

**TOWN OF SWEDEN
Planning Board Minutes
September 24, 2007**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 24, 2007, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Also present: James Oberst, MRB, Kris Schultz, Harold Mundy

The meeting was called to order at 7:10 p.m. by Chairman McAllister.

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the minutes of September 10, 2007 be approved.

Ayes – 5
Abstain – Mrs. Bahr
Abstain – Mr. Hale

Highlands Senior Development. Sweden Shopping Center. Resubdivision & Site Plan. 084.01-1-14.113 (part of)

Mr. Kris Schultz addressed the Board and distributed updated copies of the plan and an updated SEQRA form.

Chairman McAllister explained that at the last meeting, it was determined that the Planning Board would ask the Town Board for clarification whether or not there was any impact environmentally due to the changes in the site plan for this project.

Mr. Hale inquired, in terms of acreage, was the proposed commercial development the same, smaller, or larger than the acreage originally proposed under the Incentive Zoning. Chairman McAllister stated it was slightly larger, but that was due to this Board's request. The nature of that request came about when discussing the green space requirement for this project, and how the applicant would be using the noncontiguous land across the road to meet that requirement. The Board didn't believe that was ever done before. A lot is defined by its edge of pavement or centerline of the road. The applicant was very accommodating by working with Mr. Hassall to pick up additional land south of the property line to meet all requirements for the development. The Town Board was in agreement with the additional purchase of 25 ft., and the Planning Board was satisfied that the land across the road wouldn't be included.

Mr. Schultz stated he changed the nomenclature of the lots to R-1C and R-1D to avoid any confusion that the two parcels across the road were part of R-1B. In the end, the commercial development would be slightly over four acres with the two ponds and roadway as the remainder of the six acres.

Chairman McAllister explained that the reason for the resubdivision of Lot 1 was due to a marketing analysis, which determined that the proposed building was too large for the number of occupants. The building size was reduced, and a second parcel was created for future expansion. Mr. Hale noted that on the top of page two of the Town Board's Findings Statement, the text refers to "structure(s)," which indicates the Town Board was aware that there may be more than one building. Mr. Hale also asked for the status of Mr. Kuster's property. Mr. Hassall stated that Mr. Kuster requested that the topping of his driveway be delayed because the State was

**TOWN OF SWEDEN
Planning Board Minutes
September 24, 2007**

going to start widening the road. The Town Board was made aware of this. Mr. Hassall added that providing final approval is granted tonight, work on the east/west road will begin the first or second week of October. Per Mr. Hale's comment regarding the November 30 deadline, Mr. Hassall stated the Town Board is aware that it will not be met, but the Letter of Credit will be posted and work will continue to get the base in.

Chairman McAllister stated with respect to the number of required parking spaces for the Wal-Mart Supercenter site, and how Wal-Mart exceeds the minimum requirement, that the loss of five parking spaces due to the construction of the proposed connector road into the Sweden Shopping Center site, will not be detrimental to the operation of the Wal-Mart Supercenter.

Moved by Mr. Hale, seconded by Mr. Dollard, that the following resolution be adopted:

WHEREAS, the Wal-Mart Supercenter site plan, approved April 10, 2006, shows 917 parking spaces, and the Town requires 859,

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning Board approves the elimination of five (5) spaces to permit the construction of an access road to the Sweden Shopping Center, LLC.

Ayes – 7

Chairman McAllister asked if there was a need to complete another environmental form because the plan before us is different than what was originally approved? The advice of the Town Board and Town Attorney were sought, and consequently, a letter was submitted back to the Planning Board from Town Attorney Bell. Attorney Bell wrote that wasn't necessarily the case. His legal opinion is that can be the determination of the Planning Board, and at the Board's discretion the initial public hearing can be waived for a SEQRA form.

Mr. Hale asked for a copy of the SEQRA handbook. The Clerk obtained a copy for Mr. Hale to review. The Chairman stated he was fine with following the legal advice of Attorney Bell. After Mr. Hale's review, the following resolution was proposed:

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

WHEREAS, the Town Board, as Lead Agency, conducted a coordinated environmental review of the Villas at Brandon Woods/Sweden Shopping Center, LLC, (6 NYCRR Part 617.6 (b) (3)), and the Planning Board having reviewed the Short EAF of September 24, 2007,

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning Board determines that Sweden Shopping Center's modification does not significantly alter the negative declaration issued by the Town Board.

Ayes – 7

Chairman McAllister continued the subdivision review of this application. Mr. Monno asked for clarification as to why the parcels including the ponds can't be approved at a later date since they are not part of the shopping center subdivision. The ponds are being approved at this time because they were originally approved as part of Lot 1 of the Villas at Brandon Woods subdivision. Discussion followed.

**TOWN OF SWEDEN
Planning Board Minutes
September 24, 2007**

Mr. Hassall stated the intent all along has been for the Homeowner's Association to maintain the ponds. Per the Board's request, the following note should be added to the plan:

Ownership and/or the responsibility for maintenance of the pond areas within lots R-1C and R-1D shall remain with the developer, Jack Hassall, or the Homeowner's Association of the Villas at Brandon Woods.

Mrs. Bahr requested the acreage be corrected for Lot R-1B. Mr. Schultz will make that change.

Moved by Mr. Hale, seconded by Mr. Minor, that the Sweden Shopping Center, LLC, resubdivision be given preliminary approval.

Preliminary approval is given based on that the note be added to the plan that ownership and/or the responsibility for maintenance of the pond areas within lots R-1C and R-1D shall remain with the developer, Jack Hassall, or the Homeowner's Association of the Villas at Brandon Woods.

Ayes – 7

Moved by Mr. Minor, seconded by Mr. Monno, that the final public hearing be waived, the Sweden Shopping Center, LLC, resubdivision be granted final approval contingent upon that ownership and/or the responsibility for maintenance of the pond areas within lots R-1C and R-1D shall remain with the developer, Jack Hassall, or the Homeowner's Association of the Villas at Brandon Woods, all other required signatures received, and the Chairman be authorized to sign the mylar.

Ayes – 7

Chairman McAllister asked the Town Engineer for a status of his site plan review. Mr. Oberst is close to being finished except for some drainage pipe and signage requirements. The Fire Marshal's comments have been addressed.

Mr. Dollard confirmed that when the out parcel, R-1A, is sold, the access would be into R-1B only, and not off of Nathaniel Poole Trail. Mr. Schultz agreed. Mr. Minor added that the landscaping plan shows no plantings in that area.

Mr. Schultz explained that the Town Board took a lot of time to agree on the type of design for the building, which is shown on the plan. The building will be split face block or a synthetic stucco.

Mrs. Bahr stated that she wished the Planning Board had an opportunity to discuss the design of the building in order to tie in the architecture with that of Wal-Mart's architecture. With the street named, Nathaniel Poole Trail, it would have been nice to have some historic references. The building proposed has great colors, but still has a boilerplate design, and is an opportunity lost to have a nice looking facility.

Mr. Hale added that the Town needs an architectural review board. This building has no curb appeal.

Mr. Minor asked about the proposed lighting. It will be shielded and dark sky compliant. A note should be added to the plan that the lighting will not exceed the Wal-Mart SC pole height or intensity. Mr. Hassall agreed.

**TOWN OF SWEDEN
Planning Board Minutes
September 24, 2007**

Per Mr. Monno's request, Mr. Schultz would inform Duplantis Design that a grading detail for the future access should be provided.

Mr. Minor asked if there was public lighting on Nathaniel Poole Trail. Mr. Schultz stated yes.

The Board discussed whether or not to grant final site plan approval tonight. Mr. Hassall explained the importance of receiving final site plan approval due to the time of year, that there's no scheduled planning board meeting for four weeks due to the holiday, and that the changes are minimal. They are:

- Adjust lighting pole height and intensity so as not to exceed that of the Wal-Mart SC.
- Add a plan note and detail showing proposed grading and access to the out parcel.
- Address any additional comments from the Town Engineer.
- Make labeling corrections on the plan.

Mr. Oberst responded to Mr. Monno's request for grading clarification. He stated the drainage was addressed in his initial comments, which was that the grading to the south looked like the runoff was going to come onto the site, and there wasn't enough positive drainage away from the building. In response, a more positive grade away from the building was provided, as well as an interceptor swale along the back of the property. Also, there would be stabilization matting.

Moved by Mr. Minor, seconded by Mr. Hertweck, that the Sweden Shopping Center, LLC, site plan be approved contingent upon that the following items be completed: all lighting and landscaping requirements, the future access at the northwest corner of the lot, which connects R-1A and R-1B, be detailed, all necessary signatures obtained, final MRB comments should be addressed regarding the Stormwater Pollution Prevention Plan, documentation of the agreement between Jack Hassall, developer, and Wal-Mart SC for the access road, and the Chairman be authorized to sign the mylar.

Ayes – 6
Nay – Mr. Hale

The meeting was adjourned by motion at 9:15 p.m.

Planning Board Secretary