

**TOWN OF SWEDEN
Planning Board Minutes
June 10, 2013**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 10, 2013, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Also present: James Oberst, MRB, Nat O. Lester, III, Kris Schultz, Mark Costich, Dan Brocht, Charles Smith, Philip Miglioratti, Rick Sonata, Marilyn Cornish.

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

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Strabel, that the minutes of May 13, 2013, be approved.

Ayes – 6

Chairman McAllister asked that vouchers be signed and returned to the Clerk.

Chairman McAllister opened the floor to Mr. Richard Harris, The College at Brockport, who asked to speak briefly regarding the College's Saturday of Service to be held on August 24, 2013. First year and transfer students go out into the local community and complete two hours of community service. More information can be found on the college's website.

Mr. Harris thanked everyone for their time.

Misner-Hettel Subdivision. 4580/4600 Monroe Orleans County Line Rd. 067.08-1-1.22, 1.21, 1.14

Mr. Kris Schultz addressed the Board. He explained this project consists of two developed lots with a vacant lot between the two. Each neighbor decided to purchase half of the vacant lot and combine it to their own lot. The vacant lot was for sale for a long time with no luck. With the existing frontage, development of the lot would have had to begin quite a distance back.

Chairman McAllister asked for clarification of the proposed lot names. Mr. Schultz explained that the dashed Lot 1 and 2 labels are the lot lines as they exist today. The proposed Lot 1 and 2 lines are bolded and include the shared vacant land. The original lot names have been reversed so to be less confusing.

The Clerk requested an updated Ag Data Statement be submitted for the legal notice to include the parcels in Orleans County per agricultural district requirements.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the Misner-Hettel Subdivision be accepted for review.

Ayes – 6

The Public Hearing will be July 8, 2013.

Mr. Hale arrived at 7:15 p.m.

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Patriot Landing Extension Resubdivision and Site Plan. Sweden Lane/4574 Lake Road. 083.08-1-5.1.

Mr. Mark Costich addressed the Board. He introduced Mr. Phil Miglioratti and Mr. Dan Brocht. Since the last meeting, this office has been working closely with MRB, NYSDEC and MCDOH to resolve outstanding issues. To summarize, everyone is satisfied with the level of investigation. He would be happy to answer any questions.

Mr. Strabel asked if the runoff is included in the storm system now. The answer was yes. Chairman McAllister explained that the recent correspondence from MRB indicates the project is ready for SEQRA approval if the Board agrees. Mr. Strabel asked what the status of the SWPPP is. Mr. Oberst stated the pond has been revised, extended to the south, showing a fore bay. A final review needs to be done, but no problems are foreseen.

Mr. Strabel asked if the plans have been updated with the water line sizes; RPZs are shown, as well as a shed to house the RPZ. Mr. Brocht answered yes and will coordinate with the MCDOH and MC Water Authority. Mr. Strabel asked the status of approval with RG&E and National Grid. Mr. Brocht stated once preliminary approval is granted, the plans will be submitted to RG&E for final design approval. National Grid submittal will come after RG&E.

NYSDEC did its own water testing last week and submitted the samples to Test America for findings. The results showed that the numbers were low for the groundwater and surface sampling tests. The developer has elected to install a soil vapor intrusion system. The NYSDEC has indicated they want to do vapor intrusion testing during the 2013/2014 heating season to evaluate the potential for vapor intrusion on the existing buildings once basements are closed and heated in the middle of winter.

Mr. Hale addressed Mr. Buddy Lester, Planning Board Attorney, in regards to the issue raised by the residents regarding having a stormwater pond in the residentially-zoned area, which supports the commercial development, was illegal. Attorney Lester responded that the pond isn't an issue. There is no commercial activity being conducted on the residential part of the property. There are other parcels in the Town that have the dual zoning.

Mr. Costich and Mr. Oberst stated for the record that Mr. Pelton from the NYSDEC has been very helpful and cooperative in resolving any environmental issues.

Mr. Minor stated now that the results have been presented, no one has said if they passed or failed. Mr. Brocht commented that in his conversation with Mr. Pelton, he showed little concern because one of the wells did not include any PCEs or TCEs, and as far as the drinking water, he wasn't concerned because no one will be drinking it. Mr. Minor asked if that was submitted in writing. Mr. Oberst stated no, just via email when he asked Mr. Pelton if there was any further mitigation for the Patriot Landing site with respect to surface water and ground water contamination and he replied no, remediation would only take place at the Ace Cleaner's site.

Chairman McAllister asked the Clerk to print a copy of the above-mentioned email for each Board member for clarification. Mr. Dollard asked of the wells tested which ones showed any negative results. Mr. Brocht showed the well locations on the plans. The location closest to the creek (SW4), showed no contamination, the well in the parking lot (SW3), showed low concentrations, and at the road (GW18) had similar findings to the test done across the street, which showed no PCEs and TCEs, but found Sys1 and 2DCE contaminants, which results were marginally above the drinking water standards (5 parts per million). That area is on the south end of the property where there is nothing proposed.

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The Board reviewed the printed email copies. GW17 and 18 were installed Wednesday. Mr. Strabel stated from his review, the DEC is satisfied. Mr. Minor requested the email be sent on DEC letterhead. Discussion followed. Mr. Oberst will contact Mr. Pelton to make that request.

Mr. Strabel asked if the MCDOH has a higher concern for this project. Mr. Oberst stated no, this is DEC's project. The DOH just wants to make sure vapor intrusion doesn't get into the building. If vapor intrusion systems will be installed, they should be included on the building drawings.

Chairman McAllister stated the Town Engineer is confident with the Test America results and has given a copy to the Clerk for the file. Mr. Minor stated the Test America report falls short of any threshold, and would like to see that in writing from the NYSDEC as a formality.

Moved by Mr. Hale, seconded by Mr. Monno,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Patriot Landing Extension Resubdivision and Site Plan located on Sweden Lane and 4574 Lake Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on April 22, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Full Environmental Assessment Form, comments of the Town Engineer, New York State Department of Environmental Conservation, Monroe County Planning & Development, Fire Marshal, Environmental Conservation Board, and Building Inspector;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Patriot Landing Extension Resubdivision and Site Plan are unlisted actions which will not have a significant impact on the environment contingent upon receiving the email dated June 10, 2013, from Mr. Jason Pelton, NYSDEC, in writing on letterhead and signed, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the resubdivision be granted Preliminary Approval.

Ayes – 7

Mr. Dollard requested the three test sites be included on the plans.

ASAP Medical Care Amended Site Plan. 6565 Fourth Section Road. 083.02-1-12.22

Chairman McAllister stated the variance was granted for the reduced number of parking spaces and is noted on the plan.

Mr. Charles Smith addressed the Board. He introduced Dr. Nissiem and Mr. Rick Sonata, Project Manager. He explained they visited the site before this meeting and that the contractor has done a beautiful job getting the building boxed out and that they are ready to open it up to do exterior renovations.

Mr. Smith reiterated that on April 10, 2013, a variance was granted for 41 parking spaces instead of the required 54 parking spaces.

The plans distributed tonight address the remaining questions of the Town Engineer and an updated Permit A for site plan approval has been submitted to reflect the recent changes.

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The remaining items included finishing the eight parking spaces in the back of the building with asphalt paving, moving the dumpster to the original approved location and installing a dumpster enclosure which matches the building, renovating the front elevation with more glass and moving the front entry to the west side of the building. Additional lights will be installed on the building, the front parking spaces will be realigned with the moving of the front entrance, and new landscaping will be completed.

MRB's comments were addressed satisfactorily.

Mr. Dollard mentioned the Fire Marshal's comment regarding adding key(s) to the Knox Box, either a master key into the building or a key for each tenant space.

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

WHEREAS, the Town of Sweden Planning Board has received an application for an amended site plan approval for ASAP Medical Care located at 6565 Fourth Section Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on January 14, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the ASAP Medical Care amended site plan received a variance for the reduced number of required parking spaces on April 10, 2013, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, comments of the Town Engineer, Monroe County Planning and Development, Fire Marshal, Environmental Conservation Board, and Building Inspector;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the ASAP Medical Care is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the ASAP Medical Care amended site plan be approved contingent upon receiving a lighting plan and required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 7

Comments – Rezone Lot #5 – Eisenhower Drive

Chairman McAllister explained some time ago the applicant appeared before the Board informally to discuss building a plumbing warehouse on Lot 5 on Eisenhower Drive, but the zoning was incorrect to do this.

Industrial zoning wouldn't leave enough space to construct a building so Airport-Commercial was suggested. Zoning requirements were discussed. The applicant plans to resubdivide Lot 5. The Town Engineer read the permitted uses under Airport-Commercial, which included all uses permitted in a B-1 district.

The applicant would need to modify his plan to state retail plumbing business, not wholesale plumbing business, which is not permitted under the proposed zoning. The setbacks would be met. The Board offered the following comments:

- A retail business is appropriate for the proposed rezoning and the plans should reflect that.
- Good project for that location.

The meeting was adjourned on motion at 9 p.m.

Planning Board Clerk