

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 19, 2003, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

Members present: Craig McAllister, Arnold Monno, Terrin Hover, David Hale, Ellen Bahr and William Hertweck.

Absent: Edward Williams.

Also present: Jerry Goldman – special counsel for the Planning Board, Charles Sanford – Fire Marshal, Jerry Foster and Whitney Autin – Environmental Conservation Board, Mr. & Mrs. Harry Shifton, Kelly Pronti - Harter, Secrest & Emery, John Bennett & Tom Lucey – APD Engineering Frank Sciremammano, and others.

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

Moved by Mr. Hover, seconded by Mr. Hertweck, that the minutes of May 12, 2003 be approved.

Ayes - 6

Wal-Mart Supercenter. Bkpt. Sppt. Rd. 084.01-1-14.112, 084.0101014.2, 084.01-1-14.12
Mr. Jerry Goldman led the discussion of the revised Wal-Mart Supercenter Draft Scoping Document dated May 16, 2003. Engineer Jim Oberst had incorporated comments from the State DOT into the new draft.

Mr. Goldman said that it appeared from Neal Madden's letter of May 12, 2003, that the applicant's concerns with the Draft Scoping Document were limited to four areas:

1. Mr. Madden had questioned whether the scoping document could request study of roadways not requested to be studied by the State DOT. Mr. Goldman stated that the Planning Board is not limited to the scope of analyses the States DOT requires. The Town can review the impact to additional intersections. The Town should analyze those where it anticipates an impact will occur.
2. Quality of Life issues (5K on page 11 and 6J on page 16 of the May 16, 2003 Draft Scoping Document). Mr. Goldman led a discussion of how the Planning Board would evaluate the information submitted in this area. Community character might be a better place to address these issues rather than a separate area. Parameters around quality of life issues would help the applicant know what the Planning Board specifically desires to be studied.
3. Community Character addresses some economic issues. Mr. Goldman acknowledged that there is some disagreement in law about the role of economic factors in SEQR. In his opinion, economics are something that can be included in the SEQR review. He noted that the findings that must be made at the end of the scoping project specifically speak to economic balance.
4. Alternative site. Mr. Madden's letter implies that the Town has to limit the look at alternatives to properties Wal-Mart owns or has an option to own. Mr. Goldman disagreed saying that SEQR language said the reviewing agency "may" limit the study of alternative sites, it doesn't say the Town "shall" limit the study.

Mr. Hover cited SEQR language calling for the study of “reasonable alternatives.” Mr. Hover said the Planning Board is in a position to determine what is reasonable.

Mr. Goldman said the DRAFT EIS should contain an analysis of why certain sites wouldn't work. It would not include an analysis of every vacant parcel in the town. One possible result is a modification to the proposed site plan.

Mrs. Bahr suggested that quality of life issues could be studied in every or almost every category listed on page four of the Draft Scoping Document dated May 15, 2003.

Mr. Goldman said one thing the Draft Scoping Document is missing at this point is a Fiscal Analyses. That could include potential costs for public services, taxes generated, subsidies granted, and a marketing analyses.

Mr. Hover returned the subject to traffic studies asking what models the Planning Board would like to see used. Mr. Goldman said he would defer to Mr. Oberst about what models are best. Mr. Hover also commented that the State DOT's threshold of what is acceptable is not the same as the community's threshold, and that difference is a quality of life issue.

Mr. Whitney Autin suggested taking key ideas out of the Comprehensive Plan and asking the applicant whether its project will make that item better, worse or have no effect.

Mr. Frank Sciremammano, consultant for the applicant, said that quality of life issues are addressed in various other categories like lighting and traffic. He said the quality of life section is ambiguous and that an ambiguous analyses will be the result.

Mr. Sciremammano said that the Draft Scoping Document dated May 16, 2003 is not formatted correctly. It is confusing. He prepared the applicant's version and said that his format is the proper SEQR format.

Mr. Hover said that representatives of Wal-Mart have reviewed and commented on the Planning Board's Draft Scoping Document and never mentioned formatting as a problem. He asked if the applicant would grant an extension to allow the Planning Board time to make suggested revisions.

Ms. Kelly Pronti stated that Wal-Mart is not in a position to grant an extension.

Mr. Hover said that the applicant's representatives are asking for formatting changes at the eleventh hour and are then refusing to give the Planning Board time to make the changes.

Mr. Sciremammano again commented that the format of the document is not logical. He said it does not set out specifics about what has to be included. Mr. Goldman stated that the issues are specified, although the methodology of study is not selected.

Mr. Goldman agreed that the suggested formatting changes might make it easier for the Planning Board and the public to follow the document.

Chairman McAllister said he would concur so long as mitigations are discussed in each appropriate area. He doesn't want the Planning Board to have to try to determine which issues a proposed mitigation is addressing.

Mr. Sciremammano concurred with Mr. Goldman that the Lead Agency does not have to justify what issues are included. Mr. Goldman stated that this document includes prominent issues that were raised in the scoping process.

Mr. Goldman suggested that perhaps if the Planning Board offered a specific date to adopt the Draft Scoping Document, Wal-Mart might grant an extension.

Ms. Pronti, Mr. Bennett, Mr. Lucey and Mr. Sciremammano left the room.

Upon returning, Ms. Pronti agreed to extend the deadline for the adoption of the Draft Scoping Outline to Thursday, May 29, 2003. The Planning Board will meet at 7:30 pm for that purpose.

Mr. Charles Sanford stated that the traffic study neglected to look at traffic during school dismissal times. Most cars and buses exit the school campus onto Route 31. He also said that the Disaster Preparedness Committee that he sits on would have to deal with issues that arise out of whatever decisions the Planning Board makes on this project.

Mr. Goldman will contact Mr. Oberst about the following items:

- reformatting the document
- contacting the State DOT and asking why they didn't include the study of some intersections in its requirements
- adding a Fiscal Analyses section

No action taken.

The meeting was adjourned by motion at 8:55 p.m.

Planning Board Secretary