

**TOWN OF SWEDEN
Planning Board Minutes
October 26, 2015**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 26, 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, Wayne Rickman, David Strabel.

Absent: Arnie Monno.

Also present: James Oberst, MRB, Nat O. Lester, III, Planning Board Counsel, Kris Shultz, Schultz Associates, John Sciarabba, Land Tech Surveying and Engineering, James Glogowski, L.S., Jess Sudol, Passero Associates, Ryan Brandt, Tom and Joan Lavell, David Schofield, Alan Adams, Carol Oster, Ernie Haywood.

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

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Rickman, that the minutes of September 28, 2015, be approved as amended.

Mr. Minor voted Nay for the Villas at Brandon Woods Resubdivision, page 3.

Ayes – 5
Abstain – Mr. Hale

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

Ayes – 6

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

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

Mr. Jess Sudol addressed the Board. He introduced Carol Oster, Ryan Brandt, and Ernie Haywood. Mr. Sudol gave a brief summary of the project. There will be 56 units, 7 (8-unit) buildings, several hundred feet north of Lowe's. The parcel is just over 6.5 acres. The buildings will be two stories, each building with different shading and architectural features. Private roads and infrastructure with two parking spaces provided for each unit. There will be a community building at the front with a tot lot off to the side. The community building offers residents various amenities, i.e., meeting rooms for get-togethers. The management office will be located in the community building too.

Mr. Sudol showed the area of disturbance. A wetland delineation was completed. The biologist confirmed that at the Otis Creek tributary there is a wetland area in the far corner where there was proposed development. The design has been changed to avoid disturbing the wetland area. The development is at least 75 ft. away from the creek.

All comments from the various agencies and local officials have been received and addressed. One issue that is new is while there is a main access at the southwest corner of the property across from the existing Woodlands access, the Fire Marshal has requested a second access as well as adding some hydrants. This will be provided as soon as the logistics have been worked out.

In summary, the applicant is seeking a rezoning from the Town Board concurrently with the Planning Board application. It is on the Town Board's agenda tomorrow for a possible SEQR determination and rezoning from Heavy Industrial to Retail Commercial where multi-family residence is permitted. The Town's Comprehensive Plan fully supports this area for possible multi-family use.

Mr. Sudol would be happy to answer any questions at this time.

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

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Mr. David Schoffield, 27 Woodlands Way – Mr. Schoffield’s main concern is the second entrance. He feels if it is not aligned with the Woodlands access, there will be safety issues.

Ms. Beverly McKinney, 4415 Sweden Walker Road – Ms. McKinney owns land on the other side of Otis Creek. Her concern is to make sure there is no damming up of Otis Creek with the proposed development. Otis Creek runs through several properties.

McAlister’s Deli Site Plan. Transit Way. 084.01-1-1.007

Mr. John Sciarabba addressed the Board. He explained McAlister’s Deli is a franchise store with over 300 stores mainly down south. The applicants just opened a new store in Henrietta. The proposed site is approximately 1.6 acres located on Transit Way directly behind Buckman’s Car Wash and Speedway (Hess) Gas Station. All utilities are at the site. The proposed building footprint is approximately 9,200 sq. ft. (5,000 sq. ft. for McAlister’s Deli and 4,200 sq. ft. for the lease space). There are 85 proposed parking spaces. The site is zoned Retail-Commercial (B-1) and meets all zoning requirements. There are two access points, one on Transit Way, one to the Wal-Mart site, and a possible third one through Buckman’s Car Wash. The site is unique in that a drainage swale cuts right through the site that is no longer used. The drainage easement needs to be modified as the drainage will be rerouted.

Chairman McAllister asked if there were anyone from the public with questions, comments or concerns. There were none.

2610 Colby Street Subdivision. 2610 Colby Street. 084.03-1-24

Mr. Richard Maier addressed the Board. The project is on the north side of Colby Street, approximately 4,500 ft. west of Sweden-Walker Road. The applicant is modifying the property lines, shrinking the size of the property in order to better market the existing house.

Chairman McAllister asked if there were anyone from the public with questions, comments or concerns. There were none.

Edward White Subdivision - Lot 1 Amended Site Plan. 2101 Colby St. 099.02-1-7.1

Mr. James Glogowski addressed the Board. Mr. Chris Nothnagle owns the property on the south side of Colby Street and is proposing to construct a pole barn prior to building a house. The existing lot is an approved subdivision and site plan. The barn has been added to the plan.

Chairman McAllister asked if there were anyone from the public with questions, comments or concerns. There were none.

Heritage Square – Phase I Amended Site Plan. Redman Road. 068.03-1-18.11

Mr. Kris Schultz addressed the Board. He explained that the guide rails originally approved for this development are no longer necessary and an amended site plan is required. The original approved sheet was presented eliminating the guide rails.

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

Beverly McKinney, 4415 Sweden-Walker Road – Ms. McKinney stated that it should be a general rule for the Town to take into consideration what type of roads and drainage are affected by a specific development. Also, who is responsible for maintaining these roads? She owns property on Sweden-Walker Road and is having problems with the State maintaining drainage ditches. If State roads are involved with any development, pay particular attention to drainage issues because the State doesn’t do a good job of maintaining their roads.

Chairman McAllister asked if there were any other questions, comments or concerns. There were none.

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

Ayes – 6

Rota Resubdivision and Site Plan - Lots 2A and 2B. Shumway Road. 084.03-1-16.221.

Mr. Jamie Pentland addressed the Board. He explained the applicant would like to subdivide Lot 2, 10.5 acres, into two smaller lots and build a home on Lot 2A, ±2 acres. The single family home will have a private septic system and connect to existing utilities on Shumway Road. Drainage at the site will be maintained as it is currently towards Shumway Road. Plans have been submitted to the County DRC for review and a SWPPP will be submitted for review.

Mr. Minor requested that the lot lines be made solid to clarify the proposed lots from the existing lot. Mr. Pentland agreed to make that change.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Rota Resubdivision and Site Plan, Lots 2A and 2B, be accepted for review.

Ayes – 6

The public hearing will be November 23, 2015.

Galvano Resubdivision and Amended Site Plan. 6150 Lake Road. 114.01-1-48.

Mr. Kris Schultz addressed the Board. He explained the Planning Board originally approved a single family home way back on the property, which proved to be too expensive to build. The applicant would now like to move the lot line and the home closer to the road where it is more economical to build.

By moving the house, the septic system was changed to a modified raised system, which changed the lot width to 260 ft. The plans have been modified to reflect this.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Galvano Resubdivision and Amended Site Plan be accepted for review.

Ayes – 6

The public hearing will be November 23, 2015.

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

Mr. Kris Schultz addressed the Board. The delineation of the wetlands has been completed. The results show there isn't any impact to the proposed site design. The wetlands follow the edge of the woods.

Mr. Oberst asked Mr. Schultz if NYSDOT had commented on the plans. Mr. Schultz stated not yet, but a separate plan has been submitted, which shows the existing farm lane being improved as the access. The plan also requests NYSDOT to clean out the culvert.

All comments were addressed at a previous meeting except for an addendum from MC Planning and Development.

DRC Comments

There are state and federal wetlands on the property. This was confirmed by the delineation of the wetlands. Also, the project does not impact the wetlands in any way.

The Town Engineer is satisfied with the plans except for NYSDOT approval.

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Mr. Strabel asked how should the Building Inspector's comment regarding the need to obtain a permit for an existing pole barn on the property be addressed. As part of the record, before a permit for a single family home is issued, a permit for the existing pole barn must be obtained.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision and site plan approval of the Eric Chick Subdivision, located at 977 West Avenue, which was accepted for review on August 10, 2015, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on September 14, 2015, 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 of Town Engineer, Environmental Conservation Board, Fire Marshal, Building Inspector/Stormwater Manager, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Eric Chick Subdivision and Site Plan are unlisted actions which will not have a significant impact on the environment, and grants the subdivision preliminary approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the Eric Chick Subdivision and Site Plan be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Mr. Dollard asked if obtaining a pole barn permit should be made part of the resolution. Mr. Strabel stated that the above minutes detail the requirements of obtaining a permit for the pole barn before the permit for the single family home can be issued.

Ayes – 6

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

Mr. Hale stated that because the Town Board has not given SEQR or rezoning approval, this Board is limited to what it can do. Chairman McAllister suggested at least reviewing all comments received to date.

MRB Comments

Mr. Oberst stated that an initial review letter dated October 7 outlining site plan and EAF supplemental information for the Town Board was sent. A response was received with a follow-up letter on October 21 addressing remaining site plan and SWPPP issues. A letter, dated October 22, regarding letter of credit issues was sent. Passero Associates has satisfactorily addressed all of the above items except for one or two details.

Mr. Strabel asked that the buildings be labeled either with letters or numbers to avoid confusion. Mr. Sudol agreed. Mr. Strabel also asked about the maintenance easements. Mr. Oberst stated there are three easements. A sidewalk easement will be dedicated to the Town. An access easement to get back to the pond and an easement around the pond. Also, the maintenance agreement is subject to the Planning Board Counsel's review.

The continuation of the sidewalk from Frances Apartments across 200 ft. of vacant land to the Lowe's sidewalk was discussed. Chairman McAllister wanted to ask the Town Board to incorporate it with the rezoning. Mr. Sudol explained that is somewhat out of the applicants control since they don't own the 200 ft. of land. Even though Owens Road is a Town road, the sidewalk is outside the Town's right-of-way.

Mr. Minor summarized that the Fire Marshal had requested a second access and at the public hearing there was concern because it wasn't aligned with the access across the road. Mr. Sudol agreed that aligning accesses is the best design, but the second access would be for emergency access only and would not be used that often. The emergency access will be secured with a crash gate and Knox box; the details still need to be worked out with the Fire Marshal. Mr. Rickman requested that the second access be detailed on the plan as an emergency access. Mr. Sudol agreed.

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Fire Marshal's comments were addressed satisfactorily.

Mr. Minor addressed the issue of parking at Frances Apartments facing directly west at the Woodlands Way apartments. The concern is car lights shining into the homes. Mr. Sudol doesn't believe that parking will be used very often, only when the Community Center is used. The proposed landscape plan shows some trees in front of the parking area for about 15 parking spaces. Mr. Sudol suggested adding some hedges, 36 to 42 inches high, to the landscaping to help with any lighting issues.

Mr. Strabel asked if the tot lot is lit. Mr. Sudol stated no.

Mr. Minor asked if there is fencing around the ponds. Mr. Sudol stated yes, a 4 ft. high black vinyl coated chain-link fence with a lock. Mr. Minor pointed out that the Landscaping Plan, C105, calls for a split rail fence. Mr. Sudol stated that is an error and will be corrected.

Mr. Dollard asked if there are only two dumpster sites for the whole development. Mr. Sudol stated yes; they are located centrally. C202 shows the dumpster detail. The Board explained that the dumpster enclosure should be of similar material/look to the main building; check the Town code for details. Mr. Sudol asked if a wood fence with a matching stain would be acceptable. The Board stated yes.

Mr. Strabel restated that at the Town Board meeting tomorrow the applicant is expecting SEQR and rezoning approvals. The three easements are still being completed. Planning Board Counsel explained that the Town has sidewalk districts for the maintenance of sidewalks, which is passed on to the members of the district. The Board decided to wait until the next meeting to take any action.

Mr. Minor discussed that this housing development is affordable housing and will most likely lead to the use of public transportation at Rte. 31. How does a resident get to Rte. 31 for public transportation other than walking in the road? Mr. Sudol stated the housing is for workforce families, which the residents will most likely have their own vehicle. Two parking spaces have been provided for each unit. The applicant will support the Town Board to provide a sidewalk for the 200 ft. of vacant land, but the applicant doesn't own the land. Hopefully, in the future, the property will be sold for development. Discussion followed that there is another section of the sidewalk after Lowe's that does not have a sidewalk that connects to Rte. 31.

Mr. Haywood pointed out that Lifetime and/or LiftLine will provide transportation for the residents to the RTS stop.

Chairman McAllister asked if there were any more issues to discuss. There were none.

McAlister's Deli Site Plan. Transit Way. 084.01-1-1.007

Mr. John Sciarabba addressed the Board. Mr. Sciarabba introduced Peter and Josh Bruckel, owners. Josh just returned from a six week training in Alabama, and would be happy to answer any questions regarding the operation of a McAlister's Deli.

MRB Comments

A SWPPP will be provided to MRB for review, which will clear up a lot of questions.

Chairman McAllister asked the status of the abandoned easement. Mr. Sciarabba answered that the drainage easement to the Town bisects right through the center of the property. He will work with Planning Board Counsel to abandon that easement and relocate it. On page 2 of the Utility Plan, a storm system is shown that will bring the storm water around the west side of the building which will then head to the south. The drainage goes from north to south, starting at Buckman's and Hess.

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Mr. Minor questioned whether the Buckman's site will remain in compliance with the greenspace requirement after the additional paving for an access to this project. The Buckman's site plan should be reviewed. Attorney Lester requested a copy of the easement from Buckman's to this development.

Mr. Strabel wondered if Buckman's is okay with having the proposed access. Mr. Peter Bruckel stated yes. Mr. Strabel's concern is that the traffic pattern is awkward in that there is no bypass lane. Once back at the access, the choice is either go through the car wash or a wash bay to get to Rte. 31. It makes more sense entering off Rte. 31 to get to the property, but not leaving it that way. Mr. Peter Bruckel agreed and would like to change it to a one-way access.

FM Comments – none.

ECB Comments

The lot coverage is maximized. Water is being treated before leaving site.

Building Inspector/Stormwater Manager

Comments addressed above.

Highway Superintendent Comments

Mr. Sciarabba mentioned Mr. Ingraham had some good comments, i.e. using a 12-inch storm sewer. Letter of credit will be established. An 18-inch pipe for the drainage system will be addressed.

DRC Comments

All comments have been addressed.

Mr. Sciarabba plans to address all of MRB's comments in writing so that Mr. Oberst is satisfied, and then return in two weeks.

Mr. Dollard questioned what the numbering of the building would be for the Fire Department. The Town will decide what the correct address will be.

2610 Colby Street Subdivision. 2610 Colby Street. 084.03-1-24

Mr. Richard Maier addressed the Board. Comments from DRC and MRB have been addressed. Fire Marshal and ECB had no comments. Mr. Oberst has no further concerns.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the 2610 Colby Street Subdivision, which was accepted for review on August 10, 2015, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 26, 2015, and all persons wishing to be heard were heard, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the subdivision is an unlisted action which will not have a significant impact on the environment, and grants the subdivision preliminary approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the 2610 Colby Street Subdivision be granted final approval contingent upon receiving all required signatures, and the Chairman be authorized to sign.

Ayes - 6

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Edward White Subdivision - Lot 1 Amended Site Plan. 2101 Colby St. 099.02-1-7.1

Mr. Jim Glogowski explained the application is fairly simple. Mr. Minor restated that this is an existing approved site plan for a single family home that has not been constructed to date. The applicant is proposing a 30 ft. x 40 ft. pole barn for storage prior to building a house. Mr. Glogowski agreed.

The original site plan was shown and will be used when the house is constructed. The amended site plan pertains to the barn only. A note has been added to the plan regarding this.

The Building Inspector, Fire Marshal and ECB had no comments.

Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Edward White Subdivision, Lot 1, located at 2101 Colby Street, which was accepted for review on September 28, 2015, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 26, 2015, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of Town Engineer, Environmental Conservation Board, Fire Marshal, and Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the amended site plan is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Edward White Subdivision, Lot 1, Amended Site Plan be granted approval contingent upon receiving all required signatures, and the Chairman be authorized to sign.

Ayes – 6

Heritage Square – Phase I Amended Site Plan. Redman Road. 068.03-1-18.11

Mr. Kris Schultz has addressed all comments and concerns. Mr. Oberst is satisfied.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Heritage Square-Phase I Subdivision, located off Redman Road, which was accepted for review on September 28, 2015, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 26, 2015, and all persons wishing to be heard were heard, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the amended site plan is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Heritage Square-Phase I Amended Site Plan be granted approval contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

The meeting was adjourned on motion at 8:50 p.m.

Planning Board Clerk