

**TOWN OF SWEDEN
Planning Board Minutes
October 24, 2005**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 24, 2005, 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, Edward Williams

Also present: James Oberst, Town Engineer, William Weber, Building Inspector, Whitney Autin, ECB, Reuben Ortenberg, Esq., David Matt, Michael O'Neill, Mary Jane Dreher, Kelly Pronti, Esq., John Bennett, Thomas Lucey, Harry Shifton and James Moore

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

Correspondence passed to members for review.

Moved by Mr. Hale, seconded by Mr. Monno, that the minutes of October 10, 2005 be approved.

Ayes – 6
Abstain – E. Williams

Sheehan Subdivision & Site Plan. Monroe-Orleans County Line Road. 082.02-1-6.11 (part of)

Mr. David Matt addressed the Board. Mr. Matt stated this property is located on Monroe-Orleans County Line Road just north of Fourth Section Road, and just south of Taylor Road in Orleans County. The applicants, Ted and Holly Sheehan, are looking to subdivide approximately 5 acres from the Knab farm. The property is zoned R1-2, Residential. The Sheehans plan to build a single family home with a leach field and private water, no gas. There is an existing farm access, which will remain due to the farming behind the property. The farm access will be redone and a proper culvert pipe installed.

Mr. Hale stated that after reviewing the site plan, the Knab parcel would be left with two accesses, one off Rte. 31 and one off County Line Road.

Moved by Mr. Hale, seconded by Mr. Williams, that the Sheehan Subdivision and Site Plan be accepted for review.

Mr. Monno asked what is the width of the farm access. Mr. Matt stated it's currently 15 ft., but when the new driveway is put in, it will be 40 ft. Mr. Monno stated the reason why the culvert needs replacing is because the 15 ft. access isn't wide enough for combines to travel over it. Mr. Monno suggested moving the farm access to the south to give the farmer adequate room. Mr. Matt stated he would give the farmer 30 ft. for the access and then put the new driveway in.

Ayes – 7

The Public Hearing will be November 28, 2005.

R. Spurr/Owens Industrial Park Resubdivision. 50/58 & other vacant lands on the east side of Owens Road, 069.03-1-3, 069.03-1-5, 069.03-1-2.1

Mr. Michael O'Neill addressed the Board. Mr. O'Neill presented a color-coded drawing showing the three parcels owned by Dolomite and the Monroe County R.O.W. As part of this project, Monroe County has agreed to realign the R.O.W., which will fit much better with its master plan for the trail. Mr. O'Neill introduced

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Mary Jane Dreher, who is purchasing a portion of the properties. Ms. Dreher gave an overview of her plans to move her trucking business currently operating in Orleans County to Monroe County. In the end, Ms. Dreher will have combined two parcels and the current R.O.W. leaving the remaining lands to Dolomite and the realigned R.O.W. to Monroe County.

The parcel to the north has an existing structure, which Ms. Dreher will use for her business. There will be heavy equipment storage on the south part of the parcel. It is important to note that the vehicles will leave early in the morning and return at night. At this time, Ms. Dreher is not proposing any new site plan development. The northern part of the site is served by sewer. Easements will have to be granted back to Monroe County because there are sewers currently running down the current R.O.W.

Mr. Monno asked if within the R.O.W. there were interceptors. Mr. O'Neill stated yes and that the County would have to retain an easement to maintain that part of the sewer, but not for the full width of the R.O.W. Mr. Monno asked within the 66 ft. wide R.O.W., are there any manholes in that area. Mr. O'Neill stated yes.

Mr. Hertweck asked how does the realignment of the R.O.W. relate to the R.O.W. across Owens Road. Mr. O'Neill stated that they will end up closer than before. Both the County and Dolomite have agreed to the new location.

Mr. Minor suggested it would behoove the applicant to obtain an easement for future sewer and the ability to dig that sewer to avoid any obstacles down the road. Mr. O'Neill stated that was a good point and would discuss it with the County.

Moved by Mr. Hale, seconded by Mr. Hertweck that the R. Spurr/Owens Industrial Park Resubdivision be accepted for review.

Ayes – 7

The Public Hearing will be November 14, 2005, as requested by the applicant.

Lowe's of Brockport. Owens Road and Route 31. 084.01-1-19.1

Moved by Mr. Hale, seconded by Mr. Hertweck, to adopt the following resolution:

**RESOLUTION OF THE TOWN OF SWEDEN PLANNING BOARD
October 24, 2005**

LOWE'S OF BROCKPORT (SHOPPING CENTER)

NOTICE OF INTENT TO BE LEAD AGENCY

WHEREAS the Planning Board has received an application for site plan approval of a shopping center located at the north-easterly corner of the intersection of Brockport-Spencerport Road (U.S. Route 31), and Owens Road in the Town of Sweden, Monroe County, New York, bearing tax lot nos. Lot 7, Section 12; and

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WHEREAS in connection with said application, the applicant has submitted an Environmental Assessment Form (EAF), Part 1; and

WHEREAS, the Planning Board of the Town of Sweden, after due deliberation, finds that a public hearing is required and that it may be in the best interests of the Town to schedule a public hearing to solicit public comment upon the proposed project; and

WHEREAS, the Planning Board recognizes that there is a need and requirement under the State Environmental Quality Review Act to classify, fully assess and determine the environmental significance of the impact of the proposed project; and

WHEREAS, the Planning Board recognizes that the project is a Type I Action under the State Environmental Quality Review Act (SEQRA) Regulations, 6 NYCRR §617.4 ; and

WHEREAS, the Planning Board recognizes that the other involved agencies, as identified under the SEQRA Regulations and the EAF, part 1, Item 25, are the Town of Sweden Town Board, the Town of Sweden Zoning Board of Appeals, the Town of Sweden Highway Department, the Town of Sweden Environmental Conservation Board, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the United States Fish and Wildlife Service (USFWS), the Monroe County Soil & Water Conservation, and the U.S. Army Corps of Engineers (USCOE), and thus the action of a shopping center site plan is subject to a coordinated review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED that:

Sec. 1. The Sweden Planning Board does hereby declare its intent to be designated the Lead Agency for the Coordinated Review and Determination of Significance under SEQRA for the above referenced action.

Sec. 2. The Planning Board Clerk shall provide the Town of Sweden Town Board, the Town of Sweden Zoning Board of Appeals, the Town of Sweden Highway Department, the Town of Sweden Environmental Conservation Board, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the United States Fish and Wildlife Service (USFWS), the Monroe County Soil & Water Conservation, and the U.S. Army Corps of Engineers (USCOE), concurrence therewith.

Sec. 3. The Planning Board intends to pass a resolution at its December 12, 2005, meeting establishing itself as the lead agency under SEQRA, providing that there are no objections thereto received from the above mentioned agencies.

Sec. 4. This resolution shall take effect immediately.

Ayes – 7

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Clare Resubdivision. 2785 Colby Street.

Moved by Mr. Hale, seconded by Mrs. Bahr, that the Clare Resubdivision be updated with the Chairman's signature.

Ayes - 7

Wal-Mart Supercenter. Brockport-Spencerport Road.

Mr. Oberst, Town Engineer, distributed copies of the findings statement incorporating the edits from the last work session as well as adding to the transportation portion the impacts and mitigation currently proposed. The Planning Board reviewed the findings statement and made revisions.

Mr. Oberst stated there was a meeting last Tuesday, October 18, 2005, with himself, the Town Supervisor, NYSDOT, Attorney Ortenberg, and representatives from Wal-Mart and Lowe's. The main focus was to discuss the proposed traffic mitigation for the Wal-Mart project as accepted by the NYSDOT and the Lowe's proposed mitigation, which currently includes an east bound left turn lane onto Owens Road from Rte. 31. The NYSDOT was asked to get involved because it's their road and improvements should be coordinated with and approved by them. The NYSDOT was in favor of the improvements, but won't finish reviewing Lowe's traffic study until the middle of November. At this point, the length of the improvements west of Owens Road is unknown and what the unimproved section (gap) between the two project areas will be.

Mr. Hale commented that the gap at the Talamora Trail entrance was created by Mr. Hassall's failure to put in the required road improvements, which the residents have already paid for in the cost of their lots.

Mr. Minor stated another alternative in resolving this matter is to have the State pay for the improvements. It's a State road so why should the taxpayers have to pay for the road improvements, especially again! Mr. Oberst added that's why the meeting with NYSDOT and the two project applicants was held to see what type of agreement could be reached between the two applicants to help with the costs to improve this gap. Mr. Minor stated that the best way to handle this would be for Mr. Hassall to be held accountable for the required road improvements.

Mr. Oberst was asked what the final outcome of the meeting was, and he stated there wasn't one because NYSDOT won't be finished reviewing Lowe's proposed mitigation until the middle of November. In the meantime, based on plans submitted by Lowe's for turning lanes and looking at Wal-Mart's plans, Lowe's will put together a conceptual layout to show what will need to be done between the two project areas.

Mr. Lucey commented that Wal-Mart was able to put together a conceptual layout by taking the proposed mitigation from the Lowe's traffic study and incorporating it with the Wal-Mart approved traffic mitigation. The Lowe's taper goes through the Talamora/Rte. 31 intersection leaving about 95 ft. of an unimproved section from where the taper for the Wal-Mart project ends. The cost to improve that 95 ft. would be split between the two developers and eventually reimbursed by Mr. Hassall when he begins future development.

Attorney Ortenberg stated that Mr. Hassall has Sections 5 through 8 yet to develop, but is apparently waiting to see what happens with the Wal-Mart project in hopes that Wal-Mart will have to pay for the road improvements at the Talamora Trail entrance. Attorney Ortenberg stated, for the record, an official request for an extension to the November 1 findings statement deadline should be made tonight. The findings can't be thorough and complete regarding traffic as the road improvements relate to the coordination with Lowe's until the NYSDOT approves Lowe's traffic plan. The findings would have to acknowledge the hourglass effect/gap, and that negotiations are taking place, but currently there is no mitigation in place.

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Mr. Lucey explained that the DOT has tentatively planned for mid-November to report on the Lowe's traffic study, but in actuality, it could take as long as December. Then, if you add the time to complete/submit the geometry, it could end up being March or April. Mr. Lucey added Wal-Mart has made an offer to put up \$150,000 to cover the costs of the road improvements for the unimproved section (95 ft.) between the two projects.

Mr. Monno asked for clarification regarding the tapers for both projects. Mr. Lucey showed the Board a drawing with the road improvements and tapers. Mrs. Bahr stated if the width of the tapers for both projects decrease heading towards the Talamora entrance, then when the width becomes 10 ft., it is not a functional space. Mr. Lucey agreed. Mrs. Bahr added then the measurement for discussion should not be the 95 ft., but 900 ft. as shown on the drawing.

Discussion moved to the findings statement again and Attorney Ortenberg, along with Chairman McAllister's consent, formerly asked Mr. Lucey, APD, for a 30-day extension past the November 1 findings statement deadline to clearly state what mitigation will be considered for Rte. 31. Mr. Lucey answered no, but added for the record, the mitigation that's been asked of Wal-Mart has been provided and that Wal-Mart is willing to go above and beyond that by putting \$150,000 in an escrow account for additional road improvements. Attorney Ortenberg stated that offer should be added to the findings statement as part of the transportation mitigation.

Chairman McAllister asked if the Board was available to meet Tuesday, November 1, at 7 p.m. to adopt the findings statement. There were no objections. Discussion followed as to where the Clerk should publicize the meeting and it was determined to use the D & C and the Suburban News. Per Mr. Hale, the meeting will be a continuation of tonight's meeting.

Chairman McAllister asked for an updated PIF (Project Information Form).

Attorney Pronti asked if a meeting location had been set for Wal-Mart's request for a public hearing. The Clerk stated it is scheduled for Monday, November 14, 2005 at 7 p.m. to be held at the Oliver Middle School.

Moved by Mr. Hale, seconded by Mrs. Bahr, to adjourn tonight's meeting until Tuesday, November 1 at 7 p.m.

Ayes - 7

Planning Board Secretary