

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**January 22, 2018**

A regular meeting of the Town of Sweden Planning Board was held on Monday, January 22, 2018, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Arnie Monno, Matthew Minor, Wayne Rickman, David Strabel.

Also present: James Oberst, MRB; Nat O. Lester, III, Planning Board Counsel, Kris Schultz, Schultz Associates; Robert Cantwell, BME; Rick and Jackie Kartes; Gary Webster; Bret Schmidt; Andrew Stoker; Frank Flannery; Mike Schuff.

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. Monno, seconded by Mr. Dollard, that the minutes of January 8, 2018, be approved.

Ayes – 7

Moved by Mr. Rickman, seconded by Mr. Hale, that the regular meeting be adjourned to the public hearing.

Ayes – 7

Chairman McAllister read the notice of public hearing and affidavit of publication.

Chairman McAllister asked if there was anyone present with comments, questions or concerns regarding this application.

**Townhomes at Stonebriar Glen Subdivision and Site Plan. Fourth Section Road. 083.02-1-7.1 (part of)**

Mr. Robert Cantwell, BME, addressed the Board. He introduced Jackie and Rick Kartes, Stonehaven Commercial, who are the owners, developers, and property managers once the project is completed.

Mr. Cantwell stated the Chairman's initial overview of the project was excellent. He would like to highlight some of the other project details for the public. The applicant is purchasing 28 acres of the 45 acre-parcel owned by the church. The remaining lands are shown on the plan as an isolated parcel fronting on Fourth Section Road and as lands around the church property.

The property was rezoned by the Town Board in July 2017, which included a Full SEQR Type 1 Coordinated Review as well as a full traffic study. The application was reviewed by NYSDOT and the Town Engineer from a conceptual standpoint. The project received a Negative Declaration.

The project consists of three phases with two types of townhomes. The first is a 3-unit block of ranches. The second type is a 5-unit, 2-story townhome. The townhomes will be for lease. The clubhouse will include an outdoor pool, fitness center, small gathering space, leasing and property manager's office. Access to the property will be opposite Hartshorn Drive, which is on the north side of Fourth Section Road. The original access was proposed a little farther to the east, but based on comments received from the NYSDOT, Town

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Board, Town Engineer and others during the rezoning, the access was relocated to align with Hartshorn Drive. All of the roads within the development will be private as well as the utilities, i.e., water and sewer. As part of the property maintenance strategy, Stonehaven Commercial will be responsible for plowing the roads and general upkeep of the lawns and open space areas.

During the initial design of the development, the applicant requested an attractive entrance that would result in an aesthetic appeal to the site. The orientation and location of the clubhouse is easily visible from the road and accessible to the residents in the development. Also, provided are aesthetically pleasing landscape features to meet the requirements of the code.

The ECB had several comments, which were satisfied at a meeting with them on Friday, January 19. Relative to the architecture, townhome and clubhouse elevations have been submitted. The applicants' intent is to start construction in the spring once approvals are in place. Mr. Cantwell would be happy to answer any questions from the public at this time.

Michael Schuff, 1700 West Sweden Road – Mr. Schuff is not opposed to the development, but has questions relative to traffic. Are there going to be any lights or turning lanes? He has been travelling on Fourth Section Road for 46 years where there is heavy traffic, especially making a left-hand turn out of Hartshorn Drive during peak traffic times. Please consider this concern.

Chairman McAllister stated that those questions will be discussed during the Board's review of DOT comments.

Andrew Stoker, 6 Hartshorn Drive – Mr. Stoker explained he lives north of Fourth Section Road, opposite of this project. He was part of the entire 100 percent opposition at the February and July rezoning hearings. He is against it for a variety of reasons, but mostly due to when he moved here, the area was zoned residential and he expected there would only be 3 to 5 homes in a 29-acre area. The sanitary sewer capacity is a concern with the proposed additional homes. What happens to the sewer tax that the current residents have to pay for their properties, which he pays for three? The obvious concern is the traffic as stated by the previous resident. Mr. Stoker has found over his 19 years of living here, it can take several minutes to turn in either direction. The traffic study was done during the summer over a 3-day period, not during the busy time when school and college are in session. He requests that another traffic study be completed in order to have a fair assessment and bring justice to the community. Years ago, according to former Supervisor Carges, the intersection of Fourth Section Road and Lake Road was deemed a failing intersection. By approving this project, it will only exacerbate the situation. In good conscience, Mr. Stoker doesn't see how this Board or any board could allow this to happen. He understands that the DOT has to review the project and will make the decision as to what goes. For those lifelong residents and himself of 19 years, Mr. Stoker asks that common sense be used rather than the judgement of those who don't live in this community. Thank you.

Bret Schmidt, 8 Hartshorn Drive – Mr. Schmidt stated the previous residents have covered most of the topics he is concerned about. He hasn't lived on Hartshorn Drive as long as Mr. Stoker. Also he understands that when he moved here there would be some traffic issues with a two lane road. He pointed out that the traffic study was done during the summer and to the best of his knowledge didn't even include any weekend times. The summer does not incorporate SUNY Brockport's 10,000 plus students, BCSD students and staff coming and going, Viking Apartment residents, and traffic outside our community visiting our retail district on the weekend at all times of the day. The church is very active and has traffic from sunrise to sunset. Mr. Schmidt lives near

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the church, and observes this at all times of the day. Many vehicles go across the white lines on the shoulder of the road, which has resulted in many accidents. These accidents also happen at the Redman Road and Fourth Section Road intersection with no signs of it getting better. In addition to former Supervisor Carges' comments at one of the meetings, it was also noted that DOT is not going to change any of the roadways. In summary, to add to a situation that is already failing on a daily basis needs careful consideration. Thank you for your time.

Frank Flannery, 6709 Fourth Section Road – Mr. Flannery agrees with all the previous comments. He would like to address all the foot traffic there will be. If there are families, there are kids and if there are kids, they will be taking shortcuts to school, which would be straight down Hartshorn Drive. He explained how just this week he was walking to Mr. Tire on the south side of the road when a car turned into Viking Apartments. The car behind that car decided to go around and just missed hitting Mr. Flannery by inches. Mr. Flannery is scared this development will result in more accidents. Thank you.

Gary Webster, 6711 Fourth Section Road – Mr. Webster added that NYSDOT will not do any improvements to Rte. 31. Also, he is not happy with what they have done at the end of Rte. 531.

Chairman McAllister asked if there were any other comments or concerns.

Mr. Stoker stated that should this project be approved, he is requesting a berm be put on the north side to eliminate lights shining from cars onto his property, and would like to be involved in the design of the berm. He commented that the Viking Apartments are right behind him, Owens Road has the new Frances Apartments, multi-residential is proposed on Redman Road, and there's the recent townhomes on West Avenue. Is this how the Planning Board wants to see our community evolve? Chairman McAllister stated that due to the arsenic in the soil, the entire site will have to be scraped, which could help with the berms. The arsenic in the soil is another concern of Mr. Stoker's. Mr. Stoker would like to see a very tall berm with lots of trees. Chairman McAllister stated the public hearing is the perfect time to make requests.

Mr. Schuff asked if the development is going to have street lights. Mr. Strabel stated street lights are proposed. How tall will the lights be? Mr. Cantwell stated the internal lights on the site will be residential post lights with lights on the individual units too. The post lights at the intersections will be 16 ft. in height, which is typical. Chairman McAllister stated the lights are required to be dark sky compliant as well.

Mr. Strabel explained that the public hearing provides an opportunity for the public to comment. The review of the project between the engineers and this Board is still open to the public, just not for comment. Mr. Stoker thanked the Board for the input as this was his first time through the planning process.

Mr. Schmidt asked to what degree are DOT comments taken into consideration by this Board. Chairman McAllister stated since Rte. 31 is a state road; DOT has total control and dictates what happens on state roads. The Board provides input. DOT approves the entrance.

Mr. Flannery asked if the DOT performs their own analysis or relies on the statistics the Board provides. The consultant completes a traffic study and provides the statistics to DOT. DOT plugs the information into their traffic analysis, and the results are based on that. What happens if the statistics are way off? Chairman McAllister explained DOT has many traffic studies to use of the area from over the years. The Town Engineer added DOT updates traffic data on a bi-annual basis. Mr. Flannery is concerned with the impact 155 new homes will have on the traffic. When the math is done, it shows approximately 800 additional vehicles a day on

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Rte. 31. DOT looks at the traffic several times a day, the information provided by the consultant, and all the studies already done to figure out the impact on the area.

Mr. Schmidt asked if the DOT does its own internal study or just what the consultant provides. Chairman McAllister stated it is not the DOT's consultant. They use the results from the bi-annual studies. Mr. Oberst added the DOT has a lot of background data already in place from the existing traffic, and relies on the engineer's study to provide increased counts from the proposed development. Mr. Schmidt stated three days of study in the summer does not account for the traffic when school and college are in session or all the people from outside the community who visit on the weekends to shop.

The public thanked the Board for their careful consideration.

Moved by Mr. Hale, seconded by Mr. Strabel, to adjourn the public hearing to the regular meeting.

Ayes – 7

**Rister-Bernhardt Family Trust Resubdivision. 766 and 774 W. Sweden Road. 098.03-1-1.1 and 1.2.**

Mr. Kris Schultz addressed the Board. He explained the site is approximately 20 acres total. The applicant wishes to relocate the property lines by moving the flag lot and creating a square lot, which includes the existing house. The applicant is starting out with two lots and ending with two lots. There are no site improvements.

Chairman McAllister confirmed with Mr. Schultz that the existing house is on septic system and private well. Mr. Schultz added the in-ground system as shown on the plan is approximately 35 ft. north of the proposed south line and was installed in 1978 or 1979. The minimum acreage required is 80,000 sq. ft. There is a 60 ft. access to the back property on either side of the house lot.

Moved by Mr. Hale, seconded by Mr. Monno, that the Rister-Bernhardt Family Trust Resubdivision be accepted for review.

Ayes – 7

The Public Hearing will be February 26, 2018.

**Drake Subdivision and Site Plan. 1687 Reed Road. 128.02-1-3.111**

Mr. Kris Schultz addressed the Board. The property is approximately 10 acres and the applicant is proposing a single family home and storage structure. The site will be serviced by a septic system and private well. This subdivision is west of the recently approved Fogg Subdivision.

Moved by Mr. Minor, seconded by Mr. Strabel, that the Drake Subdivision and Site Plan be accepted for review.

Ayes – 7

The Public Hearing will be February 26, 2018.

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**Pierce Subdivision and Site Plan. 1843 Reed Road. 128.02-1-3.62.**

Mr. Kris Schultz addressed the Board. He distributed updated site plans showing the DOH's approval, and the approval and signature of the Town Engineer. The subdivision plat was granted approval at the last meeting.

Mr. Strabel confirmed with Mr. Schultz and Mr. Oberst that the three wells onsite were addressed. Mr. Schultz stated the Town Engineer is very thorough. One well was capped, one is being used and the remaining well will remain as a backup.

Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Pierce Site Plan, located at 1843 Reed Road, which was accepted for review on December 11, 2017, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on January 8, 2018, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board on January 8, 2018, determined that the Pierce Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED, that the Pierce Site Plan be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

*Chairman McAllister asked if Reed Road was a town road. Mr. Schultz stated it is a county road.*

Ayes – 7

**Townhomes at Stonebriar Glen Subdivision and Site Plan. Fourth Section Road. 083.02-1-7.1 (part of)**

Chairman McAllister started a review of the project. Mr. Cantwell has responded in writing to all review comments. Following are the highlighted points that were discussed.

**MRB Comments – January 2, 2018**

- The proposed stormwater management drainage and access easement and legal description to the Town of Sweden will be included with the revised plan submission and forwarded to Counsel for review.
- The minimum distance between proposed structures is 20 ft. and will be noted on the plans for all phases.
- The minimum distance of 20 ft. from the sidewalk to the front of the garages should be shown on the plans for all phases to avoid having parked cars hanging over into the road or over the sidewalk.
- A turning movement detail will be provided to demonstrate adequate space available for emergency vehicles, disposal vehicles, vehicles with trailers, etc., to maneuver around onsite without obstructing the internal traffic flow and emergency access to the site.
- Phase I and II construction limits will be further clarified on the revised plans to provide adequate maneuverability for construction, emergency, and disposal vehicles. The Hammer Head Turn-Around detail provided in the Land Use Regulations should be shown on the plans.
- Mr. Strabel asked if there was a timeline for the construction of the phases. Mr. Kartes explained that market and demand play a part in it, but the plan is to have all three phases completed in three years.
- Chairman McAllister asked if the applicants consulted with the school as to how the buses would pick up the children. Mr. Cantwell stated it was determined the children would be picked up near the entrance of the property and then throughout the development once it was completed. Mr. Cantwell will contact Brockport School to determine how the children should be picked up.

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Mr. Strabel suggested that the loop in front of the community building be made deeper to accommodate a school bus when picking up children during construction of Phase I. Mr. Cantwell will look into this option.

- The Fire Marshal has requested a second emergency site access per Fire Code. Mr. Cantwell explained the simplest solution to this request would be to install a second access through the church property which has an existing gravel surface. It would be gated and used for emergency traffic only. Mr. Strabel asked about using the Exception Parcel or lot for the second access. Mr. Cantwell stated it is still owned by the church. Chairman McAllister added that between this property and the church property is a Classified Stream, which may make it difficult. Mr. Cantwell acknowledged the stream and said the ACOE would have to be notified and most likely a culvert would be required. Mr. Minor confirmed with Mr. Cantwell that the second access would need to go through two properties. Also, it should be determined if the existing gravel area or parking lot can hold emergency vehicles. Counsel Lester asked to review all permanent easements for the secondary access including the title search, abstract and encumbrances. The easement would run through the entire church property to Fourth Section Road.
- Mr. Dollard noted there are internal sidewalks around the center of the loop, but no sidewalks to Fourth Section Road. Residents may want to walk to Rte. 31 to shop, go to school or church. This was a concern expressed by one of the residents earlier. Mr. Cantwell confirmed with the Board the request to install sidewalks to Fourth Section Road, and along the entire front of the property. Chairman McAllister explained that sidewalks aren't needed until there is a development to support them.
- Street signs should be shown on the plan.
- The proposed width of the road is 20 ft. with a gutter on each side. Chairman McAllister would like to see signage stating no parking in the road for safety.
- Mr. Strabel indicated the RPZ and meter are going to need a small-size garage to house them preferably next to Unit 1.
- Mr. Strabel asked for a key to clarify, sanitary, water and drainage labels on the plan. Mr. Cantwell agreed.
- Chairman McAllister asked if sewer capacity was evaluated during the rezoning process. Mr. Oberst commented that there is plenty of capacity.
- Utilities to be provided are RG&E for gas and National Grid for electric.
- Mr. Cantwell explained that from the access back to the development, approximately 300 ft.; the developer is looking to save the existing vegetation as a buffer. Trees along the street and ponds have been proposed.
- Mr. Dollard asked if a fence around the pond is proposed for the kids. No fence is proposed. DEC guidelines will be followed.
- MRB requests the proposed grading behind units 1-15 be re-evaluated to ensure that runoff to the rear of these units will not impact the existing parcels located to the north. Mr. Cantwell will address, but does not anticipate any increase in stormwater runoff conditions to the adjoining parcels.
- LaBella will be supplying a soil management plan to address arsenic in the soil. MRB commented that the plan indicates stripping 12 to 18 inches of soil. The soil will be relocated offsite and onsite in berms. The report will be submitted to MRB and the Town. Approximately 20 acres of the 28 acres are affected.
- A 5-acre waiver from NYSDEC and the Town is required. Mr. Cantwell agreed.
- All lighting needs to be shown on the plan.

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**Highway Comments**

- The superintendent confirmed that the roads in the development are private. All comments acknowledged by Mr. Cantwell.

**Building Department/Stormwater Manager Comments**

- Mr. Cantwell will add details to the plan regarding erosion control around the stockpile. SWPPP submitted. All comments acknowledged by Mr. Cantwell.

**Fire Marshal Comments**

- Secondary access required – discussed above.
- All buildings will be less than 30 ft. in height.
- Hydrant flows discussed.
- Water pressure is no more than 60 psi.
- Community building will have a sprinkler system installed.
- Turning radius will be shown. Recommend school buses utilize loop at community building.

**ECB Comments**

- Mr. Cantwell met with the Board regarding arsenic concerns. The Board was satisfied with the responses/actions to be taken. All other comments addressed.

**DRC Comments**

- All comments acknowledged and will be addressed in the revised set of plans.

Mr. Minor requested that the entrance have both left and right turning lanes to ease exiting the site. Most other commercial properties on Fourth Section Road have them. Mr. Cantwell agreed.

Chairman McAllister confirmed with Mr. Oberst that the Board should review the traffic study completed by McFarland & Johnson due to all the traffic concerns discussed tonight. A copy of the study will be provided to the Board and when the study was completed.

The meeting was adjourned on motion at 9 p.m.

Respectfully submitted,  
Phyllis Brudz  
Planning Board Clerk