

**TOWN OF SWEDEN
Planning Board Minutes
April 26, 2004**

A regular meeting of the Town of Sweden Planning Board was held on Monday, April 26, 2004, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Also present: Jerry Foster-Environmental Conservation Board, James Oberst, Town Engineer, Charles Sanford, Fire Marshal, Jerry Goldman, Esq., Patrick Laber, James Glogowski, Paul Naliwajek, Thomas Lucey, APD, Frank Sciremammano, FES, Kristen Hawes, Esq., Pat Conway, Greg Clyde, Harry & Deanna Shifton, Anna Dupre, Laura Crandell, Stacy Garrison

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

Correspondence passed to members for review.

Moved by Mrs. Bahr, seconded by Mr. Hale, that the minutes of April 12, 2004 be approved.

Ayes – 5
Abstain – A. Monno

Tractor Supply Site Plan. Bkpt-Spen Road. 084.01-1-6.1, 6.2, 6.3 (Part of)

Mr. Patrick Laber addressed the Board with a brief overview of the project. This is a 22,500 sq. ft. retail building with an adjacent 22,000 sq. ft. side yard. It is directly west of the Spurr Dealerships. The plan shows variances will be required for the number of parking spaces required and lot coverage. The site has access to public water. Sewer will be brought in across the Spurr property. The ultimate storm water plan is to alter the Westway Pond into a regional detention facility that will be used by the existing Westway buildings and any future buildings, as well as this project and the Spurr parking lot. There was a meeting with Wal-Mart last week to work together in changing the pond. Basically, the plan is to see what improvements need to be made to the pond to turn it into the original facility it was suppose to be, and to bring it up to the new environmental phase II regulations.

Mr. Laber added there will be a full landscaping and lighting plan which Tractor Supply is working on. All the setbacks have been met. Traffic concerns will be addressed by the DOT.

Mr. Hale asked why the lot wasn't made big enough to avoid all the variances that are required.

Mr. Minor wanted to know if remediation of the pond was on a separate parcel and the answer was yes. The benefit to Mr. Hogan will be that the pond will be where it was suppose to be on his overall development.

Mr. Laber added he failed to mention that this proposal includes combining the two ditches that run along the south property line; the "Mulkin ditch" and the ditch that goes into the existing pond.

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Chairman McAllister entertained a motion for Accept for Review. Mr. Hale stated that there are no landscaping and lighting plans, and that the review won't proceed further until the Zoning Board of Appeals has made a determination. Mr. Hale asked if a variance application was submitted. Mr. Laber indicated no because he thought the Planning Board was the first step. Chairman McAllister stated that you don't have to start at this point, but the applications can run concurrently. The Planning Board can't proceed until the issues with the variances are resolved. It would be a good idea to apply to the ZBA as soon as possible. The Planning Board can review the plans for input to the ZBA.

Moved by Mr. Hertweck, seconded by Mr. Williams that the Tractor Supply Site Plan be accepted for review.

Moved by Mr. Hale, seconded by Mr. Minor, that the above motion be tabled until the additional site plan information is received.

Ayes – 7

Mr. Laber asked for more specific information on the motion to table to inform his client. Chairman McAllister stated the motion to table the Accept for Review is based on the lack of site plan detail (landscaping and lighting) not the need to apply for variances.

Mrs. Bahr added that Page 2, Section B of the PIF needs to be completed.

Ladue Estates Subdivision & Site Plan, Ladue Road, 112.05-1-15

Mr. James Glogowski addressed the Board. There are two plans: the smaller plan shows the entire property and how the land is to be divided, and the larger plan shows the location of the houses. Perc tests were completed for the property and the results indicated that a modified raised system is needed for each lot. All the lots will be served by well water. The plans show two 8 acre and two 3 acre lots each with separate driveways. There are no wetlands on the property or creeks.

Mr. Hale wanted to know if there was any reason why Lot 1's property line has an odd shape. Mr. Glogowski stated the land was surveyed and that's the way it looks; maybe it's due to when it was farmed.

Chairman McAllister requested an overview of the rest of the properties this parcel is off of. It's important to note this so as not to landlock any parcel. Mr. Glogowski added this parcel has existed for quite awhile.

Moved by Mr. Minor, seconded by Mr. Hale, that the Ladue Estates Subdivision and Site Plan be accepted for review.

Ayes – 7

The Public Hearing will be June 14, 2004.

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The Woodlands on the Canal. Old Rte. 31. 067.02-2-3.12, 3.13

Mr. James Glogowski and Mr. Paul Naliwajek addressed the Board informally to ask for the Planning Board's thoughts on Mr. Naliwajek's proposal. Plans were distributed. The first page shows the entrance off of Rte. 31 and the second page shows the site plan. The project consists of Lots 2 and 3 of the Birch Subdivision and is owned separately by Mr. Naliwajek and Ms. Pat Conway. The proposal is to put all the development on Lot 3 except for one pond which will go on the lot to the west. The reasons for this are due to financing, and that there are two separate owners.

Chairman McAllister clarified that the plans are to build a bed and breakfast in a single family residential zoned area. Chairman McAllister added building a commercial operation in a single family residential area is not permitted; therefore, this Board couldn't accept this project for review.

Mr. Naliwajek stated after working on this for several months with Albany, the best way to look at this proposal is to think of it as building a house which would then later be converted into a bed and breakfast. There is no specific time frame as to how long a house has to be a house for this conversion to happen.

Chairman McAllister asked for Mr. Bader's opinion as far as this being a business instead of a home occupation. Mr. Bader stated there probably isn't a case like this anywhere in NYS. Chairman McAllister indicated then this would surely be a precedent to anything this Board has done in the past.

Chairman McAllister explained as an administrative board we can accept and review plans for a single family residential development and single family residentially zoned property. Mr. Naliwajek wanted to know how a house becomes a bed and breakfast. Chairman McAllister stated that's a conversion that doesn't go through this Board. Discussion followed.

Mr. Glogowski stated if we were to submit plans for a single family residence would the Board review the plans. Chairman McAllister stated yes; only as a single family residence.

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

Mr. Tom Lucey introduced Ms. Kristen Hawes, who started on this project and has now returned while Ms. Pronti is away. Mr. Frank Sciremammano is also here tonight. Mr. Lucey distributed an outline for tonight's meeting to help the discussion.

Mr. Sciremammano addressed the Board with the comments from the DEIS, and distributed handouts to the Board. There are three sections to the outline. The first section is a general response to some key issues with a table listing of all the written comments that were received. For each topic area, A through I (ordered by frequency mentioned), Mr. Sciremammano referenced the letters that related to each topic, and then summarized what the problem was. The second section is detailed responses from the town consultants and state agencies. Mr. Sciremammano listed each comment verbatim and responded to them individually. The third section is each letter with a number, who it is from, the address, what was said and then the response. The fourth section, which is not included, will be the same thing except for the oral

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comments. The appendix will be the actual letters. Mr. Sciremammano indicated he only listed the detractor letters although there were some positive ones.

Chairman McAllister stated this was a very good way of organizing the comments. Attorney Goldman agreed. The reason the responses aren't here is because as the review is taking place, there are changes already that need to be done. Mr. Sciremammano added if there are any changes or suggestions, please let him know for the next meeting.

Mr. Lucey addressed the Board and stated APD is in the process of preparing a set of plans with the building rotated to be submitted to MRB and the Planning Board for review comments. This will enable us to complete landscape and drainage plans.

Mr. Lucey commented on some of the issues/comments that were discussed at the last meeting such as:

- The use of the existing site was discussed extensively with Wal-Mart. To summarize, Wal-Mart made an attempt to purchase the existing Wal-Mart property from the Sweden Plaza Associates. The offer was 40 percent over the mortgage value of the property. This offer was rejected by Sweden Plaza Associates. Issues were discussed, but after reviewing the cost of the property and the additional reconstruction costs, Wal-Mart decided it was in their best interest to look for another project location. That's when a purchase offer was made for the proposed site. A comparison was done between the new proposed site and the existing site. The advantages to the proposed site are: no demolition costs, lower costs to build a new building then rehab the existing one. The disadvantages are: site construction costs are higher on the new site because of new improvements and off-site costs are higher due to the widening of Rte. 31. Included in the outline is a cost comparison chart based on percentages. In summary, Wal-Mart made a sincere effort to purchase the property from Sweden Plaza Associates, but was pushed past their economical limit to where the project would not be feasible.
- The closing of the existing Wal-Mart. On a very conservative basis the Brockport location does 13 million dollars in sales a year. This is relevant because Wal-Mart will not close the doors on the existing site to remodel. Additional costs will be incurred in order to keep the store open while expanding. The difference between Brockport and Henrietta is that Wal-Mart owns the Henrietta property. Mr. Oberst asked if a marketing analysis comparison was completed to see if the existing or the proposed location would be more profitable. Mr. Lucey stated the location didn't have a major impact on the decision to build a new store.
- After visiting the Gates store, Mr. Lucey wanted to clarify his statements regarding buffering. Mr. Lucey brought pictures for the Board to review. The berms are actually 12 ft. tall with a 6 ft. high fence on it with evergreens. Mr. Lucey mentioned it clearly shows that except for a few points, the Wal-Mart building isn't visible behind the berm.

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The light poles that are in the pictures have house shields on them to light up the loading docks. The houses in Gates are set farther back from the property line, but there are two-story houses like in Brockport. At the proposed Brockport site, berms can be 16 ft. high and 10 ft. wide to plant trees that can block two-story homes.

Mr. Monno raised questions regarding snow removal. Discussion followed. A snow removal plan will need to be addressed.

Mr. Lucey mentioned that the Wal-Mart architect is planning to attend one of the planning board meetings in early June.

Mr. Minor asked in the cross-section of the berm, what would be the drainage mediation at that point. Mr. Lucey commented field inlets would be used, which would drain into pipes.

Attorney Goldman mentioned if there are locations the Planning Board would like the Wal-Mart architect to look at, let APD know as soon as possible; i.e., Cool Springs, TN and Tallahassee, FL.

Comprehensive Plan

Mr. Hale spoke regarding a proposal that has come before the Comprehensive Plan Review Committee. In the revision of the Plan, one of the issues that was addressed is to include commercial usage on the properties which are outlined in yellow on the tax map (distributed to members). Mr. Hale and Mr. Minor wanted to bring this before the Planning Board for comments before a decision was made. The biggest lots are identified as being owned by Duryea, Northstar and Spaziano with one single family home at the south end. Discussion followed.

Mr. Minor added that one concern is the abrupt change in zoning and that there should be an intermediate zoning. Mr. Hale agreed and added that there should be no more curb cuts on Rte. 19. Also, a concern is whether substandard parcels will be created with the building of the new road to the Community Center.

Chairman McAllister stated the consensus of the Board is to expand the commercial zoning to Royal Gardens Way. Another suggestion was the rezoning of the Community Center to B-3 (Recreation-Commercial).

Moved by Mr. Minor, seconded by Mrs. Bahr, that the meeting be adjourned at 9:40 p.m.

Ayes – 7

Planning Board Secretary