

**TOWN OF SWEDEN
Planning Board Minutes
July 12, 2004**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 12, 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

Absent: Arnold Monno, Edward Williams

Also present: James Oberst, Town Engineer, Charles Sanford, Fire Marshal, Jerry Foster, ECB, M.K. Genthner, Walt Eisenhauer, Paul Naliwajek, Jeff Gold, Patrick Laber, Bryan Powers, Marc Romanowski, Thomas Lucey, John Bennett, Neal Madden, Esq., and please see attached sign-in sheet.

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

Correspondence passed to members for review.

Moved by Mr. Minor, seconded by Mrs. Bahr, that the minutes of May 24, 2004 be approved.

Ayes – 5

Moved by Mr. Hertweck, seconded by Mr. Minor, that the minutes of June 14, 2004 be approved.

Ayes – 4

Abstain – Craig McAllister

Moved by Mrs. Bahr, seconded by Mr. Hale, that the regular meeting be adjourned to the public hearing.

Ayes – 5

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.

Birch Subdivision Amended Site Plan – Lot #3. 1023 West Avenue. 067.02-2-3.13

Donald Pickens, 1071 West Avenue – Mr. Pickens owns Lot 1 of the subdivision and shares the driveway with the other two lots. Mr. Pickens is concerned that if Mr. Naliwajek is able to eventually operate the home as a bed and breakfast, the driveway will be shared with the general public.

Donald Osborne, 1086 West Avenue – Mr. Osborne asked Mr. Naliwajek what his plans are for the house. Mr. Naliwajek stated to build a single family home. Mr. Osborne asked the Board what if Mr. Naliwajek's plans change after the project is approved. Chairman McAllister stated another public hearing would have to be held relative to any changes.

Mr. Naliwajek commented that the driveway is owned by the State and is a shared entrance.

Donald Pickens added that when he built his house, he knew he would possibly be sharing the driveway with other single family homes; not a business. Mr. Pickens also asked if there are plans to develop Lot 2. At this time, the only development on Lot 2 is the proposed pond and dock.

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A question regarding pond construction was raised due to wetlands being located on this parcel. Mr. Naliwajek stated that the DEC looked into this and told him to put his driveway on the west side of the lot past the wetland location.

Donald Pickens asked if it's accurate that the lot line ends so many feet before the canal and that there is a State R.O.W. Mr. Naliwajek stated that is correct. Mr. Naliwajek added that he has been working with the NYS Canal Authority to make the requested changes, and to put a 100 ft. dock on both Lots 2 and 3. The docks will only be built if approval is given to convert the single family home into a bed and breakfast.

Spurr Dealerships Amended Site Plan. 6325 Bkpt-Spen Road. 084.01-01-7

Mr. Patrick Laber stated elevations have not been completed. The addition is 100 ft. by 70 ft. and the style will mimic the main building. Mr. Laber brought pictures of the addition for anyone interested in looking at them. Chairman McAllister stated having the elevations completed is a requirement for the public hearing. Mr. Randy Spurr stated that elevations weren't completed for this project because he would like the parking lot expansion approved first.

Chairman McAllister asked for clarification regarding the purpose of the building addition and Mr. Spurr stated additional work space.

There were no comments or questions from the public.

Spurr Dealerships Site Plan. 6345 Bkpt-Spen Road. 084.01-1-6.1, 6.2, 6.3 (part of)

Mr. Patrick Laber stated immediate west and adjacent to the existing Spurr building is a proposal for a 148 space parking lot. The majority of drainage would go to the improved Westway pond along with the drainage from Tractor Supply. The lighting proposed is directed on the site to minimize spill.

Mrs. Bahr questioned how high the lighting poles are in front. Mr. Laber checked and the lights are 20 ft. high along the front and the interior lights are 27 ft. high.

There were no comments or questions from the public.

Moved by Mrs. Bahr, seconded by Mr. Hale, to adjourn the public hearing to the regular meeting.

Ayes – 5

Carnes Subdivision & Site Plan. 111 West Sweden Road. 082.02-1-27.101

Mr. Patrick Laber addressed the Board. This is an approximately 16 acre lot located at the intersection of Fourth Section Road and West Sweden Road. Access will be off of West Sweden. Applicant is proposing a single family residence with a pole barn. Water and gas will come off Fourth Section Road with a private leach system. There is a tributary on the site and utilities will be put underneath it to minimize disturbance.

Chairman McAllister stated that sight distance is an issue to the south.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Carnes Subdivision & Site Plan be accepted for review.

Ayes – 5

The Public Hearing will be August 9, 2004.

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Hurley Site Plan. 1260 Reed Road. 114.03-1-22

Mr. Patrick Laber addressed the Board. This application is for a single family residence on a 5 acre lot. There will be a well and a private leach system. There is a long driveway with a bypass area about halfway back. Mr. Laber asked the Fire Marshal for input as to how far back the bypass should be and how wide. Mr. Sanford will get back to Mr. Laber.

Mr. Hertweck stated the lot to the east was just sold and the water was tested. The results showed ecoli, lead and other contaminants. The water quality note is on the plans, but the property owner should be made aware of the report.

Moved by Mr. Hale, seconded by Mr. Minor, that the Hurley Site Plan be accepted for review.

Ayes – 5

The Public Hearing will be August 9, 2004.

Birch Subdivision Amended Site Plan – Lot #3. 1023 West Avenue. 067.02-2-3.13

The Board made the following comments:

- Applicant needs to remove the pond from Lot 2.
- Review MRB's comments and make appropriate changes.
- Mr. Minor questioned if there was a side setback for driveways and the answer was that it can be close to, but not on the lot line.
- Mr. Sanford had concerns with the 1600 ft. driveway, i.e., width needs to be indicated.
- Review and answer comments from the Fire Marshal and Environmental Conservation Board.
- Front and side setbacks need to be noted on the plans.
- First floor elevation is required and sump discharge noted.

Spurr Dealerships Site Plan. 6345 Bkpt-Spen Road. 084.01-1-6.1, 6.2, 6.3 (part of)

Chairman McAllister asked the town engineer to review drainage for the Tractor Supply site, Spurr building addition and the Spurr parking lot expansion. Mr. Oberst stated these areas now drain into the "Mulkin Canal." A meeting was held with Mr. Laber to discuss drainage and the possibility of diverting storm water to the Westway Pond as well as having the "Mulkin Canal" water drain into the Westway Pond. Improvements would be made according to the new DEC standards.

Mr. Minor stated there has to be a 7 ½ ft. buffer on each side of the parking lot as long as the two parcels remain separate (different tax numbers); even if the owner is the same for both parcels. Chairman McAllister asked if there is any possibility of merging the two lots. Mr. Spurr stated it's a possibility, but would probably take quite awhile. The Board's concern is that Lot 2 could be sold and not be in compliance.

Mr. Jerry Foster, ECB, questioned if there was adequate green space and Mr. Laber replied yes. Discussion took place regarding snow removal and green space.

Mr. Minor commented that when Tractor Supply was before the Board at the last meeting, it was requested that a sidewalk be put in and Mr. Minor is requesting the same from Spurr. Chairman McAllister stated another option is to put money aside for a future sidewalk.

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Mr. Laber asked whether the Board would be reviewing the building site plan. Chairman McAllister stated the elevations should have been completed for the public hearing. The Board can hold another public hearing before final approval. The project will be put on hold until final approval of the Spurr parking lot expansion is granted. Mrs. Bahr asked about lighting plans and Mr. Spurr stated the light on the back of the existing building will be relocated to the back of the addition. The applicant should complete details for fire suppression and drainage as well as site elevations, including the 7 ½ ft. buffer.

Ledgedale Airpark Amended Site Plan. 2400 Colby Street. 084.04-1-25.11

Ms. Mary Kay Genthner addressed the Board and stated there has been no additional changes made. The Health Department has approved the plans.

Moved by Mr. Hale, seconded by Mr. Minor, that the final public hearing be waived, the Ledgedale Airpark Amended Site Plan be granted final approval, and the Chairman authorized to sign the mylar.

Ayes – 5

Buckman's Car Wash. 6273 Bkpt-Spen Road. 084.01-1-12

Mr. Jeff Gold, owner, addressed the Board informally by stating he would like to install a propane filling station at the car wash. Also present, were representatives from Griffith Energy. Mr. Hale asked what type of external construction would be involved, and Mr. Gold stated some type of lean to or shed with a scale and nozzle. The filling station will be located in the southwest corner of the property.

Mr. Minor asked the representatives from Griffith Energy if they have done this type of work anywhere else and they replied at Harris Gardens in Webster and Henrietta. Also, the storage tank will hold 500 gallons and be refilled via truck.

Mr. Hale stated an amended site plan application should be submitted to the Board showing all external construction and any changes to the asphalt or access. A special permit may be needed from either this Board or the ZBA. NFPA codes are required.

The Woods at Sable Ridge. Between Lake Rd & Redman Rd. 083.04-1-15.2, 14.1, 5.11, 1.2

Chairman McAllister gave Mr. Marc Romanowski and Mr. Bryan Powers a copy of the resolution prepared by Attorney Goldman regarding the direction the Board would like to take with this project. Mr. Romanowski agreed with the resolution.

Chairman McAllister commented that one of the Board's biggest concerns as it was before with Crystal Ridge is showing the build out of the other property to the north. Mr. Romanowski informed the Board that the two parcels are separate entities now with different tax numbers. CR Group owns the northern parcel and WSR LLC owns the southern parcel.

Chairman McAllister stated that it should be shown and listed as separate subdivisions. For subdivision purposes, the northern parcel should have 60 ft. of road frontage off Rte. 19.

Mr. Romanowski stated that both parcels included a total of three farms. There was a site investigation and no tiling issues or record thereof at the County were found. The site was an active wheat farmland renewed year to year, but not renewed this year due the project.

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The Monroe County Water Authority doesn't have a problem with putting a crash gate at the Lake Road access; however, it's too early to determine this need or plan for it.

Chairman McAllister asked about the letter from the DRC stating the project area is located in a sensitive archaeological area. Mr. Romanowski responded that comment has been researched and extensive studies performed with nothing being found.

RESOLUTION

WHEREAS, an application was filed by WSR LLC on April 12, 2004 for a 139 lot subdivision entitled the "Sable Ridge Subdivision" to be located west of Lake Road and east of Redman Road in the Town of Sweden; and

WHEREAS, a full environmental assessment form was filed by the applicant in conjunction with this application; and

WHEREAS, on April 12, 2004, the Town of Sweden Planning Board ("Planning Board") declared its intent to be lead agency for the conduct of environmental review pursuant to the New York State Environmental Quality Review Act and the implementing regulations thereunder ("SEQR"); and

WHEREAS, notices of the intent to act as lead agency were sent to all identified involved agencies on April 17, 2004; and

WHEREAS, no responses challenging the designation of lead agency were received within the requisite thirty (30) day period under the regulations and,

WHEREAS, on June 14, 2004, the Planning Board established itself as lead agency; and

WHEREAS, the next step of the SEQR process is the determination of environmental significance of this Action; and

WHEREAS, the Planning Board, as lead agency is to determine the significance of the Action within twenty (20) days of its establishment as lead agency or with twenty (20) days of its receipt of all information it may reasonably need to make a determination of significance and,

WHEREAS, the Planning Board believes that it may not have sufficient information to make the determination of significance at this time.

NOW, THEREFORE, upon motion of Mr. Hale, seconded by Mr. Minor, it is hereby RESOLVED as follows:

The Planning Board, as lead agency, declares that it may not have all of the information it may reasonably need to make the determination of significance. In particular, the Planning Board (independently and through the Town Engineer) is in the process of reviewing the submissions made by the applicant (EAF and supplemental materials) to evaluate whether the information provided sufficiently addresses all relevant criteria to enable the Planning Board to make its determination of significance.

Ayes – 5

Wal-Mart Super Center. Bkpt-Spen Road. 084.01-1-14.112, 14.2, 14.12

Mr. John Bennett addressed the Board tonight to continue discussions regarding the draft responses to the FEIS, and in particular, the architecture. Mr. James Killman, Taylor-Scott Architects, was also present at the meeting to give a more detailed presentation and answer any questions regarding the building design. Mr. Bennett stated a favorable response was received from the NYSDOT. The DOT does not want us to change Sweden Walker or Rte. 19 and Rte 31 intersections. In addition, more guidance was given as to what the DOT would like to see happen in front of the store in both directions.

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Mr. Killman explained how the building design was created. The goal was to break up the main façade to portray a “downtown” look. Per APD’s suggestion, landscape berms were added.

Mrs. Bahr stated that all the signs on the front of the building (i.e., meat, produce, always, always, we sell for less) do not appeal to her at all. Mr. Bennett commented that the signs have been on the façade all along and the plan was to break it up to give more of a “small town” look. Mrs. Bahr added that she did like the smaller windows.

Mr. Hale commented that the architecture is getting better. Mr. Minor asked if the rooftop utilities will be hidden. Mr. Killman stated from the front, the utilities will not be visible and with the rear berm and raising the side elevations, the utilities should be obscure. Mr. Killman replied to a comment regarding the compactors and stated that at two locations they will be masonry screened.

Mr. Lucey commented that after much discussion regarding drive-thru pharmacies at the last meeting, Wal-Mart researched this concept and found that drive-thru pharmacies are allowed. There is one located at the Rite Aid in Pittsford, New York. Chairman McAllister commented as an administrative board, we are not permitted per Town code to approve the pharmacy kiosk.

Moved by Mr. Minor, seconded by Mrs. Bahr that the meeting be adjourned at 9:50 p.m.

Ayes – 5

Planning Board Secretary