

**TOWN OF SWEDEN  
Planning Board Minutes  
May 3, 2010**

A special meeting of the Town of Sweden Planning Board was held on Monday, May 3, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Also present: James Oberst, P.E., MRB, James Bell, Town Attorney, James Butler, Building Inspector, Kris Schultz, P.E., L.S., Robert Keiffer, P.E., Carl Ast, Ronald and Paul Viele, Calvin Gaeta, George Hage, Tony Gianni

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

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of March 22, 2010, be approved.

Ayes – 6  
Abstain – Mr. Minor

Moved by Mr. Dollard, seconded by Mr. Minor, that the minutes of April 12, 2010, be approved as amended.

*Page 6, #3, 3<sup>rd</sup> sentence... Change the word session to section.*

Ayes – 4  
Abstain – Mr. Hertweck  
Abstain – Mr. Monno  
Abstain – Mr. Strabel

**G. Hage Subdivision and CVS Site Plan. 6510/6524 Bkpt-Spen Road.083.08-8-22,1.2,1.111**

Chairman McAllister gave an overview of the status of the project and what needed to be addressed at tonight's meeting. The discussion began with the revised architectural style of the building.

Mr. Keiffer stated several architectural options have been submitted at previous meetings. Tonight's submittal represents a composite of those options. Renderings were distributed to the Board.

Mr. Keiffer explained that the building would be constructed of split-face concrete masonry units in two colors, red and cream. Awnings have been added to the north side of the building, and the entryway redesigned. The roofing material is depicted as a standing seam metal roof.

Mr. Strabel stated the rendering was a strong improvement over what had been previously submitted. Mr. Keiffer stated thank you.

Mr. Dollard stated he thought the awnings looked nice on the north side of the building, but suggested putting some awnings on the south side. Mr. Strabel thought an awning with a fake window on the south side under the section labeled Beauty would look better, especially since it is the primary elevation. Mr. Keiffer thought that would be an acceptable suggestion to CVS. The Board was in agreement.

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Chairman McAllister stated that the NYSDOT has deemed a full access on Rte. 31 to be safe and acceptable. Mr. Keiffer distributed an updated site plan showing the shifting of the Rte. 31 entrance approximately three parking spaces closer to McDonald's.

Mr. Oberst asked how many spaces would be to the east of the entrance. Mr. Keiffer stated there would be two spaces to the east of the entrance and one land-banked space.

Mr. Minor suggested adding a mountable curb to the site plan. Mr. Keiffer stated he wouldn't do that unless instructed to do so. Mr. Minor was fine with that. Mr. Schultz suggested adding a sign at the end of the curb reminding patrons to slow down.

The Board discussed the SEQRA Determination prepared by the Town Attorney. Page 2 contains a draft resolution. Mr. Hale asked for clarification of the wording that the environmental site assessment is to be filed with the Town as soon as it is available. Chairman McAllister stated the environmental assessment isn't going to happen until after demolition occurs because the third gas tank is under one of the existing buildings. All approvals would need to be in place for demolition to occur, which can't happen until the SEQRA motion is passed.

Mr. Keiffer stated he believes the Town's issue is to be assured that this project will not be completed without addressing all of the NYSDEC's concerns. The Board agreed.

Mr. Keiffer explained the process again. He added the developer is at risk if the mitigation work isn't completed, and an approval letter is not received from the NYSDEC. The developer would have to backup and do the work over or do more. An additional risk is that the Town will not issue a certificate of occupancy until the NYSDEC completes the letter and CVS cannot occupy the building or get permanent financing.

Mr. Hale stated the resolution is fine for changing lot lines, but it is more complicated with the site plan. He asked for additional verbiage in the resolution.

Chairman McAllister stated the wording needs to be changed so that when the environmental is granted, the Town is covered for anything that the NYSDEC finds down the road and that the applicant is responsible for clean up. Mr. Hale stated he doesn't believe the language on the page covers that. Attorney Bell asked in what way.

Mr. Hale stated for the simple fact if further problems arise, he doesn't feel that the Town is covered. Attorney Bell assured Mr. Hale that the owner is responsible for clean up and that the NYSDEC will make sure the owner cleans up the site. Mr. Keiffer didn't believe the developer has the option of not cleaning the site completely once demolition occurs. Mr. Minor stated he thought that the developer could just walk away from the project.

Mr. Keiffer explained the remediation process again. Mr. Hale is comfortable with the resolution for the subdivision approval, but not for site plan. Mr. Strabel asked how does a Board ever give final site plan approval without the remediation done first. Chairman McAllister explained this Board has never run into this type of project before and that is why legal has been consulted. Mr. Schultz asked what type of specific wording would Mr. Hale like added.

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Mr. Hale suggested wording that ensures the work completed will be carried out to the satisfaction of the NYSDEC. Discussion took place. Attorney Bell stated the following verbiage would be added to the resolution as follows:

- *recommendations of which will be followed in a timely fashion to the satisfaction of the New York State Department of Environmental Conservation*
- *that the G. Hage Subdivision be granted preliminary approval, as submitted on May 3, 2010*

Attorney Bell asked if the wording was acceptable to everyone. The Board agreed.

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

WHEREAS, the Town of Sweden Planning Board received an application on February 8, 2010, from Genesee Regional Development, LLC, for subdivision approval at 6510/6524 Brockport Spencerport Road, also known as the G. Hage Subdivision and CVS Site Plan; and

WHEREAS, the Planning Board held a public hearing on March 8, 2010, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form and comments from MRB Group, Environmental Conservation Board, Fire Marshal, Monroe County Planning and Development and the New York State Department of Transportation; and

WHEREAS, FRA Engineering and Architecture, PC, has prepared Parts 1 and 2 of a Full Environmental Assessment Form for information purposes and filed said Form with the Town Attorney; and

WHEREAS, Day Environmental has begun working on a Phase II Environmental Site Assessment and that a copy of said Report is to be filed with the Town as soon as it is available, and the recommendations of which will be followed in a timely fashion to the satisfaction of the New York State Department of Environmental Conservation; and

WHEREAS, the Town Attorney has advised the Planning Board that determining that the proposed subdivision at 6510/6524 Brockport Spencerport Road is an unlisted action which will not have a significant impact on the environment based upon this information is a reasonable determination.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the G. Hage Subdivision and CVS Site Plan is an unlisted action which will not have a significant impact on the environment; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the G. Hage Subdivision be granted preliminary approval, as submitted on May 3, 2010.

Ayes – 7

The entire Notice of Determination of Non-Significance as prepared by the Town Attorney, including the above resolution will be retained in the project file, and also, attached to these minutes as part of the record.

Chairman McAllister confirmed preliminary approval was made part of the above resolution. The Board now refers the application to the Zoning Board of Appeals (ZBA) for the three area variances for CVS and the one area variance for the Brockport Corners Plaza.

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Mr. Keiffer asked if the Board would provide a letter of support from this Board to the ZBA. Chairman McAllister stated yes.

The following recommendation of approval was made to the ZBA for the area variances: The variances are for the front (25 ft.) setback, open space and side buffer zone (7.5 ft.) setback for the CVS site, and the side buffer zone (7.5 ft.) setback for the Brockport Corners Plaza site.

The three (3) variances for Lot 1 and one (1) variance for Lot 2 of the G. Hage Subdivision and CVS Site Plan have been mitigated to the fullest extent possible. This Board strongly recommends approval of the four (4) variances. It should be noted that these variances are improving pre-existing, nonconforming conditions.

Mr. Ronald Viele thanked the Board for calling a special meeting, and for all the help thus far to move this project along. Mr. Hage thanked the Board as well.

The meeting was adjourned on motion at 8 p.m.

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**Planning Board Secretary**

**SEQR  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

: Sweden Planning Board  
Town of Sweden  
18 State Street  
Brockport, NY 14420

Date: May 3, 2010

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the implementing regulations under 6 NYCRR Part 617.

The Town of Sweden Planning Board, after review of a Short Form Environmental Assessment Form, and Long Form Environmental Assessment Form Parts One and Two from FRA Engineers on behalf of the applicant, has determined that the proposed action described below will not have a significant effect on the environment.

**Name of Action:** Proposed CVS Store  
6510 Brockport Spencerport Road

**Description of Action:**

The pending action is the demolition of two existing structures and the redevelopment of the site with a new CVS facility with associated site improvements. It will not result in disturbance of slopes greater than 15%; involve construction where the depth of the water table is less than 3 feet; will not create parking for more than 1,000 vehicles; will not result in construction lasting more than a year; will not result in the removal of more than 1,000 tons of natural material; nor result in the creation or expansion of a sanitary landfill; nor will construction occur in a designated floodway.

**Location:**

Intersection of Routes 19 and 31, Town of Sweden, Monroe County

**Reasons Supporting this Determination:**

1. The applicant has submitted a Concept Plan, prepared by FRA Engineering and Architecture, PC with necessary information denoted.
2. The project site contains two existing access points to Route 31, and one access point on Route 19. The New York State DOT has reviewed the Concept Plan and agrees with the proposal to eliminate existing driveways on Route 19 and Route 31 and provide cross access to the Brockport Corners Mall. In regards to the proposed driveway on Route 31, the DOT agrees that a full access driveway should be provided.

In addition, the NYS DOT agrees that the traffic impacts at the Route 19 and Route 31 signalized intersection should not be significant. The applicant must apply to New York State Department of Transportation for a Highway Work Permit for all work proposed in the New York State right-way.

3. The proposed action will require coverage under the SPDES general permit for storm water discharge associated with construction activity. A Storm Water Pollution Prevention Plan has been prepared and submitted. Bringing the site into compliance with current regulation will result in an improvement in the quality of storm water discharged for this site.
4. A Phase I Environmental Site Assessment has been performed by Day Environmental Inc. This report identified the potential for environmental issues associated with previous uses on this site including, but possibly not limited to, underground fuel storage tanks and recommended that a Phase II Environmental Site Assessment be undertaken. This work is currently underway. It is anticipated that this report will outline mitigation measures that will be required to bring the site into compliance with current applicable environmental regulations. This mitigation work will be undertaken in conjunction with the demolition of the existing structure. Once the environmental mitigation process starts it will have to be completed and is the responsibility of the property owner.

The proposed project will result in the mitigation of the previous underground storage tank issues, if any.

5. There are no unique or unusual landforms on this site. The proposed project will not affect any protected water body. The proposed action will not change flood water flow; cause erosion; be incompatible with existing drainage patterns; or result in development within a floodway. The proposed action will not affect air quality. There are no threatened or endangered species on this site. This project will not remove habitat or employ the use of herbicides or pesticides more than twice a year.
- 6 The proposed action will not affect agricultural activities or resources; will not impact any site or structure of historic, prehistoric or paleontological importance;

will not contrast sharply with adjacent surrounding land use; will not affect open space or recreational opportunities; will not impact a critical environmental area.

7. The proposed action will not result in a 5% increase in any form of energy; will not routinely produce odors; will not produce noise in excess of the ambient noise; nor cause the community to grow by more than 5%. A public hearing has been held and the project has not generated controversy.

**For further information:**

Contact Person:	Phyllis Brudz, Planning Board Secretary
Address:	Town of Sweden 18 State Street Brockport, NY 14420
Telephone:	(585) 637-8684

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