

**TOWN OF SWEDEN
Planning Board Minutes
April 24, 2006**

A regular meeting of the Town of Sweden Planning Board was held on Monday, April 24, 2006, 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: James Oberst, Town Engineer, Whitney Autin, ECB, Bernard Schmieder, Richard Maier, Mary Kay Genthner, Kris Schultz, Tom Lucey

The meeting was called to order at 7:10 p.m. by Acting Chairman Hale. Lacking a quorum, the Board met as a committee of the whole.

Correspondence passed to members for review.

Knab Resubdivision. 444 Gallup Road.070.03-1-33.21, 33.1

Mr. Richard Maier addressed the Board. Mr. & Mrs. Knab were before this Board a year ago to combine two parcels they own before getting public water. Recently, the Knabs have purchased additional land to the north from Mr. Rakus and would like to add that land to their existing lot, once again to avoid multiple water charges.

Acting Chairman Hale confirmed that there would be no new construction and asked Mr. Maier to show the Board where the new lines would be. Also, Acting Chairman Hale asked if the parcels were approved subdivisions. Mr. Maier explained that they were and that page and liber information could be found under map references on the plan.

7:15 p.m. - Chairman McAllister arrived at the meeting. A quorum was present and the regular meeting went into session.

Moved by Mr. Williams, seconded by Mr. Minor, that the minutes of April 10, 2006 be approved.

Ayes – 4

Mr. Maier gave a quick summary to Mr. McAllister in order to proceed with an accept for review motion.

Moved by Mr. McAllister, seconded by Mr. Monno, that the Knab Resubdivision be accepted for review.

Ayes - 4

The Public Hearing will be May 22, 2006.

Duryea Subdivision – Lot 2. Lake Road/Duryea Drive. 083.02-1-12.101

Mr. Bernie Schmieder addressed the Board. At the last meeting, the only outstanding issue was that the application wasn't sent to County Planning. Since then, comments have been received and addressed.

1. There is a stream on the property which is well to the west of the property that is being subdivided.
2. The parcel is being subdivided from a larger piece of land and that the Board should be aware of Mr. Duryea's proposed development for the remaining lands. Mr. Schmieder indicated that Mr. Duryea doesn't have any future development plans for the remaining lands.

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3. The DOT indicated that there is a monument located within the scope of the project. Mr. Schmieder has noted the coordinates on the corners of the property to comply with the monumentation law even though it is not in the scope of the project.

Moved by Mr. McAllister, seconded by Mrs. Bahr, that the final public hearing be waived, the Duryea Subdivision – Lot 2, be granted final approval contingent upon receiving the other required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 4

7:25 p.m. - Board Members Minor and Williams arrive at the meeting.

Ledgedale Airpark Subdivision/Resubdivision. Sweden Walker Rd/Eisenhauer Dr.

Ms. Mary Kay Genthner addressed the Board. Ms. Genthner stated the notations referencing zoning change requests have been removed and a note added that the parcels lie in the Shumway Road/Sweden Walker Road Extension to the Town of Sweden Consolidated Water District. Also, at the end of the last meeting, Ms. Genthner distributed a revised deed description per Mr. Oberst's request.

Moved by Mr. McAllister, seconded by Mr. Monno, that the final public hearing be waived, the Ledgedale Airpark Subdivision/Resubdivision be granted final approval contingent upon receiving the other required signatures, and the Chairman be authorized to sign the mylar.

Mr. Minor commented that the minutes state that the parcel between Lot 4 and Lot 6 doesn't appear to be an approved subdivision. Mr. McAllister explained that it would be subdivided by default.

Ayes – 6

ABVI-Goodwill Subdivision & Site Plan. Transit Way. 084.01-1-1.119 (part of)

Mr. Kris Schultz addressed the Board. Mr. Schultz is requesting at tonight's meeting an environmental motion for subdivision and site plan and preliminary approval for subdivision. Mr. Schultz also stated he spoke with Town Attorney Jim Bell and Attorney Bell indicated that once a Letter of Credit was established for the future Wal-Mart R.O.W., the Town could grant contingent final approval on subdivision and site plan.

Mr. McAllister stated he also spoke with Attorney Bell and he would like to meet with the Planning Board on May 1 to discuss this project and the wording that would be included in a conditional approval. The Board agreed to hold this meeting.

Mr. Schultz reviewed the changes requested by the Board at the last meeting:

1. An additional four (4) trees have been added along the frontage.
2. A walkway has been designed through the parking lot to the front door.
3. Sidewalks have been proposed to go to Transit Way.
4. Added to the site plan is a ghosted image of a trailer as it enters and moves along the back corner of the building. Mr. Monno stated he feels there will be a problem when trailers have to pass the longer vehicles that are parked and sticking out of the parking space. Mr. Schultz stated all the parking spaces are 20 ft. long so there shouldn't be a problem. Discussion followed. Mr. Schultz added that the entrance curve at the main entrance on the west side has been softened with a 100 ft. radius.
5. Monroe County Water Authority has requested a 12" main across from the tap and that it be brought up to extend easterly.

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Mr. Monno asked for clarification regarding the truck traffic pattern. The trucks will traverse the parking lot on the north side. Mrs. Bahr asked how many truck deliveries would there be a day. Mr. Schultz stated a single truck a day.

Mr. Minor asked how the islands in the parking lot would be designed. Mr. Schultz stated those are striped areas. There will be true curbing at the entrance, 24 ft. wide.

Acting Chairman Hale discussed the memo received from Kathy Harter, Chairperson, ECB, regarding the environmental damage that has taken place, and what mitigation does the applicant propose to rectify this. Mr. Schultz stated that all of the parcels in this area have been developed as part of a commercial park. The reality is that developing a heavily wooded commercial area is that a lot of trees will be lost. A landscaping plan has been developed with the greatest extent possible to save the trees around the perimeter and reserving stonewalls.

Mr. McAllister stated there is no clear cutting in the Town and no cutting permitted without a permit; both of which happened. Mr. Schultz stated the clear cutting was done primarily to save money. As part of the record, Mr. Schultz stated he did call the Building Department to inform that cutting would be done in order to survey the land. Mr. McAllister stated that a parcel does not need to be cleared from one end of the property to the other end in order to survey.

Mr. Minor asked what pond will the storm water drain to. Mr. Schultz stated the new Tractor Supply pond. Mr. Minor asked if an "as built" was ever completed for the pond. Mr. Schultz stated yes and that he would see that the Town Engineer and Building Department received a copy tomorrow.

Mr. Minor stated he has two issues with the cleanup at the pond. One, there are still dirt hills, and two; the "old" Mulkin ditch is still there which is 6 to 8 feet deep. Mr. Schultz stated he would look into resolving those issues.

Acting Chairman Hale stated that the County Planning & Development comments, #2 and #3, indicate that there may be Federal wetlands and a stream on site. Mr. Schultz stated the County was contacted and the wetlands and stream are on the Wal-Mart site. The Goodwill site is clean.

Mr. Monno stated that he feels there is still a big problem with the truck traffic going through the parking lot. Mr. Monno stated with the truck entering and having to turn left, a blind spot would be created. Mr. Monno would prefer the truck route to go straight through, along the side of the building, and around the back. Mr. Monno would be opposed to the way it is designed now. Mr. Schultz stated there isn't enough room on the west side for the trucks to travel. Mr. Monno stated that ways to mitigate this should be looked into now while in the planning stages, especially if it will save lives or prevent injuries.

Mrs. Bahr asked if the striping in the apron area could be increased to prevent cars from parking where the trucks will have to turn.

Moved by Mr. Williams, seconded by Mr. McAllister, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, Fire Marshal and the Environmental Conservation Board, the Planning Board determines that the ABVI-Goodwill Subdivision & Site Plan is an unlisted action which will not have a significant impact on the environment.

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Mr. Monno asked how would the applicant mitigate the clear cutting that took place. The Planning Board should be able to ask for specific requests. Mr. Monno feels we should wait a meeting or two to decide if there is anything the Board would like to see done before approving the environmental motion. Acting Chairman Hale stated Mr. Monno would be procedurally correct if he so desired to table the environmental motion at this time. Mr. McAllister added that until the site plan is approved, the Board still has ample time to make requests for changes to the landscape. Mrs. Bahr feels the ECB's memo regarding the clear cutting should be acknowledged. Mr. Monno added that the Board could be setting a precedent by not requesting some form of mitigation for the clear cutting.

Mr. Whitney Autin, ECB, was asked to comment on the above. Mr. Autin explained that the ECB believes the applicant is proposing way too many parking spaces without proper justification, which removes the applicant legally from creating effective green space. Mr. Autin suggested, as equitable mitigation for clear cutting, the applicant could create a public corridor/park for the patrons. Downsizing the parking lot and moving the building over could accomplish this. Another suggestion would be to create a 30 ft. linear park, a strip of land at the back of the parcel, which could also help teach the handicap various skills. Mr. Autin added either suggestion would be an admirable asset to the community and to the actual business. Mr. Schultz commented those suggestions have a lot of merit, but he would not design a park anywhere near where there is truck traffic. If the building is moved, and parking spaces removed, it will create a parking problem. Mr. Schultz added that the applicant designed the building with the number of parking spaces shown for a reason. Acting Chairman Hale suggested the option of having land banked parking spaces to be installed if needed. Mr. Schultz could provide an alternate landscaping plan depending upon the amount of parking spaces to be installed.

Moved by Mr. Monno, seconded by Mrs. Bahr, that the Environmental Motion be tabled until May 8, 2006.

Ayes – 4
Nay – Mr. Williams
Abstain – Acting Chairman Hale

Additional Business. Wal-Mart Supercenter.

Mr. Williams addressed the other members of the Board who were not able to attend the 6:30 p.m. meeting at the Wal-Mart site regarding the clearing that had been done. Mr. Tom Lucey, APD Engineering, also attended the meeting. Mr. Williams explained that there was confusion by some of the residents as to what was approved in the buffer area between the residential property and the Wal-Mart site. Many of the residents attended the meeting to explain what they wanted to see from their backyard in the buffer area before the berm starts. Mr. Williams stated that the clearing done was according to the plans, but more than what was expected at this point of construction. The additional clearing is attributed to preparing for storm water measures and orange fencing.

Mr. Williams contacted Mr. Lucey for clarification. Mr. Lucey responded quickly by attending tonight's meetings to resolve the residents' concerns. Mr. Lucey explained that during the Planning Board meetings, it was decided to save some trees along the property line. The property was surveyed and trees were tagged. Some of the residents had the understanding that nothing would be cut from their property line out 20 feet. Mr. Lucey stated that might have been brought up at a meeting, but he's not sure how it was miscommunicated. On Thursday, April 20, the contractor was asked to stop clearing until Mr. Lucey was able to visit the site. At the meeting earlier tonight, various residents met at the site to inform Mr. Lucey what they would like to see happen behind their property. Some residents wanted the brush to stay, some wanted additional pine trees

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planted, and some wanted to remove the deciduous trees. Mr. Lucey will attempt to meet with the other residents who were not able to be at the meeting, and then provide a letter documenting the changes in the buffer area for each property owner.

Mr. Monno confirmed that the course of action is to get the berm up, seeded, and shrubs planted as quickly as possible in order to make the neighbors happy. Mr. Lucey agreed. The grass and trees should be on the berm before the roof is put on the building.

Mrs. Bahr commented how very responsive Mr. Lucey was regarding this matter.

The meeting was adjourned by motion at 8:50 p.m.

Planning Board Secretary