

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 23, 2002, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

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

Absent: Arnold Monno.

Also present: Jerry Goldman – Sweden Special Counsel, Adam Walters – Crystal Ridge counsel, Jerry Foster—Environmental Conservation Board, Jim Oberst - MRB, Al Spaziano – Crystal Construction, Jim Northrup, Kris Schultz and Cory Greene – Schultz Associates.

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

Correspondence passed to members for review.

Moved by Mr. Hale, seconded by Mr. Hover, that the minutes of August 12, 2002 be approved.

Ayes – 5

Abstain – Mrs. Bahr

Sodoma Market Subdivision. 4490 Sweden Walker Road. Tax Acct. No. 085.01-1-3.

The Planning Board reviewed the mylar submitted by AJ Barea. Two items were missing:

- Green space calculations as requested by the Town Engineer
- Mr. Barea's stamp and signature

No action taken.

Northview Park Subdivision. Fourth Section Road. Tax Acct. No. 083.01-1-27.

Engineers Kris Schultz and Cory Greene presented two concept plans for the parcel that was recently rezoned R1-3S. Approximately 220 single family homes would be built. The property has been farmed in the past and there is a stone driveway for temporary access.

Mr. Northrup said the houses will sell in the \$130,000- \$150,000 range.

Mr. Schultz said there is a creek and wetlands on the north end of the property. The developer may be interested in establishing a conservation easement for the wetland area. There is a possibility that walking trails could connect to Town Park trails. Mr. Foster would like existing and proposed Town Park walking trails to be noted on the plans.

The developer is in the process of bringing a sewer line to the site along the back of Fourth Section Road properties. Eventually there will be a lift station on the Town Park property.

Mr. Schultz said that he has met with the Monroe County Water Authority and there is currently enough water pressure to service about half the proposed development.

Mr. Greene said the State DOT seems comfortable with one access for the development. There may be a need for an exclusive right hand turn lane. He said the chances of getting a traffic light there are slight. The posted speed limit at the point of access is 55 mph.

Mr. Hover said it would be best for there to be a second access. Mr. Schultz pointed out stubs that would be installed for possible future access to the east and west. Mr. Schultz said it would not be beneficial for the Town for the subdivision to connect to the Town Park to the east, but there is a possibility the subdivision could connect through the Swartout property to Redman Road in the future. The property to the west is a large undeveloped parcel.

Mr. Hover suggested creating more than one pedestrian access point from the subdivision to the Town Park. He also suggested a tot lot playground be planned. Mr. Schultz said the hedgerow between the subdivision and the Town Park may be augmented with additional trees. There was some discussion about residents cutting through yards to access the Park.

Mr. Hale suggested that since the subdivision would be a Type I Action and has already been declared so by the Town Board, that the Planning Board could use the Scoping Outline it used in the Crystal Ridge PUD review.

Mr. Schultz said the developer plans to provide an Impact Statement with enough information upfront to address all environmental concerns.

Mr. Schultz asked which concept the Planning Board prefers. Mr. Hale stated he personally prefers Concept 2.

No action taken.

Crystal Ridge PUD.

Mr. Walters presented the Sketch Plan. He last met with the Planning Board regarding the DEC's concerns regarding the impact to wetlands. Since that time, the project developer has agreed to protect approximately 55 acres of green space and is willing to provide a conservation easement to the Town or another entity (land trust or Boy Scouts). Mr. Walters believes that the DEC concerns have been fully addressed. He said the DEC dropped its request for a Supplemental EIS.

Mr. Goldman said that the DEC seems pleased with the applicant's proposed mitigations regarding the wetlands, but leaves the decision whether to pursue a Supplemental EIS to the discretion of the Planning Board.

Discussion turned to the NYS DOT letter of May 3, 2002.

Mr. Walters' interpretation is that the State DOT would not permit a curb cut on Lake Road across from Shumway solely to preserve the Route 531 corridor. He said originally the State DOT recommended that the developer access the site from the extension of Shumway.

Mr. Goldman stated that the DOT's comments put the Planning Board in a difficult position. He does not agree with Mr. Walters that the only reason the DOT doesn't want a curb cut at Shumway is to preserve the Route 531 corridor. He said it is difficult to make an environmental review determination if such a major element isn't in place.

Mr. McAllister said the DOT may deny the curb cut at Shumway due to a traffic analysis. The DOT letter mentioned other ways to access the property – through Royal Gardens Way, Duryea Drive and Redman Road.

Mr. Walters said the DOT cannot require the Town to keep the Route 531 corridor open. He suggested the project proceed and if the DOT denies the curb cut and that denial holds up in judicial review, then the applicant would have to develop a Supplemental EIS and rework the plans.

Mr. Hale said the Town Comprehensive Plan includes a statement about preserving the Route 531 corridor.

Mr. Goldman explained the Planning Board's options at this point: request a Supplemental EIS or move forward with the FEIS. If the Planning Board chooses to move forward with the Final EIS, the Town Engineer has 45 days to prepare it, then the Planning Board has 30 days to review it. At that point the Planning Board would adopt the FEIS and make it available to the public and interested agencies. The Planning Board must wait an additional 10 – 30 days before issuing its findings.

Mr. Walters suggested that preserving the Route 531 corridor would be a taking of the property by the Town.

Mr. Goldman said that he does not agree that preserving the corridor deprives the applicant of all economic benefit of his property.

Mr. Hover suggested adjusting phasing so that the corridor is the last part developed. Mr. Walters said that can't be done because the access to the whole project is from the Shumway extension.

Mr. Hover said the Town has invested 20 years or more in the extension of Route 531. Mr. Hover asked what the applicant has done to mitigate the issue. Mr. Hover said the Town has an interest in preserving the corridor.

Mr. Walters said the Route 531 corridor is not an environmental issue. He said the State DOT has not done an environmental study of the corridor so the DOT doesn't even know if it could build Route 531 through the property. Mr. Walters said the Town's interest is in the construction of Route 531 somewhere or in improvements to Route 31, not in the specific corridor.

Mr. Goldman said there is an environmental issue – by not preserving the preferred corridor – the town could help create a harmful environmental impact elsewhere.

Mr. Goldman stated that the Planning Board's objective this night is to make sure the applicant has had the opportunity to provide everything he wants to provide to the Board before the FEIS is finalized.

Moved by Mr. Hale, seconded by Mr. Williams, that since the DEC letter of March 18, 2002 recommending a Supplemental EIS has been succeeded by a letter dated August 16, 2002 supporting the applicant's modification to the Sketch Plan, the Planning Board will not require a Supplemental EIS.

Ayes – 6

Mr. Goldman reviewed some of the issues on which it might be beneficial to the applicant to provide more information:

1. On page 12 of the FEIS a comment refers to the code provision requiring the applicant to provide evidence of financial competence. The board would be more comfortable if they had more information than what has been provided.
2. The market study should include Fieldstone Acres, the Highlands at Brandonwood and various new developments in Clarkson.
3. On page 31 the County DOT comments about the omission of traffic studies at certain intersections. Does the applicant wish to provide more information?
4. The State DOT's request for alternative traffic analysis needs to be addressed.
5. Page 59 discusses how water pressure demands will be met. The Planning Board would like something more clearly defined.
6. Page 60 refers to a generator. The Planning Board would like to know the status.
7. Page 62 refers to the Brockport Water Treatment plant which is scheduled to be closed. The Planning Board needs to know how water will be provided to the development.
8. Page 65 calculations for peak loading of sewage need to be done.
9. How were requests for information to various service agencies made – orally or in writing?
10. Page 67 add page number reference for traffic analysis.
11. Page 67 Mr. Oberst's question regarding parcel sizes needs to be answered.
12. Page 68 more information about operation and maintenance costs needed.
13. Page 73 Cultural Resource Study still not complete.

Mr. Walters said the original consultant's Phase 1B Cultural Resource Study was rejected by SHPO due to the consultant's incompetence. A new consultant has been hired by the applicant and that consultant has completed the Phase 1B of Phase I of the project. It has not been approved by SHPO yet.

Mr. Walters said SHPO has agreed to a phased cultural study - each Phase of Crystal Ridge to be reviewed individually. Mr. Goldman said he finds that to be highly unusual.

Mr. Hover said that a phased review is troubling because the project could come apart between phases.

Mr. Walters said the applicant is aware that there are some potentially sensitive areas on the site.

Mr. Goldman requested a copy of SHPO's letter agreeing to the phased review. Mr. Walters agreed to provide a copy and conceded that the project will not go ahead without the approval of SHPO.

Mr. Goldman said the Planning Board may have other areas in the FEIS where it would like some more information.

Mr. Walters said that counting from this meeting, the Town Engineer would have until November 7 to finish the FEIS. The Planning Board then meets on November 11. The Planning

Board would have until December 7 to review the FEIS. Its next meeting would be on December 9.

Mr. Hover asked about another public hearing. Mr. Goldman and Mr. Walters agreed that no more public hearings are required. Mr. Hover said he feels the town has an obligation to hold another public meeting for the community – whether it be the Planning Board or the Town Board.

Mr. Walters presented a check for the balance due in engineering fees.

The Board agreed to hold a Crystal Ridge PUD workshop to review the FEIS on October 7. Mr. Goldman is unable to attend that evening.

Nextel Telecommunications Facility. 4927 Lake Road.

The Sweden Town Board requested comments from the Planning Board regarding the proposed location of a cell tower monopole at the Community Center property. The Planning Board offered the following comments:

We recommend that the tower be located on the tower farm or be disguised appropriately.

It appears from the plans that if the tower fell it would not fall within the lease parcel, contrary to town regulations.

The meeting was adjourned by motion at 10:10 p.m.

Planning Board Secretary

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 14, 2002, at the Town Offices, 18 State Street, Brockport, N.Y., commencing at 7:00 p.m.

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

Absent: David Hale and Edward Williams.

Also present: Charlie Sanford – Fire Marshal, Alan Bader – Building Inspector, Jerry Watkins, David La Rue, David Clements, Jeff Arnold, Mark Gerhardy, Matt Sinacola, Wesley Milligan, Janet Milligan, Tom Bidwell, Pat Bidwell, Joe Milizia, Tom Snyder and others.

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

Correspondence passed to members for review.

Moved by Mr. Hover, seconded by Mrs. Bahr, that the minutes of September 23, 2002 be approved.

Ayes – 4
Abstain – Mr. Monno

Moved by Mr. Hover, seconded by Mr. Hertweck, that the regular meeting be adjourned to the Public Hearing.

Ayes – 5

The Chairman read the notice of Public Hearing and the affidavit of publication. The Chairman asked if there were any questions or comments from anyone present at the Public Hearing.

Milligan Bidwell Subdivision and Site Plan. Reed Road. Tax. Acct. No. 128.02-1-2.111. Engineer Matt Sinacola presented an updated site plan for the proposed two-lot subdivision.

Joe Milizia, of 1597 Reed Road, stated that he lives directly across the road from the proposed Lot 1 and that runoff from the entire site drains across Reed Road to his property. He said the water runs past and pools near his and his neighbor’s well casings. He is concerned about the contamination of his well water if livestock is housed in the proposed barns. Mr. Milizia said he wouldn’t object to the single family homes being built as proposed, just the housing of farm animals.

Classy Chassy Car Wash Site Plan. 4671 Lake Road. Tax Acct. No. 083.08-2-9. Jerry Watkins, Dave Clements and David La Rue presented an updated site plan for a car wash to be located as a lease parcel at the Lake Road Plaza.

Mr. Clements explained that automatic wash bays will be located closest to Lake Road with the self service bays to the back. An attendant will be on site every day and as needed. The owners promote a cashless service with prepaid “keys” and the use of credit cards. On peak volume days, an employee will direct traffic.

Mr. La Rue presented a plan showing the queuing lanes. The lease parcel can hold a total of 60 cars in the queuing lanes.

Mr. Hover stated that the board is also concerned about the stacking of vehicles trying to exit onto Route 19.

Mr. Watkins said the proposed site plan has changed. The previous proposal called for the north entrance onto Lake Road to be closed. Now the plan leaves the north entrance open.

The Board asked about the steep grade of the south exit. There is concern that dripping cars could contribute to ice build-up at the south exit. Mr. La Rue said the slope is less than 4 percent. Mr. Watkins said the apron area from the parking lot to Route 19 is pretty flat. Mr. La Rue said that cars don't have to use the north entrance, drivers can choose to use one of the other exits.

Mr. LaRue said the new site will have eight catch basins to control drainage. Heat pads will extend 5 feet outside of the bays.

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

Ayes – 5

Milligan Bidwell Subdivision and Site Plan. Reed Road. Tax Acct. No. 128.02-1-2.111.

Mr. Sinacola addressed MRB's comments by:

- adding a culvert note
- showing the erosion control locations
- adding a pull-over bubble
- adding site statistics for the modified raised fill system

Mr. Sinacola also addressed county comments. He had already issued an Agricultural Data Statement. The county also asked him to show erosion control details. Mr. Sinacola believes the development should reduce the erosion that currently occurs when the field is plowed.

Items outstanding:

- Remove straw bale detail
- County drainage notes to be changed per the county
- County highway permit needed and notes added

Mr. Milizia repeated his concern that runoff containing animal waste from the property would contaminate his well.

Mr. Sinacola said that installing a pond on Lot 1 would mitigate part of the runoff issue, although the pond likely won't be deep because of bedrock.

Mr. Bidwell said he plans to have one or two horses on Lot 2. Mrs. Milligan said she wasn't sure how many horses she might have on Lot 1. She may also have other farm animals. She would like to pursue agriculture and believes that permanent pasture has a better filtration rate than row crops (which is the current field condition). She would keep the animals north of the house during the spring when there is the most runoff flowing on the property.

Mr. Milligan said they would consider putting in a pond if it would help the drainage problem. Mr. Sinacola said that livestock is permitted in an agricultural setting and that the pond would be a partial solution.

Mr. Milizia said he thought the Planning Board should approve the houses but not allow animals on the land.

Mr. Monno said that would be too restrictive. Mr. Monno asked that the "y" area on the Lot 2 driveway be made a little wider. Mr. Sinacola agreed to make the "y" area wider.

Mr. Sinacola agreed to add the Milizia well location to the plan before sending it to the Monroe County Health Department.

The Board discussed whether it could issue a negative declaration for the State Environmental Quality Review Act. Chairman McAllister said that making the declaration was the correct step to take in order to have the plan reviewed by the Monroe County Health Department. The Planning Board wants the Health Department to carefully review the issue of potential well contamination.

Moved by Mr. Monno, seconded by Mr. Hertweck, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, the Environmental Conservation Board and the Fire Marshal, the Planning Board determines that the Milligan Bidwell Subdivision/Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 5

The chairman stamped and signed the plan "Approved for Monroe County Health review only".

Classy Chassy Car Wash. 4671 Lake Road. Part of Tax Acct. No. 083.08-2-9.

Mr. Monno asked about routing traffic from Ellis Drive around the back of the plaza to access the car wash. Mr. La Rue said that would be difficult because of truck deliveries to the plaza and the presence of utility poles. Fire Marshal Sanford said he would prefer to keep traffic limited in back of the plaza.

Mr. La Rue reviewed comments from MRB:

- hours of operation will be 24 hours per day/ 365 days per year
- striping and flow arrows added
- no application to the NYSDOT needed because the new plan leaves the north entrance open
- more detailed grading plan submitted
- oil & grit separation detail added
- RPZ location shown
- Dumpster omitted through computer error; it will be added to the plan and will match the building
- Lighting contour plan submitted. Mr. La Rue said there will be no spill off site
- Site statistics provided for green space
- PIF signed by fax

Mr. Watkins said Farash Corp would be willing to plant trees along the south west portion of the plaza site if the Town would give permission to plant in the right of way. Mr. Hover asked Mr. Watkins to work with Mr. Bader to accomplish that.

Mr. Bader suggested that the car wash be moved back from Lake Road to the west. Mr. Bader said the 100 feet or so of empty area is undevelopable and that the car wash building may be more visually appealing if it sat back a little farther – more in line with Arby's. The required set back from Lake Road is 75 feet, the proposal has the building sitting back at 77 feet. He also noted that moving the building back would allow the applicant space to add onto the front of the building in the future, if the volume of business warrants it.

Mr. Watkins said the Farash Corp has no plans for the empty area.

Mr. Clements and Mr. Arnold said they would like the car wash to remain as close to Lake Road as possible for safety reasons. They feel they would lose potential customers if the building was sited farther back from the road.

The Planning Board asked about berming the west end of the lease parcel to prevent car lights from disturbing the Ellis Drive apartments. Mr. La Rue said he would check to see if a berm will disturb the drainage flow. Mr. Monno suggested the berming not be placed right along side the drive, but further to the west.

Mr. Bader pointed out that a 7.5 feet wide green buffer around the perimeter of the lease parcel is required. In some places the buffer is only 4 feet wide. Mr. La Rue agreed to increase the width of the buffer to 7.5 feet.

Mr. La Rue addressed the County comments:

- erosion control notes have been added for demolition and construction
- plans will be submitted to the Monroe County Department of Health

Mr. Hover asked that the applicant move the building further back on the site. He said it would allow for longer queues to exit the plaza. He also said that he considers looking into the bays from Lake Road heading south to be a negative visual. Moving the building back would help reduce that negative visual.

Mr. Arnold said that customers might not feel safe enough to stop at night if the building is set back further from the road.

Mr. La Rue asked for final approval of the site plan contingent upon required signatures and stipulation to changes.

Chairman McAllister explained the subdivision must be completed before the site plan can be approved.

After reviewing the Project Information Form, the Planning Board noticed several missing responses. No action was taken.

Chairman McAllister offered that if the applicant completes the Project Information Form, modifies the plans as requested, obtains Monroe County Health Department and Town

Engineer signatures, the Board may be in a position to grant final approvals at the next meeting, October 28, 2002.

Discussion

Crystal Ridge PUD

Chairman McAllister will contact Town Engineer Jim Oberst to determine if there will be a need for a Crystal Ridge Workshop on October 21, 2002.

Northview Park

Chairman McAllister reported that he will be meeting with Engineer Kris Schultz and Supervisor Buddy Lester on Wednesday, October 16, 2002 at 4:30 p.m. to discuss the Northview Park SEQR process. Chairman McAllister invited other Planning Board members to attend if possible.

The meeting was adjourned by motion at 10:30 p.m.

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