

**TOWN OF SWEDEN
Planning Board Minutes
April 22, 2013**

A regular meeting of the Town of Sweden Planning Board was held on Monday, April 22, 2013, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, William Hertweck, Matthew Minor, Craig McAllister, David Strabel.

Absent: Arnold Monno

Also present: James Oberst, MRB, Lee Sinsebox, Philip Miglioratti, Eric Leverenz, Lorie Bowers, Keith Bowers, Marilyn Cornish, Fred and Terry Carbone, Dorcas Michaels, Nelson Crosier, Bob and Cecelia Berry, George Mann.

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

Correspondence was passed to members for review.

Moved by Mr. Minor, seconded by Mr. Dollard, that the minutes of March 8, 2013, be approved.

Ayes – 6

Moved by Mr. Hertweck, seconded by Mr. Minor, that the regular meeting be adjourned to the public hearing.

Ayes – 6

Chairman McAllister read the notice of public hearing and affidavit of publication.

Patriot Landing Extension Resubdivision and Site Plan. Sweden Lane. 083.08-1-5.1, 083.08-1-2

Mr. Lee Sinsebox, Costich Engineering, and Mr. Philip Miglioratti, applicant, addressed the Board.

Mr. Sinsebox took a few moments to go over the project. Briefly, it's on the east side of Lake Road, just north of Sweden Lane. There are three existing buildings owned by the applicant with three new buildings proposed. The townhouse-style apartments, 24 units, are very popular and are being built in different towns. The project becomes one property through resubdivision process; one owner, one management.

There are necessary utilities to support this project: sewer and water. Fire protection is more than adequate per the Fire Marshal. The numbering system for the whole site will start with the units from south to north with the main address of 3 Sweden Lane, Apt. # (?). There are four attached garages, which makes the units popular.

One of the biggest challenges is to plan for storm water and drainage. Also, there is the obligation to control water runoff from the site, make sure it is clean, and mitigated. The pond will collect water all year around. This way it won't affect the creek; peak flow will be at or less with the pond than it is now.

Mr. Sinsebox presented a rendering of what the units will look like. The units are an earth tone color, separate entrances in the front, and four units up and four units down. Each unit has a garage and all three buildings will have vinyl siding. Mr. Sinsebox has done several of these upscale projects; they are well received. Mr. Sinsebox stated he would be happy to answer any questions. The timing of approvals starts with this Board and the other agencies, hopefully in the next six to seven weeks. Looking forward to start construction early mid-summer.

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George Mann, 176 Gary Drive – Mr. Mann is also a member of the Sweden Environmental Conservation Board. He has concerns with the roof water runoff that will go into the pond. Will the overflow from the pond go into Coleman Creek? Mr. Mann asked if the trees would stay. He questioned receiving approval for permits, i.e., MCDOH, MC Water Authority.

Marilyn Cornish, 63 Hollybrook Road – Ms. Cornish explained she has watched the development grow over the years and runoff has been an issue. She wrote a letter stating her concerns during the rezoning application, which she will submit tonight as part of the record. Ms. Cornish is concerned that the environmental issues resulting from Ace Cleaners, which could potentially affect the children in the development. She also expressed concerns whether the applicant is financially sound to cover the completion of the project.

Fred Carbone, 133 Hollybrook Road – Mr. Carbone has many questions related to the Town Engineer's comments. Attached is Mr. Carbone's letter received the following day and made part of this record.

Terry Carbone, 133 Hollybrook Road – Mrs. Carbone would like to see a female as a member of the Planning Board. She spoke quite extensively at the public hearing for the rezoning of this project. She feels that she and her husband are representing the 230 people who signed the petition against the rezoning and who are still against the development of 24 units. She thanked the Town Board for not approving the rezoning.

The problem that the Town Board and the ECB had still exists. She is very curious of how a pond can be put on residential property that facilitates a commercial business. Is that legal? Mrs. Carbone believes a pond will exacerbate the problem of toxins going into the water table, and this needs to be looked into before any development starts. This development could be similar to a "Love Canal" in Brockport, and who will be responsible when children start getting sick? This property will act like a natural sponge absorbing all the drainage into the pond and spilling into Coleman Creek where kids play.

Another concern is where the staging areas and concrete cleanup are going to be. Will they flow into the pond? Mrs. Carbone stated the following for the record: your constituents of Sweden Village sent out a petition stating they are not interested, it is not downsized enough, and no guarantee at this point that it will not exacerbate a potential dangerous situation for the residents in the area.

Bob Berry, 102 Hollybrook Road – Mr. Berry explained that the State had visited his property for testing and stated that, while the plume didn't affect his property, it may have affected the corner of Sweden Lane and Hollybrook Road. A child was born there with a cleft palate. His concern is the pond and that there already is a plume growing, which is a danger to children and everyone. The pond should be treated at the applicant's expense.

Terry Carbone, 133 Hollybrook Road - She asked if an answer could be given regarding the legality of the pond located on the residential area of the property. The Board did not have an answer. It was referred to the Town's legal counsel.

Marilyn Cornish, 63 Hollybrook Road - She asked how the residents keep informed of meetings, decisions, etc. Chairman McAllister stated the project was accepted for review, tonight is the public hearing, and all comments will be reviewed starting at the next meeting until final approval can be given. The Town Board is no longer involved. The Board stated the agenda and meeting schedule will be posted on the website or you can call the Town office and speak to the Clerk.

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Terry Carbone, 133 Hollybrook Road – She summarized the Town Engineer’s review of the project as it is lacking details and more information is required. The project is being reviewed by the County and the State, but do they care about our basements flooding or if our children become sick? There should be direct communication between the residents and the review agencies. She feels that nothing has changed since the first meeting, only a different application. There is still a toxic plume, density issues, and traffic congestion. She asked who makes the final decision. The Board stated the Planning Board; the Town Board is no longer a part of this application.

Fred Carbone, 133 Hollybrook Road – Finally, he asked that should there be a plume and toxins start affecting people, who is going to assume responsibility? Is it the Town, the engineer, or what happens? The engineer’s report offers no guarantees as far as how the water will go, and that’s scary.

Terry Carbone, 133 Hollybrook Road – She stated she is a member of the Greater Brockport Development Corporation, and she is not sure if the apartments are even needed with 56 empty homes in the Village that are abandoned or need to be cleaned up. These homes will get overlooked as residents will choose to move to the Town for these new apartments, and thus, the Village tax base will suffer.

Chairman McAllister thanked everyone for coming and for their input. The Board will make sure everything is in compliance with zoning and the Town code.

Moved by Mr. Hale, seconded by Mr. Strabel, to adjourn the public hearing to the regular meeting.

Ayes - 6

Crosier Resubdivision and Site Plan. 4454/4446 Monroe Orleans County Line Road. 067.04-1-2.121, 2.122

Mr. James Missell addressed the Board. He stated that all the comments have been addressed and the plans have been revised accordingly. He is requesting environmental and preliminary approvals tonight so that he may obtain MCDOH’s signature/approval.

The Town Engineer received the updated plans last Wednesday, and stated overall, the plans are in good shape.

Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Crosier Resubdivision and Site Plan, located at 4454/4446 Monroe Orleans County Line Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on March 11, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Building Inspector, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Crosier Resubdivision and Site Plan are unlisted actions which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board grants Preliminary Approval.

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Mr. Minor asked if it was determined whether the development is on a Town or County road. Mr. Missell stated it is a Town road, and an access permit application has been submitted. There is a signature line for the Highway Superintendent on the plan.

Ayes – 6

Klein Subdivision and Site Plan. Reed Road. 129.01-1-1.11

Nick Montanaro addressed the Board. He is requesting Preliminary and Final approvals tonight. He stated the MCDOH, Town Engineer, and Fire Marshal have signed the plans.

Chairman McAllister asked if there were any impacts to the wetlands. Mr. Oberst stated all concerns have been addressed.

For the record, the Bowers submitted updated information as requested by the Chairman at the public hearing. Mr. Strabel reviewed this information, and a copy will be given to Mr. Montanaro for the file.

The Board requested that Mr. Klein obtain written authorization from CY Farms granting permission to seek subdivision and site plan approvals since they now own the land that was owned by Charles Alexander when the application was first submitted. Mr. Montanaro will take care of this.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Klein Subdivision and Site Plan, located on the south side of Reed Road, 1776 ft. west of Root Road, and

WHEREAS, the Town of Sweden Planning Board held public hearings on February 11, 2013, and April 8, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Building Inspector, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board affirms its determination of April 8, 2013, that the Klein Subdivision and Site Plan are unlisted actions which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board grants Preliminary Approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the Klein Subdivision and Site Plan be granted final approval, contingent upon receiving the required signatures, written permission from the current owner to the applicant to seek subdivision and site plan approvals, and the Chairman be authorized to sign the mylar.

Ayes – 5

Abstain – Mr. Minor

OTHER

Econolodge – The Clerk discussed with the Board the proposed aesthetic upgrade and wind barrier by the owner and it was determined that Planning Board approval would not be required.

The meeting was adjourned on motion at 9 p.m.

Planning Board Clerk