

**TOWN OF SWEDEN  
Planning Board Minutes**

**December 22, 2003**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 22, 2003, 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: Jerry Foster-Environmental Conservation Board, Jerry Goldman, Esq., John Bennett-APD, Kelly Pronti, Esq.-Wal-Mart, Kris Schultz, Harry and Deanna Shifton, Nicholas and Roseanne Mascari, Dennis Chasse

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

Correspondence passed to members for review.

Moved by Mrs. Bahr, seconded by Mr. Hale that the minutes of December 8, 2003 be approved.

Ayes – 5  
Abstain -- E. Williams

Moved by Mr. Monno, seconded by Mr. Williams 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.

7:05 p.m. – Board Member Hertweck arrived.

**Mascari Resubdivision.** 2025 Colby Street. 099.02-1-9

Planning Board Members reviewed the plan. Chairman McAllister asked if anyone had any questions, comments or concerns relative to this proposal.

Mr. Foster, ECB, inquired as to the amount of vegetation on this lot. Mr. Foster would also request the plan show wooded areas including the type and approximate location of large prominent trees.

Chairman McAllister confirmed that there is no development planned with the additional one acre being added to the back of the parcel.

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

Ayes – 7

**Mascari Resubdivision.** 2025 Colby Street. 099.02-1-9

Mr. Hale asked to see the location of James and Lynn Salmon's land in relation to the Mascari parcel. Mrs. Mascari stated there is a letter from the Salmons giving us permission to use the upper driveway.

Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the Project Information Form, comments from the Town Engineer, the Environmental Conservation Board, the Highway Superintendent and the Fire Marshal, the Planning Board determines that the Mascari Resubdivision is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Moved by Mr. Hale, seconded by Mrs. Bahr, that the Mascari Resubdivision be given preliminary approval.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Monno, that the final public hearing be waived, the Mascari Resubdivision be granted final approval contingent upon receiving the signature of the Town Engineer, and the Chairman be authorized to sign the mylar.

Ayes – 7

**Wal-Mart Supercenter DEIS.** Bkpt-Spen Road. 084.01-1-14.112, 084.01-1-14.2, 084.01-1-14.12  
Chairman McAllister asked if everyone is satisfied with the additional information received. Attorney Goldman commented that he had suggested to John Bennett, APD, and Kelly Pronti, Esq. to integrate all changes into one document for ease of public review.

John Bennett commented that he is submitting ten copies of the revised information virtually identical to the copies submitted last Wednesday to the Planning Board and Town Engineer with the exception of an instruction sheet to be used to update the DEIS.

Attorney Goldman thanked APD and Ms. Pronti for their work with updating the DEIS. It was also pointed out that the time of the public hearing wasn't mentioned in the proposed resolution. Chairman McAllister stated the public hearing would begin at 7 p.m.

Chairman McAllister informed the Board that he would be out of town January 9 through January 17 which would not allow us to have the public hearing on January 12 unless one of the Board Members would like to be acting chairman. If not, the next available date for the public hearing at the Brockport High School would be February 9. Discussion followed and it was agreed upon to hold the public hearing on February 9, 2004.

Chairman McAllister proceeded with reading the following resolution:

**RESOLUTION OF THE TOWN OF SWEDEN PLANNING BOARD  
December 22, 2003**

**WAL-MART SUPERCENTER**

**ACCEPTANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR PUBLIC COMMENT**

WHEREAS, Wal-Mart (“Wal-Mart”) has proposed to construct a Wal-Mart Supercenter (the “Supercenter”) in the Town of Sweden; and

WHEREAS, this Board, on February 10, 2003, was established as SEQRA Lead Agency related to review of the Supercenter; and

WHEREAS, this Board, on March 24, 2003, issued a positive declaration under SEQRA for the proposed construction of the Supercenter; and

WHEREAS, this Board, on May 29, 2003, adopted a Final Scoping Outline for the Draft Environmental Impact Statement (DEIS); and

WHEREAS, on October 27, 2003, consultants to Wal-Mart submitted a proposed DEIS to the Board; and

WHEREAS, on December 8, 2003, this Board found that the DEIS lacked sufficient information that should have been included in accordance with the Final Scoping Outline and required that additional information be supplied by the project sponsor; and

WHEREAS, on December 18, 2003, consultants to Wal-Mart resubmitted proposed DEIS materials to this Board; and

WHEREAS, upon review of the information, the Board is prepared to accept the DEIS for public review.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This Board, as SEQRA Lead Agency, hereby accepts the DEIS for purposes of commencing public review; and
2. This Board will hold a public hearing on the DEIS and proposed project site plans, and special use permit for the garage/tire lube express facility on February 9, 2004 at 7 p.m. The public hearing will be held at Brockport High School, 40 Allen Street, Brockport, New York.
3. The deadline for submission of any written comments on the DEIS shall be ten (10) days after the close of the public hearing.

The foregoing Resolution was adopted by the Board by a majority vote.

Declared duly adopted,

Craig M. McAllister  
Town Planning Board Chairman

Moved by Mr. Hale, seconded by Mr. Hertweck.

Ayes – 7

Attorney Goldman discussed the next steps involved which include the filing of the Notice of Completion of a DEIS/Notice of Hearing with the ENB. This Notice of Completion must be sent to all Involved/Interested Agencies. In addition, there will be a legal notice that has to be printed in the local paper with the date of the public hearing.

Mr. Foster asked Attorney Goldman to state the environmental impacts as listed in the DEIS and which is included in the Notice of Completion.

Discussion took place regarding the public hearing being three-fold. It will be held for review of the DEIS, Subdivision and Special Permit approval. The public hearing in January 2003 also reviewed Site Plan approval. Attorney Goldman commented that it is not a problem to have too many public hearings as to not have enough.

Discussion took place regarding the number of copies of the DEIS needed. There will be one at the Seymour Library and one at our Town offices. There is an additional nine copies needed for Involved Agencies.

**Breslawski Lot 2 Site Plan.** South side of Whittier Road. 114.02-1-3.22

Engineer Schultz presented the mylar to the Planning Board. Chairman McAllister commented that this project had received approvals from the Monroe County Health Department and the Town Engineer. The Fire Marshal and Highway Superintendent will sign tomorrow.

Moved by Mr. Hale, seconded by Mr. Williams, that the final public hearing be waived, the Breslawski Lot 2 Site Plan be granted final approval contingent upon receiving signatures from the Fire Marshal and Highway Superintendent, and the Chairman be authorized to sign the mylar.

Ayes – 7

**Swartout Subdivision and Site Plan.** West Sweden Road. 098.03-1-18

Engineer Schultz stated the plans before the Board are basically the same as the last meeting. A public hearing was previously held. Mr. Schultz would like to receive an environmental motion at tonight's meeting so plans may be submitted to the Department of Health for approval. There have been some updates made to the plans and a copy has been given to Mr. Oberst for review. To date, we have not received any feedback. Chairman McAllister showed a copy of a letter received today from MRB to Mr. Schultz. Mr. Schultz reviewed comments and indicated items seemed to be straightforward and will be addressed.

Mr. Minor asked about Phase II-Storm water requirements for this project. Mr. Schultz commented regarding State water requirements that as of January last year, the quality of water is as important as the quantity. Mr. Schultz attended a seminar through the DEC where a discussion took place regarding how the new requirements impact low density development. Basically, this project for the most part, is taking a cornfield and replacing it with a home with one acre of grass around it resulting in the net runoff volume being less.

Mr. Schultz also stated per Mr. Oberst's comments:

- The plans will be updated to show the well location and septic field for the existing house on West Sweden Road and for the house at 420 Capen Road.
- The site development statistics will be revised to reflect the additional requirements for an R1-2 zoned area.
- The stopping sight distance will be noted on the plans for the proposed drives.
- Each driveway will serve as a stabilized construction site and will be noted on the plans.

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

Ayes – 7

Chairman McAllister addressed the next item on the agenda which was the proposed new chapter in the Town Code – Parks. Each Planning Board Member is to submit written comments, if any, by the next meeting on January 12.

Vouchers were distributed to Planning Board Members for signatures.

Moved by Mr. Minor, seconded by Mr. Williams, that the meeting be adjourned.

Ayes – 7

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**Planning Board Secretary**