

**TOWN OF SWEDEN  
Planning Board Minutes  
July 10, 2017**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 10, 2017, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Matthew Minor, Arnie Monno, Wayne Rickman, David Strabel.

Absent: Nat O. Lester, III, Planning Board Counsel.

Also present: Kris Schultz, Schultz Associates; Mike Montalto, Costich Engineering; Daniel Backstrom, SGA Design Group; Eric Schaaf, Marathon Engineering; Jon Daniels, APD Engineering; Jim and Ruth Moore; JoAnn and Mike Palermo; Russ and Cody Johnson; Roland Yaeger.

Chairman McAllister called the meeting to order at 7 p.m., and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Strabel, that the minutes of June 12, 2017, be approved.

Ayes – 4  
Abstain – Mr. Dollard  
Abstain – Mr. Minor

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

Ayes – 6

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

**Taco Bell Amended Site Plan. 4721 Lake Road. 083.02-1-20.13.**

Mr. Jon Daniels addressed the Board and distributed updated plans.

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

**Wal-Mart SC#1993.6265 Brockport-Spencerport Road. 084.01-1-14.112.**

Mr. Daniel Backstrom addressed the Board and distributed updated plans. For clarification, the drawings have been modified separating the architectural drawings from the site plan drawings.

Wal-Mart is proposing an online order pickup service to be located at the side of the building. The new service consists of the customer ordering products online, arranging for a pick up day and time, arriving at the store, and proceeding to a designated parking space under a canopy on the side of the building. Once in the parking space, the customer will call the number shown, and an employee will deliver the order to the car. This new service is especially beneficial to the elderly and families with small children.

Chairman McAllister stated the reason for the second public hearing is for Special Permit approval of the canopy. Because the canopy will not be attached to the building, a Special Permit is necessary for an accessory structure in a commercial-zoned area.

**TOWN OF SWEDEN  
Planning Board Minutes  
July 10, 2017**

Mr. Backstrom addressed several items from the last meeting. The issue with the existing orange colored door has been resolved as shown on Sheet A2. There will be no orange color on the building as it will match the existing color scheme. The canopy will no longer be orange, but the cobblestone “brown” color shown.

Mr. Hale arrived.

Mr. Backstrom also addressed the bollards and dimension issues. Details have been provided on the plan showing the replacement of the bollards in front of the striped aisle, which are in front of the parking spaces at each corner. Also, shown are the dimensions from the canopy to the building, from the edge of the drive aisle to the striped area, and dimensions of the striped area and parking spaces.

Ruth Moore, 4 Talamora Trail – Mrs. Moore asked what are the dimensions of the free-standing canopy. Mr. Backstrom stated approximately 76 ft. long by 20 ft. wide and 2 ft. from the building. It is approximately 27 ft. from the striped area. Ms. Moore confirmed with the Board there is no orange. She stated when visiting Buffalo, there was an existing online service at the Wal-Mart, and she thought the orange color looked awful.

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

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

Ayes – 7

**4969 Sweden Walker Road Subdivision – 2 Lots. 084.04-1-24.**

Mr. Eric Schaaf addressed the Board. He explained he is representing Michele Johnson and family who own the property on Sweden Walker Road.

The applicant is proposing to split the ±10-acre property in half. Lot 1, with the existing structures, meets all code requirements, and Lot 2 will remain vacant for now. To develop Lot 2, site plan approval from this Board will be required.

Mr. Strabel asked where the existing septic system on Lot 1 is located. Mr. Eric Schaaf stated to the north of the lot. The existing location should be shown on the plan as a “reputed location of septic system” to make sure property lines aren’t crossed. Mr. Schaaf agreed.

Mr. Strabel complimented the owners for the nice job in cleaning up the property.

Mr. Minor asked that it be noted on the plan that approval is required for development of Lot 2. Mr. Schaaf indicated it was already noted in the signature block area.

Moved by Mr. Strabel, seconded by Mr. Minor, that the 4969 Sweden Walker Subdivision – 2 Lots be accepted for review.

The Board requested that the signature block also include the Town Engineer.

Ayes – 7

The public hearing will be August 14, 2017.

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**July 10, 2017**

**Jo Jo's Bake Shop Site Plan. 2422 Colby Street. 084.04-1-39.**

Mr. Michael Palermo addressed the Board. He is the owner of the property and is proposing to add a walk-in cooler to the outside of the building on the west side with the entrance door opening into the existing building.

Mr. Strabel indicated the plan shows an asphalt handicap ramp going to the existing building. There is also a new dumpster enclosure shown. Some pine trees will be removed.

Mr. Minor asked if the property received a variance for the depth of the lot, which is less than the required 200 ft. The Clerk will need to look into this.

Mr. Monno stated the septic system is shown on the abutting airport property to the north. Is the tank also on that property? Mr. Palermo stated the tank is also on the airport property. The Clerk indicated an easement has been provided showing access to the septic system.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Jo Jo's Bake Shop Site Plan be accepted for review.

Mr. Monno recommended that an application be made to MC Planning & Development for review. The Board would like to see a location map shown on the plan.

Ayes – 7

The public hearing will be August 14, 2017.

**Taco Bell Amended Site Plan. 4721 Lake Road. 083.02-1-20.13.**

Chairman McAllister continued review of the application. Mr. Jon Daniels explained he is representing Hospitality Syracuse Inc., who is proposing an expansion to the existing Taco Bell Restaurant. The expansion consists of a walk-in cooler extending out the northwest corner of the building. The existing mulch bed and shrubs will be removed and replanted. All site signage and the façade will be updated, as well as the dumpster enclosure will match the exterior of the building. The front patio will be remodeled and the ADA curbing in front of the parking spaces will be brought into compliance.

MRB Comments – dated May 31, 2017.

1. PIF revised and copy sent for file.
2. DEC report and map attached for clean-up site. No concerns.
3. Signage is approved through the Building Department. Variances may be required.
4. Sign details have been removed from C3.
5. Elevations for new dumpster enclosure will be provided.
6. No new lighting is proposed, all existing lighting to remain the same.

Fire Marshal Comments

- Fire alarm system will be updated.
- Sprinkler system in kitchen remains the same.
- A knox box will be installed.

Stormwater Comments – none.

ECB Comments – favorable comments for replanting shrubs.

**TOWN OF SWEDEN  
Planning Board Minutes  
July 10, 2017**

Mr. Dollard asked if permission from the property owner, Wegmans Food Market, was obtained. Mr. Daniels indicated that the property owner is aware, but isn't sure what has legally been completed.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Taco Bell Site Plan located at 4721 Lake Road, which was accepted for review on June 12, 2017, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on July 10, 2017, 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, Fire Marshal, and Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Taco Bell Amended Site Plan is an unlisted action which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Taco Bell Amended Site Plan be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 7

**Wal-Mart SC#1993. Amended Site Plan/Special Permit E. 6265 Bkpt-Spen Road. 084.01-1-14.112.**

Chairman McAllister continued review of the application.

Mr. Daniel Backstrom addressed the Board. The proposed lighting for this project was discussed. It will be dark sky compliant with no spillover light at the property line. A lighting contour plan and/or final photometric sheet will be submitted by Wednesday.

Additional notes have been added to the plan in case the grease separator tank located outside underground needs to be removed. Bollard locations will remain as shown on the plans.

Mr. Backstrom confirmed with the Board that pavement signage is not regulated by the Town. Is there any concern regarding the color of pavement signage? The Planning Board doesn't approve signage. The public at the meeting had no objection to pavement signage painted orange.

Mrs. Moore asked how long will construction take. Mr. Backstrom indicated once contractors are onsite, work would take approximately a month to complete.

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

WHEREAS, the Town of Sweden Planning Board has received applications for Amended Site Plan and Special Permit approvals of the Wal-Mart SC #1993 Site Plan located at 6265 Brockport-Spencerport Road, which was accepted for review on April 24, 2017, and

WHEREAS, the Town of Sweden Planning Board held public hearings on May 22, 2017 and July 10, 2017, and all persons wishing to be heard were heard, and

**TOWN OF SWEDEN  
Planning Board Minutes  
July 10, 2017**

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, comments of the Town Engineer, Environmental Conservation Board, Fire Marshal, and Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of these applications, and determines that the Wal-Mart SC #1993 Amended Site Plan and Special Permit are unlisted actions which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Wal-Mart SC #1993 Amended Site Plan and Special Permit be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

*Discussion took place as to whether the Special Permit approval should have a separate resolution. The Board determined that both amended site plan and special permit approvals be under one resolution.*

Ayes – 7

**Runnings Store Amended Site Plan. 4828 Lake Road. 084.01-1-2.21.**

Mr. Michael Montalto addressed the Board and distributed updated drawings. He stated that the LP Station has been included on the plan between the buildings. Based on the information supplied by Mr. Strabel, all required setbacks have been met per code.

Mr. Montalto reviewed the proposed changes from the last meeting, which the Board was very pleased with. The removable bollards have been changed to use pre-cast concrete bollards placed seasonally on the outside edge of the greenhouse. Details have been added to the plan.

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received applications for Amended Site Plan and Special Permit (Spring/Summer Greenhouse) approvals of the Runnings Site Plan located at 4828 Lake Road, which was accepted for review on May 8, 2017, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on June 12, 2017, 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, Fire Marshal, and Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of these applications, and determines that the Runnings Amended Site Plan and Special Permit are unlisted actions which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Runnings Amended Site Plan and Special Permit be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

*Chairman McAllister asked if the Special Permit should specifically list the months for the seasonal greenhouse. The current plans indicate spring and summer, which was sufficient for the Board. The Clerk will add same verbiage to resolution.*

Ayes – 7

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**July 10, 2017**

**INFORMAL**

**Yaeger Site Plan**

Mr. Kris Schultz addressed the Board. He introduced his long-time applicant, Roland Yaeger. Mr. Yaeger owns residential property on Sweden Walker Road, which he would like to develop, but has had difficulty over the past seven or eight years with obtaining public water. The property is too small per Town requirements for a septic system and well. Perc tests show that a modified system would be required for which 150,000 sq. ft. and 260 ft. of frontage is required per Town code. The property is approximately 66,000 sq. ft., well below the requirement.

Mr. Schultz discussed Mr. Yaeger's attempts to obtain public water. They range from the Clarkson/Ridge Road new developments to being an out-of-district resident to installing water himself, which the costs far exceed the return of developing the lot. A variance from the ZBA appears to be the only option left. Chairman McAllister stated he believes the ZBA would be setting a precedent in granting a variance.

The Town of Sweden is one of the only towns that have lot sizes dependent upon the leach system. The Town of Clarkson and Town of Ogden rely on the regulations of the Department of Health for separation of wells and leach systems. Chairman McAllister stated the DOH started the five-acre requirement years ago, and then modified their requirements. The Town code was not updated to reflect the DOH's changes.

An application has been made to the ZBA. Mr. Yaeger is looking for a recommendation from this Board to present at the zoning hearing. Chairman McAllister explained that this is a site plan issue. The Planning Board would have to refer the application to the ZBA. Both Boards need to be involved.

Chairman McAllister stated the two issues are that public water is not available and the distance from the well to the septic would only work once. Mr. Schultz indicated that there are several proposed locations for wells, and from his experience, a sand bed system usually never fails, and if it does, can be repaired in the same area.

Mr. Schultz added that the DOH's requirements are 10 ft. from the lot line for a modified system, and 100 ft. from the lot line for a full raised system. Mr. Monno asked if other perc tests have been done. Mr. Schultz stated yes, several, and all had good results with a trace of mineral deposits.

It was determined that this lot was created as a result of a previous subdivision and would have to be approved formally by the Planning Board. In summary, the Town's requirements for a modified septic system and a well do not support a property this size. Plus, the property requires subdivision approval. Subdivision approval for the existing lots was discussed.

It was suggested that a request be made to the Town Board to update the Town code for septic system and well installation to align with the Department of Health requirements. Mr. Schultz will contact the Town Board to attend the next available meeting to discuss changing the code. The Board agreed. Planning Board Counsel will be notified. It was also suggested that Mr. Schultz discuss the matter of parking requirements for commercial projects.

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**July 10, 2017**

**The Alleghany Square Overall Site Plan/Phase 1. Isla Way/Persistence Path. 068.03-1-18.111 (part of).**

Mr. Schultz stated since he would be attending a future Town Board meeting, could he have a revote of the motion requesting approval from the Town Board for Section 278 of Town Law for this project. The first motion failed due to not receiving a majority of the vote.

Moved by Mr. Rickman, seconded by Mr. Minor, that pursuant to Section 278 of the Town Law, the Planning Board requests that the Town Board, by local law ordinance, authorize the Planning Board to approve the Alleghany Square Site Plan – Phase 1 as requested by Schultz Associates.

Ayes – 5  
Abstain – Mr. Strabel  
Nay – Mr. Hale

Mr. Hale asked, with regret, for a special recognition for Mrs. Betty Fluker, who recently passed away. She was an original member of the Planning Board, and later became Clerk. She was a nice person and a great asset to the Board.

The meeting was adjourned on motion at 9 p.m.

Respectfully submitted,  
Phyllis Brudz  
Planning Board Clerk