

**TOWN OF SWEDEN
Planning Board Minutes
October 23, 2023**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 23, 2023, at the Sweden Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Nat O. Lester, III, Planning Board Counsel – Excused.

Also present: James Oberst, P.E., Town Engineer; Richard Maier, Maier Land Surveying; James and Mary Eunice Weinkauff; Don Grentzinger; Mason Everhart, DDS Companies; Nick and Lynn Mouganis; Steven and Victoria Avery; Karen Gabriel; David Matt, Schultz Associates; Bill and Carolyn Johnson; AJ Barea, PLS; Lynette Hibsich; Sean Cliff.

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 September 25, 2023, be approved.

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

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

The Public Hearing began at 7:01 p.m.

Chairman McAllister waived the reading of the legal notice.

Weinkauff Subdivision - 2 Lots. 4763 Sweden Walker Road. 084.04-1-5/084.04-1-6.2

Rich Maier, Maier Land Surveying, addressed the Board. This is a two-lot subdivision. The Weinkauffs live at 4763 Sweden Walker Road and own a separate parcel on the southwest corner of Sweden Walker Road and Shumway Road. The goal tonight is to add the existing shed on the outparcel to the parent parcel, increasing the acreage to five acres. The remaining lands will remain vacant and unapproved.

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Chairman McAllister asked if there was anyone present with comments, questions, or concerns relative to this application.

Lynn Mouganis, 55 Shumway Road – Mrs. Mouganis lives across from the applicant’s property and wanted to ask the owner what his intentions are. Mr. Maier replied the Weinkaufs are in an estate process due to their mother’s passing. They are liquidating their mother’s assets.

Nick Mouganis, 55 Shumway Road - Mr. Mouganis asked if there is an application for rezoning. Mr. Maier stated that is not in the plans at this time. However, if the new owner of the property would like to obtain rezoning approval, neighboring residents will be made aware of the date of the public hearing. Tonight’s approval is only for a realty subdivision with no development proposed.

Mrs. Mouganis confirmed this application is for subdivision approval because there are two lots. Mr. Maier stated subdivision approval is required anytime lot lines are changed.

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

Avery (Fogg) Amended Site Plan. 1681 Reed Road. 128.02-1-3.13

David Matt, Schultz Associates, addressed the Board. He distributed updated copies to the Board showing MRB’s completed requested changes. He explained that in 2017 the Foggs received site plan approval for this property. The current owner is requesting an amended site plan approval for the relocation of the septic system to the other side of the house. Better perc tests were found going from 30 inches of sand to 12 inches of sand. The well location is in the same location as before along the west property line. The house will be set back approximately 875 ft. There is an existing 715 ft. driveway with a turnaround to the barn.

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

Donald F. Hibsich Resubdivision. 7131/7125 Fourth Section Road. 083.01-3-21.1/083.03-1-16.1

Chairman McAllister discussed with the Board rescheduling the public hearing as the applicant or surveyor was not present to answer any questions. A.J. Barea, PLS, arrived at the meeting.

Mr. Barrea explained one of the copies distributed to the Board is the original approved site plan for when the house was built. The second plan is for the proposed resubdivision of the properties.

Mr. Strabel asked if MRB’s review comments have been addressed on the resubdivision plan. Mr. Barea stated all comments were addressed.

Chairman McAllister asked if there was anyone present with any comments, questions, or concerns relative to this application.

Karen Gabriel, 1496 West Sweden Road – Mrs. Gabriel was present tonight on behalf of someone else who wanted to know if a curb cut permit was obtained for the access to Redman Road. Mr. Barea was not aware of a curb cut being obtained to date. Mrs. Gabriel asked if a curb cut permit is required. Chairman McAllister stated yes prior to final approval. Tonight is the public hearing.

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

Moved by Mr. Strabel, seconded by Mr. Dollard, that the public hearing be adjourned 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 7:10 p.m.

Five Sons Winery Amended Site Plan. 1356 West Sweden Road. 113.01-1-4.11

David Matt, Schultz Associates, addressed the Board. He explained in 2013 the original site plan was approved. The applicant is proposing to amend the site plan by adding a 2,800 sq. ft. pavilion to the north of the main winery building. The applicant previously used a white temporary tent in the same location. The goal is to replace the temporary tent with a permanent pavilion to hold events.

Moved by Mr. Minor, seconded by Mr. Hale, that the Five Sons Winery Amended Site Plan be accepted for review.

Discussion: Mr. Minor asked if the name is still Five Sons Winery or Five Sons Winery and RG Brewery as stated on the plan. Mr. Matt stated the RG Brewery was added later. He will remove that name from the plan. Chairman McAllister agreed to that update.

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

The public hearing will be November 13, 2023.

M.K. Resubdivision and Site Plan – Lot R-3. 733 Shumway Road. 084.03-1-37.11, 084.03-1-36.11.

Mason Everhart, DDS Companies, addressed the Board. He explained that his client, Marshall King, would like to resubdivide two lots in order to make 733 Shumway Road larger by three acres by moving the rear lot line back. The total acreage would be eight acres. In addition, his client is proposing to construct a single-family home serviced by public water and private septic system.

Chairman McAllister requested a tie location be added to the plan for the building. Mr. Minor asked that the Notice to Farm Operations note be added to the site plan as there are existing farms in the area. The Clerk will send the note to Mr. Everhart tomorrow.

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Moved by Mr. Strabel, seconded by Mr. Hale, that the M.K. Resubdivision and Site Plan-Lot R-3 be accepted for review.

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

The public hearing will be November 13, 2023.

Weinkauf Subdivision - 2 Lots. 4763 Sweden Walker Road. 084.04-1-5/084.04-1-6.2

The Board continued review of the project.

Rich Maier, Maier Land Surveying, addressed the Board. He has addressed the minor review comments of the Town Engineer and Environmental Conservation Board. The wetlands are now shown on the plan, which do not affect the subdivision. In addition, a note has been added to the plan stating that development of the remaining lands is subject to Planning Board approval.

Mr. Oberst added he received the revised plans last week and is all set. There were no other comments, questions, or concerns.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Weinkauf Subdivision – 2 Lots, located at 4763 Sweden Walker Road, which was accepted for review on September 25, 2023, and

WHEREAS, a public hearing was held by the Planning Board on October 23, 2023, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Agricultural Data Statement, comments of the Town Engineer, Highway Superintendent, and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Weinkauf Subdivision – 2 Lots is an unlisted action, which will not have a significant impact on the environment and grants the Weinkauf Subdivision – 2 Lots Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the Weinkauf Subdivision – 2 Lots be granted final approval contingent upon obtaining all required signatures, and the Chairman be authorized to sign the mylar.

Discussion: Mr. Minor confirmed with Mr. Oberst that he had received a revised map showing the wetlands.

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

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Avery (Fogg) Amended Site Plan. 1681 Reed Road. 128.02-1-313

The Board continued review of the project.

Chairman McAllister asked Mr. Oberst for an update. Mr. Oberst received revised plans and a response letter on Friday. All comments were addressed except for the Town's driveway detail which needs to be added to the plan.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Avery (Fogg) Amended Site Plan, located at 1861 Reed Road, which was accepted for review on September 11, 2023, and

WHEREAS, a public hearing was held by the Planning Board on October 23, 2023, 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, Highway Superintendent, Fire Marshal, and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Avery (Fogg) Amended Site Plan is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Avery (Fogg) Amended Site Plan be approved contingent upon obtaining 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

Donald F. Hibsch Resubdivision. 7131/7125 Fourth Section Road. 083.01-3-21.1/083.03-1-16.1

The Board continued review of the project. Mr. Barea distributed revised plans to the Board and Mr. Oberst for review at the meeting.

Mr. Oberst asked for clarification if the applicant's intent is to not use or install a permanent curb cut on Redman Road as permanent access at this time. Mr. Cliff stated it is used as an access as it was an old farm lane with a paved apron that he put in for a driveway. Mr. Cliff added he left 100 ft. at the road for public water. Mr. Barea suggested the driveway is pre-existing, nonconforming. The Board discussed that a curb cut permit is still required from the MCDOT.

Mr. Minor asked where the front of the property for Lot R-2A is. Mr. Barea stated on Redman Road, it's a flag lot. The shed which was in conformance before the access was changed to Redman Road is now pre-existing, nonconforming at 14 ft. from the frontage at Redman Road. Also, there will be a change in address due to the change in frontage from Fourth Section Road to Redman Road. A new Redman Road address should be assigned.

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Mr. Minor summarized the proposed lot line changes. Lot R-1 conforms to all requirements. Lot R-2A now fronts off Redman Road instead of Fourth Section Road and requires a new address. The shed is pre-existing, nonconforming at 14 ft. Note 13 on the plan should be removed as it doesn't apply any longer. A note should be added to the plan that the driveway is 20 ft. wide, which conforms to the Fire Marshal's driveway comments relative to turnarounds. Turnarounds will be required if the entire 20 ft. driveway is not paved. A curb cut from MCDOT is required. The old "dotted" lot lines are required to be shown for filing of the plat at the County.

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

WHEREAS, the Town of Sweden Planning Board has received an application for resubdivision approval of the Donald F. Hibsich Subdivision, located at 7131/7125 Fourth Section Road, which was accepted for review on September 11, 2023, and

WHEREAS, a public hearing was held by the Planning Board on October 23, 2023, 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, Highway Superintendent, and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Donald F. Hibsich Resubdivision is an unlisted action, which will not have a significant impact on the environment and grants the Donald F. Hibsich Resubdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the Donald F. Hibsich Resubdivision, be granted final approval contingent upon Note 13's being removed from the plan, the 20 ft. driveway width is noted on the plan, a County curb cut permit for Redman Road is obtained, receipt of all required signatures, and the Chairman be authorized to sign the mylar.

Discussion: Mr. Minor asked if the Fire Marshal has to sign the plans. Mr. Oberst had requested the Fire Marshal's signature block be removed as the application was for resubdivision approval.

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

The Clerk confirmed with the Board members by show of hands that there will be a quorum for the November 27, 2023, meeting following the Thanksgiving holiday.

The meeting was adjourned on motion.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk