

**TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 14, 2008, at the Sweden Senior Center, 133 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Also present: Adam Cummings, MRB, James Butler, Building Inspector, Charles Sanford, Fire Marshal, Kris Schultz, Patrick Laber, Jeff Smetana, Craig Zogby, Sean McLean, Richard Maier, M/M Kevin Swartout, James Northrup, Heath & Susan Lesslie, Michael Montfort, Terry & Cheryl Cooley, Harold Mundy, David & Kathleen Sime

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

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Strabel, that the minutes of June 9, 2008 be approved.

Ayes – 7

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

Ayes – 7

Chairman McAllister read the notice of public hearing and affidavit of publication.

Heritage Square – Phase I Subdivision & Site Plan. Redman Road. 068.03-1-13.11, 14.1, 18, 19
Brockport College Suites – Lot 1 Site Plan. West side of Redman Road. 068.03-1-13.11, 18

Mr. Kris Schultz addressed the Board. The projects are separate, but linked together.

Heritage Square – Phase I – Mr. Schultz explained the infrastructure improvements. Phase I will have a commercial development similar to downtown Brockport, and there will be a road leading into the Town Park. The main road, “C,” is a dedicated road, which will lead into hotel suites. An extensive environmental review, including storm, water and potential environmental impacts, was completed for the entire project.

Brockport College Suites – Lot 1 – Mr. Schultz stated this project is shown in its full build out, two phases on the northerly portion of the Heritage Square project. The first phase includes the development of the first building and associated parking, detention facilities, etc. The second phase is the second building mirrored after the first building. Representatives from United Group are here tonight to address any questions and speak about the buildings. The development includes extensive landscaping and grading, etc., resulting in a high end product.

Mr. Jeff Smetana, United Group, along with Craig Zogby, addressed the Board. Mr. Smetana briefly explained the history of United Development, which is a group of privately owned companies based in Troy, New York, just outside of Albany, and has been in existence for about 35 years. The type of work includes commercial development, new construction, and historic renovation. A majority of the business over the 35 years has been multi-family development (senior, military and market rate housing) all over New York State, Georgia and

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

Florida. The projects are owned, developed and managed by the company. The company diversified about eight or nine years ago into a growing area, student housing. The University of Albany was the first 1,200 bed, \$60 million project. From there, the company diversified and looked at other campuses, and found there was a great need for a well designed, well constructed, and well managed product at community, private and state colleges. SUNY Brockport's enrollment has been steadily growing, more competitive, and becoming more like a private, liberal college. Brockport houses only about 40 percent of their student population even with the new successful townhouses, so it is an ideal location for the Brockport College Suites.

Mr. Smetana approached the McLeans regarding their product, which was a two-phase project. The first initial building would serve about 100 students, and have parking pulled to the outside. He explained that the company has very specific philosophies regarding student housing, such as, the way the building is designed. The first floor plan was shown. It has a single, secure point of entrance into the building. Only residents can enter the building, and all are identified through the management and security office located at the main entrance. Another design feature is that the floor is laid out in neighborhoods, 30 to 40 students, with an RA assigned to supervise, assist students. The neighborhoods feed into the larger spaces, which helps to build a better sense of community. The larger common areas have a lot of amenities, such as, an exercise room, game room, study lounges, and computer labs. The second and third floors are somewhat similar to the first floor in that there is a game room, computer lab, study lounge, etc.

In terms of the overall management, the management office is located onsite, and management hires and trains generally well-experienced employees that go through a specific amount of training. The building will have a certified property manager, assistant manager, maintenance supervisor and staff. Also security will be staffed 24/7, providing a nice lifestyle for students.

The typical four-bedroom apartment would have a living room and kitchen with two bedrooms and one bathroom on each side. Each apartment is fully furnished with quality furniture, all appliances, cabinets and counter space for storage. Internet and cable is also in every bedroom. Phone service is provided to every unit. This project is not affiliated with the college. It is privately owned and managed by the company.

Mr. Smetana presented an elevation drawing to show what the project would look like. The building is two dimensional, and the façade is broken up to give a village look with different colors and materials. In closing, United Group takes its position as a member of the community very seriously for both Sweden and Greater Brockport. United Group supports local activities and plans to become a member of the Greater Brockport Chamber of Commerce.

Chairman McAllister opened the floor up for any questions, concerns or comments.

Terry Cooley, 8323 W. Canal Road - Mr. Cooley had two concerns to voice tonight: (per letter received at meeting)

1. The proposal calls for several three-story structures for the proposed student housing and other buildings. I suggest that a three story building in this development is totally inconsistent with the Victorian atmosphere the developer used to promote this project originally as well as the rural character of the site. I think that to keep with the "small village" character, as promised, there should be no structure over two stories. This will also be respectful of neighbors that will otherwise be window to window with the student population.

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

2. In 2005 when the developer was asked if his proposal included student housing he answered with an emphatic “No – It will be for upscale young professionals and retirees.” Now that bait and switch is firmly in place with the proposed student housing I think that a security fence should be required along the entire south side of the railroad to prevent students from using the railroad as a shortcut to classes. Realizing that students rarely do what is expected, a fence will be a deterrent to the temptation of walking the rails regardless of shuttle buses and sidewalks.

Now, that our town board has disregarded the people's desire to keep the “rural character” of our community, it is my firm hope that you will give serious consideration to my requests. You have in your power to look out for your neighbors and our neighborhoods without regard to the profits of the developers.

Thank you for the opportunity to express my concerns and opinions.

Heath Lesslie, 4545 Redman Road – Mr. Lesslie agrees with Mr. Cooley's comments 100 percent. Also, he stated that properties on W. Canal Road and this side of Redman Road are on wells and have septic systems. His concern is that this project is uphill and salt and other materials are going to drain into properties and wells. Another concern is the students who wander over on the residents' properties, and for that reason putting up a fence is a good idea.

Cheryl Cooley, 8323 W. Canal Road - Mrs. Cooley has lived at this location for 34 years. During this time, the village existed on the other side of Redman Road. Even though the two are a distance apart, the students came over to the properties along the railroad tracks and took Christmas trees and property from residents. The developer has stated students will use the shuttle bus, but when the students wish to use the basketball court on Canal Road, they will come across and see how easy it is to walk under the power lines where there is a wonderful mowed path, and they will come across and walk down past her property. Also, students have gone down the canal path and come up across her property. The Cooleys believe it was because marijuana grew there. With that being stated, she feels because of the closeness, there are many reasons to have security, and Mrs. Cooley will not hesitate to access the apartment's security office for help, if necessary. She also would like to reinforce that this was a “bait and switch” because Mrs. Cooley did talk with the McLean brothers, and specifically, asked them if this area in the future would ever become student housing, and the answer was absolutely no. Also, Mrs. Cooley has followed the Comprehensive Plan going back to 2005 and attended the committee meetings. This is a high-density development in a medium, low-density area, and the density will be increased with 800 more units.

David Sime, 4550 Redman Road – Mr. Sime also agrees with everything that has been said tonight. Mr. Sime believes there should be a security fence along the south side, but also would like to see a fence along the east side; otherwise, the students will just funnel down next to the bridge and spread out from there. If the students could be funneled back up towards College Drive, chances are the students will keep going that way.

Chairman McAllister thanked the residents for coming out this evening, and for sharing their comments and concerns. The Board will certainly take all of them into consideration as the review of this project is continued. Thank you very much. Anytime you have any issues that come to mind and you want to share them with us, please contact Phyllis at the Town office.

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

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

Morphet Site Plan. West Sweden Road. 083.03-1-17.21.

Mr. Richard Maier addressed the Board. Mr. Maier explained that this parcel was part of a subdivision about a year or two ago for Don Shetler, who previously owned this land. Mr. Shetler subdivided 10 acres into two 5-acre lots. The applicants live presently in North Carolina and want to move back in the area, and are looking to develop Lot 1, the northern lot of the two. When the land was subdivided, pre-perc tests were done, which the DOH witnessed and passed. It will be a modified raised system. The lot will be served by a well, as public water is not available. The only utility is electric.

Moved by Mr. Minor, seconded by Mr. Hertweck, that the Morphet Site Plan be accepted for review.

Mr. Minor requested that the Town's water statement be added to the plans. Mr. Maier stated he would let the engineer know to include it.

Ayes – 7

The Public Hearing will be September 8, 2008.

1000 Transit Way Site Plan. 084.01-1-14.113

Chairman McAllister explained that this project, located in front of the former Oil Spout, has previously been before the ZBA seeking approval for many area variances, and was finally granted two setback variances. Mr. Kris Schultz addressed the Board. Mr. Schultz stated this is the third developer interested in doing something at this site. The lot is owned by Dan Hogan. The applicant is proposing almost a duplicate of the site plan approved by the ZBA except that the applicant would like to attempt to gain access off Rte. 31. The plans show a standard commercial entry at this point, but the applicant is aware that with the conditions on Rte. 31, it might not be possible. Chairman McAllister stated that the applicant should also be made aware that the Town does not want to create any more accesses off Rte. 31, and the Town overrides the State's requirements. Mr. Schultz stated the applicant has been made aware of this. As a result of including the Rte. 31 access, three parking spaces were eliminated and the building was shortened.

The applicant wanted to make sure that this plan did not present any new variances. The variances that were created were 9 ft. off the side setback and 20 ft. off the south setback. Also, it was very important to maintain the 25 ft. greenspace adjacent to the ROW because of utilities, and that the ROW may expand in the future.

The building will strictly be retail and it is a well-known national brand. Mr. Schultz stated he confirmed with the Town Attorney that the two variances ran with the land, and as long as the applicant doesn't ask for more than what was granted, the project doesn't have to go back to the ZBA.

A unique aspect of this plan is that there will be subsurface stormwater storage in the parking lot because there is no room for a drainage pond. An arch type pipe will be stacked in an area.

Mr. Dollard asked if there is a sidewalk proposed for this development? Mr. Schultz stated there aren't sidewalks on either side of the parcel, but a sidewalk could be added to the plans or money put aside for later installation. Mr. Hale stated that one might have noticed sidewalks creeping down the road. Mr. Schultz will work with the Town Engineer to see if it's logical to add a sidewalk so that it's not getting dug up if the water main needs to be replaced. Also, he will look at what's planned for Rte. 31 so that the sidewalk is consistent and doesn't zigzag.

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

Mr. Hale asked if there were any elevation drawings? Mr. Schultz stated the developer was supposed to bring them with him tonight, but he is running late.

7:45 p.m. - Mr. John LeFrois, developer, arrived at the meeting.

Mr. LeFrois distributed elevations to the Board. The longer side of the building faces Rte. 31 and the shorter side, west side, faces Transit Way. The sides are similar with stucco exterior, brick bottom, but the west side will have fewer windows. Mr. LeFrois showed a color chart for the building, which included a cotton color for the trim, and a two-tone color, cotton and sunset yellow, for the stucco.

Mr. Strabel asked if there would be any doors on the south or west sides? Mr. LeFrois stated the building would have the main entrances, and possibly a door on the back of the building for employees only. Mr. Strabel stated lighting should be added to the back of the building if there is a door.

Mr. Schultz stated that the applicant was thinking of a freestanding sign as well as building signage. The Building Inspector stated that was not permitted, one or the other, but not both.

Mr. Strabel asked if there would be more than one tenant. Mr. LeFrois stated no, not at this time.

Mr. Dollard asked if there was a proposed overhang on the entranceway? Mr. LeFrois stated no.

Moved by Mr. Hale, seconded by Mr. Dollard, that the 1000 Transit Way Site Plan be accepted for review.

Mr. Monno asked if the plans could show a side view of the drainage pipes. Mr. Schultz stated it was on the plans already.

Ayes – 6
Nay – Mr. Minor

The Public Hearing will be September 8, 2008.

The Clerk asked if the Board would have any objection to moving the Monday, August 11 meeting to Monday, August 25? Chairman McAllister polled the Board and there were no objections to the change. The Clerk will submit notification to the newspaper.

Section 278 – The Highlands Senior Development. The Villas at Brandon Woods. 084.01-1-14.113

Mr. Jack Hassall addressed the Board. He explained that he would like to request relief from the building side setback requirement, 20 ft. to 10 ft. Mr. Hassall stated he should have applied for Section 278 with the original application submission, similar to The Highlands at Brandon Woods/Section 281 application. His primary reason for doing it now is that the approved 40 ft. to 50 ft wide lots that he thought would work for active adults is not what they want. Over the past few months, he's learned that they want a house with a universal design or handicap accessibility.

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

Mr. Hassall distributed copies of a universal plan to the Board. Basically, everything has to be made wider, which makes for a bigger house. The current plans show approval for a 50 ft. x 50 ft. footprint. The universal plans, which have been popular, are 59 ft. x 54 ft. and 54 ft. x 54 ft. In order to sell either one of these houses, a rezoning application would be required.

Chairman McAllister stated that's where the problem lies. The project was originally rezoned as Incentive Zoning with MR-1 requirements. Mr. Hassall stated what he would like to do is market/sell a house, obtain a building permit for the exact footprint, construct the foundation, and then survey the house and use that survey to create a resubdivision map in order to go to the Planning Board for approval. This process gives the developer the opportunity to offer multiple plans with multiple options.

Chairman McAllister asked what would be the difference if you kept the plans currently approved for Phase I, and made an application for resubdivision approval as needed? Mr. Schultz stated the issue is that the Planning Board would have to refer the application to the ZBA for a variance approval. The buyer would have to wait for that process to be completed, and then come back to the Planning Board for approval. Adding the ZBA approval to the process could prevent the closing on the house. Section 278 allows for flexibility.

Mr. Hale stated, more importantly, how does Section 278 impact the Incentive Zoning previously approved by the Town Board. Mr. Hassall stated he asked the Town Board for their opinion, and a letter was sent to the Planning Board agreeing to the request for Section 278. The Fire Marshal and Building Inspector are also fine with the proposed Section 278 revision. Mr. Hassall explained that if the 10 ft. minimum side setback is approved, it doesn't mean it will be used for every house.

Mr. Minor asked how many units were originally approved per Phase I. Mr. Hassall stated around 30. He added we're keeping the same number of units just changing the building side setback from 20 ft. to 10 ft.

Mr. Monno asked if houses this size are selling? Mr. Hassall stated most of the houses that are selling are in the 1,700 to 1,900 sq. ft. range. The standard house plans range from 1,200 sq. ft. to 1,560 sq. ft., but people are asking for the universal type or wider homes. Actually, the house being asked for the most is 60 ft. x 60 ft., approximately 2,080 sq. ft.

Chairman McAllister summarized Mr. Hassall's request to take The Villas at Brandon Woods approved site plan with MR-1 zoning and resubmit it under Section 278 so that when a house footprint is changed, Mr. Hassall would submit an application to the Planning Board for amended site plan approval only, instead of submitting an application to the ZBA for variance approval.

Chairman McAllister asked the Board if it would accept the revised project under Section 278? Mr. Hale stated it should go through an official application with a public hearing. Mr. Hassall stated Town Attorney Bell recommended a resolution be done. Chairman McAllister stated the Planning Board doesn't make resolutions. Also, Mr. Hassall stated he consulted Attorney Dan Schum, Town of Ogden, who said a Planning Board could pass a motion to accept Section 278 for this project.

Mr. Minor stated the Board could make a motion to officially accept this project for review contingent upon the Town Attorney giving his approval in writing that it was okay for the Planning Board to accept this revised project for review even though it was on the agenda for discussion only. Mr. Schultz added that the application submission included a revised plan drawing, site plan application, PIF, and SEQRA form.

TOWN OF SWEDEN
Planning Board Minutes
July 14, 2008

Moved by Mr. Minor, seconded by Mr. Strabel, that The Villas at Brandon Woods Subdivision and Site Plan Revised Under Section 278 be accepted for review contingent upon the Town Attorney submitting an opinion letter concurring with the Planning Board's decision to accept this project for review without a formal application.

Chairman McAllister confirmed that a fee would not be required for this application. Mr. Monno questioned whether there were any other points to discuss, and should the Board wait to formally accept it for review until the next meeting. Chairman McAllister stated the revised project would be explained at the public hearing.

Ayes – 5
Abstain – Mr. Hale
Abstain – Mr. Monno

The Public Hearing will be August 25, 2008.

Rezoning Application Review. 4740 Lake Road.083.08-8-1.12

Chairman McAllister explained that the Town Board has requested the Planning Board's opinion regarding the rezoning of 4740 Lake Road, ± .551 acres, from Residential to Commercial.

Chairman McAllister asked what commercial development could possibly be built on this lot with the required greenspace and setbacks. Plus, the curb cut would have to come off the intersection of Crestview Drive and Rte. 19, which has the potential of a blind corner coming around the signal light. Chairman McAllister added he's not even sure if the parcel could be developed residentially.

Mr. Hale stated the public legal notice doesn't say what the intended use would be. Mr. Hale stated he reviewed Figure 24, Future Zoning Map, of the Comprehensive Plan, and it shows this parcel commercially zoned.

Chairman McAllister stated what would make more sense, as opposed to just rezoning the corner lot, would be rezoning everything back to the access to the plaza to the south. Then, there would be delineation, and an access to the commercial property, which would serve as a buffer. Plus, the access could be made into a viable, two-way traffic access.

In summary, Chairman McAllister stated he doesn't believe that rezoning the parcel from Residential to Commercial provides for any economically feasible development of the property when taking into consideration setbacks, greenspace, buffers, and drainage in the proximity of a residential area.

Mr. Strabel stated the only thing this site could be used for would be expansion of the plaza.

Mr. Minor reiterated Mr. Hale's point that it is a single, stand-alone parcel, and if it were a series of parcels, it would be a different story. Chairman McAllister added from a spot zoning aspect, it is at least contingent to a commercial zoned property.

The meeting was adjourned by motion at 9:00 p.m.

Planning Board Secretary