

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 10, 2003, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

Members present: David Hale, William Hertweck, Edward Williams, Terrin Hover, Arnold Monno, Ellen Bahr and Craig McAllister.

Also present: Jim Oberst – MRB, Whitney Autin and Jerry Foster – Environmental Conservation Board, Charles Sanford – Fire Marshal, Matt Sinacola, Wesley and Janet Milligan, Mr. and Mrs. Tom Bidwell, Robb and Shamra Westbrook, Brian Sorochty, Daniel Gray, Don Carpenter, Neal Madden, Tom Lucey, John Bennett, James Bell – Town Attorney, Donald Grentzinger – Zoning Board of Appeals, Alan Bader – Building Inspector, Jim Moore, Deanna Shifton, Harry Shifton, Caurie Putnam, Vincent Cavo, Joe Reynolds, Paul North, and others.

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. Williams, that the minutes of January 27, 2003 be approved.

Ayes – 7

Rusin Subdivision and Site Plan. 1075 West Sweden Road. 097.04-1-8.111.

Engineer Brian Sorochty said there have been no changes to the plan since the public hearing on January 27, 2003. Mr. Sorochty reviewed the following comments:

From Monroe County Department of Transportation:

- 7' highway reservation has been added
- plan size has been reduced
- notes 4 and 5 have been omitted
- culvert has been re-labeled
- existing access is marked for removal

still remaining:

- site distance from hill to be changed
- monumentation to be checked
- proximity to the hazardous waste dump site

From Monroe County DRC

- project does not encroach on the woodlands
- project does not get close to the stream
- preliminary DEC wetland delineation done
- did not ask for federal wetland delineation because the federal lands are within the state wetlands

still remaining:

- final DEC wetland delineation

From Town Engineers comments:

- notes 4 and 5 have been omitted

- water superintendent signature block has been removed
- driveway bubble has been added
- driveway width has been increased to 14' and turnaround has been added near the garage
- status of tax parcel 097.04-1-8.1 checked. The parcel was sold by deed to Patrick and Lynette Cliff who own parcels 097.04-1-8.2 and 097.04-1-8.12.

Chairman McAllister informed Mr. Sorochty that approving the Rusin subdivision would create a landlocked parcel (097.04-1-8.1). The Planning Board cannot create a landlocked parcel.

Mr. Hale said the Cliffs need to adjoin the parcel to one or both of their parcels that front West Sweden Road.

Mr. Sorochty said he has no control over what the Cliffs do with the parcel.

Chairman McAllister told Mr. Sorochty to check to see if either of the Cliffs parcels on West Sweden Road have subdivision approval. If they do not, then the Rusin Subdivision would not create a landlocked parcel.

Mr. Sorochty reviewed the Environmental Conservation Board comments. Still remaining:

- add a note that existing vegetation will be protected to the greatest extent possible

Moved by Mr. Hale, seconded by Mr. Hertweck, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, and the Environmental Conservation Board, the Planning Board determines that the Rusin Subdivision/Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Mr. Sorochty submitted a letter from the DEC acknowledging the proposed development is outside the wetland area.

Mrs. Bahr asked about the proposed pond's proximity to the septic system.

Mr. Bader said it is better to keep ponds out of wetland areas because DEC requirements for pond construction conflict with town standards.

Moved by Mr. Hale, seconded by Mr. Hover, that the Rusin Subdivision be given preliminary approval.

Ayes – 7

Lake Road Plaza Amended Site Plan. 083.08-2-9 4647 Lake Road.
(Bill Gray's outdoor dining facility)

Mr. Dan Gray submitted plans for a patio dining area at Bill Gray's Restaurant. The canopy will provide sun and rain protection. The patio will have seating for about 80 people. There will be windows to serve ice cream.

Mr. Hover expressed concern about the impact to residences located to the west. He'd like the area buffered/screened as much as possible.

Mr. Gray said there would be an 8' high fence plus plantings.

The Planning Board wants the proposal incorporated into the site plan for the plaza.

The Planning Board also needs more details about lighting.

Mr. Gray said no music would be piped outdoors.

Moved by Mr. Hertweck, seconded by Mr. Monno, that the Lake Road Plaza Amended Site Plan be accepted for review.

Ayes – 7

The Public Hearing is scheduled for March 10, 2003.

Harnischfeger Subdivision and Site Plan. 6111 Lake Road. 113.02-1-7

Engineer Don Carpenter presented the mylar for the project. He also presented a memo from the DOT stating that it has reviewed the project and it's appropriate to file a driveway permit.

Moved by Mr. Hover, seconded by Mrs. Bahr that the Harnischfeger Subdivision be given preliminary approval.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. McAllister, to rescind the previous motion because the Harnischfeger Subdivision already received preliminary approval on May 13, 2002.

Ayes – 7

Moved by Mr. Hale, seconded by Mrs. Bahr, that the final public hearing be waived, the Harnischfeger Subdivision/Site Plan be granted final approval, and the Chairman be authorized to sign the mylar.

Ayes - 7

Milligan Bidwell Subdivision and Site Plan. Reed Road. 128.02-1-2.111

Engineer Matt Sinacola presented updated plans for a two-lot subdivision. The siltation pond has been changed to a detention pond and the berm near Reed Road enlarged. Drainage from the pond will be throttled through a 10" pipe towards the road. Two spill ways are shown, only one may be needed.

Mr. Sinacola will provide Jim Oberst will detailed drainage calculations.

Mr. Sinacola said the need for the pond and berming will abate as groundcover takes hold.

Mr. Milligan reported that he appealed to the Town Board on January 28, 2003 to help with drainage issues. He said the Town Board is checking with its attorney.

Mr. Oberst said it appears the plan will reduce the rate of run-off. It appears to address water quality and quantity issues pertaining to run-off leaving the site.

Mr. Sinacola said the health department has not seen the plans with the pond. The health department's biggest concern had been the distance from the barn to the Milligan and Bidwell's wells.

Mrs. Milligan said the neighbors on the south side of Reed Road, who attended the January 27, 2003 planning board meeting, did not attend the January 28, 2003 town board meeting.

Moved by Mr. Hover, seconded by Mr. Monno, that the Milligan Bidwell Subdivision be given preliminary approval.

Ayes – 7

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

Mr. Neal Madden, attorney for Wal-Mart, submitted a letter agreeing to forward the remaining application fee.

Town Attorney James Bell indicated he approves the language of the draft resolution regarding lead agency status.

Moved by Mr. Hale, seconded by Mr. Hover:

WHEREAS, the Board has received application materials for a 203,500 ± square foot Wal-Mart Supercenter to be located on approximately 21.3 acres of land on the south side of Route 31 (Brockport-Spencerport Road); and

WHEREAS, a duly called open meeting was held before the Board on November 25, 2002 concerning such Application; and the Board determined the Application materials were adequate to commence review; and

WHEREAS, a duly called Public Hearing on the Application was held January 13, 2003

WHEREAS, representatives of the applicant have submitted application materials including plans, a Long Form Environmental Assessment Form ("EAF"), a list of involved and interested agencies, and supporting reports; and

WHEREAS, the project proposed by Wal-Mart appears to be a Type I action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, it is important for this Board and other involved agencies to coordinate their review of the application; and

WHEREAS, this Board is willing to act as SEQRA lead agency according to applicable regulations.

NOW, THEREFORE, be it

RESOLVED, that the Board declares its interest and intention to act as SEQRA lead agency for this project; and be it further

RESOLVED, that the letters shall be forwarded to the other involved agencies to request the concurrence of those agencies that the Board should act as SEQRA lead agency; such letters shall include a copy of the proposed site plan and EAF and such letters shall request a response on or before March 13, 2003 indicating whether other involved agencies have any objection to this Board acting as SEQRA Lead Agency.

Ayes – 7

Attached find the lists of involved and interested agencies.

Crystal Ridge PUD

Mr. Oberst presented the draft findings statement.

Mr. Hale said he would e-mail some grammatical changes to Mr. Oberst.

On page two, last paragraph, the Planning Board would like the statement to indicate that the single family residential part of the plan is consistent with the land use and zoning, but other parts of the proposal are not consistent.

The Board intends to adopt the FEIS at its next meeting, February 24. It would like its Special Counsel Jerry Goldman to notify the applicant that the adoption will be taking place. The Board believes the applicant has been provided more than ample time to submit additional information.

The Board is also nearing completion of the findings statement and recommendation.

Landmark Designation comments

The Planning Board reviewed the Town Board's request for comments regarding the designation of 854 White Road as a landmark.

The Board asked Mr. Bell if there were any subdivision/zoning issues involved. Mr. Bell replied that he was not aware of any.

The Planning Board stated that the designation of the structure as a landmark is noteworthy. The Planning Board supports the designation.

The meeting was adjourned by motion at 9:35 p.m.

Planning Board Secretary