

**TOWN OF SWEDEN  
Planning Board Minutes  
January 9, 2006**

A regular meeting of the Town of Sweden Planning Board was held on Monday, January 9, 2006, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Ellen Bahr, David Hale, William Hertweck, Craig McAllister, Matthew Minor, Arnold Monno

Absent: Edward Williams

Also present: James Oberst, Town Engineer, Whitney Autin, ECB, David Matt, Doug Morris, Ron Bronstein, Shane Hajjar, Kelly Pronti, Esq., Thomas Lucey, John Bennett, and please see attached sign-in sheet.

The meeting was called to order at 7:00 p.m. by Chairman McAllister.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Planning Board Rules and Schedule for 2006 be adopted.

Ayes – 6

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mrs. Bahr, that the minutes of December 12, 2005 be approved.

Ayes – 6

Moved by Mr. Hale, seconded by Mrs. Bahr, that the minutes of December 15, 2005 be approved.

Ayes – 6

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

Ayes - 6

The Chairman read the notice of public hearing and affidavit of publication. The Chairman asked if there were any questions or comments from anyone present at the public hearing.

**Daniels Subdivision & Site Plan. White Road. 097.02-1-4.11 (part of)**

Mr. Matt addressed the Board regarding the Daniels Subdivision on White Road. This 5.9-acre parcel is being subdivided from the McCracken Farm, a 45-acre parcel. The lot lines run along two existing hedgerows on the site. Currently, it is a winter wheat field. The applicant will have the option of renting back part of the field after the house is built. The lot will be serviced by public water with an in-ground septic system. The house will have a front setback of 180 ft. comparable to the house to the west. An existing rock wall will separate the two houses.

There were no comments from the public.

**Banegas Subdivision & Site Plan. Sweden Walker Road. 069.02-2-11 & 12 (part of)**

Mr. David Matt addressed the Board representing Mr. Pedro Banegas who is proposing to subdivide a 3.4 acre parcel from two of Sodoma's parcels. Due to the Town's requirement of having 150,000 sq. ft. for a modified raised septic system, an "L" shaped lot was created with mostly woods that will not be touched.

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This lot will be serviced by well water. Mr. Banegas is aware that the Town is not responsible for the quantity or quality of well water. Also, Mr. Banegas is aware of the water issues in this area.

There were no comments from the public.

Chairman McAllister asked if the driveway shown on the plan exists. Mr. Matt stated yes, it goes back to the barn area. Chairman McAllister asked more questions about the existing driveway that divides property not incorporated into this lot. It was determined that the existing driveway (stoned, farm access) should be removed from the plan to avoid any confusion about how the property is split.

**Hall Subdivision – Resubdivision of the Wohlers Subdivision – Section II. Sweden Walker Road.**

This parcel was approved in 1989 by the Planning Board to be divided into three lots with a Town dedicated road. Mr. & Mrs. Hall bought the property in order to build a home on one lot and sell the other two lots to cover the costs. Mr. Hall has since fallen ill and that's not an option any longer. The Halls tried to market the land, but no one is interested in the cost of a dedicated road. The Halls are now proposing to put in a shared driveway to service the three lots. Essentially, the parcels have stayed the same with the house and the leach fields in the same location. The leach fields were modified slightly due to updated Department of Health codes. The major change is the dedicated road becoming a shared driveway with little change to the width of the road. Another change is that the project went before the Zoning Board of Appeals on September 20 and was granted a variance for 40 ft. of road frontage instead of the required 60 ft. In addition, the throat of the driveway will decrease to 20 ft. for each lot.

Mr. Minor asked if the dedicated road was ever built. Mr. Matt stated no. The tax maps were changed to show a dedicated road would eventually be built.

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

Ayes - 6

**Daniels Subdivision & Site Plan. White Road. 097.02-1-4.11 (part of)**

Chairman McAllister continued with the review of the Daniels Subdivision. Mr. Hale stated from looking at the location map, it appears that this site goes all the way to West Sweden Road. Mr. Matt stated that the parent parcel does, but not this site.

ECB comments reviewed:

1. The deciduous hedgerow and wooded areas should be retained and protected - a note will be added on the plans regarding this.
2. The two acres of land should be landscaped - planting of trees and shrubs will be done so as to make the house look as nice as possible.

MRB's comments reviewed:

1. Spell check error under the near farm operations on the plans from "this is" to "it is."
2. Show and label the location of the proposed erosion control measures on the plans – done.
3. Add note, #24, regarding installation of water service.
4. Water size calculations were recently provided to the Town Engineer.

There were no concerns from the Fire Marshal.

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Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, and the Environmental Conservation Board, the Planning Board determines that the Daniels Subdivision & Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 6

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Daniels Subdivision & Site Plan be given preliminary approval.

Ayes – 6

**Banegas Subdivision & Site Plan. Sweden Walker Road. 069.02-2-11 & 12 (part of)**

Mr. Matt continued with the review of the Banegas project. Mr. Hertweck asked if the existing house is still there. Mr. Matt stated it was demolished and that it was located at the 495 contour.

Board Member Minor excused himself from this project due to conflict of interest.

**MC Planning & Development comments:**

1. The project site is located in an agricultural district near an active farm and the adjacent farm owner should be contacted. The adjacent farm owner is the seller of this land.
2. A stream is located on the subject property, but is not near the project area.

**DRC comments:**

1. Plans should be submitted to MCDOH.
2. Plans should be submitted to County Clerk's office and monumentation checked.
3. A single point of access will be permitted and a highway work permit required for all work within the R.O.W.
4. MC Environmental Mgmt Council had no comments
5. Plans did not meet the review criteria of NYSDEC.

**ECB comments:**

1. The Board is pleased that the two acres of forest are to be retained and protected.
2. The Board recommended incorporating some of the existing native species in the brush land/meadow into the landscape plan. Also, additional planting of native species.
3. The Board would like to see the following two notes added to the site plan:
  - The existing two acres of forest will be retained and protected.
  - Existing vegetation will be retained to the greatest extent possible and protected from harm during the development process.

**MRB's comments:**

1. Applicant has been made aware of the well water quality. Note #23 is included on the plans.
2. "This the policy," has been changed to 'It is the policy.'
3. The NYSDOT details have been added to show the design of the proposed access driveway culvert pipe.
4. The bearing label for the eastern boundary of the property has been added to the plans.
5. The swale has been adjusted so that the drainage follows the rear lot line.
6. Sight distance at the driveway has been added to the plans.

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Fire Marshal comments:

- The proposed new home will NOT be built at the same location as that of the previous house.

Moved by Mr. Hale, seconded by Mr. Hertweck, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Banegas Subdivision and Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 5  
Abstain - Mr. Minor

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Banegas Subdivision and Site Plan be given preliminary approval.

*Mr. Monno recommended changing the contours at the driveway and at contour 495 where the previous house pad was located.*

Ayes – 5  
Abstain – Mr. Minor

**Hall Subdivision – Resubdivision of the Wohlers Subdivision – Section II. Sweden Walker Road.**

Mr. Matt continued with the review of the Hall project. Chairman McAllister asked if the only change was the dedicated road to a shared driveway. Mr. Matt stated for the most part, but some of the drainage on the old plan was incorrect. The center driveway had a high point with a culvert in it that drained in both directions, which was removed. The leach fields stayed in the same location and were brought up to standard, which made them smaller.

Mr. Minor asked for the length of the driveways in order to determine turnarounds for the three lots. Mr. Matt stated there is room for a vehicle to pass where all three lots meet. Mr. Monno stated that the two lots on the outside should have an additional turnaround because of the total length of each driveway. The formation of a homeowner's association was discussed and the responsibilities of each property owner.

MRB's comments:

1. A variance was granted for the 40 ft. road frontage and the 20 ft. throat width.
2. & 3. The second and third comments pertain to the leach fields not meeting current zoning distance from edge of the leach field to the lot line. The leach fields, however, meet the MCDOH's requirements. Chairman McAllister explained that there has been no development and the project is before the Planning Board for a resubdivision, therefore, the current zoning requirements must be met.
4. Spelling error on the near farm operations form.
5. Water service calculations have been provided to Mr. Oberst.

Mr. Oberst asked if the road frontage to the south overlaps the existing driveway. Mr. Matt stated according to the plans the existing driveway is on top of the Hall's property. Mr. Matt stated an easement will be proposed to resolve that issue.

Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Hall Subdivision – Resubdivision of the Wohlers Subdivision, Section II is an unlisted action which will not have a significant impact on the environment.

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*Mr. Minor stated until the issue with the septic system is resolved, should an environmental motion be given. Chairman McAllister stated this Board would not give preliminary/final approval until that issue is corrected, but the MCDOH will not review the plans without an environmental motion. Mr. Minor stated that he was okay with the above motion. Mr. Monno confirmed that an environmental motion was given so that the DOH would review the plans. Mr. Hale added that tonight he was disinclined to support preliminary approval.*

Ayes – 6

**Wal-Mart Supercenter. Brockport-Spencerport Road. 084.01-1-14.112, 14.2, 14.12, 35, 1.119 (part of)**

Mr. Lucey addressed the Board and distributed/reviewed a construction noise chart taken from the DEC website showing the different types of noises made by construction equipment. Most of the noise will be made in creating the berm on the east side of the property. The berm should be created first because it will be beneficial to the neighbors in helping shield noise, dust, etc.

Mr. Lucey explained that a survey was completed and added to the landscaping plan. The surveyor flagged approximately 22 to 24 trees and brush to be saved and incorporated into the berm. The trees flagged were in a strip of land, 12 ft. to 20 ft. wide from the east property line. Mr. Lucey added when construction begins, an orange fence will be added to this area to prevent construction equipment from entering. Chairman McAllister stated thank you for the extra attention to this issue. Mr. Lucey added a board on board fence will be installed to prevent people from climbing the berm and falling over, and also, to provide additional noise protection.

Mr. Lucey stated in response to the question regarding the lights at the back of the building, the lights have been lowered to 20 ft. with a lower wattage. Mr. Hertweck stated that the board on board fence will be higher than the lights. Mr. Lucey stated yes or pretty much the same height, but the fence doesn't go the whole length of the berm. If the Board would like, the fence can be extended. A question regarding maintaining the berm was raised. Mr. Lucey stated that the berm will be maintained by mowing, more than likely, on a monthly basis. The rest of the property will be mowed on a weekly basis.

Mr. Lucey asked Mr. Bennett to go over the landscaping plan and the specific plantings. Mr. Autin, ECB, asked how much shadow will be created when the trees reach full maturity on top of the berm. Mr. Lucey stated there are existing mature trees already creating a shadow.

Mr. Monno asked will the trees be maintained. Mr. Lucey stated he thought there would be a one to two year maintenance bond created for the landscaping. Mr. Hertweck asked Mr. Autin if he had a preference as to the types of trees that are planted. Mr. Autin stated he wasn't familiar with all the types of trees shown, but that the Austrian Pine is a very nice choice. Mr. Bennett reviewed the types of trees that will be planted as shown on the landscaping exhibit provided to the Board. The trees include Cleveland Select Pear at the northeast corner of the berm, which is very hardy and colorful throughout the three seasons. There will be evergreens and spruces on the top of the berm with most of the other plantings on the east side and bottom of the berm. The Prairie Fire Crab is disease tolerant, hardy and colorful as well as the Lilacs. The goal is to provide trees that are very colorful on the east side so that the neighbors have something pleasant to look at throughout the seasons. There will be over 225 plantings. These plantings will also support and enhance, upon maturity, the wildlife in the area. The landscaping exhibit is available for review at the Town offices.

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A member of the audience asked if any of the berries are toxic. Mr. Bennett stated he would check, but most of the plantings are fairly popular to community sites. Mr. Monno wanted to know just how long these plantings would live with moisture running off the berm. Mr. Lucey stated that the Gates store, which is very similar to the proposed Brockport store, has done very well with the evergreens planted lasting about 2 ½ years. Plus, Wal-Mart is willing to provide a maintenance bond.

Mr. Minor asked if all the water running off the berm will cause a problem. Mr. Lucey stated that inlets are proposed down on the site.

Chairman McAllister asked if the berm on the south side could be built larger. Mr. Lucey stated presently the proposed berm is 4 ft. high, which could be changed to 6 ft. for the whole length of the berm. Discussion followed. Chairman McAllister stated that the 4 ft. berm with approximately 9 ft. high plantings would be acceptable.

Mr. Monno asked how does Wal-Mart plan on removing the snow. Mr. Lucey explained that the parking lot will be used for part of the snow storage because most of the heavy snow occurs in late January, February and March, and the parking lot will be its busiest during November, December and the beginning of January.

Mr. Lucey showed a sketch of the road that will be dedicated to the Town. The issue with constructing the “T” intersection is that a small part of the property is owned by the Schoolhouse. The curb line has to go on their property. The easiest way would be for the Schoolhouse to dedicate the approximate 600 ft. to the Town. Mr. Lucey stated a meeting still has to take place with the Town Engineer regarding how best to approach this issue.

Mr. Lucey showed the subdivision plat to the Board. The blue area is for Wal-Mart, the red area is road improvements and the green area is what will be dedicated to DOT. Mr. Lucey stated Wal-Mart is proposing three lots for subdivision approval. Discussion followed. Mr. Monno stated that he would be more apt to approve this project as a one lot subdivision. Chairman McAllister added that the purpose for the three lots is to get the divisions settled upfront for ease of transfer to the municipality, etc. The Board agreed that the Wal-Mart project will be approved as a one lot subdivision.

Discussion took place regarding Buckman’s Car Wash and that the owner, Ray Justice, would have to come before the Board for amended site plan approval as soon as possible after the portion of land is deeded to DOT.

Other issues discussed:

- Mr. Monno stated that his request for a directional sign for the TLE be eliminated; the building signage is sufficient.
- Mr. Bennett stated that the island plantings are similar to the plantings discussed previously and are shown on Plan Sheet C51.
- Mr. Oberst asked what is between the plantings. Mr. Bennett stated riverstone and fabric will be used.
- Mr. Bennett explained seasonal display as occurring in the spring, summer and fall months. The area would be delineated by masonry blocks and timbers, and the typical items for sale would be stone, mulch, soil, pavers, etc. Merchandise will be located such that there is positive drainage to the storm pond. As far as traffic patterns, the location of the seasonal display will be out of the main drive aisle so as not to impede traffic. The first drive aisle is not impeded and the area terminates into the middle of a parking bay. There will be good traffic flow all around the whole area.

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Mr. Minor asked about the grading by the TLE and that the parking lot is at 590 while the top of the berm is at 594, thus leaving the level above the parking lot at 4 ft. Mr. Minor felt that was adequate in helping with shielding the lights from shining out of the parking lot into the road and across the way.

Steve Thompson, Wal-Mart architect, addressed the Board with before and after drawings. Mr. Thompson reviewed the following changes:

- The windows above the main entrances have been changed to three windows with awnings to be more architecturally pleasing.
- False dormers have been added to the TLE as a result of a request to incorporate the architectural features of Brockport's historic firehouse.
- After speaking with Wal-Mart regarding a request for a museum space, it was determined that this would have to be discussed with the store manager of the new supercenter.
- Chairman McAllister noted that the Town of Sweden has an ordinance that does NOT allow camping in parking lots.

Mr. Lucey updated the Board on the latest development with DOT regarding Wal-Mart connecting with Lowe's as far as improvements to the "gap" area. Wal-Mart has proposed to build out three lanes across the front of the property. Lowe's will build out three lanes in front of their property, leaving a "gap" area between the two of less than 100 ft. If DOT doesn't require Lowe's to take care of the "gap" area, then Wal-Mart would contribute \$150,000 towards improving that area. The question is how to make sure the improvements line up. DOT would like Wal-Mart to proceed in two steps. Initially, the first step would be for a two lane section taper, three lane section, and right hand turn lane with the idea that an amended permit application will be filed to build it out to a three lane section. This would be in case Lowe's doesn't proceed for some reason and an alignment would need to be set. The only change created is that the sidewalk won't be able to be put in all the way to Talamora Trail until after the Lowe's project is approved. Wal-Mart will need to ask the Town for some grading releases. Mr. Lucey added that the final designs are being completed and we are close to pulling the first phase of the permit.

The Board discussed Attorney Pronti's draft resolution for final approvals. Mr. Hale stated that he had some suggestions for it and that he will have a revised resolution for the next meeting. Chairman McAllister explained that Attorney Ortenberg had contacted him regarding the resolution and he explained to him that final approvals by this Board are given by a boilerplate motion.

Mr. Minor asked if sidewalks would be required in front of the proposed ABVI and the answer was yes.

Chairman McAllister stated that at the January 23 meeting, the Wal-Mart project could have site plan and subdivision completed. Mr. Oberst will meet with APD before the January 23 meeting to review final plans.

**Lowe's of Brockport. Owens Road & Rte. 31. 084.01-1-19.1**

Mr. Douglas Morris addressed the Board. The engineered plans were submitted to Mr. Oberst for review and then subsequently, Mr. Oberst met with Lowe's engineer, Mr. Shane Hajjar. Mr. Hajjar's notes were reviewed and changes were made. In addition, Mr. Morris stated he has the subdivision plat with him and is seeking preliminary approval tonight if all is in order. Chairman McAllister asked Mr. Morris to start with the subdivision map.

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On the subdivision map, there are five parcels with the orange parcel representing Lowe's. All the frontage requirements have been addressed so that each parcel has access. The Lowe's parcel does not own access to Rte. 31, which was by design so that the rest of that property could have frontage.

Mr. Monno asked if it was possible for the Lowe's parcel to only have access on Rte. 31. Chairman McAllister stated that the only Rte. 31 access point discussed is as a west bound entrance only, no exit. Mr. Morris added the latest concept is that the access will be a westbound and eastbound entrance because of the center turn lane.

Mr. Hale commented that the signature box on the the bottom of the plans has Monroe County Treasures, and should be changed to Treasurer.

Mr. Hale asked Mr. Morris to begin a review of MRB's comments:

- The subdivision plat needs the surveyor's seal and signature.
- The name of the property owner needs to be added to the exception parcel.
- Floodplain/wetlands do not need to be included on the subdivision map.

Discussion took place regarding the U-shaped parcel and that the one side of it is big enough to build a restaurant the size of an Applebee's.

Mrs. Bahr brought up for discussion the overlay district and how the Lowe's project may be making it much easier for an adult entertainment business to open. Mr. Bronstein explained that all around the Lowe's parcel and all adjoining parcels owned by Lowe's have adult entertainment businesses excluded by contract from opening. Discussion followed.

Moved by Mr. Hale, seconded by Mr. Monno, that the Lowe's of Brockport subdivision be given preliminary approval.

Ayes – 6

Mr. Monno requested a special meeting due to that tonight's agenda was full and the meeting has been going on for a long time. It would be more productive and fair to both the Board Members and the applicant to table this discussion until a future meeting. Members agreed.

Moved by Mr. Hale, seconded by Mr. Monno, that the meeting be adjourned at 11:15 p.m. to Monday, December 16 at 6 p.m. for the purpose of continuing the final review of the Lowe's site plan.

Ayes – 6

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**Planning Board Secretary**