

A public hearing located at the Town Hall, 18 State Street, Brockport, New York was scheduled for March 27, 2013 at 6:00 p.m. This hearing had been rescheduled from March 12, 2013 due to lack of a quorum of Town Board members on that date. The purpose of the public hearing was to hear all persons interested in the re-zoning of the vacant land on Sweden Walker Road from Residential (R-1) and Heavy Industrial (I-1) to Recreation-Commercial (B-3). The area proposed to be re-zoned is 115.67 +/- acres of tax account No. 069.04-1-5.11.

Mike and Janice Waeghe, 4327 Sweden Walker Road, Brockport, New York, the owners of the vacant land on Sweden Walker Road in the Town of Sweden, have submitted to the Town Board an application to re-zone the vacant land on Sweden Walker Road currently split-zoned Residential (R-1) and Heavy Industrial (I-1) to Recreation-Commercial (B-3) for the purpose of holding "mud run" events three to four times each year involving recreational racing of off-road vehicles.

Town Board Members present were Supervisor Connors, Councilperson Carges, Councilperson Donohue, Councilperson Windus-Cook and Councilperson Roberts. Also present were Finance Director Leisa Strabel, Building Code Enforcement Officer Walt Windus, Superintendent of Highways Fred Perrine, Planning Board member David Strabel, Town Attorney Jim Bell and Town Clerk Karen Sweeting.

Mike and Janice Waeghe, applicants and owners of the vacant land on Sweden Walker Road were present. Visitors present were Stephen and Charilla Conner, Ann and Leon Holberton, Justin Holberton, Michael and Jane Mincher, Bev and Fran McKinney, Julie and Frank Lapinski, Robert Anderson, Kathy Beaumont, Joan Lavell, Tom Lavell, Paul Gaskin, Mr. & Mrs. Richard Holzschuh, Mike Waldo, Gordon Fisher, Brian Fisher, Janet McKinney, Louie Lustumbo, Diane and Bob Wood, Darlene and Rawlin Sams, Gino Romano, Paul Gallo, Dennis Glavas, Travis Yacono, Elaine Kenny, Jim and Joan Hamlin, Don Rollo, Lee Antonio (?), Tim and Nancy Hussong, Jeannette LaDue, Mike Boss, James Clarke, David Young, Michael Personte and Julie and Dave Oakden. Others were present but did not sign in.

Town Clerk Karen M. Sweeting read the legal notice.

Supervisor Connors opened the floor for comments.

Rawlin Sams presented the board with several questions pertaining to the wetlands, soil sampling due to the old landfill, effects on wildlife and property values, trespassing by people attending the events, noise, dust and dirt, and the RG&E gas line "right-of-way".

Stephen Conner has lived on Sweden Walker Road for years and doesn't feel this event belongs there and is concerned with neighbors' qualities of life during the mud run events.

Frank Lapinski feels there are several obvious and compelling reasons not to rezone this property and that a recreation commercial zoning is not appropriate or compatible with the surrounding residential properties. Mr. Lapinski is also concerned with the noise generated from the event and quoted sections of the Sweden Town Code's chapter on noise.

Robert Anderson is concerned with the event creating on-going, disruptive noise.

Ann Holberton is in favor of the "event" and knows the owners to be respectful to follow what is required by the town for the events to be held.

Charilla Conner enjoys the quiet neighborhood and stated she did not complain before with each event, but is not ok with the continuous noise which she feels is in violation of the current noise code.

Michael Mincher was concerned with the county right-of-way and the rules for the sport – pollution controls, insurance on drivers and guests. He feels the events are too big for the area.

Jane Mincher is also concerned with the size of the events, security of neighboring homes, drinking, overnight camping, as well as the effects on property values. Mrs. Mincher quoted the uses allowed in Sweden's Recreation-Commercial zoning section of the code and didn't feel that "mud run" events fit any of the allowed activities. She presented a petition to deny the rezoning signed by approximately 42 residents.

Joan Lavell is concerned with the noise generated by the events and the disruption to people that visit the cemetery.

Julie Lapinski is concerned with the increase in volume of trucks and flatbed trailers on Sweden Walker Road during the event and the mud that is tracked onto the road from the event property. She felt the Town Board should maintain the "best interest of the community" as stated in the recent Snapshots and deny the application.

Justin Holberton stated he participates in the "mud run" events and he spends time on his truck not drinking. Some of the participating vehicles are driven on the roads as well and he doesn't know of any accidents on Sweden Walker Road related to the "mud run" event.

Richard Holzschuh stated that he has witnessed drinking and is also concerned with accidents, dust and noise from the event.

Bob Wood belongs to the Sweden Swampers' club and also provides medical assistance during the events. He stated that there have been very few medical issues in the last three (3) years during the events.

Paul Gallo stated he hears the residents' concerns but also states that there is noise from traffic and dust from farming already. People from all ages attend these events.

Tom Lavell stated he is concerned with the noise and is familiar with "performance vehicles" and there are ways to decrease the volume.

Diane Wood is an EMT on site for the "mud run" events and in the past she has assisted four (4) people and none were alcohol related. Ms. Wood states that the "mud run" is a family event.

Janet McKinney stated she has been to "mud run" events but does not feel that this location is ideal for this type of event. She is concerned with crowd containment and noise.

Louie Lustumbo asked for clarification on the zoning. He understands that part of the property is currently heavy industrial and there is permitted uses that could potentially create issues of pollution and noise. Mr. Lustumbo is familiar with "mud run" events near Lake Alice and there are set rules and regulations that must be followed.

Bev McKinney is concerned with the property on the south side of the railroad tracks and a Rochester Gas & Electric "right-of-way".

Applicant Mike Waeghe stated that the rezoning application was required by the town in order to move forward with any events. They do not plan to expand the area; just use the current location of the event. He explained that there are rules for trucks that wish to participate, they rope off and fence the area, they do not use any land south of the railroad tracks and overnight camping is for club members only.

Francis McKinney stated that he is concerned with other "ventures" if the property is rezoned recreation commercial.

Brian Fisher informed the board that during an event last year there were campers near the boundary of his property and beer cans were found on his property. He did not feel that the crowd was contained.

Tim Hussong stated the application to rezone is misleading and is concerned with the number of events held each year. Mr. Hussong is also concerned with safety, constant noise, dust and dirt.

Nancy Hussong is concerned with the noise, more traffic and potential accidents on Sweden Walker Road.

Julie Lapinski asked about the SEQR.

Jane Mincher asked if an Environmental Impact Statement was done. (The Town Engineer is currently drafting the SEQR documentation.)

Ann Holberton added that the Waeghe's have given back money to the community.

Mike Personte stated the Waeghe's gave money toward kidney disease research.

No other comments. The board will accept written comments until April 9<sup>th</sup> at 5:00 p.m.

The public hearing was closed at 7:00 p.m.

Respectfully Submitted,

Karen M. Sweeting  
Town Clerk