

**TOWN OF SWEDEN  
Planning Board Minutes  
May 8, 2017**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 8, 2017, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Strabel.

Also present: James Oberst, MRB; Nat O. Lester III, Planning Board Counsel; Kris Schultz, Schultz Associates; Michael Montalto, Costich Engineering; A.J. Barea, PLS; Fred Perrine, Nancy Hyde, Fred Harrison, Mike and Eric Montfort.

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. Dollard, seconded by Mr. Monno, that the minutes of April 24, 2017, be approved.

Ayes – 5  
Abstain – Mr. Hale

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

Ayes – 6

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

**The Alleghany Square Overall Site Plan/Phase 1. Isla Way/Persistence Path. 068.03-1-18.111 (part of).**

Mr. Kris Schultz explained that this application is for a townhouse development located west of Isla Way in the center of the Heritage Square development. The Heritage Square development was originally rezoned by the Town Board for a variety of uses from college suites to assisted living.

A full environmental impact statement was completed to look at all concerns, traffic, drainage, etc. Some restrictions were placed on the rezoning, such as, no big box development could occur and that the commercial development wouldn't accelerate past the residential development. Mr. Schultz explained how the property has been developed to date from college suites to assisted living to townhomes. A key part is linking development to the Town Park.

Currently, there is a big demand for townhouses and apartments. The proposed Alleghany Square will be built in phases with a dedicated road. The development will be completed from east to west. Some of the storm water will discharge into an existing pond to the north and some to a new pond. Sanitary sewer already exists. Large improvements to the water service have been made providing good water pressure from the south and Redman Road.

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The first phase will include a community center, kitchen and exercise facilities, and meeting rooms. Mr. Schultz completed an overall summary of the proposed project, and would be happy to answer any questions.

Michael Montfort, 8055 W. Canal Road – Mr. Montfort has two concerns, lighting and ground water. Lighting from the Senior’s Choice Apartments was an issue discussed at a previous hearing. There are eight spotlights that still shine into Mr. Montfort’s backyard. Nothing has been done to change the lighting. Will this new development also have lights shining into his backyard? The ground water concerns are relative to Mr. Montfort’s pond, which was tested for chemicals and deemed not drinkable a year after the construction of the Senior’s Choice development. Mr. Montfort is concerned that this will affect the wells on West Canal Road.

Mr. Schultz stated the Alleghany Square units will face north so lighting associated with these buildings will be directed towards the front entrance and sidewalk and will not affect Mr. Montfort’s property. There are no proposed lights off the back of the units. The units are two stories which will help shield light spill heading in Mr. Montfort’s direction. As far as the ground water concerns, the new pond will discharge to another railroad crossing farther west from Mr. Montfort’s property and will not contribute to additional water heading towards his property. Mr. Montfort stated that the other neighbors’ wells may be affected. Mr. Schultz added wells are typically an aquifer isolated from surface water. There is no design that directs water into the aquifer. Wells are typically 35 to 40 ft. deep. Water from the ponds takes several thousand years to enter the aquifer from a ground source.

Chairman McAllister asked if there were any more questions, comments or questions. There were none.

Moved by Mr. Monno, seconded by Mr. Dollard, to adjourn the public hearing to the regular meeting.

Ayes – 6

Chairman McAllister stated the last he heard different shields for the lights were being chosen, which are dark sky compliant. The lighting issue will be corrected before the final certificate of occupancy is issued for the apartments.

**Runnings Store Amended Site Plan. 4828 Lake Road. 084.01-1-2.21.**

Mr. Michael Montalto addressed the Board and distributed drawings. Chairman McAllister commented the plans show a fenced area for display and a greenhouse in a separate area. Mr. Montalto stated there are two proposed sliding gates; the chain link fenced area is 8 ft. in height with a 30 ft. slide gate. During business hours the area is open for customers to shop, and then closed and locked after hours.

Chairman McAllister asked if the greenhouse was a temporary structure or is it going to be a year round structure. Mr. Montalto stated it will be year round, and distributed information regarding the type of structure. Will there be utilities to the structure? Electric for the ventilation portion, but it is not a habitable structure. Mr. Hale fears it could blow away with the March wind at 80 mph. Mr. Montalto stated that it is a rigid structure, approximately 30 ft. by 60 ft. Clarification of the structure size is needed by the next meeting. Chairman McAllister stated an 8 ft. high fence would require a variance.

Mr. Montalto was hoping to expedite the approval of this application, which is not possible since there are outstanding issues to address.

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Moved by Mr. Minor, seconded by Mr. Rickman, that the Runnings Store Amended Site Plan be accepted for review.

*Mr. Monno confirmed with the Board that the specific size of the structure is not known. Chairman McAllister commented that there are still some issues to work out regarding the location of the greenhouse. Mr. Montalto stated again it is an accessory use, not habitable. The seasonal display is similar to Lowes and Wal-Mart where product is stacked in the parking lot; Runnings is requesting a greenhouse for the products. Mr. Monno requested an updated plan for the review of this project.*

Ayes – 6

The Public Hearing will be June 12, 2017.

**Perrine Resubdivision. Ladue Road. 113.01-1-18 and 113.03-1-19**

Mr. A.J. Barea addressed the Board and distributed updated plans. He explained the plans the Board previously approved were not filed at the County because the proposed Lot 2 is on both sides of Ladue Road, which is no longer allowed. The applicant has decided to modify Lot 2 into two separate lots, one on each side of the road. Lots 2 and 3 meet the Town's minimum requirements for subdivision approval.

Mr. Minor asked specifically why the plans weren't filed. The County's code changed to no longer accept a lot on both sides of the road unless it is pre-existing, nonconforming. Once the property is changed, it has to be brought up to current standards.

Mr. Monno asked if the proposed Lot 3, with only the barn on it, is it large enough to be developed in the future. Mr. Barea stated Lot 3 meets the minimum requirements for subdivision approval with an in ground septic system. In addition, an easement to access the water from Lot 2 to Lot 3 will be completed and recorded.

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

WHEREAS, the Town of Sweden Planning Board has received an application to amend the previously approved Perrine Subdivision – 3 Lots to 4 Lots, located on Ladue Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on January 9, 2017, and declared itself Lead Agency for the environmental review of this application, and determined that the Perrine Subdivision is an unlisted action which will not have a significant impact on the environment, and granted the subdivision preliminary approval,

NOW, THEREFORE, BE IT RESOLVED, that the final public hearing be waived, the Perrine Subdivision - 4 Lots be granted final approval contingent upon all easements be recorded and filed, and all required signatures obtained, and the Chairman be authorized to sign the mylar.

Ayes – 6

**The Alleghany Square Overall Site Plan/Phase 1. Isla Way/Persistence Path. 068.03-1-18.111 (part of).**

Chairman McAllister continued review of this application. Mr. Kris Schultz distributed the subdivision plat showing the overall preliminary plan, including the portion of the dedicated road for Phase 1, per the County's new requirements.

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The Board asked for clarification of the new requirements. Mr. Schultz stated with multi-phase projects, the full build-out is required by the County to be shown, but only the details of the specific phase of development is submitted for approval.

Chairman McAllister stated it is confusing because in the past when overall preliminary was required, and each section was approved for development, phases and/or dedicated roads weren't approved as subdivisions. Mr. Schultz explained the dedicated road is a subdivision in the sense that it will eventually be split off and dedicated to the Town. Chairman McAllister agreed with the concept, but a dedicated road has never been an approved as a subdivision by this Board. Mr. Schultz stated the only difference from similar projects is that this is one big lot off a dedicated road, not many lots. Approval of the subdivision can be delayed until the finished dedicated road is ready for approval and a deed created. It is not appropriate to not show the portion of dedicated road at this time. A note stating that the road is to be dedicated to the Town will be added to the plan.

Mr. Schultz further explained that the detention pond shown on the plan will be on a separate parcel. Chairman McAllister stated this may be a problem because it opens up the possibility of different owners, similar to what happened with the Villas at Brandon Woods. Mr. Schultz stated detention ponds are always on separate parcels. The owner of the Villas found a loophole in the system whereby he was able to sell the development and not the detention ponds. Easement agreements provide assurances that the ponds are not abandoned and left to the Town to take care of.

**Phase I**

Mr. Schultz is requesting an accept for review approval for Phase I, which includes the portion of dedicated road, community center, block of townhouses, and site plan for the whole development. The funding is for the whole project, which prohibits it from being subdivided into separate lots. There are 56 townhouses in Phase 1, which will be strictly rentals. Even though the property is zoned B-1, MR-1 guidelines are being followed as far as setbacks, parking, and distance between units. Twelve units per acre are allowed, and this project is well below the overall density allowed in MR-1.

Mr. Schultz explained that all towns in New York State have adopted §278 of Town Law. The code was originally designed to allow a developer to show how many units could be built under a conventional layout, and then show a modified layout, which would not result in a greater number of dwelling units or building plots than are permitted. The law states that the Planning Board can modify any of the zoning requirements under §278 of Town Law. In this case, it would be used for better planning, not a cluster development.

For Phase 1, relief from the rear setback of 43 ft. instead of 50 ft., and parking of 2.8 spaces per unit overall instead of 3 spaces would be requested. Land banked parking would be shown on the plan.

Elevation drawings were submitted to the Board. They are similar to apartments, but for this project, they are being rented as townhouses. The units are two stories with bedrooms on the second floor and a third bedroom on the first floor, if desired.

Mr. Oberst stated another way to look at the development of this project is through Incentive Zoning when there is a host benefit. Mr. Schultz stated the benefit to the Town is new development, people to use the Town Park, etc. A project like this brings people to the Town using the goods and services available in the community.

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If §278 of Town Law is not approved for this project, than the rear setback and parking spaces can be adjusted to meet Town code.

Mr. Hale stated the Planning Board does not have the authority to approve §278 of Town Law. Should the Planning Board be in favor of §278 of Town Law, a recommendation to the Town Board would be requested. The Board will consider the request.

Mr. Minor confirmed with Mr. Schultz that there will be fewer garages with the second and third phases. The market will dictate the actual number. The garages are 14 ft. to 16 ft. wide, one story.

Mr. Dollard requested an overlay of the plan with §278 of Town Law and without for the next meeting. Mr. Schultz will provide an overlay.

Mr. Oberst asked what the percentage of greenspace is. Mr. Schultz stated the greenspace is good, and will provide a calculation for the next meeting.

MRB Comments – dated April 28, 2017

1. Section 278 of Town Law is proposed not for a cluster development, but for relief from rear setback and parking requirements as discussed earlier. Land bank parking can be shown if the Board decides not to choose §278 of Town Law. The applicant will not want to do Incentive Zoning.
2. Mr. Oberst asked for a current breakdown of commercial versus residential in comparison to the 2006 rezoning resolution. Mr. Schultz will provide that information. Chairman McAllister confirmed with Mr. Schultz that the property is zoned B-1, and that the use, to date, is 100 percent commercial.
3. Mr. Oberst stated the goal of §278 of Town Law is to preserve open space and natural resources. How is this being done with this project? The wooded west side of the project and additional open water space on the overall site, not Phase I.
4. The design engineer has addressed how the proposed development meets the provisions outlined in §278 of Town Law.
5. The stormwater pond makes sense at the proposed location due to the natural flow of drainage.

Fire Marshal Comments

1. All buildings required by the Building Code will have alarms and/or fire suppression systems. A note will be given to the architect.
2. Mountable curbs at the main entrance replaced a proposed median. They incorporate slowing down traffic, but still allow maneuverability for emergency vehicles. Mountable curbs can be driven on. Mr. Laber had a discussion with the Fire Marshal and Mr. Vergari is okay with the mountable curbs.
3. A 48 ft. ladder truck will be able to enter and maneuver all around without any issues.
4. No problem to add an additional hydrant in the south east corner of the property.

Building Inspector/Stormwater Comments

1. This project will require a SWPPP and DEC SPDES Permit.
2. Error on EAF; will correct EAF and resubmit.
3. Need to discuss mountable curbs at main entrance with building inspector.
4. Yes, the existing ponds are capable of handling the increased runoff from the proposed Alleghany Square and Senior's Choice Cottages. The proposed ponds are always oversized for future development. Calculations will be provided to the Town Engineer for review and approval.

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5. A utility easement was originally put in for the Heritage Square Development – Section 1. The easement will be modified to incorporate the whole pond. There will still be a future corridor for storm water to come down. Maintenance of the ponds will be private with a maintenance agreement to the Town, which is part of the SPDES permit.
6. Area of disturbance will be highlighted on the plans. The disturbed area will exceed five acres and a waiver will be submitted and inspections completed two times per week.
7. The plans will show the proposed areas for topsoil and stockpiles to the west.

ECB Comments

- A greenspace calculation will be provided to MRB and the Town.
- Federal Wetlands do not require a buffer area.
- The drainage will be reviewed.
- The drainage will not affect the Town Park.
- The gate at the Town Park can be used by emergency vehicles as a second exit.
- A landscape plan will be submitted for the perimeter of the site as well as the individual units.
- Agreed with statement regarding 7.34 acres of grass and 1.23 acres of retained forest. Lawn area does have the least environmental benefits.
- Existing vegetation to the greatest extent will be retained. Further plantings are suggested.
- A vegetative note will be added to the Notes.

Highway Department

- Permits for sanitary sewer will be obtained before construction begins.
- Sanitary sewer will be private and Town will not take dedication.
- Storm sewer will be private and the Town will not take dedication.
- Sidewalks will be extended out to the main sidewalk, and installed along the proposed new road and along Isla Way.
- A hammerhead detail sheet is not in the Land Use Regulations. All stub roads have hammerhead details. An L turnaround is used because it makes more sense. Mr. Schultz will discuss with the Highway Superintendent and Town Engineer.

A pre-construction meeting will be held to make sure all requirements are met.

Mr. Rickman asked if the traffic study completed for Senior's Choice development accounted for this additional development. Mr. Schultz stated for each new project, the traffic engineer submits counts to the DOT for review. A letter was received stating the counts are okay for this project, no improvements necessary at this time.

Mr. Schultz would like to return to the next meeting to further discuss the project and provide the additional information requested as well as renderings.

The meeting was adjourned on motion at 9:30 p.m.

Respectfully submitted,  
Phyllis Brudz  
Planning Board Clerk