

At 7:15 p.m. Supervisor Lester called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on September 12, 2006. The purpose of the public hearing was to hear all persons for or against the request by application of Walt Eisenhower/Big Fella Enterprises to rezone Lot 2 from Residential (R1-2) to Light Industrial (I-2); Lot 5 from Residential (R1-2) to Airport Commercial (B-2); and a small portion of each on the north edge of Lot 1 and Lot 3 from Residential (R1-2) to Airport Commercial (B-2) in the Town of Sweden.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Tom Ferris and Councilperson Danielle Windus-Cook. Also present were Finance Director Leisa Strabel, Town Clerk Karen Sweeting, Town Attorney Jim Bell, Town Engineer Jim Oberst and Superintendent of Highways Fred Perrine.

Visitors present were Attorney Reuben Ortenberg, Robbie Hess from the Suburban News, Attorney Kevin Purcell from Nixon Peabody LLP, and residents Jim Hamlin, Russ Johnson, Don Pophal, Lance Kepler, Allen Ford, Mary Louise Bater, Elaine Bader, David Warner, Bill and Carolyn Johnson, Greg Thompson, George Dahl, Cynthia Pennington, Walt Eisenhower, Lynn and Nick Mouganis and Tim Bates. Others were present but did not sign in.

Supervisor Lester asked Town Clerk Karen Sweeting to read the legal notice published in the official newspapers of the Town. Notice was read.

Supervisor Lester introduced Walt Eisenhower and asked for a synopsis of the rezoning application. Mr. Eisenhower introduced Mary Kay Genthner from Passero Associates the engineer for this proposal.

Ms. Genthner provided a map of the proposed rezoning and stated that the request consists of three parcels – Lot 2 located at the northeast end of Eisenhower Drive, Lot 5 located at the northwest end of Eisenhower Drive, and a small sliver located on the south side of Eisenhower Drive. Ms. Genthner stated that this request meets the future zoning layout of the Town.

Supervisor Lester asked what types of businesses would go into the Light Industrial zone. Ms. Genthner replied that there are no current plans, but any business developing, selling and/or maintaining aircraft parts would be ideal.

Supervisor Lester asked if the parcels currently were on public sewer. Ms. Genthner replied that public sewer was not yet available.

Supervisor Lester asked if anyone had any comments. Kevin Purcell from Nixon Peabody, LLP introduced himself as representing resident Mary Louise Bater. Mr. Purcell submitted a written letter to the Board for the record (attached).

Resident Don Pophal read and submitted a signed petition for the record (attached).

Resident Russ Johnson asked for an explanation of the buffer zone for the Light Industrial zoning. Ms. Genthner referred to the Town Code for setback requirements. She stated that there is no specific development plan; the setback requirements would be a part of site plan approval. They are simply asking for the rezoning. Ms. Genthner commented on several points in the letter provided by Attorney Kevin Purcell. Ms. Genthner was not aware of wetlands on the proposed properties, only on Lot 1, therefore, no permits have been applied for. Supervisor Lester stated if it is required, then SEQR would have to be done.

Resident Allen Ford asked if any of the proposed lots were currently on the market. Ms. Genthner stated no.

Resident Don Pophal asked questions relative to paving setback requirements and water runoff. Ms. Genthner stated that the specific developer must meet drainage and setback requirements; they cannot exceed those requirements.

Resident William Johnson stated that non-specific use was a concern. Depending on the use, traffic could be a concern.

Supervisor Lester asked how much of the currently zoned Airport Commercial land is for sale. Ms. Genthner explained that only the land the airport is on, south of Eisenhower Drive. They are limited due to the airstrip. Supervisor Lester asked if there were any existing businesses on Colby Street. Ms. Genthner answered none that are owned by the applicant.

Councilperson Ferris asked why the applicant wanted to rezone the parcels if there were no plans of development. Ms. Genthner explained that it was the beginning step in the process of bringing development to that location; residential zoning is not as enticing to commercial/industrial developers. Supervisor Lester asked if the applicant could get contracts for development and then bring the rezoning to the Board. Ms. Genthner stated that could be a possibility, but they hoped to rezone first. Supervisor Lester asked what efforts have been made to draw in any development. Walt Eisenhower answered they have had little to no interest. He would like to get the zoning set before he pursues any aviation-based development.

Resident Don Pophal stated he noticed for sale signs on that property in the past year. Mr. Eisenhower stated yes, but the realtor was not able to draw in any buyers, now they are waiting to rezone. Supervisor Lester asked if the airport was currently for sale. Mr. Eisenhower stated he was interested in releasing some of the debt of the airport and if a buyer approached him, he would sell.

Resident Russ Johnson asked if, historically, property values increased or decreased with Light Industrial behind them. Supervisor Lester stated he would defer that to the Town Assessor. Councilperson Ferris added that it would be hard to determine without knowing the development. Resident Allen Ford stated that he was fairly new to the neighborhood. He moved to the area due to the country setting and would not have chosen this area had he known it would be close to Light Industrial.

Councilperson Carges stated usually when the Board is approached there is some design or idea already in place; this request is different from the norm. Councilperson Windus-Cook asked if this was part of the master plan of the Town. Ms. Genthner stated she believed it was. Councilperson Connors said the committee that worked on the Comprehensive Plan Update of 2002 recommended it. Supervisor Lester added that public hearings were held for the update to the plan.

Resident Nick Mouganis asked what was the Town's view of the rezoning without a specific use. Councilperson Ferris stated that since he has been a board member no application has been received without some proposed use in mind. Councilperson Windus-Cook stated from a real estate point of view it is more attractive to potential buyers if the zoning is currently in place. Supervisor Lester added that anyone can make an application to rezone and are entitled to a public hearing; the Board is not in the position to take action on the application at this time. Mr. Mouganis asked what the next procedure is in consideration of the application. Supervisor Lester answered that the application would be discussed at a work session of the Town Board and the Board would act upon the application at a regular Town Board meeting. The Board would review the comments from the residents, review the Comprehensive Plan, and consider Attorney Purcell's objections before a decision will be made.

Supervisor Lester asked if anyone had any further comments. No one spoke. The public hearing was closed at 7:50 pm.

Respectfully Submitted,

Karen M. Sweeting
Town Clerk