

**TOWN OF SWEDEN
Planning Board Minutes
June 12, 2023**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 12, 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

Absent: Peter Sharpe, David Strabel, James Oberst, P.E., MRB, Town Engineer.

Also present: Nat O. Lester, III, Planning Board Counsel; Matt Tuttle, Schultz Associates; Mike Green; Stacey Territo; Karl Wittman; Greg McGrain.

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. Hale, seconded by Mr. Dollard, that the minutes of May 22, 2023, be approved.

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

Moved by Mr. Rickman, seconded by Mr. Hale, 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 - Absent
Mr. Strabel – Absent

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

Chairman McAllister waived the reading of the legal notice.

Nicometi Amended Site Plan. 1105 Beadle Road. 098.04-1-21.

Matt Tuttle, Schultz Associates, addressed the Board. He explained this is a five-acre lot located at 1105 Beadle Road, which has an approved site plan from 1995 for a single-family home and associated improvements. The applicant is amending the site plan to remove a previously approved aesthetic pond and to add a pole barn, 32 ft. by 48 ft., in order to construct the pole barn prior to building a house.

A few residents reviewed the site plan.

TOWN OF SWEDEN
Planning Board Minutes
June 12, 2023

Karl Wittman, 1168 Beadle Road - Mr. Wittman explained that he had an issue with a neighbor six years ago when the Town had a part-time code enforcement officer. Mr. Wittman spoke very highly of the work being done by the current building inspector, Mr. Stirk. The issue was that his neighbor built a barn 17 ft. on his property which resulted in Mr. Wittman selling the neighbor land to cover the 17 ft. so that the barn did not have to be torn down or moved. He is trying to avoid anything like this happening again and to make sure the rules are followed for the proposed amended site plan before the Board.

Mr. Wittman is concerned because the owner of the property does not have an existing house or is in the process of building but wants to build a pole barn first. He brings dump trucks with loads of dirt on the property, hunts at random, and burns green wood for days. His granddaughter has health issues and is affected by the black smoke when he burns.

Chairman McAllister asked if any complaints have been filed with the code enforcement officer. Mr. Wittman stated a few neighbors have already done so.

Mr. Wittman is concerned that he is setting up a camp on this property. There are a lot of children in the neighborhood, and he is concerned for them as well. It seems that there are no repercussions for this owner.

Chairman McAllister stated that the proposed property is zoned correctly for a pole barn and that the owner can legally build a barn prior to a house in the Town of Sweden. He added a complaint should be filed with the Town so that any code issues can be addressed.

Greg McGrain, 1145 Beadle Road – Mr. McGrain’s property is next to 1105 Beadle Road. He is concerned that the house will never be built, and the owner will run a business out of the pole barn. Chairman McAllister stated a business is not permitted legally in a residential zoning district. Mr. McGrain’s concern is that is what will happen. Chairman McAllister stated your concerns will be made part of the minutes.

Mr. McGrain confirmed with Chairman McAllister that the property owner still requires a building permit after receiving Planning Board approval.

Mr. Minor clarified that any building or burning issues should be taken care of by the Code Enforcement Officer and/or Fire Marshal. Mr. Wittman added the Town can only do so much and he does not want to be that neighbor.

Mr. McGrain asked for clarification regarding the proposed pond. Mr. Tuttle explained there previously was a fill pond approved, not part of stormwater, which has been removed from the site plan. Mr. Wittman wondered if a permit is required to bring in fill as the property owner has been bringing in fill. Chairman McAllister stated anytime fill is brought in, a permit is needed.

Mr. Minor asked Mr. Tuttle if the proposed pole barn would be staked out. Mr. Tuttle stated only if the applicant employs Schultz Associates to do so. Discussion took place as to where the proposed pole barn will be located. Chairman McAllister noted that the plan does not show any drive access to the barn, which makes it unlikely it will be used for storing materials for a new house.

**TOWN OF SWEDEN
Planning Board Minutes
June 12, 2023**

Mr. McGrain asked if Schultz Associates would be constructing the pole barn. Mr. Tuttle stated that they only offer engineering and surveying services. He asked if a survey is required to construct the pole barn. Chairman McAllister stated the side and rear setbacks will have to be identified on an instrument survey map.

Chairman McAllister asked if there were any more comments or questions. There were none. He thanked the public for coming in and expressing their concerns.

Moved by Mr. Dollard, seconded by Mr. Hale, 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 - Absent
Mr. Strabel – Absent

The public hearing ended at 7:15 p.m.

1665 Covell Road Subdivision and Site Plan – Lot 2. 114.03-1-4.22.

Michael Green, property owner, addressed the Board. He explained he recently built a house on Covell Road with his girlfriend on approximately seven acres. His parents' house was destroyed in Northport, Florida, by a tornado and they had nowhere to go. Mr. Green is proposing to subdivide two acres at the back of his property in order to build his parents a new home.

Mr. Hale confirmed with Mr. Green that there is 60 ft. road frontage for the proposed house. Chairman McAllister confirmed with Mr. Green that the proposed house will be serviced by well and septic system. MCDOH has completed perc tests and the property will require a conventional septic system, requiring less than five acres.

Moved by Mr. Hale, seconded by Mr. Dollard, that the 1665 Covell Road Subdivision and Site Plan – Lot 2 be accepted for review.

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

The Public Hearing will be July 10, 2023.

TOWN OF SWEDEN
Planning Board Minutes
June 12, 2023

Nicometi Amended Site Plan. 1105 Beadle Road. 098.04-1-21.

The Board continued review of this project.

Chairman McAllister stated it has been determined that a tie location is required for the pole barn. The Town Engineer has no concerns but is waiting for an updated SWPPP to be submitted. Removing the pond lessens the disturbance of land.

Chairman McAllister questioned why no access is shown to the barn. Mr. Tuttle stated it is asked of the client as some towns require it and some do not. Chairman McAllister confirmed with Mr. Tuttle there are no utilities going to the pole barn.

Mr. Dollard asked what the dimensions of the existing shed shown on the plan are. Where will it be moved to, or will it be completely removed from the site? Mr. Tuttle stated he thinks the shed is 10 ft. by 12 ft., and that it will be relocated somewhere behind the house. Mr. Tuttle will add the dimensions of the existing shed to the plan.

Chairman McAllister confirmed with the Clerk that the Town Engineer had no other concerns. The Clerk confirmed with Mr. Tuttle that he contacted MCDOH for an updated two-year approval letter for the proposed septic system but has not received the letter to date. Mr. Tuttle stated there were no changes made to the previously approved septic system.

Mr. Hale asked, without the approval letter, what is the status of an environmental motion. Chairman McAllister stated it should not have any affect because it was an approved site plan, and the septic system was not revised.

Mr. Dollard asked if the Fire Marshal commented on the site plan regarding no access to the pole barn. The Clerk stated the Fire Marshal did not comment, but she would ask him to look at the plan.

Mr. Hale confirmed with the Clerk that the ECB did not have any concerns with the proposed addition of a pole barn. Mr. Tuttle stated the PIF was updated to include proposed project dates per the Town Engineer's request.

Chairman McAllister referenced the 12 ft. noted below the proposed pole barn on the plan. Mr. Tuttle stated 12 ft. is the proposed rear setback. He requested a tie point be added to the plan to determine the actual side setback of the proposed pole barn. Mr. Tuttle agreed.

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

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Nicometi Amended Site Plan, located at 1105 Beadle Road, which was accepted for review on May 22, 2023, and

WHEREAS, a public hearing was held by the Planning Board on June 12, 2023, and all persons wishing to be heard were heard, and

TOWN OF SWEDEN
Planning Board Minutes
June 12, 2023

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, comments of the Town Engineer, 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 Nicometi 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 amended site plan be approved contingent upon receipt of the updated SWPPP and MCDOH's two-year approval letter for the septic system, that a tie location is added to the plan from the side lot line to the pole barn, all required signatures are obtained, and the Chairman be authorized to sign.

Discussion: Mr. Minor asked the Clerk to read back the contingencies. Mr. Minor would like the Fire Marshal to comment on the fire safety of no access to the pole barn. Mr. Dollard would like the dimensions of the shed added to the plan.

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

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

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk