

**TOWN OF SWEDEN
Planning Board Minutes
December 27, 2004**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 27, 2004, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Ellen Bahr, William Hertweck, Craig McAllister, Matthew Minor

Absent: David Hale, Arnold Monno, Edward Williams

Also present: Bill Weber, Building Inspector, Charles Sanford, Fire Marshal, James Oberst, Town Engineer, Jerry Foster, ECB, Richard Maier, Tom Lucey, Kelly Pronti, Harry and Deanna Shifton, M. Beaney, M/M Francis McKinney, Clifford Ashley, Darlene Sams, Michael Personte, Esq., Janice Durgan

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

Correspondence passed to members for review.

Moved by Mr. Hertweck, seconded by Mr. Minor, that the minutes of November 8, 2004 be approved.

Ayes – 4

Moved by Mrs. Bahr, seconded by Mr. Hertweck, that the regular meeting be adjourned to the public hearing.

Ayes – 4

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.

Waller Subdivision. 4327 Sweden Walker Road. 069.04-1-5.1

Mr. Richard Maier distributed an updated map that reflected changes made from conversations with James Bell, Town Attorney. Mr. Maier stated that this application is for subdivision approval of approximately 120 acres, and that the bank would only permit a mortgage for a small triangular portion (4.182 acres). There is an existing farmhouse, inground septic system and public water on the 4.182 acres. It was noted that the parcel in the southeast corner was substandard. After talking with Attorney Bell, the lot was first created in 1966 and added onto in the 1970's after the present zoning was in place. In order to make this lot conforming, approximately 50 ft. was added to the frontage. The map should now be ready for final approval.

Chairman McAllister asked if there was anyone present that had questions/comments relative to this application.

Francis McKinney, 4407 Sweden Walker Road – Mr. McKinney's parcel is the butting property to the south. Mr. McKinney wondered if there was any truth to the 531 extension coming down through the Waller Subdivision as shown on the map. Chairman McAllister stated at this time there is no more possibility of that happening than the 531 going out to Redman Road. During the Crystal Ridge project, the DOT was petitioned as to what the preferred path would be and they indicated the path along Shumway Road. Mr. Maier commented that he had the opportunity to ask DOT earlier this year what the plans are for the 531 extension and he was told the DOT is still in the analysis phase, which is on a 10-year timeframe.

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Clifford Ashley, 4338/40 Sweden Walker Road – Mr. Ashley lives across from the approximately 116-acre parcel and wanted to know if there are plans for a multi-home development since there is access from both Canal Road and Sweden Walker Road. Attorney Michael Personte, representing Ms. Durgan, stated the original intent of the buyer was to purchase the whole property, but the bank would only grant a mortgage for the 4.182 acres. There never was any intent to develop the property. Also, the Wallers will not retain any of the property.

Darlene Sams, 4197 Sweden Walker – Ms. Sams asked if there is any intent to build another home now or in the near future on the approximately 116-acre parcel. The answer was no.

Chairman McAllister asked if there were additional questions/comments. No comments.

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

Ayes – 4

Waller Subdivision. 4327 Sweden Walker Road. 069.04-1-5.1

Chairman McAllister continued forward with this application. The Town Engineer's comments were addressed.

Mrs. Bahr asked if there were any restrictions noted with the dump located at the back of the property. Mr. Maier indicated that the map shows many monitoring wells in place that would indicate any seepage; plus the dump is fenced in.

Mr. Minor asked if the existing owner of the southeast corner lot has agreed to the conveyance of the approximate 50 ft. of frontage. Mr. Maier stated according to Attorney Bell, the owner is in agreement, but still needs to sign the documents.

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

Ayes – 4

Moved by Mr. Minor, seconded by Mr. Hertweck, that the Waller Subdivision be given preliminary approval.

Ayes – 4

Moved by Mr. Minor, seconded by Mr. Hertweck, that the final public hearing be waived, the Waller Subdivision be granted final approval, and the Chairman be authorized to sign the mylar.

Ayes – 4

Wal-Mart Supercenter. Brockport-Spencerport Road. 084.01-1-14.112, 14.2, 14.12

Mr. Thomas Lucey and Ms. Kelly Pronti addressed the Board. Mr. Lucey stated their goal tonight is to see if there are any additional FEIS comments and/or site plan issues that need to be addressed so that a revised site plan package can be submitted to the Planning Board.

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Mr. Lucey stated APD received the Town Engineer's updates last week and immediately forwarded them to Mr. Frank Sciremammo to make the revisions; particularly, with the cross-referencing which should take about a week or so. Mr. Oberst stated he received additional comments from Attorney Goldman today and would email them to Mr. Lucey.

Mr. Lucey commented there were three main items to be addressed with the revised site plan package:

- The traffic patterns for the entrance way need to be better defined.
- Off-site improvements on Route 31; make sure plans reflect revised changes.
- Add additional architectural features to the building as requested.

Mr. Oberst recommended that all landscaping and berming be incorporated into the plans.

Mr. Lucey commented that their submittal to the DOT was delayed due to some issues with the sanitary sewer. Fisher Associates is working with APD and the Town to resolve those issues that are related to the widening of Rte. 31 so that another submittal can be made to the DOT in a week or so. A copy of that submittal will also be sent to the Planning Board.

Chairman McAllister asked if the Board would also receive final subdivision plans at the next meeting. Mr. Lucey stated yes. Chairman McAllister also requested additional berming on the south side be shown. Mr. Lucey explained that there will be berming averaging 4 ft. high with screening provided; a continuous row of evergreens.

Mr. Minor had a concern that truck traffic turning into the entrance way and making a left turn would cause traffic to back up in the entrance way. Mr. Minor suggested adding a third lane for trucks to move over to. Mr. Lucey stated that issue will definitely be addressed.

Mr. Oberst asked about the water report regarding pressure. Mr. Lucey stated APD still has work to do with Monroe County Water Authority as to whether Wal-Mart should have pumps installed at the store or should Monroe County's pumps be upgraded. Mr. Sanford suggested that upgrading at the Water Authority site would be best for everyone. Mr. Lucey agreed especially since the Water Authority has a nearby pumping station.

Mr. Lucey commented that they should be ready to present an extensive updated site plan at the January 24 meeting. However, Mr. Lucey doesn't believe the DOT will have responded back by that time.

Mr. Weber stated he would like to get the Board's thoughts on two issues. The first issue was regarding a resident in the Town requesting to convert a single-family home into a two-family home, which would be permitted in a Multiple Residence (MR-1) District. The MR-1 District is in the Code book, but not shown on the zoning map. Mr. Weber asked the Board for clarification regarding the MR-1 District and its location. The Planning Board commented there are two-family homes on Redman Road, Fourth Section Road and Holley Street, which makes it appear that two-family homes are a permitted use in a single-family residential zoned area. In addition, during the last comprehensive plan review, the zoning map needed to be updated.

Mr. Weber explained the NYS Building Code states three or more units is considered a multiple family dwelling while the Town states that a MR-1 District includes a two family as a multiple dwelling. The Planning Board stated if an application is for a two-family conversion, then it would not go before the Planning Board; only if it was for new construction. The Building Department would address conversion applications.

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Mr. Weber stated there should be something written in the Code book that would prompt a public hearing for such applications.

The second issue is regarding whether the Planning Board would like to review an application for “change of use” in a Retail-Commercial zoned area. The Planning Board responded only if the applicant is making a change to the outside or façade of the building, i.e., changing the siding or lighting. The Planning Board may review a new sign permit application and make recommendations, if any, but not approve it.

Mr. Oberst commented that according to Schultz Associates, the regional detention pond at the Tractor Supply site was not constructed according to the design approved by the Planning Board. Schultz Associates will provide MRB with an “as built.” Mr. Weber stated a CO will not be issued until the pond is built as designed and the Town Engineer and Planning Board are satisfied.

Moved by Mr. Minor, seconded by Mr. Hertweck, that the meeting be adjourned at 8:30 p.m.

Ayes – 4

Planning Board Secretary