

**TOWN OF SWEDEN
Planning Board Minutes
October 24, 2011**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 24, 2011, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, William Hertweck, Matthew Minor, Arnold Monno, David Strabel

Absent: Craig McAllister

Also present: James Oberst, Town Engineer, Fred Perrine, Highway Superintendent, Andy and Rob Gallina, Gallina Development, Bob Bringley, Marathon Engineering, Chris Richardson, Daryl Carmichael, Daryl Carmichael & Associates, Kris Schultz, Schultz Associates, Louis Popovski, Chris and Moreen Payment

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

Acting Chairman Hale noted the passing of Dale E. Petschke, who was appointed as a member of the Planning Board in January 1972 until Mr. Petschke resigned in November 1981. Mr. Petschke served as Chairman from the second half of 1979 until 1981.

Correspondence was passed to members for review.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the minutes of September 26, 2011, be approved as amended.

Remove Mr. Hale's name from the Members present list.

Ayes – 5
Abstain – Mr. Hale

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

Wegman's Plaza – Medical Office Building Subdivision & Site Plan. Fourth Section Road.

Mr. Andy Gallina addressed the Board. He is requesting approval for a single-story medical office building. He introduced Mr. Bob Bringley, Mr. Carl Richardson, and Mr. Rob Gallina.

Acting Chairman Hale asked if anyone had any questions, comments or concerns. There were none.

Butler Site Plan – Lot 10. 707 Shumway Road. 084.03-1-44

Mr. Daryl Carmichael addressed the Board.

Acting Chairman Hale asked if anyone had any questions, comments or concerns. There were none.

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

Ayes – 6

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Villas at Brandon Woods Resubdivision – Lot 105. 084.01-1-63

Mr. Kris Schultz addressed the Board. He explained that this resubdivision is for Lot 105, and at some point, the goal is to approve the resubdivision applications administratively. The process includes completing a plot plan showing where the house will be located so the building inspector can confirm the location and issue a building permit. The house is then constructed and once it is 90 percent complete, it is resurveyed and then brought back to the Planning Board for resubdivision approval. Once approval is received, it can be filed at the Clerk's office and then sold.

Mr. Strabel asked how would these applications be approved administratively, and does the Board have to make a resolution in order for this to happen. Discussion followed as to whose authority it is to make the resolution. Mr. Strabel feels the Planning Board should have the authority to grant approval administratively, as long as the plot plan dimensions are correct per the Building Inspector and Town Engineer, and ultimately, final resubdivision approval is granted.

Mr. Hale requested the Town Attorney be consulted for a legal opinion as to who has the authority to grant approval administratively. The Clerk will contact the Town Attorney.

Moved by Mr. Minor, seconded by Mr. Hertweck, that the Villas at Brandon Woods – Lot 105 Resubdivision be accepted for review.

Ayes – 6

The Public Hearing will be November 14, 2011.

Butler Site Plan – Lot 10. 707 Shumway Road. 084.03-1-44

Acting Chairman Hale continued review of this project. Mr. Minor recused himself from this application.

Mr. Strabel asked for an update per comments received. Mr. Carmichael explained the following is still outstanding:

- Stormwater calculations for the 12" pipe; still waiting for information from MCWA
- County comments have not been received to date
- Mailbox detail not added to the plan
- Disturbance will be done in phases with each phase being less than 25,000 sq. ft. Mr. Oberst requested that each phase be stabilized with vegetation before the next phase is started. Mr. Carmichael agreed.

Mr. Strabel asked if the wetlands have been mapped. Mr. Carmichael explained that the wetlands are not on the applicant's property. The plans were submitted to the County, and the wetlands were flagged, however, they are way off the property. The Town Engineer would like to review the wetlands again based on the map looked at in order to resolve the difference of opinion. Mr. Carmichael stated per the comments from the NYSDEC, the wetlands are not on the property and should not be an issue.

The Environmental Conservation Board's comments have been addressed; vegetative notes 3 and 4 have been added.

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Moved by Mr. Monno, seconded by Mr. Hertweck,

WHEREAS, the Town of Sweden Planning Board has received an application for site plan approval of the Butler Site Plan – Lot 10, located at 707 Shumway Road, and

WHEREAS, the Planning Board held a public hearing on October 24, 2011, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Environmental Conservation Board, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the Butler Site Plan – Lot 10 is an unlisted action which will not have a significant impact on the environment.

Ayes – 5
Abstain – Mr. Minor

Mr. Monno asked that the previous items discussed be summarized for the Board:

- As far as the wetlands, Mr. Oberst confirmed that the wetlands were mapped on the property, but once delineated showed them west of the property.
- MCDOT comments still waiting to be received.
- MCWA hasn't sent the 12"cmp calcs.
- The mailbox detail is still outstanding.
- SWPPP will be done in phases and will meet the no greater than 25,000 sq. ft. area of disturbance requirement.

Wegmans Plaza – Medical Office Building Subdivision & Site Plan. Fourth Section Road.

Mr. Andy Gallina addressed the Board. He distributed copies of the updated plan and comments received. The issue of access off Wegmans internal road was addressed through the issuance of an ingress/egress easement as well as a water easement to be conveyed at the time of closing. Mr. Gallina submitted a letter detailing this from Wegmans attorney to the applicant's attorney.

MRB Comments

Most of the comments have been addressed except those regarding the bio-retention features of the property. The Town Engineer confirmed that many housekeeping issues have been taken care of and the applicant is addressing stormwater management issues. The stormwater is being sent to the regional pond behind Wegmans where it is treated for storm water quality. Revisions have been made and submitted for Mr. Oberst's approval. After further review, the updated plans are in very good shape.

Environmental Conservation Board

The ECB is pleased with the type of species being planted around the bio-retention facility, and that the forested area and stream in the back will not be disturbed. There are no plans to change the native vegetation.

Mr. Minor requested that a note be added to the plans regarding the distance from the stream to the area of disturbance. The applicant will not be disturbing the tree line, and will locate the grading/work limit line on the plan per Mr. Minor's request.

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Acting Chairman Hale confirmed that there are no registered wetlands on the property. He also confirmed that the vacant Chase Pitkin store was not an option for the medical office due to a matter of choice by the developer.

Fire Marshal Comments

All comments have been acknowledged and/or addressed. A note regarding the Knox Box has been added to the plans.

County Comments

MCDOH comments are standard and have been addressed. Once a SEQRA determination is given, MCDOH will sign the plans. Acting Chairman Hale explained that there are two approvals requested; subdivision and site plan. A SEQRA determination allows the applicant to obtain MCDOH's signature so preliminary and final approvals can be granted for subdivision and final approval granted for site plan.

MCDP&D comments have been addressed. MCWA/Pure Waters are ready to sign the plan.

Mr. Minor asked for clarification regarding the ingress/egress easement discussed earlier and whether it includes just water. Also, is there an easement for electric, sewer and gas? Mr. Bringley stated there is a proposed 64 ft. easement, which includes ingress/egress and all utilities, which would be filed with the subdivision map.

Acting Chairman Hale asked for clarification regarding signage. The applicant would like to have both building and freestanding signage, which is not permitted per the Town's signage code. Discussion followed, and as a result, the applicant may have to seek a variance for the proposed signage.

Mr. Carl Richardson presented the architectural elevations. He explained the building would have brown shingles; the exterior will compliment the surrounding buildings with brick veneer. Employees will park in the back of the building and the front will be primarily for customers. The dumpster enclosure will match the building material, and will be located at the back of the property. The Board suggested landscaping for around the condenser.

The Board asked how snow removal would be handled. Mr. Gallina stated Wegmans will take care of the internal road, and a private contractor will be hired to take care of the site.

Mr. Monno asked if there would be tractor-trailers or large delivery trucks onsite. Mr. Gallina stated no there would not be.

Mr. Dollard asked if the tenant would require any unique requirements for biohazard material. The answer was no.

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application from Gallina Development Corporation, for resubdivision and site plan approval of Parcel A-R-A of the Wegmans Food Market Subdivision, located at the Wegmans Plaza, 6660 Fourth Section Road, Brockport, New York, and

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WHEREAS, the Planning Board held a public hearing on October 24, 2011, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Environmental Conservation Board, Fire Marshal, Highway Superintendent, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that Parcel A-R-A of the Wegmans Food Market Subdivision and site plan are unlisted actions which will not have a significant impact on the environment.

Ayes - 6

Moved by Mr. Monno, seconded by Mr. Hertweck,

WHEREAS, the Town of Sweden Planning Board has received an application from Gallina Development Corporation, for resubdivision approval of Parcel A-R-A of the Wegmans Food Market Subdivision, located at the Wegmans Plaza, 6660 Fourth Section Road, Brockport, New York, and

WHEREAS, the Planning Board held a public hearing on October 24, 2011, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Environmental Conservation Board, Fire Marshal, Highway Superintendent, and Monroe County Planning and Development,

WHEREAS, the Planning Board determined that Parcel A-R-A of the Wegmans Food Market Subdivision is an unlisted action which will not have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board grants Preliminary Approval of Parcel A-R-A of the Wegmans Food Market Subdivision.

Ayes - 6

Mr. Gallina asked for a contingent final approval due to the worthiness of the project and the timing of the project. If final approval weren't granted for another 30 days, it would put the project in a compromising situation. Discussion followed regarding the final easements.

The Town Engineer is satisfied with the plans; there are no major revisions pending.

Moved by Strabel, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application from Gallina Development Corporation, for resubdivision approval of Parcel A-R-A of the Wegmans Food Market Subdivision, located at the Wegmans Plaza, 6660 Fourth Section Road, Brockport, New York, and

WHEREAS, the Planning Board held a public hearing on October 24, 2011, and all persons wishing to be heard were heard, and

WHEREAS, on October 24, 2011, the Planning Board determined that Parcel A-R-A of the Wegman Food Market Subdivision is an unlisted action which will not have a significant impact on the environment, and the resubdivision was granted Preliminary approval,

NOW, THEREFORE, BE IT RESOLVED that the final hearing be waived and Parcel A-R-A of the Wegmans Food Market Subdivision be granted final approval contingent upon the filing of Schedule A – Ingress/Egress Easement and Schedule B – Water Easement as submitted at today's meeting and approved by the Town Attorney, all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

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Moved by Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for site plan approval of Parcel A-R-A of the Wegmans Food Market Subdivision, located at the Wegmans Plaza, 6660 Fourth Section Road, Brockport, New York, and

WHEREAS, the Planning Board held a public hearing on October 24, 2011, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Fire Marshal, Environmental Conservation Board, Highway Superintendent, and Monroe County Planning and Development, and

WHEREAS, on October 24, 2011, the Planning Board determined that Parcel A-R-A of the Wegmans Food Market site plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED, that Parcel A-R-A of the Wegmans Food Market site plan, be approved contingent upon the filing of Schedule A – Ingress/Egress Easement and Schedule B – Water Easement as submitted at today’s meeting and approved by the Town Attorney; all required signatures, and the Chairman be authorized to sign.

Ayes – 6

The meeting was adjourned on motion at 8:30 p.m.

Planning Board Clerk