



# Town of Sweden Snapshots

Volume 16, Issue 1

Spring 2017

## A message from the supervisor's office

The Town has several updates for residents regarding a variety of appointments and projects. Please read this newsletter carefully and don't hesitate to call the appropriate department for updates.

The Board has a new representative on the Seymour Library Board. Margaret Zimmer will serve a term that expires December 31, 2021. We also appointed two new members to the Environmental Conservation Board. William Johnson and John Harter will complete vacant two-year terms that expire December 31, 2017. There remains one open Conservation Board seat.

Residents will soon notice a new sign on the face of the Senior Center, 133 State Street. We are now calling the center "The Lodge on the Canal." We are hoping to increase the profile and participation at this

very unique town facility. Residents will also notice the canal dock behind the building has been removed. The dock had been in a state of disrepair and actually closed for several years. Thanks to our buildings and grounds crew for doing a safe job removing it.

We're hopeful that our Lodge at the Park project will come to fruition this summer as the grant funding has cleared another hurdle in Albany.

Finally, I met with Developer David Eckert and his engineers



(photo above) regarding a town home project called Alleghany Square near the intersection of Persistence Path and Isla Way near the new Senior's Choice building. There is much development going on in the planning phases.

**Rob Carges, Supervisor**

## Free Rabies Clinic, Saturday May 6

The Town of Sweden's annual rabies clinic for dogs and cats will be held on Saturday, May 6 from 9 am to 12 noon at the Highway Garage, 40 White Road.

For everyone's safety, children should be kept away from other pets. Dogs must be leashed and strictly controlled. Cats should be in sturdy carriers.

In order to receive a vaccination, pets must be at least three months of age. Proof of a previous vaccination is required in order for the pet

to receive a three-year rabies shot; otherwise a one-year initial rabies shot will be given at the clinic.

As the Sweden Town Board believes that the rabies clinic is an important safety program, all pet owners are welcome to take advantage of the clinic regardless of residency.

For more information about either clinic, please call Dog Control Officer Kathy Beaumont at 637-4260.

### Inside this issue:

Sweden's new assessor	page 2
Solar Farm regulations	page 2
Route 531 terminus update	page 3
Tax Receiver information	page 3
Remembering Jackie Morris	page 4
Household waste collection	page 4
Seymour Library news	page 4
Water committee to host meeting	page 5
Building department stats	page 5
2017 spring pick-up	page 5
From the Bench column	page 6/7
Mailbox policy	page 7
Water study results	page 8
Rezoning application received	page 8

## Meet Sweden's new assessor, Tammy Baker

Sweden's new assessor isn't quite so new anymore—Tammy Baker assumed her role with the Town in October 2016. She had been serving as the assessor for the Towns of Geneseo and Groveland; prior to that she had served as the assessor for the Towns of LeRoy and Pavilion. Her experience in municipal assessment actually dates back to 1996 when she began working as the clerk to the assessor for the Town of Arcadia.

With a wealth of experience, Tammy made the transition smoothly following in the steps of 12-year assessor Tony Eaffaldano who retired in August 2016. Her time in Geneseo is especially valuable as Geneseo and Sweden are very alike in being SUNY College communities and also Towns with a great deal of agricultural activity.

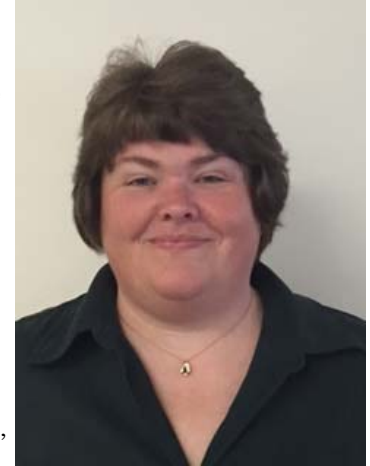
Probably her most important credential, and one that was an influencing factor in her hiring, is her membership in the Institute of Assessing Officers. While not required to be an assessor in New York State, the rigorous course and exam prepares assessors for dealing with a variety of commercial property types. The course gives assessors the education to analyze Income and Expense statements to help determine the value of commercial properties. Tammy credits Arcadia Assessor Larry Quinn with push-

ing her to take the course.

Sweden has a full-range of commercial types—from the historic buildings of downtown Brockport to strip malls and modern commercial. Tammy is charged with preparing the tax rolls that are not only used by the Town, but also the Village of Brockport, Brockport School District, Brockport Fire District and Monroe County.

Tammy and her husband Craig live in Caledonia with their beagle Buddy. The couple enjoy hunting and fishing and spend as much time as they can in the Southern Tier with family.

Tammy would like the public to know that when she is in the field gathering information and taking photos, her vehicle will be marked and she will carry photo id.



**Tammy Baker, Assessor**

## Solar Farm regulation being developed/exemption removed

On February 21, the Sweden Town Board adopted Local Law 2 of 2017 which prevents the automatic exemption of solar/wind/farm waster energy power systems from property taxes. The 15-year full exemption is automatic unless the Town opts out.

Most towns/school districts in this area opted out of the exemption. As large solar farms are exploring the possibility of locating here, local governments are not in favor of granting such long-term large exemptions. The Town of Sweden, in particular, already has nearly half its assessed value exempted from town taxes.

Assessor Tammy Baker met with Town Board members to discuss the tax implications. Residents who have installed solar systems at their homes have not seen an increase in property values due to the installation. Therefore, no Sweden property tax exemption would apply anyway.

There is always the possibility of that changing if sales data shows that solar panels greatly increase the market value of homes. Text of the Law:

### **§ 164-Article VII Solar, Wind Energy and Farm Waste Energy Systems**

*This article is adopted pursuant to the Authority of Real Property Tax Law § 487 which allows for the adoption of a Local Law providing that the pro-*

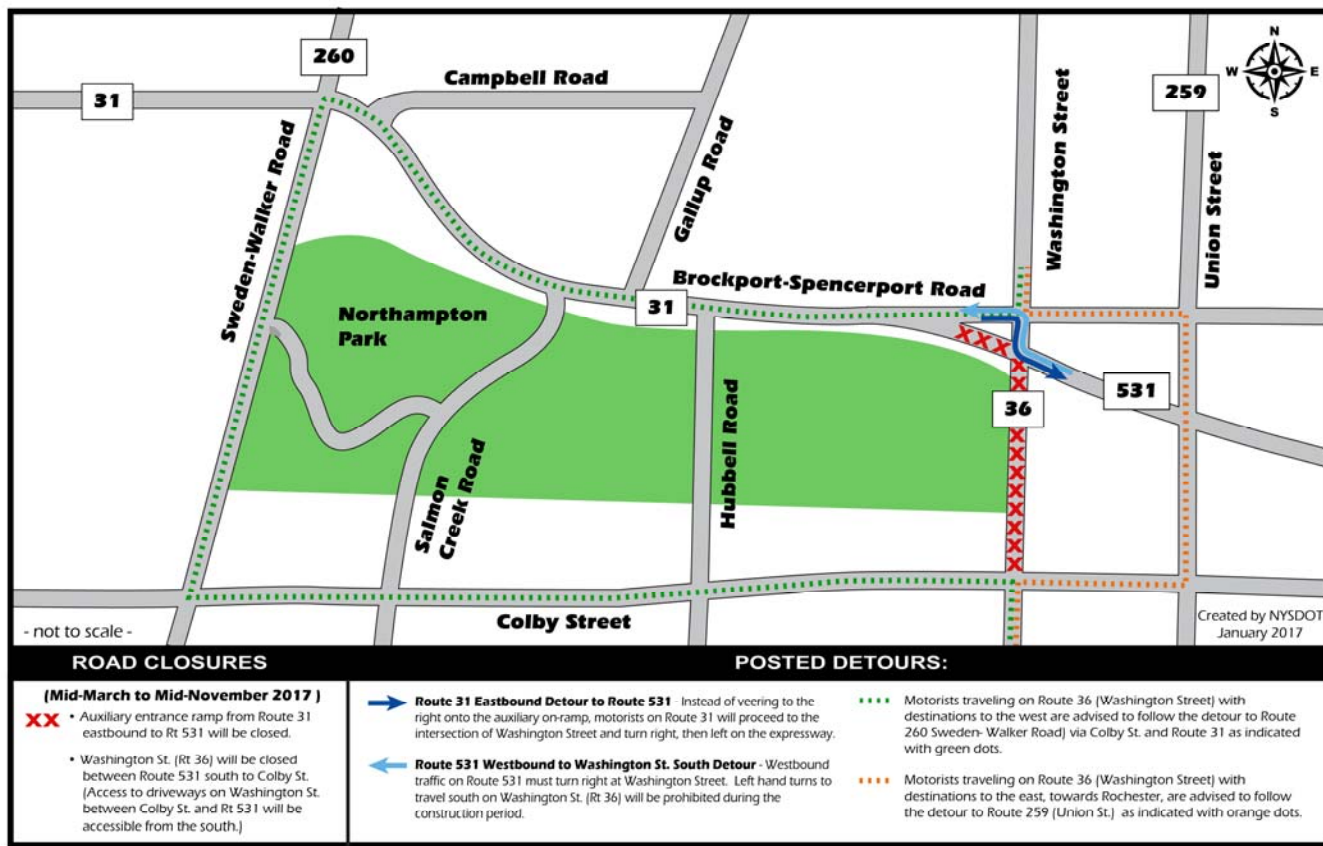
*visions of §487 of the Real Property Tax Law allowing for exemptions from taxation to the extent of any increase in assessed value due to the construction of such systems shall not apply to any such systems constructed within the Town of Sweden after the effective date of this Article.*

Meanwhile, Deputy Supervisor Bob Muesebeck is chairing a committee that is developing zoning regulations for commercial solar farms in the Town of Sweden. The Town Board placed a moratorium on the construction of commercial solar farms while the regulations are being developed. The moratorium expires in May and the Town Board will hold a public hearing regarding the regulations prior to adoption.

In the event the committee has not quite finished its work developing the regulations before the moratorium expires, the moratorium could be extended for a short period of time. The committee is studying regulations that have been adopted by other Towns and also regulations suggested by the State of New York.

As soon as a draft of the regulations is accepted by the Town Board—a notice of public hearing will be advertised in the *Suburban News* and the text of the regulations will be available at the town hall and on the town website at [www.townofsweden.org](http://www.townofsweden.org).

**Route 531 Terminus Improvement Project - Towns of Sweden and Ogden, Monroe County - PIN 4531.07  
YEAR 1 - Under Construction in 2017**



**Route 531 terminus project update**

The project to reconstruct the intersection of Route 531 at Washington Street (Route 36) with a conventional at-grade intersection is set to be under construction this summer. Construction activities will occur during two construction seasons—the first beginning later this spring/summer and the second next year.

This year, the eastbound access ramp from Route 31 to Route 531 will be closed and traffic will be directed to proceed to the traffic light at Washington Street to turn right, then left onto Route 531. A section of Washington St. between RT 531 and Colby Street will be closed this year as well. Detours will be posted. Access to residential driveways will be maintained from the south. There will be no left turns permitted from Route 531 westbound to Washington St. during this construction period.

The way Route 531 currently terminates at Washington Street will be transformed into a conventional four-legged, at-grade, signalized intersection. The main difference from today is that the Route 531 west-bound traffic heading towards Brockport that currently turns right onto Route 36, then left at the proceeding Route 31/Route 36 signalized intersection, will now go straight into Route 31. The new transition from Route 531 to Route 31 will be built next to the existing eastbound on-ramp from Route 31.

Route 31 will also be widened to add a center flush-median to separate the eastbound and westbound travel lanes from where the “new” Route 531 lanes tie into Route 31 all the way to just east of Gallup Road. An orphaned piece of Route 31 will be transformed to a local road with a cul-de-sac approximately 2,000 feet west of Route 36, which will continue to provide access to the residential homes located on the north side of Route 31. A continuous two-way left turn lane between Gallup Road and Salmon Creek Road will be provided to improve safety at the intersections and to provide easier driveway access. For more information, visit the project web site at [www.dot.ny.gov/531](http://www.dot.ny.gov/531). Send a message to [531@dot.ny.gov](mailto:531@dot.ny.gov) to be added to the e-mail list for project related updates.

Provided by  
**Lori G. Maher, NYS DOT**

**Tax Receiver update for 2017 town/county**

The third installment of 2017 town and county taxes is due March 31. The final installment of the season is due April 28. For more information regarding the town/county tax season call 637-2145.

**Kathleen Bahr-Seever, Tax Receiver**

## Remembering Jackie Morris

The Town of Sweden was deeply saddened by the passing of an extraordinary lady, Jacqueline (Jackie) M. Morris on November 16, 2016 at the age of 91. First, to know Jackie was to know her beloved husband Raymond who was always in her heart and thoughts—the two were truly one.

Jackie was a 71-year resident of Brockport and contributed much to the community. She began volunteering at the Village Museum on State Street in 1950, served on the Museum Board and became the official Village Historian in 2001, retiring at age 90. She remained active serving on Brockport’s Historic Preservation Board, Brockport’s Tree Board and the Town of Sweden Environmental Conservation Board well into her 91st year.

Jackie enjoyed cooking, baking, picking strawberries, making jam and a prize-winning strawberry/rhubarb pie, reading, hiking, camping and even kayaking well into her 80s. She sewed beautiful, detailed Raggedy Ann and Andy dolls for loved ones. She and Raymond enjoyed annual

trips to New England to appreciate nature’s autumn display, and trips to Myrtle Beach to walk the shore and experience the ocean’s majesty. She also had a passion for peanut butter, chocolate, turquoise and shoes.

Jackie was admired and an inspiration to all who had the privilege of knowing her. Jackie leaves a huge legacy of a life lived to the fullest with humility and grace.



**Jackie Morris**

**Kathy Harter**, Chair  
Environmental Conservation Board

## Household waste collection date set

The Monroe County Department of Environmental Services and the Town of Sweden, Hamlin, Clarkson, Parma, Ogden and Village of Spencerport, Hilton and Brockport will hold an **appointment-only** Household Hazardous Waste Collection at the Town of Ogden Highway Garage on **Saturday, June 17, 2017 from 7:45 am to 12 noon.**




Up to 30 gallons of the following materials will be accepted per appointment at no charge:

- oil-based and latex paint (1/3 can or less of latex paint can be disposed of in the trash and will NOT be accepted. Discard the paint can lid, add kitty litter, mix, let dry and place in trash).
- wood stain and preservatives

- automotive fluids (antifreeze, brake, power steering and transmission)
- pesticides and fertilizers
- flammable products
- household cleaners
- driveway sealer
- pool and photo chemicals
- rechargeable Ni-Cad and button batteries
- mercury thermometers/thermostats
- syringes/sharps (safely packaged)

Waste from businesses will not be accepted. Appointments for this collection can be made until June 16. For residents of Sweden and Brockport, call the Sweden Town Hall at 637-2144 or go on-line to [www.monroecounty.gov/ecopark/](http://www.monroecounty.gov/ecopark/)

## What’s Happening at the Seymour Library?

 <p><b>St. Patrick’s Day Date Night</b></p> <p>Enjoy a fun activity with your date – your kids will be entertained in the Children’s Room.</p> <p>March 17 5:30 – 8:00 p.m. Registration Required 637-5907</p>	<p><b>Baby Sing, Sign &amp; Play Class</b></p>  <p>Signing, songs and games for baby!</p> <p>Tuesday mornings in March 10:30 – 11:00 a.m. with Linda Schmackpfer</p>	 <p><b>Oscar Movie Nights</b></p> <p>Join us for two of the movies nominated for ‘Best Picture’ at the 89<sup>th</sup> Academy Awards.</p> <p>Tuesdays, March 14 &amp; 28 6:00 to 8:45 p.m.</p>
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We have lots more activities for children, teens and adults! Visit [www.seymourlibrary.org](http://www.seymourlibrary.org) for details!

## Water Committee to host public meeting on Tuesday, April 4

Sweden Town Board members have been meeting monthly with a group of residents interested in pursuing public water in areas of the Town where public water is currently not available.

The Town Board will host an informational meeting regarding public water expansion on Tuesday, April 4 at 7 pm in the courtroom of the Town Hall, 18 State Street.

### 2016 Building Department Statistics

The Town of Sweden’s building department issues permits for residential and commercial construction projects, pool, sign and accessory building installation. The department also issues plumbing, fill, operating, conveyance and burn permits. The following is a summary of the permits granted in 2016 compared to 2015:

	2015	2016
Building permits	106	104
New 1,2,3 or 4 family homes	21*	11
New commercial/industrial	2	3
Residential additions	16	17
Commercial additions	6	8
Pools	5	10
Sheds, decks, etc.	56	65
Permanent sign permits	5	14
Temporary sign permits	13	35
Burn permits	5	10
Fill permits	3	3
Operating permits	3	23
Conveyance		1

\*A four-unit home was built in 2015; each unit received a separate building permit.

Permit applications can be found on the Town’s website at [www.townofsweden.org](http://www.townofsweden.org). Choose Permits and Licenses from the tabs on the left side of the home page. Permit applications are also available at the Building Department at the Sweden Town Hall, 18 State Street. For more information about permits, contact Planning, Building, Zoning Department Coordinator Phyllis Brudz at 637-8684.

**NOTE:** The building department would like to congratulate Walt Windus, Town of Sweden Stormwater Manager, for receiving an Honorary Membership from the NYS County Highway Superintendents Association for meaningful, noteworthy and generous service and contributions in promoting the ideals and purposes of the Association.

Representatives from the Monroe County Water Authority, Monroe County Health Department, the Town Engineer and a grant consultant will present information regarding the process, funding, tax implications and more. Anyone interested in the topic is encouraged to attend.

In October 2016 the Town mailed an informal survey to all properties lacking public water (nearly 800). There was a very strong response to the survey—well over 300. The survey returns were tabulated using Survey Monkey and are being used as base knowledge in the pursuit of grant opportunities and federal/state assistance.

As residents will learn at the April 4 meeting, a more formal survey will need to be done in order to qualify for some of the funding opportunities. In the meantime, please review the survey results to the major questions on the back page of this newsletter. It is a general indication of residents’ well water situation. The survey contained additional questions about well contamination and water treatment systems, as well as a comment sections. Space limitations in this newsletter precluded those results from being printed here.

### 2017 Spring pick up is April 24—28

The annual Sweden spring pick-up (for residents outside of the Village of Brockport) will be held April 24—28. Debris should be placed at the curb by 7 am Monday, April 24, but not prior to Friday, April 21.

Materials must be separated into homogeneous piles such as metal, lumber, brush, etc. Refrigerators and other appliances that contain freon must have the freon removed by a certified technician. Otherwise, a fee of \$17.50 must be paid at the Sweden Town Hall, 18 State Street prior to pick-up.

There is a limit of one dump truck load per house or property owner. Tires are limited to four per household. Refrigerator/freezer doors must be removed. No off-site material, refuse from contractors or commercial sites is eligible for pick-up. Loose drywall or building materials should be bagged. Brush and wood should be cut to a maximum of eight-foot lengths and piled parallel to the road.

The following items are not eligible for this pick-up: paint cans, fuel tanks, oil, drums, wire fence, garbage, batteries, cardboard, chemical/liquid wastes, tree stumps (over 200 pounds), industrial/commercial wastes, or bagged leaves. Arrangements for these items should be made with commercial haulers.

No items should be placed against light poles, trees, sign posts or the bottom of ditches. The Town of Sweden reserves the right to reject debris that is not in accordance with these regulations. Only one pass will be made per road. The highway crew will not return for a second pass. For additional information, please call the highway depart-

# From the Bench

## I got a traffic ticket, now what?

The most common questions we receive in the Court have to do with people's confusion about the applicable processes and procedures when they receive a traffic ticket. The purpose of this article is to bring a bit more clarity to this subject. For this article, I will only be addressing violations of the New York State Vehicle and Traffic Law (the "VTL"), not criminal offenses (misdemeanors or felonies) or violations of the New York State Penal Law. This information is also based on the procedures in Sweden Town Court. The procedures for handling traffic tickets may differ from town to town, and you should always check with any court in which you are facing charges to make sure you understand their local practices.

If you are pulled over for a traffic offense, and the police officer decides to cite you for a violation of the VTL, the officer will provide you with a Uniform Traffic Ticket ("UTT"). It is a sheet of paper that gives you a great deal of pertinent information regarding the offense with which you are charged. The left side of the ticket contains information regarding your identity, your vehicle, the violation with which you are charged, the pertinent section of law, some details regarding the offense, information on the arresting officer, and finally the date of your scheduled appearance in Court on the charge. The date shown on the ticket is what is known as an "arraignment date."

An arraignment is nothing more than a formal, public reading of the charge, and it is at this appearance where you enter a guilty or not guilty plea in open court and in person. However, you need not appear in Court on that date if you instead decide to handle the initial plea by mail. If you don't mail in a plea, you must appear in Court on the date listed on the ticket. If you fail to do so, your license will likely be suspended.

You always have the right to have an attorney represent you when have been accused of an offense, regardless of the relative severity of the offense. You also have the right to represent yourself if you don't want to hire an attorney. When in doubt, seek out the assistance of a qualified attorney so you can better assess the applicable cost and relative benefits of such representation. If you are unable to afford an attorney, and depending on the severity of the charge or charges against you, you may qualify for representation by the Monroe County Public Defender's Office. The Public Defender's Office is staffed with excellent attorneys (Assistant Public Defenders, "APDs"), and if you qualify for their services, they will represent you in protecting your legal interests at no or little expense to you.

Once you have made your not guilty plea, and received a

disposition date, please make note of the date and show up to court. If you fail to appear in court on a traffic ticket, your license will likely be suspended. When you show up to court, come early as most courts call cases in the order in which people have signed in. Pay special attention to any announcements made by the judge, court staff, the ADA and the APD. Also pay close attention to the other cases which are called before yours.



**Kevin G. Johnson**

You will learn a great deal about the justice system just by doing so, and you might just get an idea what may happen with your case when you are called. Of course, if you have hired an attorney, he or she will guide you through this process.

When your case is called, approach the bench, and speak loudly and clearly as everything in court is digitally recorded. The judge will briefly introduce your case, and then ask the ADA if there is a plea offer. Typically, the ADA will present you with an offer for you to plead guilty to a lesser charge in full satisfaction of the initial charge. When I say a "lesser charge", I mean a charge that has a lower applicable fine or fewer points which will accrue to your license by pleading guilty than would have applied if you were convicted of the initial charge. At times an ADA will not make an offer, but that is uncommon, and typically has to do with a case with truly egregious facts.

Your options are: 1) ask for an adjournment to consider the offer or contact an attorney; 2) take the plea; or 3) ask for a trial. At a trial, the judge would be the "finder of fact" (the one who decides whether you are guilty or not guilty), and the People would have to prove their case against you beyond a reasonable doubt, and you would have no burden of proof. You could remain silent or question the witnesses that the ADA calls to testify, at your option, but there is no requirement to do so. You could also call your own witnesses or present your own evidence. In that sense, the substantive rules of criminal law apply to a trial on a traffic offense just as they apply to more serious criminal charges.

A guilty plea to a lesser charge is not a gimmick, a scheme to collect fines or a defrauding of the justice system. It actually produces great benefits in terms of judicial economy. As every lawyer will tell you, a common refrain in law school is that the "wheels of justice turn slowly." Cases often take years to complete, and no one involved in the process likes the sluggishness of the system, but there

aren't enough judges or ADAs, much less enough time for every case to go to trial. Anyone who insists on their innocence always has the right to a trial. However, in weighing the costs and benefits of going to trial (including paying an attorney and court costs, the risk of possibly being convicted of the initial charge, the time and effort involved, etc.), often times people decide that they would rather take a plea to a lesser charge than go through with a trial. In doing so, cases move more quickly, and people are able to get legal issues resolved. Also, the courts, judges and lawyers achieve the public interest of having people pay some penalty for illegal behavior without having to prove each offense to the bitter end. They also then have more time to devote to the truly tough cases.

The choice is up to you. If you choose to take the offer, the judge will ask you a few questions to make sure you are comfortable with proceeding with the plea, and if he or she is comfortable that you understand, he/she will then ask for your plea to the lesser charge in full satisfaction of the initial charge. This is the hardest part, but if you want to take the plea, this is where you have to say the word "guilty." Upon your plea, the judge will assess a fine and surcharge. The judge may have some discretion as to the fine, but the surcharge is imposed by the State of New York and cannot be changed. You can ask the court to be lenient with the fine based on your financial or personal circumstances, and you can also ask for extra time to pay. In doing so, just make sure you are at all times honest and forthright with the judge.

If you ask for more time to consider the offer or to contact an attorney, the judge will give it to you. If you ask for a trial, the judge may schedule the trial date right then, or will notify you of a trial date by mail.

As you review the UTT, you will notice that the right side of the ticket contains two sections, one entitled "Section A - Plea of Guilty", and the other "Section B - Plea of Not Guilty". This is where you can fill in the applicable information and mail in a plea instead of appearing on the date listed on the left side of the UTT.

If you want to plead guilty as charged, that is your right. However, it is always important to carefully consider your rights and the potential penalties which apply to such offense before you choose to simply plead guilty by mail. Once you have mailed in a guilty plea, the penalty is completely up to the discretion of the court, within the bounds of the law. If you decide to plead guilty to the charge, you would fill out "Section A" with your name, address, any explanation you would like to provide to the court, and then sign and date the plea. Once complete, you would mail the plea in to the court, or drop it off in person. It is always advisable to physically drop off the plea at the court, and our Court is open Monday through Friday from 9 a.m. to 5 p.m. (closed from 12 p.m. to 1 p.m. each day for lunch). By dropping it off, you can be sure that the plea arrived at the Court.

If you want to plead not guilty, you would fill out "Section B" and mail it in or drop it off to the court. Upon receiving your not guilty plea, the court will re-schedule your matter for a "disposition" date. A disposition date is simply a date when an Assistant District Attorney ("ADA") will be present at the court to represent the People of the State of New York in prosecuting you for the offense with which you have been charged. Typically, a written notice of the disposition date will be mailed to you by the Court within a few days after you make your initial plea.

You will notice two related questions in Section B of the UTT, one that asks "Do you request a supporting deposition?", and the other which queries "Supporting deposition provided when this ticket was issued?" A supporting deposition is a second sheet of paper which is often, but not always, attached to the ticket at the time the officer initially gives it to you. It contains much of the same information as the UTT itself, but it also contains a brief, sworn narrative from the arresting officer as to what he witnessed you doing that justified him giving you the ticket. If the officer gave you a supporting deposition at the initial stop, it will be attached to the ticket, and Section B will indicate that you have been provided with a supporting deposition. If you were not given one at the initial stop, you have the right to ask for one by checking the "Yes" box in Section B. If you did not receive a supporting deposition initially, and if you request one, the court will immediately send the officer an order to provide the supporting deposition. If the officer fails to provide the supporting deposition within thirty days from the date of the order, the court must dismiss the ticket.

**Kevin Johnson**, Sweden Town Justice

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## Highway department has mailbox replacement/repair policy

The New York State Attorney General's office has opined that mailboxes are placed within the highway right-of-way under an informal license. As such, the highway department has no legal liability for replacement and/or repair due to snow removal operations. As a courtesy, the Town of Sweden Highway Department will replace mailboxes that have been damaged or destroyed during the winter months as a result of plowing operations. Mailboxes, and posts if necessary, will be replaced with a standard rural mailbox and wooden post.

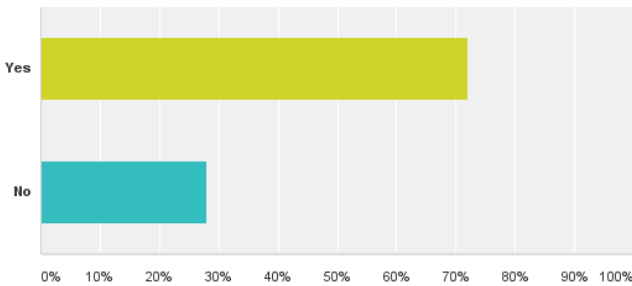
Many residents have opted to purchase specialty boxes, which cost substantially more than a standard box. If one of these types should happen to need replacing, the highway department will be glad to perform the installation, provided that the resident supply the replacement mailbox. Those arrangements can be made by calling the highway department at 637-3369.

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## Water study results (continued from page 5)

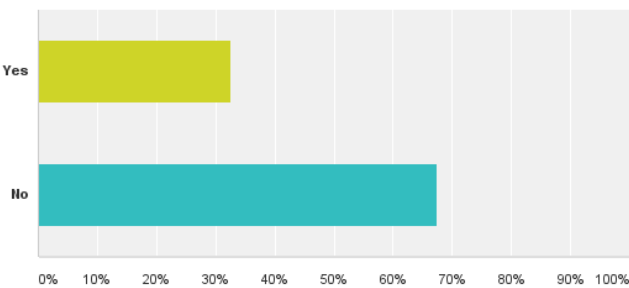
**Q7 Does your well consistently produce enough water to meet your needs?**

Answered: 319 Skipped: 21



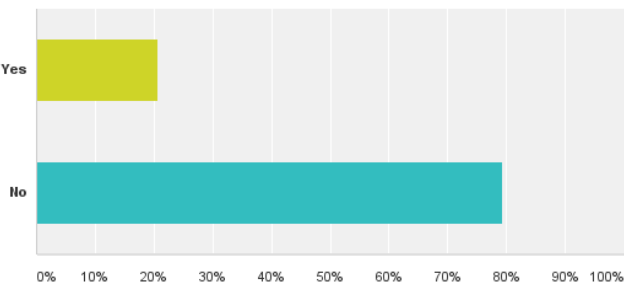
**Q8 Have you ever run out of water?**

Answered: 320 Skipped: 20



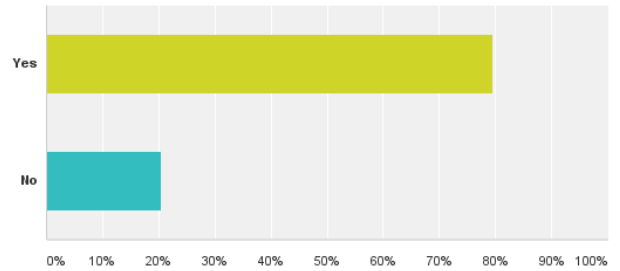
**Q2 Have you had your well tested for water quality in the past year?**

Answered: 324 Skipped: 16



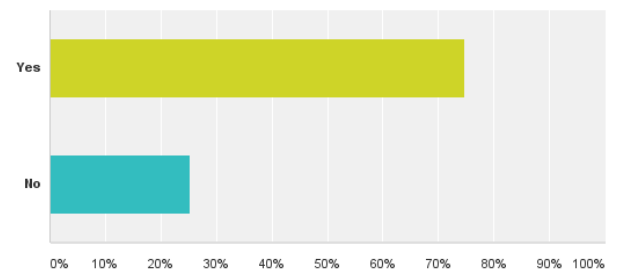
**Q9 Do you support the extension of public water to your road?**

Answered: 321 Skipped: 19



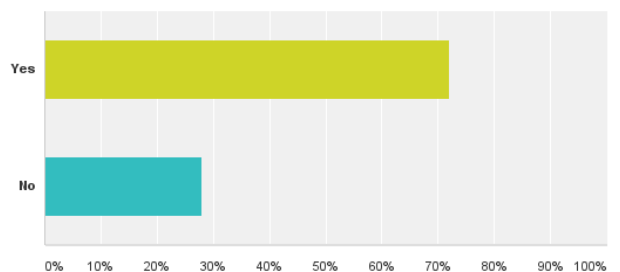
**Q10 Many grants are determined by median household income (MHI). Is your household income over \$45,505/year?**

Answered: 318 Skipped: 22



**Q11 The Town will make every effort to make the extension of water affordable. The state has a limit of \$902/household/year (\$597 for debt service; \$305 for water use on average). Would you be willing and able to pay this for access to public water?**

Answered: 312 Skipped: 28



## Rezoning Fourth Section Road residential development

The Sweden Town Board held a public hearing on February 28 regarding an application to rezone approximately 24 acres of land on the south side of Fourth Section Road (east of the Free Methodist Church) from R1-3S Single Family Residence to MR-1 Multiple Residence.

**Snapshots:** Send ideas, comments and suggestions to Leisa Strabel at the Sweden Town Hall, 18 State Street, Brockport, NY 14420. Phone: 637-7588; Fax: 431-0039; email: leisas@townofsweden.org

Stonehaven Commercial has proposed to build a residential townhome community. The 148 units would be rental properties with a target market of empty-nester and young professionals. The plan includes a clubhouse for use by residents.

The Town Board did not make a decision regarding the rezoning on February 28 but is continuing to gather input from other agencies as this newsletter goes to print. If the Town Board does grant the re-zoning, the project would move to the Planning Board for subdivision and site plan approvals.