

**TOWN OF SWEDEN
Planning Board Minutes
December 12, 2005**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 12, 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, Bill Weber, Building Inspector, Whitney Autin, ECB, David Matt, Doug Morris, Reuben Ortenberg, Esq., Kelly Pronti, Esq., Thomas Lucey, Anthony Cologgi, Harry Shifton, Ralph Sisson

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. Williams, that the minutes of November 14, 2005 be approved.

Ayes – 6
Abstain – E. Bahr

Moved by Mr. Williams, seconded by Mrs. Bahr, that the minutes of November 28, 2005 be approved.

Ayes – 7

Wohlers Subdivision – Section II, Resubdivision & Amended Site Plan. Sweden Walker Road.

Mr. Dave Matt addressed the Board. The applicant, Mrs. Hall, has requested the name of this subdivision be changed to Hall Subdivision, a resubdivision of Section II of the Wohlers Subdivision. This project was recently before the Zoning Board of Appeals on September 20 where it was granted a variance for 40 ft. of road frontage instead of the required 60 ft. The lots are between 5 and 7 acres. The site is serviced by public water and utilities and private septic. Mr. Matt stated that the current site plan has been cleaned up from the one approved in the 1980's. The septic systems have been updated and the hammerhead is now incorporated in the split of the driveway. The private drive has been named Majestic Pines Drive and has been accepted by 911.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Hall Subdivision, a resubdivision of Section II of the Wohlers Subdivision be accepted for review.

Mr. Monno requested that contours be added along the back of the property. Mr. Matt will address that for the next meeting. Mr. Williams stated that the new name, Hall Subdivision, should be printed in the legal notice. Mr. Minor asked to see a copy of the ZBA minutes approving the variance at the next meeting. The Clerk will take care of both of the above.

Ayes – 7

The Public Hearing will be January 9, 2006.

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

Mr. Matt addressed the few minor comments made at the public hearing. The erosion control detail has been added. The two wetlands that affect this site have been labeled, one in the northeast corner on the parent parcel and one on the Coates property to the south. The Town Engineer and the Health Department have signed the mylar.

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Mr. Hale confirmed that the water note was added to the plan. Mr. Matt stated it was #20. Mr. Hertweck asked if the water quality was checked. Mr. Matt stated that the Health Department does not require the water quality to be checked on 5-acre lots. Mr. Hertweck stated the water on his property was tested in August, and E-coli and other contaminants were found. This will be checked into further once the weather breaks.

Moved by Mr. Hale, seconded by Mr. Monno, that the final public hearing be waived, and the Sheehan Subdivision & Site Plan be granted final approval, and the Chairman authorized to sign the mylar.

Ayes – 7

South Wind Subdivision & Site Plan – 17 lots. Lake Rd. & Beadle Rd. 114.01-1-45.112 (part of)

Mr. Matt and the Town Engineer met last Wednesday. Mr. Matt was given a list of items to address. The revisions weren't given to Mr. Oberst until today. Mr. Oberst stated that he is satisfied with the site plan drawings and that the drainage calculations are the only issue. The main concern is the sub area that drains towards the main channel to the north across the Horshel property. Mr. Oberst believes based on what was received today that Mr. Matt has been able to address that situation. The Chairman asked if Mr. Oberst is then ready to sign the mylar and Mr. Oberst stated yes once the calculations are verified. Mr. Hale asked if the Health Department has signed and Mr. Matt stated yes.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the South Wind Subdivision & Site Plan – 17 lots, be granted final approval contingent upon the approval and signature of the Town Engineer, and the Chairman authorized to sign the mylar.

Ayes – 6

Abstain - Mr. Monno

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

Attorney Ortenberg stated that he prepared two resolutions for the Lead Agency Declaration. One resolution states that all the information has been received and a positive or negative declaration can be made, and the other resolution has an additional paragraph giving the Board 20 days to make its decision once all the information has been received. Also, a resolution for the SEQRA Determination of Significance – Negative Declaration has been prepared. Attorney Ortenberg suggested that the Board now decide with the help of the Town Engineer who has prepared a lengthy document in support of a negative declaration as to which resolution to adopt.

Mr. Oberst, Town Engineer, addressed the Board. There were five items listed in the review of the EAF that were considered potential large impacts. The EAF was prepared prior to Lowe's having a site investigation done by Geo-Tech and for endangered species. At the end of the Lowe's work session, the only outstanding potential large impact that needed to be addressed was traffic. Mr. Oberst stated in his supporting documentation towards a negative declaration, that he outlined the five items and the proposed action and what the mitigation will be, if necessary.

Mr. Oberst received additional information from Geo-Tech whether the ground water was less than 3 ft., and it was determined to be greater than 6 ft. Noise levels relative to the HVAC units were recorded from the property line and 20 ft. from the unit. It was determined the highest noise level will originate from delivery trucks traveling along Rte. 31 or Owens Road, which would be similar to other commercial trucks traveling on these roads. Mr. Morris stated as far as transportation, he would bring to tonight's meeting an updated road

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layout as to what the improvements to Rte. 31 would look like. Attorney Ortenberg asked if a new EAF was received. Mr. Morris stated the EAF is in the process of being updated and should be ready tomorrow morning.

Mr. Hale suggested that the Board be given adequate time to review the updated EAF before a resolution for a negative declaration is adopted. Discussion followed regarding the revised EAF and getting it to the Board for review.

Chairman McAllister asked if the Board would be available to meet on Thursday at 6 p.m. to review the updated EAF and Mr. Oberst's supporting documentation in order to consider adopting the resolution for a negative declaration.

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

**RESOLUTION OF THE TOWN OF SWEDEN PLANNING BOARD
December 12, 2005**

LOWE'S OF BROCKPORT (SHOPPES AT OWENS LANDING)

LEAD AGENCY DECLARATION

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

WHEREAS, the Town of Sweden Planning Board, has given public notice to Town Board of the Town of Sweden, Town of Sweden Zoning Board of Appeals, 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) and the U.S. Army Corps of Engineers (USCOE); and

WHEREAS, the Town of Sweden Planning Board has not received any written objection from the Town Board of the Town of Sweden, Town of Sweden Zoning Board of Appeals, 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) and the U.S. Army Corps of Engineers (USCOE), within the time period specified; and

WHEREAS, it has been brought to the attention of the Planning Board that it has not received all information reasonably necessary to make a determination as to the significance of the action proposed by the applicant;

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NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town of Sweden Planning Board does hereby designate itself as the Lead Agency for the Coordinated Review and Determination of Significance, under the SEQRA Regulations, for the above referenced action.
- Sec. 2. That this resolution shall take effect immediately.

Ayes – 7

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

Attorney Pronti addressed the Board and introduced Steve Thompson, architect for the Wal-Mart SC. Mr. Thompson will provide a detailed discussion of the architectural plans. Mr. Lucey will give an overview of the changes made to the site plan. Ms. Pronti asked if there would be a second meeting this month. Chairman McAllister stated there would not be a meeting until January 9, 2006.

Chairman McAllister stated Mr. Chris Gaetanos, attorney for the property owner of the existing Wal-Mart plaza, called to check on the status of the project and to see what the earliest potential time limit would be for Wal-Mart to vacate the plaza. Also, to see if Wal-Mart had any idea of the type of business that would occupy the plaza, and that the owner of the plaza is willing to work with the new tenant if additional space is needed. Attorney Pronti appreciated the information and would pass it on to the real estate manager.

The Clerk distributed Attorney Pronti's letter referencing MRB's comments. Mr. Lucey reviewed some of the comments:

- Eliminate parking spaces and shift the building over to make the buffer wider – the parking ratio was reviewed and Wal-Mart is at 4.54 spaces per gross floor area. The project is still above the Town's requirement, but is at the operational limits that Wal-Mart would like to be at for parking.
- Landscaping concerns – surveyors visited the property locating vegetation that appeared to be worth saving. The Board was shown pictures of the existing vegetation.
- Provide additional screening for the rooftop units – the parapet wall along the back of the building is approximately 7 to 8 feet tall and the HVAC unit is 4 to 5 ft. tall, which will help protect with visibility and noise at the back of the building.
- Mr. Frank Sciremammano, F-E-S Associates, conducted a noise study over the weekend. Mr. Lucey summarized the report by stating at Brockport-Spencerport Road there is a typical decibel level of 70 for traffic. In June 2004, measurements of the sound levels were taken at the eastern property line averaging just fewer than 70 decibels. Measurements were taken farther back from Rte. 31 where loading might happen, 300 and 500 ft. back. At 300 ft., the decibel level decreases making Rte. 31 the major noise generator. After 11 p.m., there were some measurements taken and there was a minimum decibel level of 43, which Mr. Sciremammano related as no traffic. A typical value you would expect in a residential area is 50. Mr. Sciremammano conducted a noise test at the Geneseo store. Standing 20 ft. from a HVAC unit, the measurement was 63 decibels. Also, walking on the roof, the highest measurement recorded from two to three HVAC units was 63 decibels. Mr. Sciremammano purchased a backup beeper to test the level at the Gates store, and from 80 feet away the decibel level was 72. Mr. Lucey stated that backup beepers aren't required on commercial vehicles. After speaking with the store managers at both the Gates and Henrietta stores, Wal-Mart trucks typically do not have backup beepers. Backup beepers would then be expected to be heard from a snowplow vehicle, which is exempted from the Town's noise ordinance. Mr. Monno stated all that information was good, but the

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tremendous noise created during construction should be addressed. Mr. Lucey stated that Mr. Sciremammano addressed that issue in the DEIS, but he would be willing to go over that information again, if needed.

- Mrs. Bahr asked how wide the berm was on the south side. Mr. Lucey stated about 4 ft. high. Mr. Minor asked if there was a retaining wall on the south side and Mr. Lucey stated there was not. Mr. Minor also asked about the noise made by the trash compactors and Mr. Lucey stated each trash compactor has a 10 ft. wall all around it making the decibel level at about 40.
- Mr. Lucey presented the vegetation pictures of the eastern boundary line heading north to south showing the Kuster property, retention pond and farther down. The pictures were taken by the surveyor to show the vegetation that was flagged in order to be incorporated with the proposed berm. Mr. Williams stated the disadvantage with taking the pictures now is that the scrub and trees are bare, whereas in the summer there is a full screen. Mr. Hertweck would like to see how the berm will be maintained. Chairman McAllister requested fencing along the plantings on the berm to help prevent children from falling off the top of the berm. More discussion followed. It was suggested the ECB provide a list of the types of plantings suitable for the berm.
- The T-intersection at Transit Road can be accomplished, but a small part of the Schoolhouse property would have to be used. The real estate division has contacted the Schoolhouse, but no definite answer has been received. Mr. Minor brought up pedestrian circulation and asked if this would be the time to discuss sidewalks being installed in this area. Mr. Hale stated the walking distance may be too far from the Wal-Mart SC to other businesses. Mr. Hale also added that the road should be dedicated as soon as possible so as not to create a landlocked parcel. Attorney Pronti stated a meeting will be held in the near future to finalize all easements and the area that will be dedicated to the Town, as well as an updated subdivision plat showing the parcel to the south as a separate tax number.
- Mr. Lucey stated the following items have been addressed:
 - there are no PA systems outside
 - split rail fences are proposed to go around the ponds and a guardrail around the top of the ponds where there are steep slopes
 - additional landscaping was requested at the northwest corner of the site and along the front of the property
 - added to the site plan was truck detail showing where trucks are suppose to exit
 - the correct vestibule/door has been chosen for the high winds in this area
 - directional signs will be added to direct people to the TLE
 - filtering of the stormwater pond is in place
 - protected left on the main driveway was initially proposed, but DOT rejected the need for one
 - different types of pines are proposed for the plantings on the berm
 - cross-sections of the berms submitted (Mr. Minor asked for a blue print of the berms to avoid any discrepancy during construction)
 - some trees were removed to eliminate concern of a blind spot
 - red, stamped concrete will be used for crosswalks
 - seasonal display was discussed, Mr. Lucey will provide more detail
 - there will be signs indicating no idling
 - building sign or pylon sign, not both

Mr. Steve Thompson addressed the Board and distributed copies of the elevations. Mr. Thompson explained that the elements of Main Street have been incorporated into the building with smaller store fronts, depth of the façade, and variations of color. There was removal of some signage, i.e., “We Sell For Less” and “Always.”

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The "Always" signs were replaced with fake window features. A heavier cornice has been added to all three of the entrances. The "Bakery/Deli" type signs direct people to that area of the store. Mrs. Bahr suggested that the large windows above "Retail Center" and "Food Center" be changed to look more like village-type windows.

Mr. Monno suggested that the Romanesque look or the old look of Brockport's fire station/jail be incorporated above the TLE. Pictures can be found at Bill Gray's Restaurant.

Mr. Minor asked what lights stay on at night time. Mr. Thompson stated the lights within the vestibules, wall packs around the back are lit for security purposes, and the parking lot lights. There are few pole lights at the back of the building. Mrs. Bahr asked if any of the letters are illuminated. Mr. Thompson stated the letters are back lit. Chairman McAllister asked if the facility is open 24 hrs. Mr. Thompson stated yes except for the TLE and the small tenants.

Mr. Monno asked if Wal-Mart would consider using a certain part of the building to serve as a museum. It would be on the outside of the building with a special glass front in a secure, lit location showcasing information about Sweden. Mr. Lucey stated he will look into that. Mr. Minor stated an example would be the Strand Theater where there is an original projector on display in a glassed area.

Mr. Lucey stated Wal-Mart would be looking for subdivision approval at the next meeting on January 9, 2006. There was a question regarding the height of the light poles. Mr. Lucey stated along the front, the poles are 36 ft. high and 400 watts. Along the back, the lights are 24 ft. high. All lights are boxed and dark sky compliant.

Used Auto Sales Business. 5605 Brockport-Spencerport Road

Mr. Anthony Cologgi addressed the Board informally with questions regarding opening a used auto sales business at 5605 Brockport-Spencerport Road. His questions were regarding the parking and how many spaces he would be able to use and where the cars could be parked. Mr. Cologgi submitted his revised drawing of the approved Champion Auto Sales site plan. Mr. Cologgi stated the owner of the lot said he didn't have a problem with additional cars being parked by the garage in the gravel/grass area if the Board approved it.

According to the Champion Auto Sales Site Plan, there are 44 approved parking spaces. No parking is permitted in the back of the building or on the grass. The Board determined that Mr. Cologgi would be permitted to use as many of the 44 parking spaces previously approved on the Champion Auto Sales Site Plan as long as the owner of the property was in agreement and it was specified in the lease. The Board will meet on Thursday to review similar projects in order to determine what type of repair work will be allowed.

Mr. Bill Weber, Building Inspector, informed the Board that he was leaving his position with the Town to take a full-time position as the Building Inspector with the Town of Livonia. The Board congratulated Mr. Weber and wished him well.

Moved by Mr. Hale, seconded by Mr. Minor, that the meeting be adjourned at 10:50 p.m. to Thursday, December 15 at 6 p.m. for the purpose of adopting the resolution for the Lowe's SEQRA Determination of Significance.

Ayes - 7

Planning Board Secretary