

**TOWN OF SWEDEN
Planning Board Minutes
September 14, 2015**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 14, 2015, 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, David Strabel.

Also present: Rob Carges, Supervisor, James Oberst, MRB, Nat O. Lester, III, Planning Board Counsel, Kris Shultz, Schultz Associates, John Sciarabba, Land Tech Surveying and Engineering, Tim Harris, Passero Associates, Rich Maier, Maier Land Surveying, Ryan Brandt, Ernie Haywood, Carol Oster, Lou Giardino, Jeff Ashline, Greg Stahl, Brian McCullough, Brian Gowanlock, Eric Chick, Ken Brongo, Tim Cooper.

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

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of August 10, 2015, be approved as amended.

Ayes – 6
Abstain – Mr. Minor

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

Ayes – 7

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

Eric Chick Subdivision and Site Plan. 977 West Avenue. 168.01-2-1

Mr. Kris Schultz asked if there was anyone present interested in this project. Only the owner of the property was present.

Mr. Schultz gave a quick overview of the project. The applicant proposes to build a single family home on approximately 29 acres. There is an existing driveway that will be used for access to the property. Comments have been received from the Town Engineer, County Planning & Development, as well as others.

One outstanding issue is the delineating of the wetlands on the property, which will be done shortly.

Senior's Choice at Heritage Square. Redman Road. 068.03-1-18.11.

Mr. Kris Schultz addressed the Board. A copy of the plan was displayed. He explained that the project is for subdivision and site plan approval on 7.75 acres, which was part of the Heritage Square development. The majority of the work will be west of the Brockport College Suites with an access at the north end of Isla Way. Isla Way will be dedicated to the Town. The development will be supported by storm, sanitary sewer, water, and infrastructure improvements, which were put in with the anticipation of the proposed development of Brockport College Suites – Phase II building.

The architect is here tonight to address any building questions. It is a senior oriented, assisted living and independent care facility. An application has been made to the Zoning Board of Appeals (ZBA) for a variance for building height. Extensive research has been done regarding the buildings in the Town and the Village of Brockport. The ZBA's approval is pending until feedback from the Planning Board has been received.

The property is zoned for this use. An extensive SEQR review has been completed and an Environmental Impact Statement was accepted by the Town for the Heritage Square – Phase I development. The parcel is being subdivided from the larger parcel of Heritage Square.

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Chairman McAllister asked if there were anyone from the public with questions, comments or concerns.

Terry Cooley, 8023 W. Canal Road – Mr. Cooley expressed a couple of concerns. The height of the proposed building is higher than the required height of 36 ft. The thirty-six feet requirement was adequate years ago, and should be adequate today. Also, consideration of retaining the hardwoods on the property should be given. Mr. Cooley reiterated that decisions made years ago are still good for today.

There were no more questions.

Golden View Ranch Resubdivision and Amended Site Plan. 7487 Fourth Section Road. 082.02-1-32.1/27.113

Mr. John Sciarabba addressed the Board. Mr. Greg Stahl, owner, and Mr. Ken Brongo, Project Manager, are present tonight.

The applicant is proposing to build a single family home to the far south of the beautiful Golden View Ranch facility built a year ago. The plan is to connect to the existing leach field system to the far north, which has reserved capacity. Perc and soil testing done extensively throughout the property proved this design to be the best option for the septic system. The house will be set way back, 1,700 ft. from Fourth Section Road and 1,000 ft. from West Sweden Road. The current plans show access from West Sweden Road. The proposed home will sit on the crest of the hill and will look over the existing pond. One issue that has since transpired is that the impact to the neighbors with the proposed access may be significant. The applicant is proposing to relocate the proposed driveway on West Sweden Road to the existing horse path behind the barn, which will be upgraded and according to Town driveway standards.

Brian McCullough, 135 West Sweden Road – Mr. McCullough was concerned that the original plan showed an asphalt driveway all the way to the house. Mr. Sciarabba explained that has been changed so that the driveway comes from the back of the barn to the house. Mr. McCullough was okay with this change.

Mr. Terry Cooley, 8023 W. Sweden Road – Mr. Cooley asked if he could make one additional comment on the Senior's Choice project before closing public hearing. His concern is that the drainage ponds in the area are terribly under maintained. The ponds need to be taken care of. Who is responsible for this?

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

Mr. Minor asked if the ponds, in question, are the ones constructed during Phase I of the Brockport College Suites for the whole Heritage development. Mr. Schultz answered yes.

Ayes – 7

Frances Apartments Subdivision and Site Plan. Owens Road. 084.01-1-19.142

Mr. Ernie Haywood addressed the Board. He explained that the applicant is seeking acceptance of the project to develop a 56-unit apartment building on Owens Road. Mr. Ryan Brandt stated Rochester's Cornerstone Group is working with Lifetime Assistance and Passero Associates, as well as Mossien Associates Architects on this project. It took a long time to find the right site. It will meet a lot of the needs of the community and fits into the Town's updated comprehensive plan. There will be seven residential buildings with one, two and three bedroom units, and one clubhouse or community space building. It has been designed as family workforce housing, with nothing to prevent seniors from living there as well. Fourteen units are reserved for Lifetime Assistance individuals with developmental disabilities, six units are handicap accessible, and three units are reserved for hearing and sight impaired individuals. Mr. Haywood stated the Town Board accepted Lead Agency status last week.

Mr. Tim Harris addressed the Board. There is existing sanitary sewer on the west side of the road and water on the east side of the road. The site has approximately 116 parking spaces proposed, 4 of which are handicap spaces. The parking requirement has been met. There will be a tot lot or playground and clubhouse. Two dumpster enclosures and mailboxes will be scattered throughout development. Overall, the site is 6.6 acres, to be subdivided from a larger parcel. DEC

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regulations for stormwater management requirements will be met at the rear of the property. There will be landscaping throughout the development.

Mr. Haywood added that the property line was moved up to allow room for a future road behind the Lowe's property.

Chairman McAllister asked if the Board had enough information to accept the project for review. Mr. Hale added that when the project is accepted for review, a time clock is started. Since the rezoning hasn't been approved, would it be premature for the Board to accept the project now?

Chairman McAllister informed Mr. Brandt, since the projects will be running concurrently; a letter of extension may be required until the rezoning is approved. Mr. Brandt agreed.

Discussion followed as to the process to follow. Mr. Brandt interjected that the reason why the projects are being run concurrently is there is a funding application due December 3. Mr. Minor stated that is not the Planning Board's problem.

Chairman McAllister asked again does the Board have enough information to accept the project, if not, please explain why.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Frances Apartments Subdivision and Site Plan be accepted for review.

Moved by Mr. Hale, seconded by Mr. Monno, to table the vote until the rezoning is resolved.

Ayes – 2

Nays – 5

The motion failed. Mr. Monno asked for clarification as to what the first vote was for. Chairman McAllister stated it was to accept the project for review. Mr. Monno explained he voted wrongly because he could not hear. He wanted to vote to accept the project. He explained that it is very hard to hear in a room (courtroom) this size and that a microphone should have been provided to avoid this type of error. The Board agreed and stated a microphone will be provided the next time a meeting is in the courtroom.

Mr. Ernie Haywood appreciated Mr. Minor's comment on funding, but for the record, this project was delayed a month due to the Town's request to move the lot line, resulting in the purchase offer having to be renegotiated.

Ayes – 6

Nays – 1

The Public Hearing will be October 26, 2015.

Big Fella Subdivision. 2610 Colby Street. 084.03-1-25 and 084.04-1-24

Mr. Rich Maier addressed the Board. The property is located at 2610 Colby Street on the north side, a little over 4,000 ft. west of the centerline of Sweden Walker Road. The existing property is 345 ft. by 400 ft., and is on public water. The applicant would like to modify the property lines to 300 ft. by 200 ft.

Mr. Strabel questioned if Big Fella was the official name and hasn't it been used before. Mr. Maier indicated the name is significant in that area, and to his knowledge hasn't shown up before.

Moved by Mr. Minor, seconded by Mr. Rickman, that the Big Fella Subdivision be accepted for review.

Ayes – 7

The Public Hearing will be October 26, 2015.

Mr. Maier asked to clerk to check to make sure the Big Fella name hasn't been used; if it has, he will change it prior to the next meeting.

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Villas at Brandon Woods Resubdivision. 19 and 21 Wood Trace. 084.01-1-71 and 084.01-1-72

Mr. Kris Schultz addressed the Board. This application is for a duplex. The process is the same. After the building is in place, it is surveyed and filed with the county after it is approved at the Planning Board.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Villas at Brandon Woods Resubdivision – 19 and 21 Wood Trace be accepted for review.

Ayes – 7

Chairman McAllister noted that the approval is for a duplex, which is not in accordance with the original site plan approval for one, two, three and four unit single family homes.

The project will be reviewed at the September 28, 2015, meeting.

Chairman McAllister continued review of the following projects:

Golden View Ranch Resubdivision and Amended Site Plan. 7487 Fourth Section Road. 082.02-1-32.1/27.113

Mr. John Sciarabba addressed the Board.

MRB Comments – dated September 9, 2015

1. SEQR form – there is no floodplain in the area of the proposed home site; correction will be made to other documents.
2. SWPPP – will be provided.
3. Septic system – pumping to a pump behind the barn to the original septic system about 1,200 ft. Best way to go considering all the tests completed. Mr. Monno stated he's been around septic systems along time and pumping from two different locations to one distribution box is a lot. MCDOH will need to review and approve the design.
4. The sizing of the water calculations. There is 50 ft. of grade change so a pressure system will have to be installed to get the water from the meter pit at the barn up to the house. MCWA will have to approve.
5. MCDOT – revising the access from West Sweden Road to off Fourth Section Road behind the barn to the house.
6. Typical mailbox detail will be added to the plan.

Building Inspector/Stormwater Manager Comments

1. Water service – will be reviewed and approved by the MCWA.
2. Proposing to revise the driveway access from behind the barn with a 14 ft. driveway all the way to the house. A pull-off will be shown and all requirements met.
3. Fire protection – possible dry fire hydrant from a pond, will discuss directly with Fire Marshal. Install a pipe from a pond to pump water out and show on future plans.

ECB Comments

1. Excessive eco disturbance for a single family house. Mr. Sciarabba respectfully disagrees with that. He feels it's consistent with residential development for 5 acres of land. There will be no cutting down of major trees.
2. Regarding the septic system design, it's better to have one system than two. Although, it takes a while to get there, it is a closed system.
3. Mr. Sciarabba explained an incident witnessed by the ECB on September 1. There is approximately a 9-acre parcel, approved Carnes Subdivision, next to the project site on West Sweden Road where Mr. Stahl had a farmer improving it for more pasture area. It was graded and seeded, more in line with a hay lot for the barn operation. Not part of this project. Mr. Monno asked if the temporary driveway on the 9-acre lot would stay there. Mr. Sciarabba answered yes.

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Fire Marshal Comments

1. Mr. Sciarabba confirmed that the driveway will be 14 ft. in width. He will contact Fire Marshal as to how the house numbers should be placed.

The project will be continued at the September 28, 2015, meeting.

Eric Chick Subdivision and Site Plan. 977 West Avenue. 168.01-2-1

Mr. Kris Schultz addressed the Board.

MRB Comments – dated September 9, 2015

1. MCDOH – reviewed plans and updates have been made, they are ready to sign.
2. Existing curb cut – upgraded for a single family residence. A plan has been submitted for review, and asking for culvert to be cleaned.
3. Federal Wetlands – applicant is in the process of having wetlands delineated, should be done by next meeting.
4. Only trees to be removed are where the house will be built. Remaining trees will be noted on plan.
5. Figuration of proposed driveway and emergency pull-off area will be changed and shown on plan.
6. Driveway detail has been added to the plan.

Building Inspector/Stormwater Manager

1. Mr. Schultz confirmed that there is an existing pole barn on the property. The applicant will get the required permit to bring it into compliance.
2. Potential wetlands will be delineated.

ECB Comments

1. They like it! Mr. Schultz stated the Board is happy with the buffer that is provided.
2. The plan will incorporate any existing larger trees, if possible, and any new trees will be native species.

Fire Marshal Comments

1. Mr. Schultz explained he spoke with Mr. Vergari to understand what a truss identification sign is. The trusses pose a potential fire issue and it is important that the fire department know how the house is constructed. The sign will be addressed with the issuance of a building permit.
2. House numbers will meet code requirements.

DRC Comments

1. DEC regulated wetlands should be noted on plan.
2. Ag and Markets note has been added to the plan.
3. Standard comments addressed.

Mr. Strabel asked that the turnarounds be delineated. Mr. Schultz agreed.

Mr. Minor confirmed that the driveway length is approximately 625 ft. and should have 2 turnarounds. Mr. Schultz added the culvert is the biggest issue in that it needs to be cleaned out by the State. Mr. Minor asked how far back does the property go to the canal. Mr. Schultz stated approximately 1,400 ft.

Mr. Monno asked if the project is on a state or county road. Mr. Schultz stated that portion is a state road.

The project will be continued at the September 28, 2015, meeting.

Senior's Choice at Heritage Square. Redman Road. 068.03-1-18.11.

Mr. Schultz addressed the Board.

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MRB Comments

Mr. Schultz stated he will address all of the comments, but would like to only go over the key points now.

- Dedication of roads. Persistence Path and Isla Way were close to being dedicated, but only received a conditional approval. There was a list of outstanding items from the Highway Department, which needed to be done. Also, the issue of the guardrail not being installed and an amended site plan approved. Mr. Strabel asked if the punch list of items were completed. Mr. Oberst believes they were, but will confirm with the Highway Department.
- Mr. Schultz will make application to the Board for an amended site plan approval and coordinate with the Town Board to have the roads dedicated.
- The overall subdivision plan showing the entire parcel has been completed; a copy will be provided to the Board.
- The variance for the height of the building is being addressed with the Zoning Board of Appeals.
- A future secondary access will be coordinated with Mr. Oberst for the best location.
- Curbing has been addressed through the comments of the Fire Marshal, whereby there should be 20 ft. of contiguous width. The island will be removed and the landscaping put on each side of the driveway.
- Accessing the fire hydrant will be revised so there is a common grade eliminating any issues. Plus, the distance of 50 ft. to the hydrant was a concern. A stone driveway to the hydrant will be installed for ease of access and maintenance. There will be an additional private hydrant for fighting fires. Mr. Strabel requested a remote FDC closer to the pavement for easier access.
- The stone driveway, which accesses the sanitary lift station, will be left intact.
- MCWA and Pure Waters have done a review and with minor comments.
- A turning radius template will be shown. Drive aisle should be 26 ft. for the aerial fire truck. Chairman McAllister commented that the 36 ft. building height requirement was adopted because at the time there was no fire apparatus over 36 ft. high to fight a fire with. The high-rise dorms at the college triggered the purchase of the fire truck, but because the college does not have to comply with Town ordinances, the code wasn't revised.
- The hardwoods will be left alone. There is no reason to remove them. The ponds will be maintained by the owner of the Brockport College Suites. The ponds were sized for the original Heritage Square approved buildout. Blackstone owns the ponds and the maintenance of the ponds. The applicant is requesting many green initiatives rather than using ponds.
- DRC has submitted review comments for the whole site.
- NYSDOT will receive plans for comment.
- Wetlands have been addressed and are not a big concern.
- The area of disturbance is over 5 acres, a waiver will be needed.
- Mr. Minor asked about the location of the second access. Mr. Schultz stated if the access is at the back of the property, an emergency fire truck could get to it.
- Soil boring tests have been done. No rock was found. Mr. Monno stated in that area the rock changes from sandstone to limestone. Mr. Giardino has hired the original geo tech to work with the structural engineer to identify all the soils. Mr. Schultz added with the technical expertise, there will no chance of hitting rock and holding up the project.
- Mr. Minor asked why the northwest parcel is odd-shaped. Mr. Schultz stated to encompass the balance of the ponds. There are sidewalks for pedestrian circulation with no way out. Mr. Schultz stated hopefully with future development the sidewalks will continue.
- The proposed bio-retention area at the end of parking stalls is a wet ditch designed to capture all the pollutants before heading to the lake.

ECB Comments

1. The Board had extensive comments with the original review of Heritage Square and stands by them.
2. The Board fully supports the bio-retention system shown.
3. A note to save the big trees should be added to the plan.
4. The non-regulated wetland will be addressed appropriately.

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Fire Marshal

1. The median has been removed
2. Closest hydrant will have a 12 ft. stone driveway up to it for ease of access.
3. The aisle will be changed to 26 ft. around the building.
4. Architectural plans will include FDC connection for STORZ fitting.

Highway/Sewer Comments

1. Existing stone driveway to lift station will be turned into a 20 ft. paved driveway.
2. Six-inch sewer lateral will be tied directly into the manhole.
3. A letter of credit will be proposed for any potential damage to the curb or road during construction.
Mr. Strabel asked how long before dedication of the roads takes place. Mr. Schultz estimated by the first of the year for dedication to take place. The majority of the construction should take place after the first of the year.
Mr. Oberst asked if there will be a staging area for construction equipment, if so, it should be shown on the plan.
Mr. Schultz will make that change.

Building Inspector/Stormwater Manager Comments

1. Stormwater ponds – every easement as proposed and shown with the original Heritage Square and Brockport College Suites projects have been filed with a liber and page. Second pond was constructed and there is an easement for it.
2. Drainage comments will be addressed and coordinated with the Town Engineer.
3. With construction at the site, there will two stormwater inspections per week initially, and anything noted on the report will be brought to the attention of the Town.
4. Is there adequate parking? Yes, there will be more than what is needed. Mr. Giardino added he is confident there will be more than enough parking. He explained there are 57 independent and 33 assisted living units. It is very unlikely an assisted living resident will have a car. Parking at full capacity will be for the 57 independent residents so every resident should be able to have a parking space. Data can be provided from other projects to support this. Mr. Strabel suggested showing on the plan where land banked parking would be located, if necessary, in the future.

Mr. Minor asked how daily deliveries would work. Mr. Shultz showed the path for deliveries stating the small box trucks will have an easy access, and deliveries are early in the morning.

DRC Comments

1. There are wetlands to west on the property.
2. There is a stream to the south by the park.
3. A full archaeological study was done with the Heritage Square project.
4. Standard comments will be addressed.
5. Plans will be submitted directly to Dave Goerhing at DOT for review.

Supervisor Carges asked if there will be dumpsters. Mr. Schultz stated yes, they are located way in the back.

Mr. Schultz introduced Mr. Giardino and Mr. Ashline to go over building details and to answer any questions. Mr. Giardino addressed the height issue stating a variance request has been made to the ZBA. They have heard the reasons why there needs to be four stories, and what has been done to try and mitigate the height compared to everything else. On the elevation drawing, the four stories are shown with a flat roof and a mansard upper floor, which at the end of the day, the fourth floor is no higher than any three-story building with attic space. A comparison was done with the building next door. If you are standing at the south side of the entrance road going into the project, the top of the building is about 22.7 ft. above the road, which makes the building no higher than the Brockport College Suites. This shows that many of the questions raised by the public as far as drainage, fill, retaining trees, and the neighbor's concerns have been addressed. From a sightline perspective, it is not an issue. A fourth story becomes an amenity with this type of project.

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There are some people who would prefer to live on the fourth floor. In addition, it is a lot more economical to build a four story building than a two story building. One neighbor is concerned about the safety of the residents on the fourth floor. There will be state of the art fire protection so that it is one of the safest buildings in the world. Also, a one-story common area has been added to the four-story building to create deck space on the second floor, which gives seniors a place to stop and sit.

In terms of the entry road, there are no issues with revising the entry to include landscaping on each side. With respect to providing pathways, this has been discussed as a result of an extensive market study done. There is much need for this type of project as well as a lot more. Other options might include single-story cottages that would continue on with pathways and sidewalks. How will the residents get to the Village to patronize the businesses, etc.? This all has to be worked out.

Mr. Minor asked what the status of the variance request was. Mr. Shultz stated it's pending until the ZBA hears the comments of the Planning Board. Chairman McAllister added that the Board will have access to tonight's minutes to aid in making their decision. A separate recommendation letter is not necessary. Mr. Strabel feels that this Board doesn't have any major objections to granting the variance. Mr. Giardino thought more people would have come to the public hearing to voice their concerns.

Mr. Minor requested a landscape plan. It has been done and is included with tonight's submission. The trees will be a natural barrier for the residents to the north.

Mr. Giardino continued that this project will create approximately 60 jobs, 47 of which are full-time. This is very important to the community. This project not only meets a housing demand, but is supplying jobs. We want it to be successful so further development can continue in the future.

Chairman McAllister asked with the assisted living residents, will nurses be required. If so, it may be worthwhile to speak with SUNY Brockport to see if internships can be arranged or provided. Mr. Giardino agreed that was an excellent idea and already in the works as well as with Strong Hospital.

Mr. Strabel asked if there was an application before Comida for this project. Mr. Giardino stated the project will work with Startup New York. He added these are not subsidized apartments, and not low income. People, who can't afford to own homes anymore, will have an opportunity to live in a nice home.

Mr. Minor asked if the assisted living residents will be provided nursing care or ambulatory care. Mr. Giardino answered that there are 18 assisted and 15 enriched housing units for when the level of care changes, but this will not be a nursing home or memory care facility. There will be a property manager onsite for residents to handle emergencies.

Mr. Hale stated he may be a potential customer someday, but so far he hasn't heard anything to justify the request for a variance for the height of the building.

Mr. Giardino stated it is not likely that the project will meet costs without the four stories. There is no difference in safety from a four story to a three story building.

Chairman McAllister asked the Town Engineer if he had any other concerns with the subdivision. Mr. Oberst answered no. Mr. Schultz asked if the Board would entertain a motion for preliminary approval for the subdivision. Discussion followed. Chairman McAllister stated he would write a letter stating the project is moving forward in a positive direction. Mr. Giardino thanked the Board and said any type of noted progress would help with the attorneys involved.

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Villas at Brandon Woods Resubdivision

Mr. Schultz explained why the Villas at Brandon Woods were developed under Incentive Zoning. The plaza would follow the requirements of B-1, Business Commercial and the senior oriented homes would follow the requirements of MR-1, Multiple Residence. The Villas are higher density, single family homes that are one, two, three or four units. Since the start of this project, there have been several different builders. The density and setback requirements have remained the same, but the economy has changed in that the homes are being sold, and then rented now. There is nothing illegal about renting the homes.

Chairman McAllister deferred the above issue to the Planning Board Counsel for a resolution.

The project will be continued at the next meeting to be held on September 28, 2015.

The meeting was adjourned on motion at 10:05 p.m.

Planning Board Clerk