

At 8:00 p.m. Supervisor Lester called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on February 27, 2007. The purpose of the public hearing was to hear all persons for or against the application of Homestead N.Y. Properties, Inc. of 4599 Lake Road, Brockport for Incentive Zoning of certain real property bearing tax account #084.01-1-14.113, which is the remaining unbuilt portion of the Highlands Subdivision, south of State Route 31 and Talamora Trail.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Pat Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Finance Director Leisa Strabel, Superintendent of Highways Fred Perrine and Town Clerk Karen Sweeting.

Visitors present were residents Ray Johnson, John Egan, Bill and Diane Dawson, and Pam Steinkirchner; Attorney Reuben Ortenberg; Engineer Kris Schultz; Jack Hassall from Homestead N.Y. Properties, Inc.; developer Michael McLean; SUNY students Jessica Ibarra, Brianna Kachel and Tasia Handy; and Brockport Post reporter Mike Costanza.

Supervisor Lester asked Town Clerk Karen Sweeting to read the legal notice published in the Town newspapers. Notice was read.

Supervisor Lester stated the project was an extension of the current Talamora Trail of which Section One was built in 1988, Section Two in 1993, Section Three in 1996 and Section Four in 1999. Mr. Lester stated that several discussions with developers and the NYS DOT regarding road improvements for that area have occurred. The road will be widened at the Wal-Mart Supercenter and also the proposed Lowe's location. The Town Board wants to eliminate the "hourglass effect" between the two commercial locations. Mr. Lester stated that the Town was able to secure funds from Wal-Mart and the proposed Lowe's to mitigate the congestion in this area. The Board felt that Mr. Hassall's project was the recipient of both contributions and requested that Mr. Hassall also contribute to eliminating the "hourglass". Mr. Lester stated that Mr. Hassall was kind enough to agree to the \$60,000 contribution. The proposed extension to Talamora Trail will also create new ingress/egress to get out of the subdivision via Transit Way.

Supervisor Lester asked Attorney Reuben Ortenberg to explain incentive zoning. Mr. Ortenberg stated that state law was amended to permit communities to make exceptions for development in specific areas where zoning may not meet certain criteria for residential and commercial development combined. This type of zoning is a legal, modern zoning technique whereas amenities such as land and money are offered equal to what is being asked for by the developer.

Engineer Kris Schultz from Schultz Associates detailed the project. They are proposing a senior oriented development with approximately 86 single, double and quad units. The plan includes green space and they propose to leave many of the wooded areas intact to maintain portions of tree lines between the new development and the current residents on Talamora Trail. The development will include retail "street of shops". The specifics will be addressed at the planning stages with the Planning Board.

Jack Hassall stated that the proposed project has already received extensive review from several agencies and it is his desire to maintain what is currently presented. Mr. Hassall stated that

the first phase of the project would begin closest to the Wal-Mart Supercenter. He anticipates completing the roadway by the fall/spring season. The road was designed intentionally to slow traffic and discourage through traffic; the residents should benefit from the design.

Councilperson Carges asked what the anticipated "build-out" time would be for this project. Mr. Schultz stated generally a section would sell out in 1 ½ to 2 years. This project has 3 to 4 sections, so possibly 4 years to "build-out". Mr. Schultz added that the Town of Sweden does not currently have many senior housing developments. This project will offer highly detailed buildings with many options.

Councilperson Ferris stated that the residents of Talamora Trail have suffered inconveniences with current construction and he is concerned with how the developer will mitigate nuisances for the residents on the western portion of the current Talamora Trail. Mr. Ferris asked what benefits this project will bring to the current residents of Talamora Trail.

Mr. Schultz pointed out the green space areas that would be left and the access road.

Councilperson Carges asked if a Homeowner's Association would be used. Mr. Schultz answered yes, to take care of outside work, snow plowing, etc.

Supervisor Lester asked what the proposed size of the retail center would be, 35 or 40,000 square feet. Mr. Hassall answered 40,000 square feet. Mr. Lester asked Attorney Reuben Ortenberg if the Town Board was able to have any architectural review of the proposed retail center before a decision was rendered on the incentive zoning application. The Town Board is concerned that if zoning were granted they would not have the authority to turn down the project if not satisfied with the retail portion of the development. Mr. Ortenberg stated that once the zoning is approved, the Town Board's function is complete. Before a decision is made on the zoning application the Town Board must be satisfied. Mr. Ortenberg added that incentive zoning is a new concept and the Town Board has authority to take control; the Planning Board can only guide the project once the zoning is approved. If the Town Board is concerned with the retail store appearance, the Town Board can deny the application if not provided with requested planning documents. Mr. Schultz stated that potential builders could provide information on the proposed retail portion of the project based on a set of standards and guidelines. Councilperson Ferris stated that the developer must have some ideas for retail. Mr. Hassall stated he would be involved in the architectural styles of the retail "street of shops". Mr. Schultz suggested that three concepts could be provided for review. Councilperson Windus-Cook asked if the Board could be specific about the architectural style of the retail. Mr. Ortenberg answered that the Board could set a range of conditions. Mr. Hassall stressed urgency in finalizing the zoning application. Particular retail vendors have shown an interest and Mr. Hassall would like to maintain his original timeline and not discourage the potential vendors. Councilperson Ferris stated that incentive zoning is new to the Town Board and the Town Board is taking the first application seriously; the Board will not approve the application for the sake of approving.

Supervisor Lester asked if anyone would like to comment. Resident John Egan commented that if a vendor were really interested then they would wait for the zoning application to be approved. Mr. Egan asked what the selling price of the units in the development would be. The answer given was between \$160,000 and \$180,000. Mr. Egan stated that the project looks like a great plan but was concerned with all the development on Route 31. Mr. Egan inquired about sewer and water connections to residents on Shumway Road. Mr. Schultz explained the possibility of connections is a matter of feasibility and invited Mr. Egan to contact him after the meeting. Mr.

Hassall added that he would be willing to work with Mr. Egan if it did not overburden his proposed development or the current Talamora Trail residents.

Resident Pam Steinkirchner stated she was concerned about water pressure and drainage. Mr. Schultz stated that Monroe County Water Authority connections generate higher-pressure zones within a development; pressure controls may not be in each home. Superintendent of Highways Fred Perrine added that part of the Shumway Road water main project would run cross lots to Talamora Trail creating a loop that should increase pressure. Ms. Steinkirchner asked about the drainage. Mr. Schultz stated that all drainage would be picked up and intercepted by storm sewers.

Supervisor Lester asked if there were any further comments. No one spoke. The public hearing was closed at 9:00 p.m.

Respectfully Submitted,

Karen M. Sweeting
Town Clerk