

**TOWN OF SWEDEN
Planning Board Minutes**

March 22, 2004

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 22, 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, Arnold Monno, Edward Williams

Also present: Jerry Foster-Environmental Conservation Board, James Oberst, Town Engineer, Alan Bader, Building Inspector, Charles Sanford, Fire Marshal, Kris Schultz, James Bates, Thomas Lucey and John Bennett, APD, Jerry Goldman, Esq., Harry and Deanna Shifton, James and Ruth Moore, Anthony Cuchiarat

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. Monno, that the minutes of March 8, 2004 be approved as amended:

- 5th paragraph from the bottom, 3rd sentence, **change** “myself” to “himself”

Mr. Hale inquired as to why the minutes are sent as a zip file. The secretary stated she emails the minutes as a Word attachment, but will look into this further with the next set of minutes.

Ayes – 6
Abstain – W. Hertweck

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

Ayes – 7

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.

J. W. Mulkin Resubdivision. Brockport-Spencerport Road. 084.01-1-6.1, 6.2, 6.3

Engineer Kris Schultz quickly summarized the project by stating that there are three parcels being subdivided into two parcels. Lot 1 will be Tractor Supply and Lot 2 will be additional parking space for Spurr. After the resubdivision is approved, Schultz Associates will present to the Board two separate site plans.

Chairman McAllister asked if there were any questions, comments or concerns regarding this project. There were none.

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

Ayes – 7

Resubdivision – Lot 59, Highlands at Brandonwood. 55 Talamora Trail. 084.01-2-78

Mr. Bates asked for final acceptance of Lot 59, Resubdivision. Each Board Member received an information packet which included the deed of the Mills property, a purchase offer for the additional property and a letter from the Tasdelers giving the okay to take that portion of the property off their mortgage. The goal is to provide access to the Mills property which should have been done during the Section IV development.

Mr. Minor questioned if there was language in the Mills deed that would allow the 60 ft. strip of property to be converted to a proposed roadway. Chairman McAllister commented the reason it shows on the approved plan is because it is the area the Planning Board requested as a future outlet for the Owens Road extension.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the final public hearing be waived, the Resubdivision – Lot 59 be granted final approval, and the Chairman be authorized to sign the mylar.

Mr. Monno suggested the above motion include wording that states there is no other value to the property other than for future road development or a forever wild area. The motion was left as first stated.

Ayes – 5
Nay – M. Minor
A. Monno

J. W. Mulkin Resubdivision. Brockport-Spencerport Road. 084.01-1-6.1, 6.2, 6.3

Mr. Schultz commented that the two concerns previously requested have been addressed and completed:

- under site development statistics, there is a note requiring a 7 ½ ft. perimeter buffer zone
- ownership was explained due to an error that was made by the County showing Petsmart instead of Mr. Hogan as the owner on the tax map.

Mrs. Bahr inquired about drainage/storm water issues. The applicant will need to go before the Planning Board for a commercial site plan review for the parking lot and drainage issues will be addressed at that time.

Moved by Mr. Hale, seconded by Mr. Williams, that having reviewed the Project Information Form, comments from the Town Engineer, and the Environmental Conservation Board, the Planning Board determines that the J.W. Mulkin Resubdivision is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Moved by Mr. Hale, seconded by Mrs. Bahr, that the J.W. Mulkin Resubdivision be given preliminary approval.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Hertweck, that the final public hearing be waived, the J.W. Mulkin Resubdivision be granted final approval, and the Chairman be authorized to sign the mylar.

Ayes – 7

Mr. Schultz informed the Planning Board that last week he attended a meeting with Mr. Hogan, Mr. Spurr, Mr. Eade from Cor Brokerage Inc., and Mr. Oberst to discuss drainage issues for the whole area. The initial plan is to make improvements on the existing pond as well as involve owners of parcels downstream to see if there's an interest in collaborating to generate one central type of facility. The meeting went very well.

Wal-Mart Supercenter. Brockport-Spencerport Rd.084.01-1-14.112, 14.2, 14.12

Mr. Lucey distributed copies of an outline that was put together in response to concerns raised and questions asked at the last meeting.

Mr. Lucey stated in regards to item #1, APD is still in the process of outlining the DEIS comments. This outline will be completed for the April 12 meeting. Mr. Lucey added that there hasn't been any new comments made.

Mr. Hale commented that the Henrietta location is similar because it is expanding on-site; however, the Geneseo Wal-Mart may be more analogous in terms of location. Mr. Lucey stated he is more familiar with the Henrietta project, but will look into the Geneseo project as well. Mr. Oberst added the public wants to know specifically

why the Henrietta Wal-Mart can expand on-site, but not the Brockport location. Mr. Hale added because the Geneseo Wal-Mart includes relocating to a new area, there may be some useful analogies.

Chairman McAllister inquired if the Geneseo Wal-Mart is in a plaza and if so, does Wal-Mart control the leasing arrangements like the Wal-Mart in Brockport.

Mr. Lucey wanted to know exactly what the Planning Board was looking for in comparing the Geneseo Wal-Mart to the Brockport project. Mr. Hale stated the Planning Board would like to know if there are any analogous issues and how is Geneseo dealing with them, i.e., traffic and adjacent property issues.

Attorney Goldman is involved with the Geneseo project and made the following comments:

- Traffic – traffic has been reviewed by the State DOT and there is a fundamental agreement as to what type of work needs to be done
- Adjacent residential properties – there are none
- There is no public controversy over the site chosen to build the supercenter
- Drainage – there is a pond on the Wal-Mart property and a second pond to comply with storm water regulations

Mr. Oberst commented some issues requiring further explanation are that Wal-Mart could not reach an agreement on the sale of the existing site, Wal-Mart doesn't have control of the land or leases, and the letter from the Plaza owner stating his desire to work with Wal-Mart to reach a mutually acceptable agreement.

Mr. Lucey responded by stating that Wal-Mart and the Plaza owner negotiated to the point where Wal-Mart didn't find the terms economical to pursue any longer. Some contributing factors involved the leases that needed to be broken and that the Henrietta Wal-Mart was built with expansion in mind. Mr. Lucey added the entire Brockport Wal-Mart would have to be demolished in order to make the site work with their proposed plans. Chairman McAllister stated that there is nothing in the new proposal that defines the new retail space that is any different than is already there. Mr. Oberst suggested using a smaller site plan to show the physical constraints as demonstration why the current site won't work.

Mr. Minor asked about the floor grade change to the other stores. Chairman McAllister added it would be beneficial to the Board to see estimates as to why this work would not be economical for Wal-Mart in order to develop this site. Mrs. Bahr added that the Board has seen a tremendous redevelopment of the Wegman's site which now runs east to west. Mr. Lucey will show why the current building would have to be torn down and what the costs would be to do this. Mr. Hale added a detailed cost description would show why expansion of the current site is cost prohibitive.

Mr. Williams stated by determining the costs involved for expanding the existing site versus building at a new location, Wal-Mart may or may not find what was thought to be the best solution, isn't in the long run.

Mr. Minor asked as a reference, what type of grade elevations are on the proposed site. Mr. Lucey estimated there is a 4 ft. grade difference. Mr. Lucey will contact the architect to get clarification on the design of the structure for the supercenter. Mr. Monno added the primary goal is to get all the square footage on one elevation.

Mr. Lucey reiterated that what the Board is looking for are the reasons why the existing store can't be expanded into a supercenter. Mr. Oberst requested that the reasons be substantiated with detailed information. For

example, if one of the reasons is that expanding the Brockport store is a danger to the customers, then how is the Henrietta store able to expand without that same danger to the customers.

Mrs. Bahr requested clarification on Wal-Mart's plans for replacement reoccupation. Mrs. Bahr would also like to see information on what happened to Wal-Mart leases from properties not owned by Wal-Mart and vacated.

Mr. Minor requested more clarification on item #4, iii, Displacement of plaza tenants, Lost tax base. Does this pertain to sales or property tax revenue and show some estimates for this.

Mr. Monno would like to see addressed on the site plan how the parking lot will be laid out with the proposed 950/1015 parking spaces.

Discussion moved to Alternate Layouts: C2A, C2B, C2C

C2A – Mr. Lucey explained the only major change on this plan from the original proposal is the connection shown at Transit Road. There was a meeting with the DOT on March 11 and their main issue regarding this site plan was trying to provide access onto Transit Road which will ultimately provide relief to the Rt. 19/31 intersection. The one concern that comes into play is that there is a Federal Wetland located in this area. APD has met with the Army Corp in regards to the wetland and the amount of wetland disturbance is about one-half acre which falls under the nationwide permit.

At the DOT meeting, there wasn't much discussion regarding driveways and road improvements in front of the site. More discussion took place regarding improvements at Rt. 31 and Sweden Walker Road. Our traffic consultant, SRF, is working on several different proposals to submit to the DOT. DOT would like to remove the right turn only exit out of the plaza onto Rt. 31.

Chairman McAllister inquired if the DOT had any questions with the work being done in the R.O.W.? APD provided cross-sections showing the work could be done in the R.O.W.

Mr. Oberst asked about a closed drainage system and Mr. Lucey stated on the south side there will be one.

Mr. Minor asked about the pond which Mr. Lucey stated was an existing pond that is mainly there for water quality issues. Ponds shown on the maps are not the final design that will be approved.

Mr. Monno asked Mr. Lucey to show a normal truck route. Most trucks will make a left into the site and come down the side of the building and go along the back of the building. There is a 65 ft. radius for the trucks to turn around. Mr. Sanford stated that the radius could change because according to the fire prevention code, the fire department determines the width of the access road.

C2B – Mr. Lucey explained this is the plan with the building oriented on the east side of the property. Additional green space is gained on Rt. 31 and the back of the property. This plan is very similar with the drainage ponds in the same place and access off of Transit Way. DOT has recommended a right only exit onto Rt. 31 for truck traffic.

Mr. Shifton, resident, commented that in the DEIS, the Army Corp has rejected this type of proposal and wondered why it is being presented at all. Mr. Lucey will check the DEIS. Mr. Lucey added that an applicant

can't suggest going through a wetland without serious review from the Army Corp, but another state agency (DOT) can request it.

Mr. Lucey explained the Gates location and the landscape behind the building, which includes a 5 ft. berm with extensive landscaping on top of the berm and then a 6 ft. high fence on top of that. Mr. Moore, resident, added that at the Gates location, there are single story homes in the residential area unlike in Talamora Trail where there are two story homes and residents will be able to see on the roof of the Wal-Mart store.

Mr. Monno suggested when berming is designed, planning for when trees become mature should be included. Mr. Monno asked for the amount of parking spaces for this drawing. Mr. Lucey stated 930/940 spaces are proposed.

Mrs. Shifton, resident, asked about the depth of the ponds, particularly, the one on the east side. The DEC requires 6" to 18" of standing water and 8' ft. in the middle for storm water. There will be safety measures taken with creating the pond; such as, fencing. Mr. Oberst commented drainage issues with this plan are similar to those issues in the first plan.

Mr. Shifton confirmed there is no berm and/or fencing on the south side of the site. Mr. Lucey agreed and stated that is not to say that there won't be any buffering, it's just not proposed at this time.

C2C - Mr. Lucey explained this is the plan with the building oriented on the west side. The access to Transit Way would be a future road built to line up with an exit that is on Talamora Trail. There would be a light at Talamora Trail. In this plan, trucks are farthest away from Talamora Trail. Mr. Lucey doesn't feel this is the preferred layout, but wanted to show it.

Mrs. Bahr added with the parking lot wide open, the wind will blow all the noise, debris back to Talamora Trail.

In the C2B, the building acts as buffer to all the noise and pollution. The only concern would be the trash compactor, which a fence could be put around. The only lighting at the back of the store would be at an 8 ft. high level.

Mr. Monno stated C2C is the best site plan for handling the drainage. Mr. Lucey stated there are two ponds with a large set of culverts under the ground.

One of the concerns with the C2C plan is that the new road would be dependent on the sale of property from Mr. Hassall. Also, the main road would be a public thoroughfare with 95 percent of the traffic behind Talamora Trail.

Chairman McAllister took a poll regarding which layout would be preferred, and it was C2B, which has the orientation of the building on the east side of the property. Chairman McAllister stated cross-sections, berms along the south side of the property, and a breakup design of the parking lot are what the Board would like to see next.

Attorney Goldman informed the Board that 45 days from the close of the public hearing, the Lead Agency should prepare the FEIS. It is obvious, based on the information that the Board has received and still needs, that a resolution should be passed tonight for more time.

Attorney Goldman also informed the Board that 62 days from the close of the public hearing, subdivision approval should be completed, and therefore, the Board is looking to the applicant to extend that period.

Pursuant to the SEQR Regulations, the Planning Board determines that it needs more time to complete the FEIS as a result of information received from the applicant and further information to be received from the applicant.

Moved by Mr. Minor, seconded by Mr. Hertweck.

Ayes - 7

The applicant has consented to the extension of the 62-day period for decision on the preliminary subdivision application subsequent to the close of the public hearing. Applicant has agreed to provide a letter to that affect.

Moved by Mr. Minor, seconded by Mr. Williams, that the meeting be adjourned at 10:15 p.m.

Ayes - 7

Planning Board Secretary