

TOWN OF SWEDEN
Planning Board Minutes
August 25, 2008

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 25, 2008, at the Town Offices, 18 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: James Oberst, MRB, James Butler, Building Inspector, Kris Schultz, Jeff Smetana, William & Diane Dawson, Bob Northrup

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. Dollard, that the minutes of July 14, 2008 be approved.

Ayes – 6

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

Ayes – 6

7:05 p.m. – Mr. Strabel arrived.

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

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

Mr. Jack Hassall addressed the Board. He explained the layout of the project and how Section 278 would give the developer more freedom to build some of the larger units. Samples of the various style of units were distributed to the Board. The layout, as depicted, is the same as originally submitted, i.e., the alignment of the road, and placement of the buildings. Basically, what the applicant is asking for under Section 278 would be a zero sideline between units, and as close to 10 ft. between structures. The worse case scenario would be if there were two larger units (extra wide corridors/handicap accessible) next to each other. Mr. Schultz was ready to field any questions.

William Dawson, 19 Talamora Trail – Mr. Dawson is concerned about the proposed greenspace from his house to the east side of the proposed new house, which is only about three to four feet. Mr. Schultz stated that separation from the sideline would still have to be maintained. The east side of the house will not get any closer to the line than what is depicted on the plan.

Mr. Strabel asked at what interval does Section 278 provide for fire access? Mr. Schultz stated Section 278 doesn't specify that, but just gives the Planning Board the ability to vary the setback, lot dimension, etc. in exchange for other benefits. Mr. Hale stated he read Section 278, and it does not provide that information. Mr. Strabel stated this should be something for the Board to consider before the developer lines up the road with zero or 10 ft. setbacks. Mr. Hassall stated that he consulted the Fire Marshal and Building Inspector and both were okay with the change. Mr. Hassall stated he would still offer plans with 40 ft. setbacks, but most people want a home with a universal design.

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Mr. Hassall stated his intent is to do what has already been approved; it's just that some of the houses will be a little wider. He added that every attempt would be made to center the house right in the area where it is shown.

Mr. Strabel asked about installing fences and how that would work. Fences are not permitted, other than privacy fencing.

Chairman McAllister asked if there were any more comments or concerns for this proposed project. Mr. Schultz stated that Section 278 would be applied to the whole project, but final approval was received for only Section 1. Mr. Hale stated a key point is that the number of lots after 278 is applied, should not be greater than what would be allowed under conventional zoning. In this case, it is not an issue.

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

Mr. Monno asked for clarification whether Section 278 approval would be for the whole project or only Section 1. Chairman McAllister stated the legal notice pertains to Section 1 only so 278 approvals would be required for each section thereafter.

Ayes – 7

Experimental Aircraft Association (EAA) Site Plan. 21 Eisenhower Drive. 084.04-1-25.001

Mr. Schultz distributed updated drawings showing a revised topography. The applicants are proposing a new hangar, 65 ft. by 115 ft. A good portion of it will be hangar space, and the remainder will be used for meetings. A septic tank will be put in off the northeast corner of the building, which will drain to a wet well and pipe over to the existing leach. The building will be serviced by a new water service. Initially, only eight or nine parking spaces are shown, but the overall parking per zoning (50 spaces) is included on the map.

Chairman McAllister asked if this was a new subdivision? Mr. Schultz stated the ground is being leased for the new building on Lot 1 of the Ledge Dale Airpark Subdivision. Chairman McAllister confirmed that this parcel could never be a standalone parcel. Mr. Schultz stated Eisenhower Drive is a dedicated road for the hammerhead only.

Mr. Hale asked if the Board could see elevation drawings? Mr. Schultz would provide them at the next meeting.

Moved by Mr. Hale, seconded by Mr. Dollard, that the Experimental Aircraft Association (EAA) Site Plan be accepted for review.

Ayes – 7

Public Hearing will be September 22, 2008.

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

Chairman McAllister continued review of this project. Mr. Hale stated that a supplemental SEQRA approval would be needed. He also asked if an updated PIF for Section 278 was received, and the Clerk stated one was received at the last meeting.

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Discussion took place regarding Attorney Bell's letter, and whether or not the Planning Board has the authority to make resolutions. Chairman McAllister requested the Town Attorney point out where it states specifically that the Planning Board has this authority. The difference between a motion and a resolution was discussed. Mr. Hale read from the Town's subdivision regulations granting the Planning Board to make resolutions to approve or reject applications.

Mr. Hale stated there should be a SEQRA motion for this amended site plan before we proceed.

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Villas at Brandon Woods has applied, pursuant to Section 278 of the Town Law and Section A177-15.C of the Town of Sweden Subdivision Regulations, to have side setbacks in Section 1 (Lots 2, 3, 4) reduced to 10 feet, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, the Project Information Form, and the comments of the Town Engineer,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the application of Section 278 in this instance is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

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

WHEREAS, the Villas at Brandon Woods has applied, pursuant to Section 278 of the Town Law and Section A177-15.C of the Town of Sweden Subdivision Regulations, to have side setbacks in Section 1 (Lots 2, 3, 4) reduced to 10 feet, and

WHEREAS, the Planning Board has reviewed the site plan and the letter from the Town Attorney dated August 13, 2008,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves the reduction of side setbacks.

Ayes – 6

Abstain – Mr. Dollard

Mr. Hassall thanked the Board.

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 and distributed updated plans. Mr. Schultz explained what he would like to accomplish tonight, which is to give the Board a progress report and to work on the subdivision plat so that Lot 1 is created and the map can be recorded. The site plan has gone through an extensive review by the Town Engineer and comments have been received. The site plan has been submitted and reviewed by the County agencies. Pure Waters is ready to sign now. MC Water Authority and the DOH should be ready to sign by the next meeting. The plan for the September 8 meeting is to show that the County agencies are ready to approve, the Town Engineer's comments have been satisfied, and to request a contingent final approval on site plan for both projects.

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Chairman McAllister stated this Board has not started a review of this project since the public hearing. Mr. Hale suggested we start with the Heritage Square project.

Mr. Minor asked for clarification on the number of lots that are getting subdivision approval? Mr. Schultz stated Heritage Square is made up of a number of parcels all owned by the McLeans. He showed on the map what Parcel B includes, Parcel D and Parcel C. Only one lot is being created for building and that is for Brockport College Suites.

The remaining parcels are not approved for building, but will be in the future. Mr. Hale summarized that the project is really a two-lot subdivision. Mr. Schultz clarified that this one subdivision plat creates one building lot and the ROW alignments for the improvements that are being put in.

Mr. Minor asked the Town Engineer if his questions/concerns had been addressed for subdivision approval? Mr. Oberst stated yes. His main concern was that the proposed easements/descriptions were shown.

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the United Group has applied to the Planning Board for approval of a two-lot subdivision, known as the Heritage Square – Phase I Subdivision, and

WHEREAS, the SEQRA process was completed by the Town Board during the rezoning, as a consolidated review, and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board grants Preliminary approval to the Heritage Square – Phase I Subdivision.

Ayes – 7

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

WHEREAS, the Heritage Square – Phase I Subdivision has received Preliminary approval, and

WHEREAS, the Planning Board has not become aware of additional conditions,

NOW, THEREFORE, BE IT RESOLVED that the final public hearing be waived, the Planning Board grants final approval to the Heritage Square – Phase I Subdivision, and authorizes the Chairman to sign the mylar.

Ayes – 7

Mr. Schultz continued review of this project. He explained over the course of the next few weeks Mr. Oberst will have a chance to look over the plans once more and be in a position to recommend a contingent final approval for the overall site plan. Plans have been out to the County agencies. One of the biggest problems is that no one designs the “Main Street” type of concept. A 60 ft. ROW with greenspace all around is preferred by most, especially MC Water Authority.

Chairman McAllister asked Mr. Schultz what was the status of revising the Town law to permit student housing? Mr. Schultz explained that the initial direction of the Town Board was to amend the Town Law. However, after speaking with the Town Attorney, the interpretation of the code really doesn't apply to B-1 zoning, but to residential. A letter clarifying this will be forthcoming.

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Chairman McAllister stressed the importance of resolving this matter because the Planning Board cannot grant any approvals or can any earthwork begin until it is. Mr. Schultz stated he understood.

Mr. Hale reiterated his position that since student housing was not included in the initial environmental review that a supplement to the environmental impact statement dealing with both the need and the traffic should be done.

Mr. Schultz explained that fundamentally the street line and placement of the ponds are exactly the same as depicted at the original public hearing. Separate DOT improvement plans for the road have been sent out. There will be a phase mitigation where improvements will be put in as each phase goes through.

Chairman McAllister asked what was the status of the hotel development. Mr. Schultz stated three different hotels were interested, but they are waiting until the college suites and/or the SUNY events building are built.

Mr. Schultz gave a quick overview of the Brockport College Suites. The plan shows the easterly building. A parking lane was added so that it can loop. The lane will be built wide enough to support two way traffic, but will be striped as shown so that the buses can manage to get through and out and around.

Mr. Minor asked for the status of a fence being added to the plans per discussion with residents at the public hearing? Mr. Smetana explained that the residents were concerned that students would use the railroad track to get to campus. The location of the fence was shown to the Board. It will be a 6 ft. black chain link fence, along proposed Lot 1 and partially down Redman Road.

The Town Engineer asked if Mr. Schultz is still planning to get Board approval to move earthwork prior to receiving final approvals? Chairman McAllister stated there aren't any Planning Board approvals that would do that. Mr. Schultz added the applicant would like to do it the right way, i.e., post a letter of credit. The ponds have to be put in early so they don't fill up with mud all winter long and have to be re-dug in the spring.

The project's timeline was discussed. Mr. Schultz stated there's a good three to four weeks of earthwork so that by the end of September a permit can be obtained for the foundation. Now that the subdivision plat has received final approval, the transfer of land can take place. Mr. Schultz is aware that plans have to be signed and filed with the County before a building permit can be issued.

Mr. Minor asked why there isn't a black vinyl fence around the drainage pond at the Lowe's site as approved in the plans? Mr. Oberst stated that the existing silver galvanized coated fence was permitted as a replacement if additional landscaping was planted around the pond. Mr. Oberst will confirm if the additional landscaping has been done.

The meeting was adjourned by motion at 9:45 p.m.

Planning Board Secretary