

Thank you for your time.



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September 13, 2021

Mr. Craig McAllister
Sweden Town Planning Board Chairman
18 State Street
Brockport, NY 14420

Re: Proposed Maier Subdivision and Site Plan at 2819 Colby Street

Dear Chairman McAllister:

After reviewing the proposed subdivision and site plan, and subsequent revisions for proposals at 2819 Colby Street, we submit the following concerns for the Planning Board's consideration.

The applicant is proposing new construction on terrain that has been considered unbuildable and undesirable due to the wet topography features and lot shape and size.

Proposing two single-family homes on 7 acres poses adverse impacts to the environment and quality of life of adjacent property owners.

According to the site plan, the construction would happen along an existing stream in a wetland. The pending flooding on our property and others, is our primary concern. The proposed change in elevation, due to the amount of fill needed for the structures, the septic systems and the driveway, would reroute the waterflow and change the drainage pattern in an adverse manner. We would like to see the drainage analysis along with strict mitigation strategies for the proposed topography.

We would also be concerned about the quantity and quality of the fill that would be brought in. We would expect it to be native to the area and free of hazardous material.

For these reasons, we do not support the application for the proposed subdivision as presented. Thank you for considering our input.

Sincerely,



Joseph and Lori Maher