

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

Members present: Ellen Bahr, Terrin Hover, Edward Williams and David Hale.

Absent: William Hertweck, Arnold Monno and Craig McAllister.

Also present: Mike Simon—MRB Group, Jerry Foster—Environmental Conservation Board, Charlie Sanford – Fire Marshall, and Adam Walters.

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

Correspondence passed to members for review.

No action was taken on the minutes of March 11, 2002.

Moved by Mrs. Bahr, seconded by Mr. Williams, that a public hearing regarding the Comprehensive Plan Update be held on Monday, April 29, 2002 at 7p.m. at the Brockport Village Hall, 49 State Street, Brockport, New York 14420.

Ayes – 4

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

MRB Engineer Mike Simon opened the discussion of the Crystal Ridge PUD. He stated that the applicant is responsible for answering all comments received. Mr. Simon stated that one comment, the DEC letter of March 18, 2002, points out that a Supplemental Environment Impact Statement appears appropriate.

Mr. Simon explained that a Supplemental Impact Statement is traditionally prepared if there is information that is not adequately noted or adequately addressed in the DEIS. Mr. Simon submitted a Memorandum outlining the Supplemental Impact Statement process.

Mr. Simon stated that the DEC's findings are tied to some applications the project sponsor will have to make and that the SEQR process isn't fully complete without the DEC's comments.

Mr. Adam Walters, representing the project sponsor, stated that it may not be necessary for the DEC to make comments because DEC permits may not be needed.

Mr. Hover said that the Planning Board would not ignore comments made by the DEC just because a DEC permit isn't needed.

Mr. Simon stated that just because an applicant is found not to need a DEC permit, doesn't relieve the applicant of the obligation to address the comments.

Mr. Walters stated that he believed the DEC misunderstood several things about the project and that everything the DEC has mentioned can be addressed. He also said that he wouldn't advise his client to proceed to the Final Environmental Impact Statement unless the DEC is

happy. He said he sees absolutely no need for a Supplemental Environmental Impact Statement and that “we’re going to need to extend the deadline. Absolutely.”

In regards to comments by the Genesee Transportation Council, Mr. Walters stated that the State could condemn the land for Route 531 tomorrow, but that it won’t because it doesn’t have the funds for the project.

Mr. Hover said that the scenario of removing a few houses is less substantial than the removal of a few apartment buildings. He said that the Planning Board has been asked to take that into consideration as representatives of the community and they will do that.

Mr. Simon reminded the Planning Board that the clock is running, but that all SEQR time frames can be extended. He said that if the board decides to go with a Supplemental Environmental Impact Statement, it is to the project sponsor’s benefit to do it sooner rather than later.

Mr. Simon stated that the DEC is not in the habit of requesting a Supplemental Environmental Impact Statement. It is very rare.

Mr. Walters strongly suggested that the Planning Board doesn’t need to think about a Supplemental Environmental Impact Statement until his team has met with the DEC. He said he would be meeting with the DEC before the April 8, 2002 Planning Board meeting and agreed to have representatives from MRB and the Planning Board attend the meeting. Mr. Walters will contact the Planning Board Secretary with the meeting date, time and location.

Mr. Walters presented the transcript from the March 5, 2002 public hearing, an index of comments received, and a Preliminary Draft of the FGEIC.

Mr. Simon said that the usual editing process is for the applicant to e-mail the document to MRB.

Mr. Walters said his team would be pleased to attend Planning Board workshops for the purpose of editing the document.

Mr. Walters and the Planning Board agreed that the Monroe County DOT comments are really needed. The Planning Board Secretary was directed to contact the county about the comments.

Mr. Hale inquired about the provision in the Town’s PUD regulations requiring a statement regarding the financial capability of the applicant. Mr. Walters said that was covered in section 2.6 of the Preliminary Draft FGEIS.

Moved by Mr. Hover, seconded by Mr. Williams, to extend the 45-day FEIS preparation period to May 13, 2002 as a first extension. More extensions may be needed.

Ayes – 4

Mr. Walters stated that he would provide a letter agreeing to the extension.

A copy of the engineering fees that are in arrears was provided to Mr. Walters. He said he would take care of it.

Mr. Walters left.

Mr. Simon explained that not all issues may be mitigated in the FEIS. It will be up to the Planning Board as Lead Agency to determine if those impacts are significant.

The Planning Board entered a discussion of the advisability of hiring a SEQR attorney for the next stage of the review.

Mr. Hover stated that the next two months are critical and that he wants to be sure that everything the Planning Board does is in compliance with SEQR and in the best interest of the Town.

Mr. Hale added that the Planning Board needs to be careful not to make a procedural error.

Mr. Simon agreed to provide a list of SEQR attorneys to the Planning Board Secretary. Mr. Hover recommended that Chairman McAllister brief Supervisor Buddy Lester on the seriousness of the next phase of the review. He said that the Planning Board needs an attorney that can attend all its meetings and is experienced in SEQR law.

The meeting was adjourned by motion at 8:25 p.m.

Planning Board Secretary