

**TOWN OF SWEDEN
Planning Board Minutes
March 12, 2018**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 12, 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; Robert Cantwell, BME Associates; Rick and Jackie Kartes.

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 February 26, 2018, be approved.

Ayes – 6

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 thanked the Board for their time and distributed updated plans for review. The updated plans address all of the Town Engineer's technical questions.

At the February 12 meeting, the Planning Board declared its intent to be lead agency. Lead Agency response forms have been received except from MC Planning and Development. After calling that office today, it was confirmed with Mr. Goodwin that MC Planning does not want lead agency status and correspondence to that effect was emailed to the Clerk today. The Clerk distributed to the Board all the responses received to date.

At the last meeting, it was determined that the emergency access could double as a pedestrian walkway to Fourth Section Road, and is shown on the site plan.

A copy of the approved five-acre waiver has been received from the Stormwater Manager. The locations of the stop signs have been revised. The Brockport Central School District confirmed its busses would go into the site to pick up children at the clubhouse or where needed.

Mr. Hale arrived.

The Fire Marshal requested that a road sign for the private drive be installed at Fourth Section Road. The applicant agreed to this request.

For the Board's information, there is a Town Board public hearing tomorrow night for the continuance of the sanitary sewer extension for this development, which will save residents in the district money.

Mr. Cantwell would be glad to answer any questions the Board may have at this time.

The DOH and MCWA are essentially ready to sign the site plans and approve the Backflow/RPZ pending other approvals. Pure Waters is ready to sign the plans. NYSDOT has reviewed the entrance and utility permits and is reviewing the revised emergency access plans with comments forthcoming.

DEC has approved water certification; a letter is included in the submission. The letter indicates according to their records, there are no endangered or threatened species on the site. The ACOE has approved the nationwide permit for three culvert crossings. Please note one of the conditions of the ACOE's approval is that the site be cleared prior to April 1, primarily due to the long-eared bat consideration.

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Mr. Cantwell is requesting SEQR lead agency designation tonight to move approvals along in order to proceed with clearing the site per the ACOE's permit requirement. From April to October, the ACOE will not allow clearing. Mr. Oberst asked if that is the ACOE's ruling for the entire site or could the site be surveyed to check for specific locations of bat habitat. Mr. Cantwell indicated the site could be surveyed, but it is fairly involved and an expensive process.

Chairman McAllister explained there was a recent request to clear land on Owens Road without any approvals, which was denied.

Mr. Cantwell explained he attempted to speak with the ACOE to understand the circumstances better, but was told it doesn't matter if the NYSDEC states there are no endangered species on the site. The final decision comes from the ACOE, federal agency, based on information received from the US Fish & Wild Life Division.

Mr. Kartes clarified that the site won't be cleared; the trees only need to be laid on the ground to meet the ACOE's requirement. No grubbing will be done.

Mr. Cantwell added that the area to be cleared has been flagged per the limit of disturbance, which does not affect the wetlands. Clearing will be done for all three phases. The only disturbance to the stream corridor is relative to the three culvert crossings. Mr. Minor added the corridor is in dire need of maintenance. The trees are not of high quality due to it being a former apple orchard.

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Townhomes at Stonebriar Glen Subdivision and Site Plan, located on Fourth Section Road, which was accepted for review on December 11, 2017, and

WHEREAS, the Planning Board intends to be Lead Agency for the environmental review of this project and mailed notices to all Involved Agencies on February 14, 2018, and

WHEREAS, the Planning Board has received all notices with no objections from the Involved Agencies prior to waiting the required 30-day period ending March 16, 2018,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this project.

Ayes – 7

Chairman McAllister identified the two areas requiring further review as a result of the public hearing, which are traffic and safety. The last traffic study was completed in 2014, and the counts were updated in 2017. Mr. Hale confirmed with Mr. Rickman that the study completed in 2014 was during college break.

Chairman McAllister requested that the applicant obtain updated counts at the proposed entrance for the same peak times as completed in the 2014 study so that a comparison can be made.

Mr. Monno stressed his concern that road frontage on Fourth Section Road is being used up for huge developments. He would like the Town Board, Town Engineer and Planning Board to research where there could be possible roads to serve areas to the south, and update the Comprehensive Plan with that information. The Town is not doing a good job of planning for future roads, for example, by the radio tower. Intersections are being eliminated. Chairman McAllister explained the Town can't stop NYSDOT from approving curb cuts on state roads. Discussion followed.

Mr. Dollard reiterated the importance of providing sidewalks for pedestrian safety, and that the Board has consistently required sidewalks with new development, i.e., the Hampton Inn. The Hampton Inn had similar grading/elevation issues as this project. The Board discussed the different properties near this project that have sidewalks and those that don't.

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Mr. Cantwell explained as far as DOT and the wetlands, it would be a significant engineering feat to install sidewalks on the south side of the street. Some of the complications include: existing swale, streambed, culvert header underneath Fourth Section Road, and the existing guide rail due to the way the slope drops down. Discussion followed.

Chairman McAllister requested an estimate for providing a sidewalk along the entire frontage so that the Board can determine what is feasible to do or not do as part of the SEQR review. Also, obtain updated traffic counts as requested earlier.

Mr. Cantwell clarified with the Board, if NYSDOT states based on other counts completed in the area that there would be no significant difference, would that be acceptable. The answer was no, updated counts are required for the Board to make an accurate determination for SEQR.

Mr. Cantwell explained that the applicant's consultant met with NYSDOT to understand what they specifically wanted as far as counts between intersections. The DOT didn't anticipate that the counts would be significantly different. It was NYSDOT who told the consultant that updated counts weren't necessary because they have up-to-date information for this area.

The Board was adamant that updated counts be obtained for peak times for one day to compare with the study that was completed in 2014 in order for the project to move forward. It is not a significant request, especially with the new development/business in the area.

The Board confirmed with Counsel Lester because the two issues, traffic and safety, relative to SEQR were identified as a result of the public hearing, another public hearing is not required to continue review.

Moved by Mr. Hale, seconded by Mr. Minor, to adjourn the meeting until Monday, March 19, 2018, at 7 p.m.

Ayes – 7

Respectfully submitted,
Phyllis Brudz - Planning Board Clerk