

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 24, 2003, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

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

Absent: William Hertweck.

Also present: Jim Oberst – MRB, Jerry Foster and Whitney Autin – Environmental Conservation Board, Frank Spiotta, Daniel Gray, Matt Sinacola, Mr. & Mrs. Wesley Milligan, Mr. & Mrs. Tom Bidwell, Mr. & Mrs. Harry Shifton, Neal Madden, Tom Lucey, John Bennett, Anthony Cuchiara, James Bell – Town Attorney and Alan Bader – Building Inspector.

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

Correspondence passed to members for review.

Moved by Mr. Hover, seconded by Mr. Williams, that the minutes of March 10, 2003 be approved.

Ayes – 5

Mr. Hale arrived.

Profeta Lot 9 Amended Site Plan. 820 Shumway Road. 084.03-1-33
Engineer Frank Spiotta presented a mylar with Health Department, Department of Transportation and Water Authority signatures. Since the last meeting, he performed two additional perc tests. Based on the results he increased the size of the leach field.

Moved by Mr. Hale, seconded by Mr. Williams, that the final public hearing be waived, the Profeta Lot 9 Amended Site Plan be granted final approval contingent upon the signature of the fire marshal and the Chairman be authorized to sign the mylar.

Ayes - 6

Milligan/Bidwell Subdivision and Site Plan. Reed Road. 128.02-1-2.111
Engineer Matt Sinacola presented an updated plan. The pond has been changed to a detention facility, it will not retain water. Mr. Sinacola said the Health Department had concerns that digging too deep in the area may actually increase the possible contamination of wells.

He also added a note, requested by the Monroe County Department of Transportation, stating that the detention facility is privately owned and to be privately maintained.

A note was also added to allow the contractor to determine whether to use a 6” or 12” pipe from the detention facility, although the throttle-down must still be 6”.

Moved by Mr. Monno, seconded by Mrs. Bahr, that the final public hearing be waived, the Milligan/Bidwell Subdivision and Site Plan be granted final approval contingent on the signature of the fire marshal, and the Chairman be authorized to sign the mylar.

Ayes - 6

Lake Road Plaza Amended Site Plan. (Bill Gray's outdoor dining) 4647 Lake Rd. 083.08-2-9
Mr. Dan Gray presented updated plans. Handicapped parking has remained at the front of the building, although a ramp has been added to the south side. A lighting note has been added, and a lighting cut submitted.

The Planning Board requests that Building Inspector Alan Bader check to see that the number of handicapped parking spots that are legally required are present before issuing a certificate of occupancy for the outdoor dining area.

Moved by Mr. Hale, seconded by Mr. Williams, that the Lake Road Amended Site Plan be approved contingent upon the signature of the fire marshal, and the Chairman be authorized to sign the mylar.

Ayes – 6

Wal-Mart Supercenter. Bkpt. Sppt. Rd. 084.01-1-14.112, 084.01-1-14.2, 084.01-1-14.12
Neal Madden, attorney for the applicant, said he believes the board has three possible actions tonight:

1. declaring lead agency status
2. determining if there are significant environmental issues that will require an Environmental Impact Statement
3. determining if there should be scoping

Mr. Madden said that in the applicant's view, scoping is not necessary because a pretty good amount of information has already been submitted to the board. On the other hand, if the board decides scoping is necessary, he has a scoping document prepared that he would like to submit.

Mr. Hale reported on a meeting he attended that included Wal-Mart representatives and town officials. Mr. Hale summarized the meeting in four points:

- Supervisor Nat O. Lester expressed a strong preference for Wal-Mart to redevelop its current site.
- Wegman's established a base line for what the town wants to see in a large commercial structure.
- The acquisition of land to avoid the need for variances was discussed.
- The Town's position on scoping is that it should be similar to what was done for Crystal Ridge.

Mr. Hover asked if there were any decisions or agreements made. Mr. Hale said no.

Mr. Hover asked Mr. Madden what the applicant's position on the re-development of the existing location is.

Mr. Madden said that Wal-Mart doesn't feel that it can meet its objectives by staying in the current plaza.

Mr. Madden said that APD Engineering has retained two additional consultants to help with archaeological and historical issues: the Rochester Museum and Science Center and Dr. Frank Sciremammano, RIT professor.

SEQR LEAD AGENCY RESOLUTION

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

WHEREAS Wal-Mart has proposed to construct a Wal-Mart Supercenter in the Town of Sweden; and

WHEREAS this Board, on February 10, 2003 indicated its intention to act as SEQRA Lead Agency relative to review of the Supercenter and so advised other "Involved Agencies". No other involved Agency has objected to this Board acting as SEQRA Lead Agency

NOW, THEREFORE, BE IT RESOLVED THAT:

This Board is hereby established as SEQRA Lead Agency for the proposed Wal-Mart Supercenter.

Ayes – 6

SEQRA POSITIVE DECLARATION

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

WHEREAS the Wal-Mart Site Plan is a Type I action pursuant to 6NYCRR § 617 because:

1. the project involves the physical alteration of ten or more acres §617.4.6(6)(i);
2. the project involves a facility with more than 100,000 square feet of gross floor area §617.4.6 (6) (iv)

NOW, THEREFORE, BE IT RESOLVED THAT:

This Board, as SEQRA Lead Agency, hereby determines that the proposed construction of the Wal-Mart Supercenter may have some significant adverse environmental impacts and, therefore, directs that the Applicant prepare a Draft Environmental Impact Statement (DEIS) on the proposed construction for the Board's review as Lead Agency.

Ayes – 6

Mr. Hale said the Scoping and DEIS format should be in line with what was done with Crystal Ridge. The involved and interested agencies should be invited to comment on the outline and the public should be invited to a meeting.

SCOPING MOTION

Moved by Mr. Hale, seconded by Mr. Williams, that Scoping will be conducted by distributing the applicant's scoping outline to all involved and interested agencies and the Planning Board will hold a public hearing. Copies of the Scoping Outline will be made available to the public at the Town Hall and at the Seymour Library.

Ayes – 6

Fieldstone Acres Section I Easement Map

Moved by Mr. Hale, seconded by Mr. Hover, to authorize the Chairman to update his signature dated December 19, 2002 on the Fieldstone Acres Section I Amended Easement map.

Ayes – 6

Wal-Mart Supercenter. Bkpt. Sppt. Rd. 084.01-1-14.112, 084.01-1-14.2, 084.01-1-14.12

The Planning Board returned to general conversation about information it's been gathering from other municipalities regarding SEQRA reviews of Wal-Mart proposals.

Mr. Hover is concerned about information provided by North Elba, New York that suggests a 20 percent vacancy in retail properties following the opening of a Supercenter.

Mr. Anthony Cuchiara identified himself as a labor union representative of Tops and Rite Aid employees.

Mr. Hale said there are many issues to be discussed in the upcoming process.

The Planning Board will hold a workshop on March 31, 2003 at 7 pm regarding the Wal-Mart Scoping process.

The meeting was adjourned by motion at 8:45 p.m.

Planning Board Secretary