

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 25, 2002, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

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

Absent: Arnold Monno

Also present: Jim Oberst—MRB Group, Jerry Foster—Environmental Conservation Board, Charlie Sanford – Fire Marshall, Ed Martin – Schultz Associates, and Adam Walters – Phillips Lytle.

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 February 11, 2002 be approved.

Ayes – 6

Moved by Mr. Hover, seconded by Mr. Hertweck, that the minutes of February 18, 2002 be approved.

Ayes – 6

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

Ayes – 6

The Chairman read the notice of Public Hearing and the affidavit of publication. The Chairman asked if there were any questions or comments from anyone present at the Public Hearing.

**LAKE ROAD PLAZA AMENDED SITE PLAN.** 4655 Lake Road, 083.08-2-9.

There were no comments for or against the proposal.

Moved by Mr. Hale, seconded by Mr. Williams, to adjourn the Public Hearing to the regular meeting.

Ayes – 6

**CRYSTAL RIDGE PUD.** Lake Road. Tax Acct Nos. 083.04-1-14.1,1,5.1,15.

Mr. Walters, attorney for Mr. Al Spaziano, asked the Planning Board to issue its Sketch Plan Report to the Town Board. Mr. Walters stated that in order for the Town Board to have the jurisdiction to hold the rezoning public hearing already scheduled for March 5, 2002, that the Sketch Plan Report, either favorable or unfavorable in nature, has to be issued.

Mr. Walters suggested the following wording: “The Planning Board has reviewed the Sketch Plan for the Crystal Ridge PUD and the criteria for issuing a favorable Sketch Plan Report is

§175-49 (B)(3)(a) of the Town Code. The Planning Board is unable to recommend approval at this time as the public comment period on the DGEIS is not yet complete.”

Mr. Walters stated that the Sketch Plan is a minor issue. He said that the Planning Board retains the ability to change the Sketch Plan through the Site Plan process. “The Planning Board absolutely has the ability to reject Site Plans even if they are consistent with the Sketch Plan,” he said.

Mr. Walters also stated that the Town Engineer retains the ability to review and request changes throughout the process.

Moved by Mr. Hale, seconded by Mr. Williams, that the Planning Board has reviewed the Sketch Plan for the Crystal Ridge PUD and the criteria for issuing a favorable Sketch Plan Report is §175-49(B)(3)(a) of the Town Code. The Planning Board is unable to recommend approval at this time as the public comment period on the DGEIS is not yet complete.

The Chairman called for discussion. Mr. Hover stated that he would vote against the motion as Crystal Ridge was not on the agenda and because counsel is needed from the Town Attorney.

Mr. Williams stated that he felt comfortable issuing a favorable report at the time of the Planning Board’s workshop with Town Attorney Jim Bell.

Mrs. Bahr said that Mr. Walter’s legal advice is completely different than what was stated a few weeks ago. “We agreed to run concurrent public hearings as a courtesy to (Crystal Ridge). Now that courtesy is working against us,” she said.

Mr. Walters stated that it was his understanding that the Planning Board was ready to issue a Sketch Plan Report. He said he didn’t learn until today that Crystal Ridge wasn’t on the agenda for this evening.

Mr. Walters stated that the Preliminary Site Plan for Crystal Ridge would be submitted to the Planning Board during the FEIS process, possibly in March.

Mr. Hover was concerned that if the Planning Board begins a Site Plan Review in parallel with the final EIS that Sweden citizens will feel that they were not given the chance to participate, that the outcome was predetermined.

Mr. Walters said that the Preliminary Site Plan would be issued between the FEIS and the Finding Statement so that the board won’t have to consider it before finishing the SEQR process.

Town Attorney Jim Bell arrived. After reading the motion on the table, Mr. Bell stated that it was fine from a legal standpoint. Mr. Bell said issuing the Sketch Plan Report would keep the process going and also let the Town Board know that the Planning Board has not finished its work.

Mrs. Bahr stated that issuing the report tonight would end that process and that the Sketch Plan would not come back to the Planning Board for another determination. Mr. Bell agreed that could be true.

The Chairman called a vote on the motion.

Ayes – 5

Nay – Mrs. Bahr

The Planning Board entered a discussion of the Comprehensive Plan Review. Mr. Hale took notes for suggested changes.

The meeting was adjourned by motion at 9:45 p.m.

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Planning Board Secretary