RESOLUTION NO. 182

Sweden Town Board Resolution Approving and Adopting the Town's Determination and Findings Pursuant to Eminent Domain Procedure Law Section 204 Regarding the Acquisition of Certain Interests in Real Property in the Town of Sweden and Directing Town and Special Counsel and Staff to Continue all Steps Necessary in Connection Therewith and for the Potential Acquisition of Permanent and Temporary Easements in Connection with the Gary Drive and Brockport Spencerport Road Expansion Project

WHEREAS, the Town of Sweden (the "Town") is authorized and empowered by Article 4, Section 64 of the New York State Town Law, to acquire by acquisition in the manner provided by the New York State Eminent Domain Procedure Law ("EDPL"), any lands or rights therein, either within or outside the town boundaries, required for any public purpose; and

WHEREAS, the Town has undertaken the Gary Drive and Brockport Spencerport Road Expansion Project which includes the expansion and extension of Gary Drive at the southwest corner of the Property as well as the expansion of the north side frontage of the Property at Brockport Spencerport Road a/k/a NYS Route 31 which will extend the existing street to Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town and to improve pedestrian convenience and safety within that area of the Town (the "Project"); and

WHEREAS, the Town is considering the acquisition of certain real property temporary and permanent easement interests as set forth in the map and property description attached as **Schedule A**, consisting of approximately 200 feet in width at Route 31 and approximately 120 feet in width where the Gary Drive extension will meet the existing Gary Drive and approximately 300 feet in length together with any adjacent areas necessary for temporary easement during construction ("Easements") in connection with the Project for the public purpose of expanding and extending the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road in order to facilitate traffic circulation and improve pedestrian convenience and safety within that area of the Town. The location of the real property under consideration for acquisition as described above is the western portion of a 36.57 +/- acre parcel of land (property identified as SBL No. 084.01-1-25.115) abutting Brockport Spencerport Road and Gary Drive, such interests to include, or be adjacent to properties identified as SBL No. 084.01-1-25.115, SBL No. 084.01-1-37 and SBL No. 084.01-1-52 (collectively the "Property"); and

WHEREAS, the Town Board of the Town of Sweden conducted a duly noticed public hearing as provided for under EDPL Article 2 on November 30, 2021 at 7:30 pm in the courtroom at the Town Hall of the Town of Sweden located at 18 State Street, Brockport, New York 14420, in the Town of Sweden, Monroe County, New York for the purposes of hearing all persons in favor of or opposed to the proposed acquisition of the Easements in furtherance of the Project which hearing was left open for an additional week thereafter for additional written submissions; and "all persons wishing to be heard" were heard; and

WHEREAS, at the November 30, 2021 public hearing, the Town described the Project and outlined the public purposes and benefits to be achieved by the Project for which the acquisition of the Easements is necessary and desirable and which will further the Project; and the proposed location of the Project and alternative Project Routes including a description of the Easements; and

WHEREAS, on October 27, 2020, the Town, consistent with its obligations under the State Environmental Quality Review Act, adopted resolutions determining that the proposed Project will not result in any significant adverse environmental impacts, which resolutions are incorporated herein by reference; and

WHEREAS, pursuant to EDPL 203, copies of the record of the public hearing were made available to the public for examination, without cost, at the offices of the Town located at the Town Hall of the Town of Sweden located at 18 State Street, Brockport, New York 14420, in the Town of Sweden, Monroe County, New York; and

WHEREAS, the Town Board of the Town of Sweden has caused to be prepared pursuant to Article 2 of the New York Eminent Domain Procedure Law a Statement of Determination and Findings concerning the acquisition of certain real property interests in connection with the Project for the public purpose of expanding and extending the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road in order to facilitate traffic circulation and pedestrian convenience and safety within that area of the Town.

NOW, THEREFORE, BE IT RESOLVED by the members of the Town Board of the Town of Sweden as follows:

Sec. 1. In accordance with EDPL 204, the Town hereby approves and adopts its Determination and Findings in connection with the acquisition of the Easements in connection with the Property as follows:

A. The Determination and Findings attached hereto and made part of this resolution as **Exhibit 1**; and

B. The synopsis of the Determination and Findings attached hereto and made part of this resolution as **Exhibit 2**.

Sec. 2. The synopsis of the Determination and Findings (Exhibit 2) shall be published in two (2) successive issues of The Daily Record and the Suburban News pursuant to EDPL 204.

Sec. 3. That Town Attorney, James D. Bell, the Town's staff and special counsel, Barclay Damon, LLP, are hereby authorized and directed to do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly carry out the Determination and Findings as adopted by the Town Board of the Town of Sweden and the Town is hereby authorized to acquire, through its power of eminent domain or otherwise, title to the Property.

Sec. 4. This resolution shall take effective immediately.

MOTION for adoption of this resolution by Councilperson Hoke
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Hayles	Aye
Councilperson Hoke	Aye
Councilperson Humby	Absent
Councilperson Sullivan	Aye
Supervisor Johnson	Aye

Submitted – December 14, 2021 Adopted

STATE OF NEW YORK]
COUNTY OF MONROE]
TOWN OF SWEDEN] SS

I, Karen M. Sweeting, Town Clerk of the Town of Sweden, Monroe County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Sweden at a regular meeting of said Board held on

the 14th of December 2021, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in the Town Clerk's office.

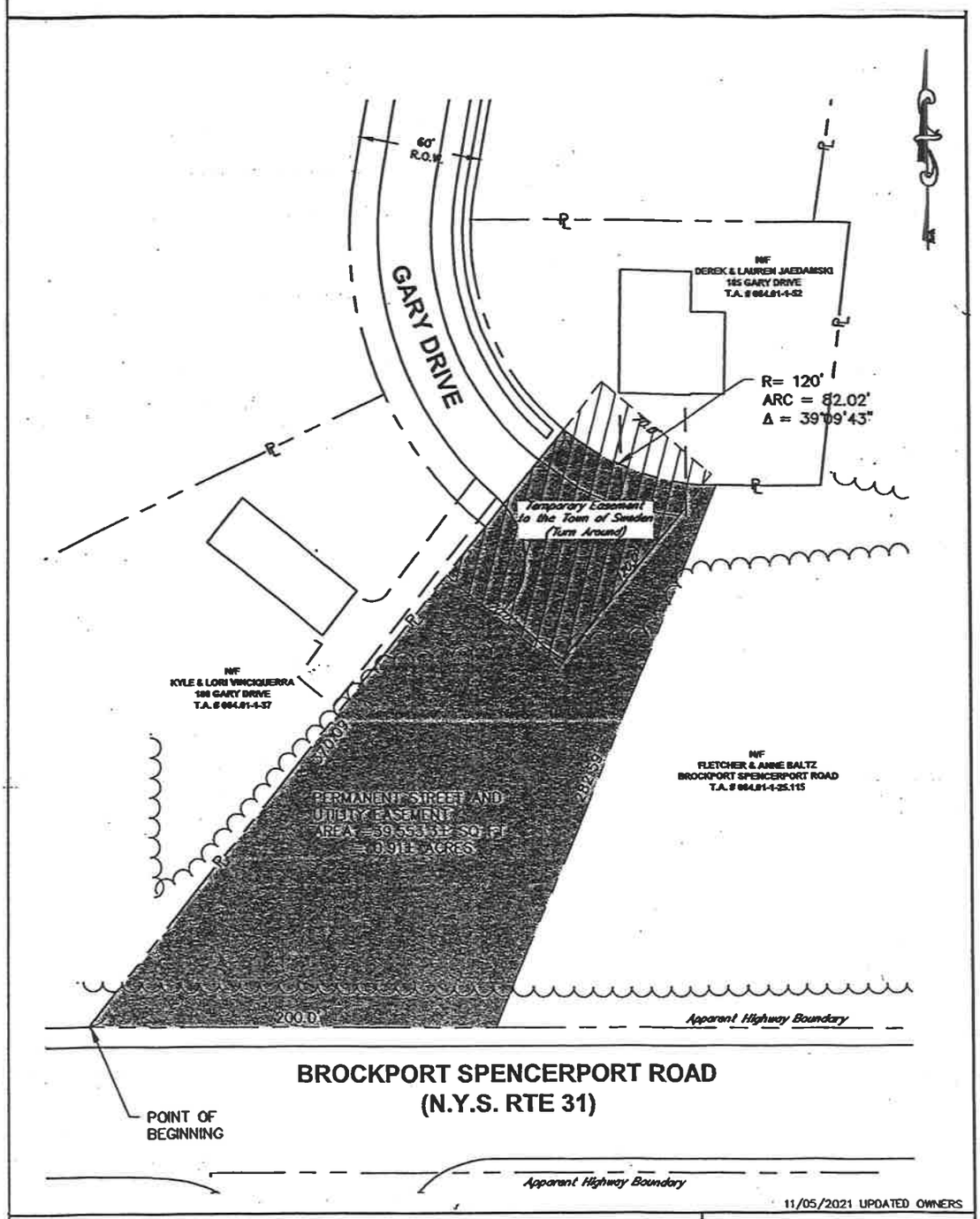
I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Supervisor Kevin Johnson, and Councilpersons Patricia Hayles, Randall Hoke, and Gary Sullivan were present. Councilperson Rhonda Humby was absent.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Sweden, this 16th day of December 2021.

Karen M. Sweeting, Town Clerk

TAX MAP NUMBER	084.01-1-25.115	MAP No.	M-1
OWNER N/F	FLETCHER AND ANNE BALTZ	PARCEL No.	P-1
STREET ADDRESS	BROCKPORT SPENCERPORT ROAD		

Schedule A



PERMANENT STREET AND UTILITY EASEMENT TO TOWN OF SWEDEN MONROE COUNTY, NEW YORK

Scale:	1" = 60'
Date:	11/2021
Project:	1910.20001

MRB group
Engineering, Architecture & Surveying, D.P.C.
The Culver Road Armory, 145 Culver Road, Suite 160, Rochester, New York 14620
Phone: 585-381-9250
www.mrbgroup.com

Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is in violation of Article 145, Section 7209, Subdivision 2 of the New York State Education Law.

Copies from the original of this survey map not marked with an original of the licensed land surveyor's inked seal or his embossed seal shall not be considered to be a valid true copy.

Certifications shown hereon shall run only to the person for whom the survey is prepared and, on his behalf, to the Title Company, Government Agency, and Lending Institution listed hereon, and to the assignees of the Lending Institution. Certifications are not transferable to additional institutions or subsequent owners.

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PERMANENT STREET AND UTILITY EASEMENT
OWNER N/F: FLETCHER AND ANNE BALTZ
TAX MAP PARCEL NO. 084.01-1-25.115
TO
TOWN OF SWEDEN

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sweden, County of Monroe and State of New York, as shown on a map entitled "Permanent Street and Utility Easement to the Town of Sweden", hereinafter designated as Parcel No. 1, PE as shown on a map M-1, prepared by MRB Group and dated 11/2021, and bounded and described as follows:

Beginning at the intersection of the existing northerly highway boundary of Brockport Spencerport Road (N.Y.S. Rte. 31) with the existing common division line between lands owned now or formerly by Kyle & Lori Vinciquerra, Tax Map Parcel 084.01-1-37 with lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115; thence

1. Northeasterly, along the last mentioned existing common division line and also along the existing easterly highway boundary of Gary Drive a distance of 370.09' to a point at its intersection with the existing common division line between lands owned now of formerly by Derek & Laurel Jaedamski, Tax Map Parcel 084.01-1-52 with lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115; thence

2. Southeasterly and Easterly, along the last mentioned existing common division line and along a curve to the left having a radius of 120', an arc length of 82.02' and a delta angle of 39°09'43" to a point; thence

3. Southwesterly, through lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115 a distance of 282.59' to a point at its intersection with the existing northerly highway boundary of Brockport Spencerport Road (N.Y.S. Rte. 31); thence

4. Westerly, along the last mentioned existing northerly highway boundary a distance of 200.0' to the point and place of beginning containing 39,553.3± square feet or 0.91± acres of land more or less.

This permanent easement shall be binding upon the parties hereto, their heirs, successors, and assigns.

DATED: _____

OWNER: _____ OWNER: _____

RESIDING AT: _____

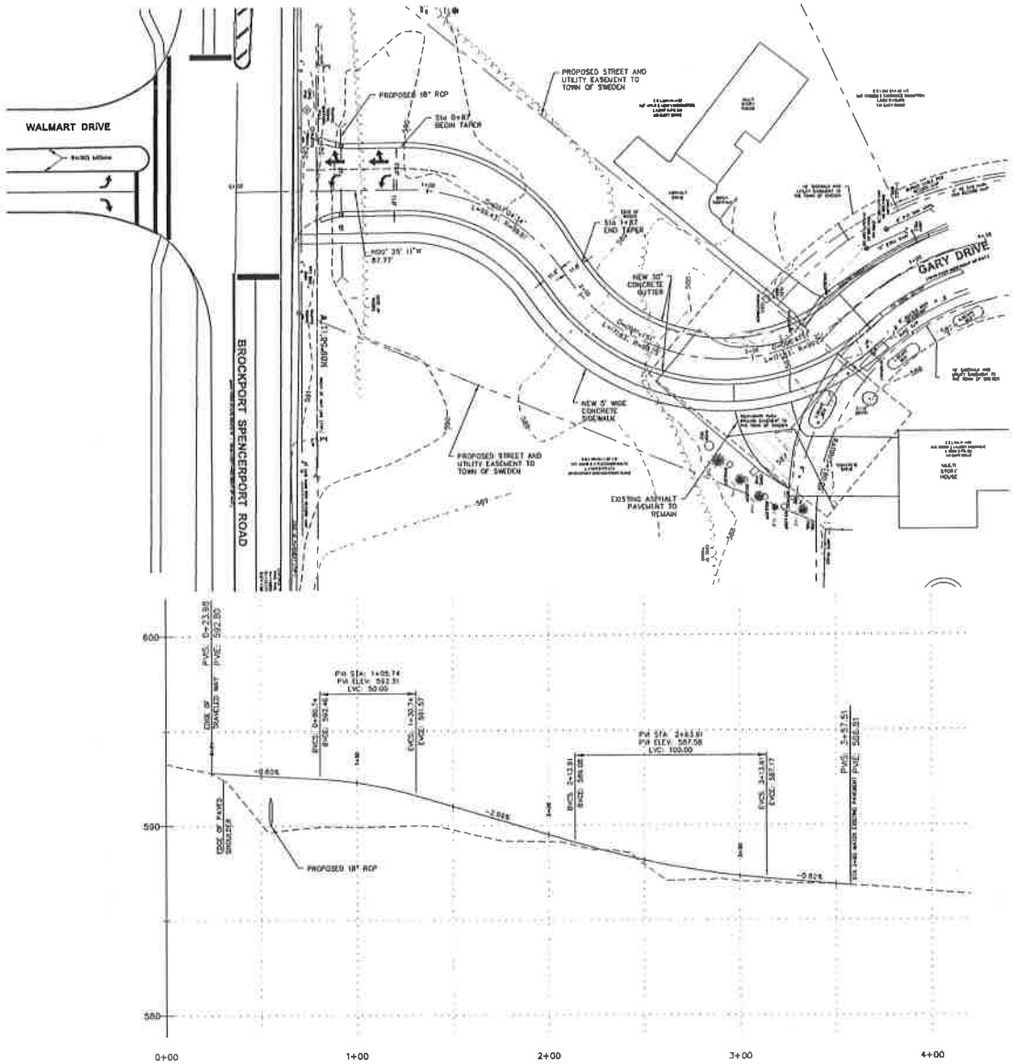
_____
WITNESS

STATE OF NEW YORK }
COUNTY OF }
TOWN OF }

On this _____ day of _____Two Thousand Twenty before me, and subscriber, personally appeared to me personally known and known to me to be the same person(s) described in and who executed the within instrument, and he/she acknowledged to me that he/she executed same.

_____
Notary Public

N:\1910.20001.000\survey\GRAY DRIVE MAP 1r1.doc



PV - DESIGN CENTERLINE GARY DRIVE
HORIZ SCALE: 1"= 30'
VERT SCALE: 1" = 3'

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

No.	Revisions and Descriptions	By	Date

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Project Title: GARY DRIVE EXTENSION
TOWN OF SWEDEN
MONROE COUNTY, NEW YORK

Drawing Title: PLAN

Drawn By: BJJ
Checked By: DRW
Scale: AS SHOWN
Date: 10/2021

MRB group
Engineering, Architecture & Surveying, D.P.C.
The Culver Road Armory, 145 Culver Road, Suite 160, Rochester, New York 14620
Phone: 585-381-9250
www.mrbgroup.com

Sheet No. G-1
1 of TOT

Project No. 1910.20001

RESOLUTION NO. 123 Gary Drive Extension SEQR Determination of Non-Significance

WHEREAS, the Town of Sweden Town Board (hereinafter referred to as "Town Board") is proposing the extension of Gary Drive to the south approximately 235 linear feet, which is currently a dead-end roadway and having a signalized intersection onto Brockport Spencerport Road (NYS Route 31). The project will provide interconnectivity for the existing residential development to the north, while providing pedestrian safety measures, such as a 5' wide concrete sidewalk, a seasonal speed bump and a signalized pedestrian crossing across NYS Route 31. The proposed extension of Gary Drive may also be phased simultaneously with NYS DOT project work on NYS Route 31. The subject property is located within the One-Family Residential (R1-2S) zoning district, as shown on the Gary Drive Extension Concept drawing dated August 10, 2020, prepared by MRB Group (hereinafter referred to as "Town Engineer"), and all other relevant information submitted as of October 23, 2020; and

WHEREAS, the Town Board has caused to be prepared a Traffic Assessment by SRF Associates, 3495 Winton Place, Building E, Suite 110, Rochester, New York, said Traffic Assessment completed October 23, 2020; and

WHEREAS, the Town Board has completed a review of the Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has determined that the proposed Action is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulation; and

WHEREAS, the Town Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c)(1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board declared this to be an Unlisted Action and therefore has completed Part 2 and Part 3 of the Full Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board does hereby designate itself as lead agency for the proposed development above herein.

Sec. 2. That the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7(c):

(i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a

substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;

(iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

(iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;

(v) the project area is not located within an archaeological sensitive area, therefore, there will be no adverse environmental/historical/archaeological impacts associated with the proposed Action;

(vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;

(vii) there will not be any hazard created to human health;

(viii) the project area does not contain active agricultural lands that receive an agricultural use tax exemption or will result in the loss of productive farmland;

(ix) there will not be created a material demand for other Actions that would result in one of the above consequences;

(x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

(xi) there are not two or more related Actions which would have a significant impact on the environment.

Sec. 3. Based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

Sec. 4. That the Town Board does hereby make a Determination of Non-Significance on the proposed Action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination.

Sec. 5. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Hayles	Aye
Councilperson Hoke	Aye

J:\WINWORD\GAIL\RESOLUTI\SEQR\SEQR Gary Drive Ext determination.doc

Councilperson Humby	Aye
Councilperson Muesebeck	Aye
Supervisor Johnson	Aye

Submitted – October 27, 2020 Adopted

J:\WINWORD\GAIL\RESOLUTI\SEQR\SEQR Gary Drive Ext determination.doc

Exhibit 1

DETERMINATION AND FINDINGS

PURSUANT TO EDPL 204 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK, THE TOWN OF SWEDEN THROUGH ITS TOWN BOARD, FOLLOWING A PUBLIC HEARING HELD AT THE SWEDEN COURTROOM ON NOVEMBER 30, 2021 REGARDING THE PROPOSED ACQUISITION OF CERTAIN EASEMENT INTERESTS IN 36.57 +/- ACRES OF LAND ABUTTING BROCKPORT SPENCERPORT ROAD AND GARY DRIVE

I. Public Use, Benefit or Purpose to be Served by the Proposed Public Project

The Town of Sweden ("**Town**") has determined to acquire by negotiated purchase or through the exercise of its power of eminent domain the easement interests identified as certain real property easement interests located within the Town, certain real property interests located at the western portion of 36.57 +/- acres of land (property identified as SBL No. 084.01-1-25.115) abutting Brockport Spencerport Road and Gary Drive, such interests to include, or be adjacent to properties identified as SBL No. 084.01-1-25.115, SBL No. 084.01-1-37 and SBL No. 084.01-1-52 (collectively the "**Property**").

The Town has determined to acquire the Property by negotiated purchase or the exercise of its power of eminent domain in connection with the proposed expansion and extension of the southern portion of Gary Drive which includes the expansion and extension of Gary Drive at the southwest corner of the Property as well as the expansion of the north side frontage of the Property at Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town and to improve pedestrian convenience and safety within that area of the Town ("**Project**").

Specifically, the Town will acquire the Property located on certain real property temporary and permanent easement interests as set forth in the map and property description attached as **Exhibit A**, consisting of approximately 200 feet in width at Route 31 and approximately 120 feet in width where the Gary Drive extension will meet the existing Gary Drive and approximately 300 feet in length together with any adjacent areas necessary for temporary easement during construction ("**Easements**").

The Town finds the following public purposes will be served by, and benefits expected to be derived from, the Project and the acquisition of the Property which is necessary for and in furtherance of the development of the Project:

- The expansion and extension of the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town.
- To benefit safe pedestrian connectivity to the commercial zones from the residential zones.
- There is no traffic signal available at Sherry Lane in Sweden Village to provide safe ingress/egress to Route 31. The Project will produce a safe alternate ingress/egress route directly to Route 31 from Sweden Village.

II. The Approximate Location for the Proposed Public Project and the Reasons for the Selection of that Location

As described above, the Project will be located on certain real property temporary and permanent easement interests as set forth in the map and property description attached as **Exhibit A**, consisting of approximately 200 feet in width at Route 31 and approximately 120 feet in width where the Gary Drive extension will meet the existing Gary Drive and approximately 300 feet in length together with any adjacent areas necessary for temporary easement during construction ("**Easements**").

The Town finds that this Project site/route was selected because it will result in safer facilitation of traffic circulation with a signalized intersection and safer pedestrian connectivity to the commercial zones from the residential zones in the Sweden community.

The Town finds that the New York State Department of Transportation ("**NYS DOT**") supports the Project.

The Town finds the following alternative routes were considered and rejected. An alternative route wherein the Town requested installation of a signal at Sherry Lane was rejected by the NYS DOT who indicated it was not an appropriate solution due to the low volume of traffic on Sherry Lane, the proximity of the WalMart signal, and the existing crash patterns in the corridor. The Town also considered other one-way and two-way traffic alternatives working with the NYS DOT to determine whether the improvements would work in unison with the independent NYS DOT improvements to Route 31, including a Gary Drive one-way alternative that was rejected based on the high risk of creating confusion for drivers due to the lack of physical change at the intersection that transitions from one-way to two-way as well as safety concerns for drivers who may be tempted to "shoot the gap" on the one-way stretch if they see no oncoming vehicles creating a dangerous traffic situation.

Another alternative considered by the Town included a connection using Owens Road which was rejected due to the exorbitant cost to expand the necessary length of the road (a minimum of 2,000'), as well as environmental issues including wetlands and a stream crossing. Furthermore, any prior temporary easements granted to the Town along Owens Road expired once Owens Road was built. The Town has no right of way on Owens Road.

Furthermore, the Town finds that the survey it conducted and mailed to the residents of Sweden Village determined that the residents of Sweden Village are in favor of the Project.

The Town finds that the traffic studies commissioned by the Town determined the Project will give better access to and from the Sweden Village subdivision for residents and emergency vehicles. The Town also finds that it agrees with the traffic study that determined there will be no significant cut through via Sweden Village by vehicles traveling west to Route 31.

III. The General Effect of the Proposed Project on the Environment and Residents of the Locality

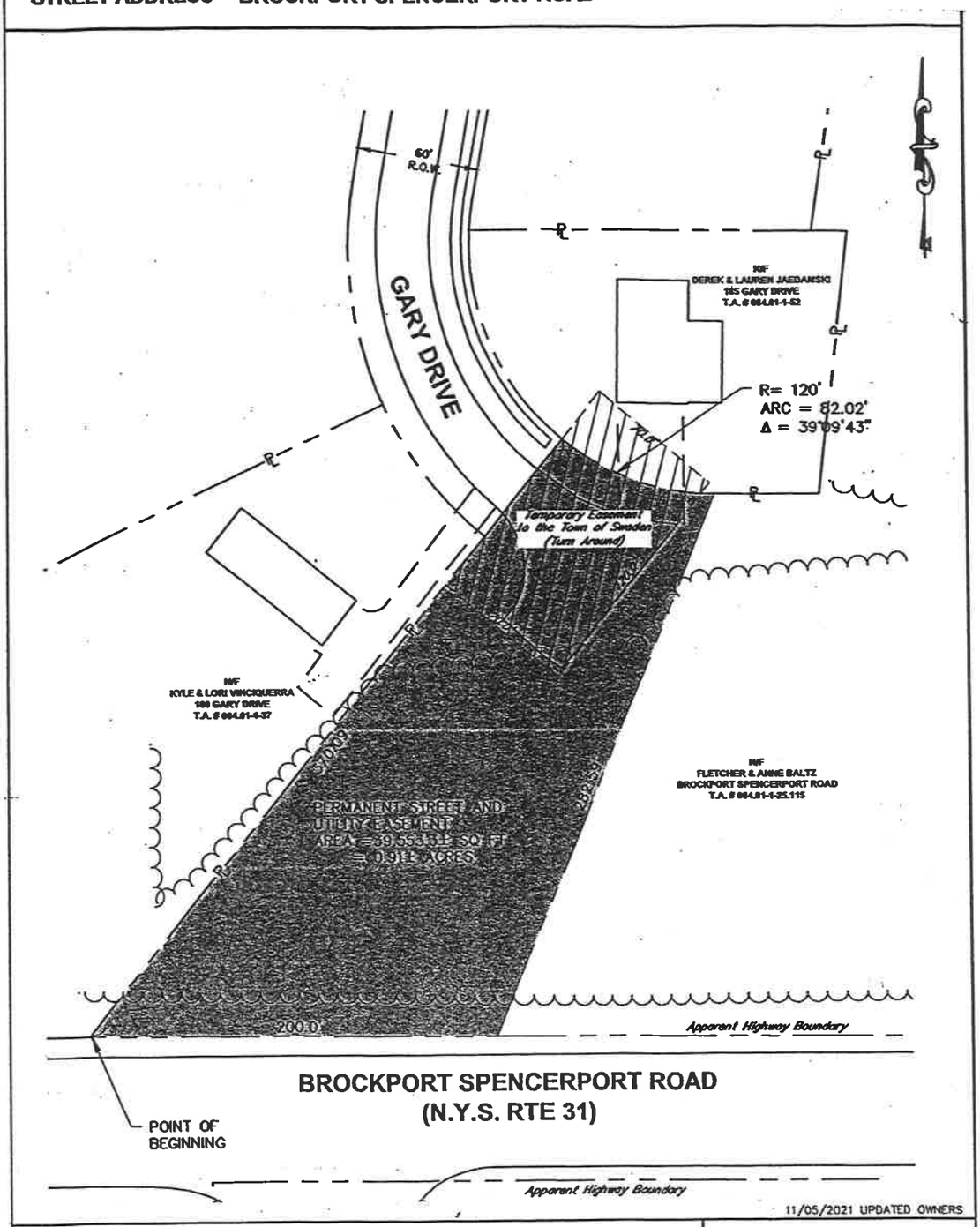
The environmental impacts associated with the Project have been extensively examined and considered by the Town. As stated above, the proposed acquisitions are required to improve and facilitate traffic circulation with that area of the Town and to benefit safe pedestrian connectivity to commercial zones from residential zones. The Town's review pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA), and memorialized in the October 27, 2020 resolution of the Sweden Town Board, found that the Project will not result in any significant adverse environmental impacts. The October 27, 2020 resolution is attached to this Determination and Findings as **Exhibit B**.

TOWN OF SWEDEN
December 14, 2021

TAX MAP NUMBER 084.01-1-25.115
OWNER N/F FLETCHER AND ANNE BALTZ
STREET ADDRESS BROCKPORT SPENCERPORT ROAD

MAP No. M-1
PARCEL No. P-1

Exhibit A



PERMANENT STREET AND UTILITY EASEMENT TO TOWN OF SWEDEN MONROE COUNTY, NEW YORK

Scale: 1" = 60'
Date: 11/2021
Project: 1910.20001

MRB group
Engineering, Architecture & Surveying, D.P.C.
The Culver Road Armory, 145 Culver Road, Suite 160, Rochester, New York 14620
Phone: 585-381-9250
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PERMANENT STREET AND UTILITY EASEMENT
OWNER N/F: FLETCHER AND ANNE BALTZ
TAX MAP PARCEL NO. 084.01-1-25.115
TO
TOWN OF SWEDEN

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sweden, County of Monroe and State of New York, as shown on a map entitled "Permanent Street and Utility Easement to the Town of Sweden", hereinafter designated as Parcel No. 1, PE as shown on a map M-1, prepared by MRB Group and dated 11/2021, and bounded and described as follows:

Beginning at the intersection of the existing northerly highway boundary of Brockport Spencerport Road (N.Y.S. Rte. 31) with the existing common division line between lands owned now or formerly by Kyle & Lori Vinciquerra, Tax Map Parcel 084.01-1-37 with lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115; thence

1. Northeasterly, along the last mentioned existing common division line and also along the existing easterly highway boundary of Gary Drive a distance of 370.09' to a point at its intersection with the existing common division line between lands owned now of formerly by Derek & Laurel Jaedamski, Tax Map Parcel 084.01-1-52 with lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115; thence

2. Southeasterly and Easterly, along the last mentioned existing common division line and along a curve to the left having a radius of 120', an arc length of 82.02' and a delta angle of 39°09'43" to a point; thence

3. Southwesterly, through lands owned now or formerly by Fletcher and Anne Baltz, Tax Map Parcel 084.01-1-25.115 a distance of 282.59' to a point at its intersection with the existing northerly highway boundary of Brockport Spencerport Road (N.Y.S. Rte. 31); thence

4. Westerly, along the last mentioned existing northerly highway boundary a distance of 200.0' to the point and place of beginning containing 39,553.3± square feet or 0.91± acres of land more or less.

This permanent easement shall be binding upon the parties hereto, their heirs, successors, and assigns.

DATED: _____

OWNER: _____ OWNER: _____

RESIDING AT: _____

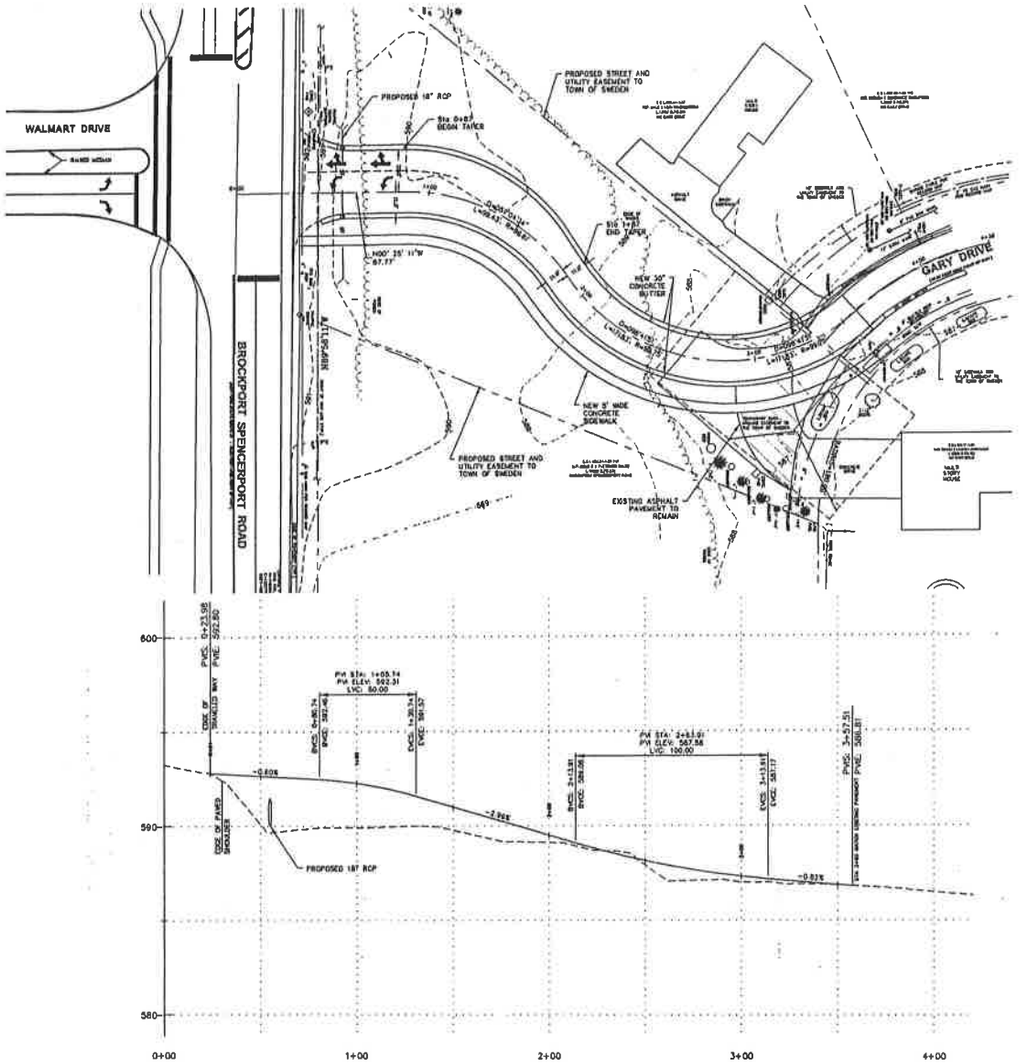
_____
WITNESS

STATE OF NEW YORK }
COUNTY OF }
TOWN OF }

On this _____ day of _____Two Thousand Twenty before me, and subscriber, personally appeared to me personally known and known to me to be the same person(s) described in and who executed the within instrument, and he/she acknowledged to me that he/she executed same.

_____
Notary Public

N:\1910.20001.000\survey\GRAY DRIVE MAP 1r1.doc



PV - DESIGN CENTERLINE GARY DRIVE
HORIZ SCALE: 1"= 30'
VERT SCALE: 1" = 3'

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

No.	Revisions and Descriptions	By	Date

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Project Title: GARY DRIVE EXTENSION
TOWN OF SWEDEN
MONROE COUNTY, NEW YORK

Drawing Title: PLAN

Drawn By: BJJ
Checked By: DRW
Scale: AS SHOWN
Date: 10/2021

MRB group
Engineering, Architecture & Surveying, D.P.C.
The Cairns Road Annex, 145 Cedar Road,
Suite 140, Rochester, New York 14609
Phone: 585-381-9250
www.mrbgroup.com

Sheet No. G-1
1 of TOT

Project No. 1910.20001

Exhibit B

RESOLUTION NO. 123 Gary Drive Extension SEQR Determination of Non-Significance

WHEREAS, the Town of Sweden Town Board (hereinafter referred to as "Town Board") is proposing the extension of Gary Drive to the south approximately 235 linear feet, which is currently a dead-end roadway and having a signalized intersection onto Brockport Spencerport Road (NYS Route 31). The project will provide interconnectivity for the existing residential development to the north, while providing pedestrian safety measures, such as a 5' wide concrete sidewalk, a seasonal speed bump and a signalized pedestrian crossing across NYS Route 31. The proposed extension of Gary Drive may also be phased simultaneously with NYS DOT project work on NYS Route 31. The subject property is located within the One-Family Residential (R1-2S) zoning district, as shown on the Gary Drive Extension Concept drawing dated August 10, 2020, prepared by MRB Group (hereinafter referred to as "Town Engineer"), and all other relevant information submitted as of October 23, 2020; and

WHEREAS, the Town Board has caused to be prepared a Traffic Assessment by SRF Associates, 3495 Winton Place, Building E, Suite 110, Rochester, New York, said Traffic Assessment completed October 23, 2020; and

WHEREAS, the Town Board has completed a review of the Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has determined that the proposed Action is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulation; and

WHEREAS, the Town Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c)(1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board declared this to be an Unlisted Action and therefore has completed Part 2 and Part 3 of the Full Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board does hereby designate itself as lead agency for the proposed development above herein.

Sec. 2. That the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7(c):

(i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a

substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;

(iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

(iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;

(v) the project area is not located within an archaeological sensitive area, therefore, there will be no adverse environmental/historical/archaeological impacts associated with the proposed Action;

(vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;

(vii) there will not be any hazard created to human health;

(viii) the project area does not contain active agricultural lands that receive an agricultural use tax exemption or will result in the loss of productive farmland;

(ix) there will not be created a material demand for other Actions that would result in one of the above consequences;

(x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

(xi) there are not two or more related Actions which would have a significant impact on the environment.

Sec. 3. Based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

Sec. 4. That the Town Board does hereby make a Determination of Non-Significance on the proposed Action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination.

Sec. 5. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Hayles	Aye
Councilperson Hoke	Aye

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Councilperson Humby	Aye
Councilperson Muesebeck	Aye
Supervisor Johnson	Aye

Submitted – October 27, 2020 Adopted

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Exhibit 2

SYNOPSIS OF EDPL 204 DETERMINATION AND FINDINGS BY TOWN OF SWEDEN REGARDING THE PROPOSED ACQUISITION OF CERTAIN EASEMENT INTERESTS IN 36.57 +/- ACRES OF LAND ABUTTING BROCKPORT SPENCERPORT ROAD AND GARY DRIVE

Pursuant to Section 204 of the Eminent Domain Procedure Law of the State of New York ("**EDPL**"), the Town of Sweden ("**Town**") held a public hearing at Town Hall of the Town of Sweden Courtroom located at 18 State Street, Brockport, New York 14420, Town of Sweden on November 30, 2021. Based upon this hearing and information in the record before the Town, at its December 14, 2021 meeting the Town made its Determination and Findings regarding the proposed acquisition of certain real property easement interests located within the Town, certain real property interests located within the western portion of 36.57 +/- acres of land (property identified as SBL No. 084.01-1-25.115) abutting Brockport Spencerport Road and Gary Drive, such interests to include, or be adjacent to properties identified as SBL No. 084.01-1-25.115, SBL No. 084.01-1-37 and SBL No. 084.01-1-52 (collectively the "**Property**") in connection with the proposed expansion and extension of the southern portion of Gary Drive which includes the expansion and extension of Gary Drive at the southwest corner of the Property as well as the expansion of the north side frontage of the Property at Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town and to improve pedestrian convenience and safety within that area of the Town ("**Project**").

I. Public Use, Benefit or Purpose to be Served

The Town finds the following public purposes will be served by, and benefits expected to be derived from, the proposed Project and the acquisition of the Property which is necessary for and in furtherance of the development of the Project:

- The expansion and extension of the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town.
- To benefit safe pedestrian connectivity to the commercial zones from the residential zones.
- There is no traffic signal available at Sherry Lane in Sweden Village to provide safe ingress/egress to Route 31. The Project will produce a safe alternate ingress/egress route directly to Route 31 from Sweden Village.

II. The Approximate Location for the Proposed Project and the Reasons for the Selection of this Location

As described above, the Project will be located on certain real property temporary and permanent easement interests consisting of approximately 200 feet in width at Route 31 and approximately 120 feet in width where the Gary Drive extension will meet the existing Gary Drive and approximately 300 feet in length together with any adjacent areas necessary for temporary easement during construction ("**Easements**").

The Town finds that this Project site/route was selected because it will result in safer facilitation of traffic circulation with a signalized intersection and safer pedestrian connectivity to the commercial zones from the residential zones in the Sweden community.

III. The General Effect of the Proposed Project on the Environment and Residents of the Locality

The environmental impacts associated with the Project have been extensively examined and considered by the Town. As stated above, the proposed acquisitions are required to improve and facilitate traffic circulation with that area of the Town and to benefit safe pedestrian connectivity to commercial zones from residential zones. The Town's review pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA), and memorialized in the October 27, 2020 resolution of the Sweden Town Board, found that the Project will not result in any significant adverse environmental impacts.

Copies of the Determination and Findings will be forwarded upon written request without cost.

Under EDPL 207, there are thirty days from the completion of the Town of Sweden's newspaper publication requirement to seek judicial review of the Town of Sweden's Determination and Findings.

Under EDPL Sections 207 and 208, the exclusive venue for judicial review of the Town of Sweden's Determination and Findings is the Appellate Division of the Supreme Court, Fourth Department.

TOWN OF SWEDEN
December 14, 2021