

TOWN OF SWEDEN
Planning Board Minutes
May 8, 2006

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 8, 2006, 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: James Oberst, Town Engineer, Whitney Autin, ECB, James Butler, Building Inspector, Mary Jane Dreher, Kelly Liberi, Kris Schultz, James Moore

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

Correspondence passed to members for review.

Moved by Mr. Williams, seconded by Mr. Hale, that the minutes of April 24, 2006, be approved as amended.

Page 1, The meeting was called to order...Add new sentence...Lacking a quorum, the Board met as a committee of the whole.

Page 1, 7:15 p.m. – Chairman McAllister arrived...Add new sentence...A quorum was present and the regular meeting went into session.

Ayes – 6
Abstain – Mr. Hertweck

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

Ayes – 7

The Chairman read the notice of public hearing and affidavit of publication. The Chairman asked if there were any questions or comments from anyone present at the public hearing.

MJ Dreher Trucking, Inc./Westwinds Mechanics. Special Use Permit E-Truck Repair Garage

Chairman McAllister asked if there was anyone present with questions, comments or concerns. There were none.

Moved by Mr. Monno, seconded by Mr. Minor, to adjourn the public hearing to the regular meeting.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Hertweck, that having reviewed the Short Environmental Assessment Form, comments from the Town Engineer, the Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Westwinds Mechanics LLC application for a Special Use Permit E – Truck Repair Garage is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Mr. Hale reviewed the Town Engineer's comments:

1. Signage is already in place.
2. Safety Clean will pick up and dispose of properly all proposed waste oil and engine fluids.

TOWN OF SWEDEN
Planning Board Minutes
May 8, 2006

3. Ms. Dreher stated that per the Fire Marshal's request, fire extinguishers are in place and may be checked at any time.
4. Hours of operation are Monday through Saturday, 7 a.m. until 8 p.m.

Ms. Dreher indicated that the repair garage is primarily for the truck operators that work for her, not the general public.

Moved by Mr. Hale, seconded by Mr. Minor, that the Westwinds Mechanics LLC application for a Special Use Permit E – Truck Repair Garage be granted.

Ayes – 7

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

Mr. Kris Schultz addressed the Board. Chairman McAllister stated that he spoke with Town Attorney Bell last week to discuss what the Board should or shouldn't be doing as far as the road construction. Attorney Bell's recommendation was that until the Town has the Wal-Mart Letter of Credit in place, the Board should not grant any approvals for the Goodwill application. Chairman McAllister stated that the Letter of Credit should be in place very soon.

Mr. Kris Schultz explained that he would like to discuss the ECB's comments regarding the clear-cutting that took place. The Board reviewed the ECB's comments.

Chairman McAllister stated that the clear-cutting is a Code Enforcement issue. The Planning Board has no authority to impose any mitigation based on a code violation. Mr. Minor commented that it should be understood it was a code violation and nothing less. The clear-cutting was planned and was not a misunderstanding.

Chairman McAllister agreed and asked the Clerk to forward tonight's minutes and the ECB's comments to the Town Board to recommend that the Town Law be changed to include a specific ordinance with a penalty attached to prevent clear-cutting from happening again. If it does, the ordinance will provide the Town with a means to be compensated.

Mrs. Bahr stated there should be a goodwill gesture by the developer to rectify the clear-cutting regardless if it is legislated or not.

Chairman McAllister asked Mr. Schultz if any member of the Town Board has contacted him or Mr. Hogan. Mr. Schultz stated not that he was aware of. Chairman McAllister stated relative to the suggestions discussed for the site, would Mr. Schultz like to comment.

Mr. Schultz stated he spoke with Mr. Rhodes and explained the idea of a park for the patrons and/or employees, but Mr. Rhodes was not in favor of that idea primarily because of the grade. Mr. Schultz also spoke of reducing and/or land banking the parking, and Mr. Rhodes reiterated that he would definitely need all the proposed parking. Plus, Mr. Rhodes was not in favor of the additional costs he would incur to put parking spaces in at a later time.

Chairman McAllister suggested using the sizeable green space on each side of the lot and moving the majority of it to one side. Mr. Rhodes did not want to push the building any closer towards the eastern residential

TOWN OF SWEDEN
Planning Board Minutes
May 8, 2006

property. Chairman McAllister added that since it is the east side of the building that is presenting all the issues from an elevation standpoint, wouldn't it make sense to shift the building to the west. This would allow a bigger buffer on the east side. Mr. Schultz commented that the east side would only be 10 feet bigger or so at the most.

Chairman McAllister also suggested using the same footprint, just move the employee parking to the other side and the building over and keep the same access road. Mr. Schultz stated the footprint of this building mimics several other existing Goodwill stores, which works well; however, Mr. Schultz will discuss this idea with Mr. Rhodes. Chairman McAllister reiterated by mirroring the building, everything internal remains the same.

Heritage Square

Mr. Hale commented he reviewed the DEIS and had about two pages of negative comments. The DEIS was given to Mr. Hertweck for review. Mr. Hale will email his comments to the Clerk who will then email them to the Planning Board, Town Engineer and ECB. In particular, Mr. Hale had concerns regarding the economic assumptions, and the concept of a "traditional neighborhood supercenter."

The meeting was adjourned by motion at 7:50 p.m.

Planning Board Secretary