

**TOWN OF SWEDEN
Planning Board Minutes**

March 8, 2004

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 8, 2004, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Ellen Bahr, David Hale, Craig McAllister, Matthew Minor, Arnold Monno, Edward Williams

Absent: William Hertweck

Also present: Jerry Foster-Environmental Conservation Board, James Oberst, Town Engineer, Kris Schultz, Thomas Lucey and John Bennett, APD, Kelly Pronti, Esq., Wal-Mart, Jerry Goldman, Esq., Ruth Moore

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

Correspondence passed to members for review.

Moved by Mr. Williams, seconded by Mr. Minor, that the minutes of February 9, 2004 be approved.

Ayes – 6

Moved by Mr. Hale, seconded by Mrs. Bahr, that the minutes of February 23, 2004 be approved as amended:

- 3rd page, 2nd paragraph, 2nd sentence, **change** “contacted me” to “contacted him”
- 4th page, 2nd paragraph, 2nd sentence, **change** “Mr. Williams” to “Chairman McAllister”
- 2nd page, last two lines, **remove** – duplicate entry

Ayes – 6

Mr. Hale commented the Comprehensive Plan Annual Review Committee has been called into session. The first meeting will be the last Thursday of this month. Mr. Minor and himself will be on the committee.

Northview Subdivision & Site Plan – Section I. Fourth Section Road. 083.01-1-27

Mr. Schultz presented four copies with the Town Engineer’s signature. Mr. Schultz brought correspondence stating that Monroe County Health Department and Monroe County Water Authority are in a position to sign off on the mylar.

Mr. Schultz indicated a letter of credit will need to be established for this subdivision. The applicant is requesting a conditional final approval for Section I at tonight’s meeting. After the letter is posted with the Town, the Chairman will be authorized to sign the mylar.

Mr. Schultz read a letter dated March 8 from the Monroe County Water Authority thanking Schultz Associates for addressing all the Water Authority concerns and to send in the original plans for approval.

Mr. Schultz stated a letter has been received from Janet Devine, Monroe County Health Department. The letter states because this project is on sanitary sewer, approval will come after the Town Engineer’s signature. Chairman McAllister commented the Health Department provides the Town a service and the absence of the Town Engineer’s signature should not

delay approval. Mr. Hale inquired if the Highway Superintendent's signature is required. The project is on a state highway, but the roads within the subdivision will be dedicated to the Town. As a courtesy, the Highway Superintendent's signature is requested.

Mr. Minor inquired if the concerns of the DOT in the December 23 letter have been addressed. Mr. Schultz stated all comments from the DOT have been addressed.

Mrs. Bahr had a question regarding an edge of travel lane, and if there will be a widening of the shoulder or a third lane for passing. Mr. Schultz commented the edge of travel lane is the line where the tire goes and there will be a widening of the shoulder for pass around.

Mr. Foster, ECB, inquired about long-term stabilization of banks. Adverse weather can happen at any time. Planting of trees and shrubs would help in stabilizing steep slopes. Mr. Foster also added that the Comprehensive Plan states the escarpment area should be made into a park area. Chairman McAllister stated the Comprehensive Plan controls the land owned by the Town and not a single family residential area where lots are privately owned.

Mr. Minor mentioned the last time we met, there was a question regarding the setback for Lot 120. The front setback for this zoning is 40 ft. and Lot 120 is 30 ft. Town Law, Section 278 empowers the Planning Board to approve the 30 ft. front setback.

Mr. Bader wondered if the houses planned for Lots 107 – 117 are similar to the homes in Section IV of Talamora Trail where there are no backyards or the back of the house will be a hill. Mr. Schultz commented there will be some backyard. Discussion took place regarding these lots and drainage comments.

Mr. Minor stated there were two issues discussed at our previous meeting. The first one was the changing of the driveway of the existing house, 7268 Fourth Section Road, to a Goldenhill Lane entrance, and the second one was extending sidewalk service to the southern end of Goldenhill Lane. The Plans show sidewalk service ending at Long Point Lane. Mr. Schultz explained generally sidewalk service isn't extended to the main road where there isn't a sidewalk in place. The sidewalks are for the roads in the subdivision. Mr. Minor stated if public transportation is put into place the residents will have to walk in the street. Mrs. Bahr had requested sidewalk service at the last meeting.

Mr. Minor asked Mr. Bader if approval for the sewer line has been given. Mr. Bader stated the Town is still waiting to receive final approval from SUNY.

Chairman McAllister restated the Plans still need County Health approval. Mr. Schultz stated he will take care of getting County Health approval since there are still other areas to cover and Mr. Northrup will not apply for a letter of credit until the sanitary sewer line has been approved.

Mr. Hale stated that the Board will not waive the final public hearing because of the need for Town Law, Section 278 for Lot 120 and the extended sidewalk service. Mr. Schultz addressed Mr. Oberst as to his opinion on extending the sidewalk. Mr. Oberst agreed with the Board to extend the sidewalk service north of Lot 120's driveway. Mr. Schultz stated there's a hydrant the developers would have to get around, but other than that sidewalk service can be put in. Mr. Monno suggested to pay particular attention to any drainage coming down to the lower lawn area on the other side.

Chairman McAllister stated it will be appropriate to have a motion for final at the public hearing. Discussion took place regarding the legal notice and it was determined there was not enough time to schedule the public hearing for the next meeting. The public hearing will be April 12.

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

Mr. Schultz stated the Plans were stamped by the Monroe County Health Department, and signed by the Town Engineer.

Mr. Bader stated his concern that Lots 1 and 2 appear to be three-quarters wetlands and buffer, and that Town Code states a minimum of 150,000 sq. ft. is required for a modified septic system. Mr. Schultz commented that all the lots have been labeled with the acreage less the wetlands and buffer and meet Town requirements.

Chairman McAllister stated Lots 6 and 8 require 60 ft. of road frontage. There is 60 ft. at the beginning of the road, but at the end, the measurements are 29.70 ft. and 29.63 ft. Mr. Schultz stated those are easement lines. Chairman McAllister requested those numbers be changed to show 60 ft. at the beginning and at the end of the road.

Mr. Oberst commented that a waiver for Phase II regulation, storm water has been applied for. Per Mr. Schultz, the DEC recommended using open swales instead of piping. There is a wait time of 60 days for the DEC to respond to the waiver.

Mr. Bader commented Lot 1's driveway measures 357 ft. and Town Code states that a driveway over 250 ft. requires a bubble. Mr. Bader added that Lot 2's driveway is also more than 250 ft. Mr. Schultz agreed with Mr. Bader and stated that a bubble will be added to both driveways.

Moved by Mr. Minor, seconded by Mr. Williams, that the final public hearing be waived, the Swartout Subdivision and Site Plan be granted final approval contingent upon a bubble in the driveway be included in the Plan for Lots 1 and 2, change of easement lines for Lots 6 and 8, subject to the Fire Marshal's signature, and the Chairman be authorized to sign the mylar.

Mr. Monno mentioned at the public hearing there were comments from the people in the area about how this project would affect their wells.

Ayes - 6

On a separate note, Chairman McAllister inquired if access into the Sweden Corners Plaza was possible via Tractor Supply and the Spurr parking lot. Mr. Schultz stated he would look into this.

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

Mr. Lucey commented that the issues need to be identified so that APD can start addressing them one by one; thus, covering site plan issues as well as the DEIS. APD is asking the Board to help identify the major issues.

Mr. Hale commented if it were possible for Attorney Goldman and Mr. Oberst to identify those issues of the DEIS that can be left the way they are, the ones that need work and those that aren't really relevant. The Board could then focus on the issues that need work.

Mr. Oberst confirmed that APD is looking for direction as to the preferred location of the building. Chairman McAllister stated his preference is the location that would buffer the noise and light the most from the adjoining residential property. This would mean facing the building to the west, and then have a buffer that would run across the back side for truck traffic. Discussion took place where a drainage pond would go once the parameters have been decided.

Chairman McAllister stated that one of the main issues the residents have mentioned is the drainage and keeping as much of the drainage away from the lot lines as possible. Mr. Lucey suggested at the next meeting, APD could present all three site plans and have a discussion of the pros and cons for each one.

Mr. Williams visited the Wal-Mart in Gates. Mr. Williams inquired if APD had any information on the distance from where the trucks go in the back to where the residential property begins. Mr. Williams stated it looked like there was approximately a 100 ft. buffer behind the store. Mr. Lucey will try and get clarification on this.

Mr. Minor stated originally the application called for three tax parcels, and at the public hearing held on February 9, there was mention of another parcel being added. Mr. Minor inquired if the Board was working on a three or four parcel application. Mr. Lucey stated a four parcel application. Mr. Minor stated the Board has not seen any documentation or mapping regarding this. Mr. Lucey will clarify this issue at the next meeting.

Mr. Lucey mentioned this Thursday, March 11, APD is meeting with DOT to discuss the plans and the alternates. Mr. Minor stated the use of Transit Way would be a difficult route for truck traffic. Chairman McAllister suggested during mitigation and APD's discussions with DOT, the development of the Owens Road extension be considered as a way of getting the residents in and out of Talamora Trail more safely. Chairman McAllister added the Town would be more than willing to work with the applicant in order to make this happen.

Chairman McAllister asked Mr. Oberst to comment on drainage. Mr. Oberst stated it depends on how the building is laid out. Drainage concerns should be addressed per site plan at the next meeting.

Mr. Hale stated clearly the three big issues are traffic, drainage and buffering the adjacent residential property. One of the other issues in the DEIS that people commented on was that the discussion of alternate sites was on the thin side. It would help if the applicant addressed this issue in more detail especially with the news of the Henrietta Wal-Mart expanding on-site.

Chairman McAllister stated one area to be addressed is landscaping around the parking lot. Mrs. Bahr mentioned that the Board had suggested making the landscaping similar to the standard set by Wegmans. Mr. Monno stated the Board still needs to discuss the configuration of the parking lot. If the parking lot should be similar to Wegmans, then the area of drainage would be cut way down.

Mr. Hale addressed Attorney Goldman regarding the variety of comments received. Mr. Hale wanted to know if there are some that are legally irrelevant. Attorney Goldman stated all comments should be addressed while not necessarily responding to them, but identifying them in

an outline. This will help the Board figure out what degree of depth to respond to the comments in the FEIS. Mr. Hale added it would be helpful to get a list of those comments that are outside the approval process. Mr. Lucey stated APD would make an attempt at putting a list of comments together.

The building architecture needs to be addressed. Mr. Monno suggested getting pictures of the Wal-Mart in Tallahassee, Florida, because it was nicely done. Mr. Lucey will invite the architect to a future Planning Board meeting in order to present and discuss the type of building design planned. Attorney Goldman suggested the Board discuss outdoor display regulations as well.

Mr. Lucey confirmed that at the next meeting, APD will have three different site plans blown up and colored to present to the Board including other items discussed tonight.

Discussion took place regarding traffic issues on Rt. 31 and Sweden Walker Road.

Moved by Mr. Monno, seconded by Mrs. Bahr, that the meeting be adjourned.

Ayes - 6

Planning Board Secretary