

**TOWN OF SWEDEN  
Planning Board Minutes  
March 12, 2012**

**APPROVED**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 12, 2012, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Also present: James Oberst, MRB, Kris Schultz, Schultz Associates, Richard Maier, DDS Engineers, Walter Breese, Patrick Lloyd.

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

Correspondence was passed to members for review.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the minutes of February 27, 2012, be approved.

*Mr. Hale requested that the following statement be added to his comment regarding the Bedard Subdivision and Site Plan's MCDOT meeting: The meeting didn't happen.*

Ayes – 6

Moved by Mr. Monno, seconded by Mr. Dollard, that the regular meeting be adjourned to the public hearing.

Ayes – 6

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

**M.K. Subdivision. 711 – 741 Shumway Road. 084.03-1-35 – 43.**

Chairman McAllister asked if there was anyone present with questions, comments or concerns. There were none.

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

Ayes – 6

**M.K. Subdivision. 711 – 741 Shumway Road. 084.03-1-35 – 43.**

Chairman McAllister continued review of this application. Mr. Maier addressed the Board. He stated Mr. Marshall King is downsizing this subdivision to four lots. Two are under contract for sale, but there are no immediate plans to build on any of the lots.

MRB Comments – No Comments

Fire Marshal – No Comments

ECB Comments – Mr. Maier submitted a corrected Project Information Form showing the amount of forestry land as 40 acres and agricultural land as 27.7 acres.

DRC Comments – Have not received comments to date.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the M.K. Subdivision, located at 711 to 741 Shumway Road, and

WHEREAS, the Planning Board held a public hearing on March 12, 2012, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Environmental Conservation Board, Fire Marshal, Project Information Form, Short Environmental Assessment Form, and the Agricultural Data Statement;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the M.K. Subdivision is an unlisted action which will not have a significant impact on the environment, and grants preliminary approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the final hearing be waived and the M.K. Subdivision be granted final approval contingent upon receiving the required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

**Sweden Corners Plaza Amended Site Plan. Subway Restaurant Addition.**

Mr. Kris Schultz addressed the Board. He distributed copies of a third sheet to be added to the previous plan submission.

Chairman McAllister stated he requested that Mr. Schultz show the previously approved Lake Road access farther south, and that it was no longer a required change with the Subway proposed modifications. He explained that Mr. Schultz did better than he requested by creating a third sheet to show how the previously approved Lake Road access relocation to the south would look if it were completed after Subway's drive-thru island was constructed. Mr. Schultz stated if the new access were completed, the drive-thru island would actually be in a better, safer location. He reviewed the 1995 previously approved site plan with Phase I and Phase II changes and how it was important to show these on the third sheet to confirm that they still exist and must be completed.

Mr. Monno is concerned about the stacking lane exiting the drive-thru, which would go across the sidewalk out into traffic in front of the plaza. He compared it to Wegmans where there are stop signs both ways at the crosswalks. There is going to be a lot more traffic. Mr. Schultz stated the plaza should be brought up to date in many areas.

Mr. Hale asked for the cost of the relocation of the utility pole. Mr. Schultz stated he wasn't sure but it is estimated at five to ten thousand dollars. The restaurant has the potential to cover those additional costs.

Mr. Schultz explained that the owner of the Golden Eagle was approached and asked to sell ten feet of his property, but said no. Discussion followed and decided that "riprap" would be used. Elevations were distributed.

MRB Comments

1. Relocating utility pole so there are 10 ft. drive lanes.  
Mr. Schultz stated there isn't a 7.5 ft. perimeter buffer zone, but asked the Board to consider waiving it due to that there is a significant elevation change between Golden Eagle parking lot and this site. Plus, there is the "riprap" embankment area, which would deter vehicles from going across the property line. Chairman McAllister stated the reason for the 7.5 ft. buffer was also to reserve an area of land for plantings. Mr. Hale asked how close to the 7.5 ft buffer requirement does the project get. Mr. Schultz stated approximately 3.5 ft. Chairman McAllister suggested since the Board is asking for an expansion of the drive area from a safety standpoint for vehicular traffic, it could waive the application from going to the Zoning Board of Appeals. Mr. Monno is concerned with truck traffic in the wintertime.

Mr. Dollard asked if the dumpsters would be enclosed. Mr. Shultz stated there are two existing dumpsters being used by Two Brothers. The original plan called for two large enclosed dumpsters at each end of the plaza for all the tenants. Subway's plan shows two new dumpsters in the corner for its use, which can be enclosed. The plan would be to share dumpsters again because it doesn't make sense for the tenants to have their own dumpsters.

Mr. Schultz asked for direction regarding the ZBA. Chairman McAllister took a vote of the Board with the following results:

Mr. Hale – ZBA  
Mr. Hertweck – ZBA  
Mr. Dollard – ZBA  
Mr. Minor – Not sure  
Mr. Monno – Not sure  
Mr. McAllister – ZBA

Chairman McAllister suggested the minutes reflect that the variance is needed due to the request by the Planning Board to increase the width of the drive lanes. Mr. Schultz is okay with the variance request; he was just trying to save his client some time.

2. Obtain a grading easement from Golden Eagle. This didn't happen as discussed above. Chairman McAllister asked if this project could be approved as a Phase I and Phase II process. The applicant must vacate the existing building space prior to this project's completion. Completion/approval of Phase I would allow the applicant to open the business without the drive-thru at this time. Phase II could then be approved without holding the applicant up. Mr. Schultz added similar to what the property owner did in 1993.
3. Traffic flow is still not ideal. Mr. Schultz welcomed suggestions, i.e., speed bumps, stop signs, stop bars, warning sign to stay left. There will be a learning curve the first couple of times. Mr. Minor suggested signage, i.e., do not enter/keep right at the end of the curbed island.

Mr. Strabel arrived at 7:50 p.m

4. The suggestion to use weed barrier beneath the stone to prevent weed growth is an excellent one and will be done.

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5. There are two existing dumpsters behind Two Brothers. Ideally, if these dumpsters could be shared that would be great and according to the original approved plan with dumpsters on the east and west ends of the plaza for all tenants. Mr. Breese will ask for permission from Two Brothers to use the dumpsters. The dumpster enclosure will be addressed next with the material matching the plaza building.
6. Installation of existing light poles and lighting concerns should be addressed between Mr. Breese and the owner of the property prior to closing the deal.
7. The Planning Board asked if any improvements from the previous approval are in the process of being completed. There was no confirmation of this.

Mr. Schultz stated he would like to take the Chairman's offer to go for final approval for Phase I, so the project can get started and application can be made to the Zoning Board of Appeals for Phase II. Phase I is for the building addition only, pavement repair and the dumpster enclosure.

Mr. Strabel asked Mr. Breese if he was comfortable with just building the addition under Phase I even though Phase II might not get approved. The answer was yes.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval for the Subway Restaurant located at Sweden Corners Plaza, 6515 Brockport-Spencerport Road, Brockport, New York; and

WHEREAS, the Planning Board held a public hearing on February 27, 2012, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that the Subway Restaurant Amended Site Plan is an unlisted action which will not have a significant impact on the environment.

*Mr. Monno had some questions regarding internal building code. Mr. Strabel asked the applicant if he would make any changes to the shape of the building if the variance weren't granted. The applicant's whole rationale for moving is based on getting a drive-thru, so he wasn't sure.*

Ayes – 7

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval for Phase I, Subway Restaurant located at Sweden Corners Plaza, 6515 Brockport-Spencerport Road, Brockport, New York; and

WHEREAS, the Planning Board held a public hearing on February 27, 2012, and all persons wishing to be heard were heard; and

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

WHEREAS, the Planning Board has determined that the Subway Restaurant Amended Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED, that Phase I, Subway Restaurant Amended Site Plan, for a 380 sq. ft. addition to the building with an alternate design for a drive-thru window and canopy and patching of existing pavement be approved contingent upon receiving all required signatures and the Chairman authorized to sign.

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*Chairman McAllister clarified that the site plan would have a clear delineation of what is a Phase I change and that this resolution is for approval of Phase I only. Mr. Schultz agreed and will include a separate signature block for Phase I and Phase II.*

Ayes – 6  
Abstain – Mr. Hale

**INFORMAL**

Ledgeale Airpark Site Plan – Lot 5

Mr. Pat Lloyd addressed the Board. He distributed a set of plans for review. The smaller drawing shows the proposed building and setbacks. He is proposing to change the zoning of the parcel from Residential to Light Industrial.

Chairman McAllister explained that the Comprehensive Plan Committee recommended changing the zoning to Light Industrial, which has stricter setback requirements and would protect the surrounding residents. Mr. Lloyd still needs to apply to the Town Board for a zoning change.

Mr. Lloyd explained that he visited the residents to explain what he would like to do and get their feedback. So far no one has been against the project. He is now looking for the Planning Board's opinion and any recommendations. The setbacks for Light Industrial on this property would end up allowing a pencil-size building. Setbacks were discussed.

Mr. Hale asked what type of business is proposed. Mr. Lloyd stated plumbing. Chairman McAllister stated the original request at the Comprehensive Plan meeting was for a storage building, which fits nicely under Light Industrial. He suggested instead of a storage building call it a retail building and rezone it to Retail-Business.

Mr. Strabel suggested requesting a larger variance at the front setback across from the airport than at the rear setback by the residents. The shape of the building and various setbacks were discussed.

Mr. Dollard asked if Mr. Lloyd plans to do fabrication on the site. Mr. Lloyd stated yes, but mostly inside.

Chairman McAllister explained the main reason for recommending Light Industrial is that it is so restrictive and would serve as a buffer to the residential zoning. The operation of a building would have to be totally contained within the building.

After much discussion, it was determined that Light Industrial zoning for this parcel is prohibitive. Mr. Strabel suggested approaching the Town Board with rezoning the property Retail-Business with a 100 ft. rear setback instead of the required 25 ft. Light Industrial zoning is too restrictive.

Chairman McAllister will call the Supervisor to discuss this informal application and suggest that rezoning the property to Business-Retail would be the better way to go for all the reasons discussed tonight.

The meeting was adjourned on motion at 8 p.m.

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**Planning Board Clerk**