

**TOWN OF SWEDEN
Planning Board Minutes
June 9, 2014**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 9, 2014, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Craig McAllister.

Also present: Lance Brabant, MRB, John Clarke, DDS, Eric Schaaf, Marathon Engineering, Carl Richardson, Ed Summerhays, L.S., Michael and Janice Waeghe.

The meeting was called to order at 7 p.m. by Acting Chairman Hale.

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of May 12, 2014, be approved.

Ayes – 6

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

Ayes – 6

Acting Chairman Hale read the notice of public hearing and affidavit of publication.

Unity OB/GYN at Brockport Amended Site Plan. 6668 Fourth Section Road. 083.02-1-20.114

Acting Chairman Hale asked the public if there were any comments, questions or concerns. There were none. A written comment, attached as part of the record, from Jack W. Howitt, Midland Management, LLC, was received by the Clerk prior to the hearing and distributed to the Board.

Englert Site Plan. 380 Shumway Road. 084.03-1-13.111.

Acting Chairman Hale asked the public if there were any comments, questions or concerns. There were none.

McCracken Residence Site Plan. 701 White Road. 098.01-1-14.112.

Acting Chairman Hale asked the public if there were any comments, questions or concerns. There were none.

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

Ayes – 6

Unity OB/GYN at Brockport Amended Site Plan. 6668 Fourth Section Road. 083.02-1-20.114

Mr. Eric Schaaf addressed the Board. He introduced Carl Richardson, architect for the project. Mr. Schaaf distributed updated plans and elevations to the Board.

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MRB Comments

Mr. Schaaf explained that the applicant is in agreement with all of MRB's comments and will comply with all of them. He has highlighted a few below.

- Additional notes added to the plan.
- How the building will be used during construction has been noted.
- Parking, stabilized construction entrance, utilizing existing road, and relocated catch basin have been addressed.
- Building elevations have been submitted. Carl Richardson is here to present them and answer any questions.
- An as-built drawing note has been added to the plan.

ECB Comments

- ECB note has been added to the plan.

Fire Marshal Comments

- Fire department access box will be provided.

County Comments

- The applicant will maintain a healthy, vegetated streamside buffer, manage stormwater runoff, and prevent contaminants from entering the stream corridor.
- MCDOH will not have a formal review, but will review the backflow prevention plan.
- Monumentation will be checked by MCDOT survey office.
- The applicant does not desire a cross-access connection, nor is it practical in this location.
- NYSDEC did not review this project.

Mr. Schaaf submitted the completed page 5 of the PIF to be included in the file.

Stormwater Comments

- The stormwater easement should not need modification because it covers the entire parcel, but will wait for the Planning Board Attorney's determination.

Mr. Richardson submitted updated elevation drawings with similar colors as the existing building.

Mr. Hale asked if there would be additional signage. Mr. Richardson stated just handicap parking/directional signage. Nothing new added to the monument sign.

Mr. Schaaf understands that the waiver requested for approximately 240 ft., along the north property line, abutting vacant property, including the proposed land banked parking spaces, has a 4½ ft. perimeter buffer zone, and will require approval from the ZBA for an area variance.

The applicant would like to handle this expeditiously with a positive referral from the Planning Board. Also, the applicant would like to request final approval tonight contingent upon getting approval from the ZBA to speed up the process and negate the applicant having to come back for a meeting.

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Mr. Monno requested clarification regarding how the transformer would be moved. Mr. Richardson explained the transformer exists, and the primary power doesn't need to change; however, the secondary power into the panel will run under the addition. The transformer will be elevated by 2 ft., which will be done on off hours over a weekend.

Mr. Minor clarified that 147 parking spaces can be provided, with 12 land banked parking spaces and 11 proposed parking spaces, which are 4.5 ft. from the property line, not the required 7½ ft.

Mr. Strabel asked Mr. Brabant, MRB, for input. He has had a chance to review the plans with Mr. Oberst and to review the updated plans the Board has tonight. Mr. Brabant stated the majority of the comments address drainage, which the applicant is working positively towards so that final approval can be granted.

Acting Chairman Hale asked where the storage of snow would be. The area of the land banked spaces and where they are storing snow now, off to the side. If necessary, the snow can be moved offsite.

Mr. Strabel summarized that this application is an amended site plan with a few conditions, such as, approval from the ZBA for a perimeter buffer zone variance, and the stormwater easement to be confirmed by Planning Board Counsel.

Mr. Monno stated there are problems with the parking lot north of the transformer with the base. Mr. Richardson is aware of this and it will be looked into. This is important with a new building going in that area, where fill was brought in. Mr. Richardson stated there has been no movement of the existing building.

Moved by Mr. Monno, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Unity OB/GYN at Brockport, located at 6668 Fourth Section Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on June 9, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Fire Marshal, Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Unity OB/GYN at Brockport Amended Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Unity OB/GYN at Brockport amended site plan be approved contingent upon receiving an area variance for the proposed 4.5 perimeter buffer zone requirement from the Zoning Board of Appeals, Planning Board Counsel approves the easement description and provides written confirmation there are no changes, the Town Engineer's comments are satisfactorily addressed, and all required signatures.

Ayes – 6

Moved by Mr. Minor, seconded by Mr. Dollard, that the Planning Board gives a positive recommendation to the Zoning Board of Appeals for the Unity OB/GYN at Brockport Amended Site Plan.

Ayes – 5
Nay – Mr. Hale

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Englert Site Plan. 380 Shumway Road. 084.03-1-13.111.

Mr. John Clarke, DDS, addressed the Board. He distributed updated plans and County comments to the Board.

MRB Comments

1. SWPPP has been prepared and submitted to MRB for review.
2. The driveway width has been increased to 14 ft. wide and a height obstruction of 13 ft., 6 in. will be adhered to per the Fire Marshal's comments.
3. The State and Federal Wetlands are back more than 500 ft. from the road and won't impact this application. A 100 ft. buffer will be maintained.
4. Plans have been submitted to the MCDOH, MCDOT, and MCWA. The applicant will wait for review comments and meet all requirements.
5. Water service calculations have been provided to MRB for review and will adhere to all standards.
6. Splash block will be used for roof leader discharge.

Fire Marshal Comments – addressed above.

Building Inspector/Stormwater Manager Comments – addressed above. The applicant will also bring water to the existing barn which has been shown on the plan.

County Comments – standard comments have been addressed.

Mr. Minor asked for the driveway turnaround to be shown on the plan, if required. Mr. Clarke added that the existing driveway has been installed and approved by MCDOT.

Mr. Monno asked if the contours are shown as is. Mr. Clarke stated yes, no fill has been brought in. Mr. Monno asked how far off the rock will the basement floor be. Mr. Clarke stated the basement floor will be right on the rock. Also, this lot is very dry in the spring. Mr. Monno confirmed that with the basement floor right on the rock, drainage will happen through a gravity drain. Per Mr. Dollard, the plan should be modified to show a gravity drain, not labeled as sump discharge.

Moved by Mr. Strabel, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for site plan approval of the Englert Site Plan, located at 380 Shumway Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on June 9, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Fire Marshal, and the Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Englert Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Englert Site Plan be approved contingent upon receiving Monroe County Department of Health approval and all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

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McCracken Residence Site Plan. 701 White Road. 098.01-1-14.112.

Mr. John Clarke, DDS, addressed the Board. He distributed updated plans and County comments to the Board.

MRB Comments

1. The width of the existing driveway is in excess of 14 ft., which is more than adequate for fire emergency apparatus. The two existing turnarounds can be used; however, they need to be made bigger.
2. A SWPPP is required and has been submitted to MRB.
3. Plans have been submitted to the MCDOH, MCDOT, and MCWA. The applicant will wait for review comments and meet all requirements.
4. Splash block will be used for roof leader discharge.

Fire Marshal Comments

1. The existing driveway is more than adequate in width and the two turnarounds may be used, but will need to be modified.
2. The intent of the owner at this time is to have a sprinkler system due to the distance of the home so far off the road. This will be noted on the plan.

Building Inspector/Stormwater Manager Comments – addressed above.

County Comments – standard comments have been addressed.

Acting Chairman Hale asked if details of the approved subdivision were noted on the plan. Mr. Clarke missed that comment, but will add it to the plan.

Mr. Minor asked if there was a side setback requirement for septic systems to the property line. Mr. Clarke stated yes it is 10 ft. unless it's a full raised system, then it has to be 100 ft. from the property line.

Mr. Monno stated his concern with the water line going back 1,705 ft. back, is would if there is a break in the line, and how long will it be before it is detected. How do you check for breaks? Mr. Clarke stated it is a private line and should be installed per requirements. Mr. Clarke stated that MCWA's policy is if you have public water, the property owner has to connect. Mr. Monno would like to see test holes dug along the water line route and shown on the plan before final signatures are on the plan. Mr. Brabant commented that MCWA needs to approve installation, and if there are any problems that occur during installation, they will have to be addressed and noted in the file.

Moved by Mr. Minor, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for site plan approval of the McCracken Residence, located at 701 White Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on June 9, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Fire Marshal, and the Building Inspector/Stormwater Manager,

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the McCracken Residence Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the McCracken Site Plan be approved contingent upon receiving Monroe County Department of Health approval and all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

Eisenhauer Site Plan. 1 Shumway Road. 084.04-1-21

Mr. Ed Summerhays addressed the Board. He explained that the reason the project hasn't been before the Board in such a long time is because Mr. Summerhays had to switch engineers. Mr. Tim Oakes is the current engineer. The plans have been revised and are in conformance with all comments received.

A SWPPP has been submitted to MRB for review. The primary issue to be resolved was not to have any more surface runoff than is currently leaving the site with the proposed development. To accomplish this, roof runoff from the house has been directed to a system. Behind the house, an underground storage system will be installed that is surrounded in gravel to work as a leaching chamber.

Mr. Monno asked how many gallons it will hold. Mr. Summerhays would have to check again, but the calculations have been reviewed by the Town Engineer. Mr. Brabant confirmed that Mr. Oberst did meet with Mr. Summerhays and all the comments have been addressed to date.

Mr. Monno suggested another public hearing be held due to the seriousness of the comments from the neighbor at the first hearing, and that it's been a long time since the project has been before the Board.

Mr. Summerhays has spoken with the neighbor when out at the site. His main concern is the water reaching his property. The elevation of his property is at 639 ft. by the driveway and the road is 636 ft. In addition, the development has been kept away from the northeast corner of the road. The area out at front, to the east, is a low area which will act as a retention pond for the water that is coming from a 44-acre watershed upstream down to that corner. The water then goes through a 12 in. culvert, which is undersized. This has been brought to the attention of Tom Cisario at MCDOT, but there are no plans to change it at this time.

Mr. Summerhays pointed out that the pictures brought in by the neighbor may have been from a hurricane-type storm because for several other significant storms, when he visited the site, there was no ponding like shown in the pictures. Also, it should be noted that the neighbor has put in a curtain drain on the west side of his barn, which has directed more water to the applicant's lot.

Mr. Monno asked if the neighbor has seen the updated plan. Mr. Summerhays stated yes, but the storage chamber was not shown at the back of the house on the one he saw.

Mr. Brabant summarized that the applicant has gone above what was required to do in terms of mitigation based on the Town's requirements and the DEC's requirements. All roof runoff has been directed to a storage chamber, collected and left to infiltrate. Any overflow during the major storm events, is when there is sheath flow, which will be directed to the drainage swale in the rear area and anything missed, will enter into the existing curtain drain. There are three mechanisms in place on that side of the property to handle stormwater runoff.

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Mr. Monno still feels another public hearing should be held because the neighbors haven't had the opportunity to see a complete map.

Mr. Minor asked if the house has a basement plan. Mr. Summerhays stated yes, but he has not seen any house details. He explained what a trident storage chamber is to the Board. Mr. Minor asked if there was an exit/overflow pipe coming out of the chamber at the bottom or top of it. Mr. Summerhays stated yes and at the top of it.

Mr. Monno stated the plowing of the land for the septic system will have to be done at the right time. Mr. Summerhays would like to receive SEQR approval with a contingent final tonight. He has addressed MCDOH, MCWA and MCDOT comments and they have all verbally approved the plan. If a contingent approval is granted tonight, a permit could be applied for and work could begin in July.

Mr. Monno would still like to see another public hearing. The project is not a new one and it would have to be looked into whether or not another public hearing could be held. Mr. Strabel had concerns too as to why the project took so long to return to the Board, especially when there was much concern from the public.

Mr. Summerhays commented that he has to take responsibility for the length of time the project has not been before the Board. He was working on many different solutions, new software had to be bought, and then the change in engineers, due to existing workloads.

Planning Board Counsel Lester asked what could still be the concerns of the public if the project meets and/or exceeds the requirements of the Town Engineer. The Clerk retrieved the minutes from the original public hearing for Mr. Monno to review.

Mr. Dollard asked the Town Engineer to clarify if the arrow on the plan indicates that drainage is going over the septic system. Mr. Brabant explained that the design shows a perimeter swale to prevent that.

Mr. Monno stated that one of the comments indicates that the cross culvert isn't big enough to handle the runoff. Mr. Summerhays commented that MCDOT is aware that it is undersized, but there are no plans to change it at this time. However, this can be an advantage in that the whole yard becomes a natural retention pond, which will not create a problem for the proposed house because it will be built up so high.

Mr. Monno moved that the project be tabled until a public hearing at a special meeting can be held. There was no second, motion failed.

Planning Board Counsel Lester recommends that because the project has not been before the Board in almost two years, it seems it would be in the best interest to table the project until July meeting so that the Board and others can review it again. Mr. Summerhays agreed to delaying the project another month so that the neighbors can review the updated plan than have it denied. Mr. Summerhays asked that the Board not only protect the neighbors, but also the applicant for any given project.

Moved by Mr. Strabel, seconded by Mr. Minor to table this project until the July 14, 2014 meeting.

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INFORMAL

Waeghe Subdivision – 4 lots. Sweden Walker Road. 069.04-1-5.11

Mr. Michael Waeghe submitted drawings to the Board. He is proposing to subdivide a 12.8-acre lot from the existing ±115-acre property. The plan is to rezone this parcel. Currently, the Town does not approve of split zoning, which is why a subdivision is required. In order that this lot is not landlocked, the rail bed, 66 ft. wide, was purchased from Owens Road to Sweden Walker Road to use as an access all of the property.

Mr. Strabel asked if there was a gas line along the rail bed. Mr. Waeghe stated yes, there is one.

Mr. Minor explained the subdivision process. The Waeghes understood.

Mr. Monno clarified that the rail bed will be the road frontage for the subdivided lot.

Mr. Brabant asked about the wetlands on the lot and that they should be shown on the plan. Mr. Waeghe stated the wetlands have been identified and will be shown.

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

Planning Board Clerk

Not a
MAB
Marathon
FB



Midland Management, LLC
758 South Avenue
Rochester, New York 14620
585-473-8410 FAX 585-473-1258
midland@bluefrog.com

June 2, 2014

Craig McAllister
Planning Board Chairman
Town of Sweden
18 State Street
Brockport NY 14420

Re: Robert Gallina, OB/GYN application

Dear Mr. McAllister:

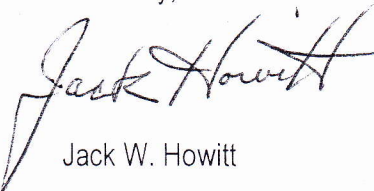
The notice you recently sent of a proposed 11,100 square foot addition to the Brockport Medical Office Building causes me again to raise your attention to the extremely dangerous traffic conditions that exist at the exit of my adjacent property, Viking Apartments, to Route 31. While I certainly have no objection to my neighbor's expansion plans, it will contribute yet more traffic to increase the risk of injury and death faced by my 450 residents on a daily basis. Some traffic mitigation strategy must be put in place. My residents regularly face a 120 to 180 second wait to exit eastbound. They must wait to join the traffic flow from the west and also cross the lane from the east. This flow from the east is rarely interrupted due to right turns from both plaza exits onto Route 31. There have been serious accidents as residents become impatient with the extreme wait and take risks they would not otherwise take. The situation is particularly serious in the winter. It is only a matter of time before another serious injury or fatal accident occurs.

The traffic pattern exiting the Wegman's parking lot exacerbates the situation significantly. The traffic light at the eastern exit stops westbound traffic on Route 31, provides no brakes to the traffic flow. Any gaps that exist when that light is green on Route 31 are taken by those making a right on red out of the plaza's east exit or those continuing to turn right out of the uncontrolled west exit.

Mr. McAllister, I invite you and members of the planning board to enter Viking, turn around in a parking lot and experience exiting the property – particularly at prime drive times.

One measure that could improve things greatly would be to install an additional traffic signal at the west plaza exit and restrict both signals to "no turn on red." That would preserve gaps for Viking residents at little cost to plaza patrons. At the very least, before a Brockport/Sweden resident dies or is seriously injured again there should be commissioned a new traffic study with the objective of determining the most effective way to mitigate the impact of the project and the substantial amount of new development traffic turning onto Route 31 from the west.

Sincerely,



Jack W. Howitt