

**TOWN OF SWEDEN  
Planning Board Minutes  
July 11, 2011**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 11, 2011, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Strabel

Also present: James Oberst, Town Engineer, James Butler, Building Inspector, Kris Schultz, Schultz Associates, Stu Chait, Chait Studios, Dave Bentley, Tom DeSeyn, John Majcher

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

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of June 13, 2011, be approved.

Ayes – 5

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

Ayes – 5

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

Mr. Hale arrived.

**Time Warner Cable Amended Site Plan. 578 East Avenue. 069.02-2-3.2**

Mr. Stu Chait addressed the Board. He introduced Mr. Tom DeSeyn from Time Warner to answer any technical questions.

Mr. Chait distributed updated copies as a result of receiving final review comments. The plan includes a lighting detail, which shows where, how many, and type of exterior lighting. Erosion control was addressed by placing silt fencing in a couple strategic areas on the plan.

Chairman McAllister asked if there were any questions, comments or concerns. The Clerk stated she received a call from Mr. Robert Iveson, 576 East Ave, regarding this project, and he had no objection whatsoever.

**Majcher Subdivision. 191 West Sweden Road. 082.04-1-3**

Mr. Kris Schultz addressed the Board. He distributed maps showing Lot 1, ± 2 acres, the existing house and accessory structures, and remaining lands, ± 24 acres, with no improvements.

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

**Bentley Brothers, Inc. Amended Site Plan. 5605 Brockport-Spencerport Road. 084.02-1-38**

Mr. Kris Schultz addressed the Board.

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

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

Ayes – 6

**Time Warner Cable Amended Site Plan. 578 East Avenue. 069.02-2-3.2**

Mr. Chait addressed the Board.

MRB Comments

Mr. Chait stated that the comments dealt with erosion control and the type of lighting. The lighting is now located on the site plan and is dark sky friendly, wall mount, 70 watt, high-pressure sodium, which will not shoot out much more than 20 ft. on the ground. Two of these fixtures will be on a timer.

Silt fencing detail is now on the plan.

County Comments

East Avenue should be noted as County Route 221.

Mr. Oberst confirmed that the location of the lighting was shown on the plan. Mr. Chait stated yes. Mr. Oberst is okay with the plan.

Mr. Chait explained that the County requested a tie off distance to a county road. Mr. Chait stated there already was a tie off distance to a town road and thought that would be satisfactory. The Board agreed because the lot lines were not changing.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval from Time Warner Cable, located at 578 East Avenue; and

WHEREAS, the Planning Board held a public hearing on July 11, 2011, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Monroe County Department of Planning and Development, Environmental Conservation Board, and the Fire Marshal;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sweden Planning Board determines that the Time Warner Cable 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 Time Warner Cable amended site plan be granted final approval and the Chairman be authorized to sign.

Ayes - 6

**Majcher Subdivision. 191 West Sweden Road. 082.04-1-3**

Mr. Kris Schultz addressed the Board. The reference to the remaining lands has been changed per the Board's request at the last meeting.

MRB Comments

- Wetland has been noted on the plan (Mr. Schultz distributed a map showing the wetland isolated in the woods).

Fire Marshal and Environmental Conservation Board – No comments.

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County Comments

- Standard comments have been addressed.

Chairman McAllister asked if the MC DOH has reviewed and signed the plan. Mr. Schultz stated the plan doesn't need to be reviewed because there is no change to the sanitation. Chairman McAllister disagreed due to the fact that the lot is being made considerably smaller and it is on well and septic. Discussion followed. Mr. Schultz agreed to obtain the DOH's signature/stamp and then return for the Chairman's signature.

Mr. Minor asked for a spelling correction to the word residential on the plan.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Majcher Subdivision, located at 191 West Sweden Road; and

WHEREAS, the Planning Board held a public hearing on July 11, 2011, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sweden Planning Board determines that the Majcher 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 public hearing be waived, the Majcher Subdivision be granted final approval contingent upon receiving the Monroe County Department of Health's approval, and the Chairman be authorized to sign the mylar.

Ayes – 6

**Bentley Brothers, Inc. Amended Site Plan. 5605 Brockport-Spencerport Road. 084.02-1-38**

Mr. Kris Schultz addressed the Board. He explained that over the years, there have been many different tenants competing and conflicting with the space. Now, there is just one tenant, Bentley Brothers. Also, there have been several takings by the State, i.e. the latest being the heavy curve radius. There has been a history of using the land between the two drives for a display area. Chairman McAllister added as a result, there has been a long history of the Town's code enforcement visiting the site to correct this.

Mr. Bentley has gone through the State to get permission to use some of the land for product display; a copy of the agreement is on the second sheet of the plan.

Mr. Schultz explained that by taking the existing parking area and proposing an area that runs 25 ft. parallel to the blacktop parking on the west side (saw tooth) and the remaining area is equal to 30 percent, which meets the Town's requirement for open space. This still leaves a significant amount of space for product display, as well as all the improvements. The site has more parking than it needs based on the square footage of commercial use in the building; 22 spaces versus 44 spaces on the site. All of the spaces along the building and on the east side would be labeled as customer parking (22 spaces). The balance of the striped parking spaces in the middle and along the outside would be an area for display.

Mr. Hale asked if employee parking was covered. Mr. Schultz stated the 22 required parking spaces includes both employee and customer.

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There are carports located on the east side of the building for sale. The survey showed that the southerly one was over the R.O.W. line. Mr. Bentley stated he would relocate it within the site. Chairman McAllister confirmed that the product display adjacent to the southeast area of the parking lot is not permitted, and that the existing note regarding this should be removed.

Mr. Schultz addressed the site lighting. All existing lighting has been located, and the type of fixture and size of lamp has been provided in a lighting detail. The Town Engineer requested a model number for each lamp, which Mr. Schultz is in the process of addressing, however, light spill is acceptable.

Fire Marshal – No comments.

Environmental Conservation Board – No comments.

County Comments

- Standard comments, an agricultural data statement should be completed.
- MCDOT stated if the accesses are changed, a permit is required.
- MCDOH stated if there were more discharge to the septic, a revised system would be necessary.

Mr. Hertweck asked if the carport was located in the parking lot. Mr. Schultz stated it was hanging over the R.O.W. Mr. Bentley stated the carport still hasn't been moved.

Chairman McAllister explained that previously it was discussed that the display area would not have blacktop, and that it would be treated as reserved parking or land banked. Tractors, lawn mowers, etc. could easily be displayed on grass. Mr. Minor stated it was determined that the ability to provide parking is there, but the applicant chooses not to use it because it's not needed. Chairman McAllister asked how it would be delineated for code enforcement purposes. Mr. Schultz stated a detail has been provided on the second sheet showing a 25 ft. dimension off the edge of pavement that can easily be monitored.

Mr. Dollard asked if there would be changing of oil or if there was a work bay inside for repairs. Mr. Bentley stated there would be minor repairs.

Mr. Monno asked if the driveway behind the building was being used. Mr. Bentley stated no and that it is paved.

Mr. Dollard asked what type of drain was used for oil changes. Mr. Bentley stated there is no drain. Mr. Dollard asked if there is any painting on site. Mr. Bentley stated no.

Mr. Butler stated the type of construction should be changed to Type II construction instead of masonry. Mr. Butler asked if the usage of the other half of the building is going to change. Mr. Bentley stated yes it would be used for minor repairs. Mr. Butler stated that would constitute a change of use and a new certificate of occupancy would be required.

Mr. Minor asked with the minor repairs, what happens to the oil. Mr. Bentley stated all the waste oil is collected and brought over to the Albion store to burn. Also, what happens to the crates the equipment is brought over in. Mr. Bentley stated a company is called to take the crates away.

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Mr. Dollard asked if there was a dumpster on site. Mr. Bentley stated yes, one for garbage and one for cardboard. It was requested that the dumpster location be shown on the plan.

Chairman McAllister asked if the minor repairs would be done on his own equipment or operated as a public garage. Mr. Bentley stated both.

Mr. Butler asked what are the plans for the rest of the building as far as display or modifications. Mr. Bentley stated there would be modifications to the repair area so that it is bigger.

It was determined that Mr. Bentley would need to make an application to the Planning Board for a Special Use Permit E to operate as a garage. Mr. Schultz asked if there were any items the Board is looking for with the Special Use Permit E. Chairman McAllister stated drainage and the capture of oil. Mr. Oberst asked if there would be any storage of oil onsite. Mr. Bentley stated there would be 55-gallon drums of oil. No fuel is kept onsite.

Mr. Oberst asked what type of signage would be installed. Mr. Schultz stated there is a proposal to upgrade the signage on top of the building so there is one sign, not several. Mr. Bentley will get a new sign permit.

Mr. Oberst asked if the Fire Marshal had any concerns with emergency vehicles getting around the side of the building with the carports at that location. Mr. Schultz doesn't foresee any issues, but he will double check with the Fire Marshal.

Mr. Dollard asked if there were any concerns with the parking of vehicles on the septic system. Mr. Schultz stated lawn mowers would only be parked on the septic system, which is normal.

Mr. Butler asked if there are any other products going to be sold as part of the business. Mr. Bentley stated no just his business.

Moved by Mr. Hale, seconded by Mr. Hertweck,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval from Bentley Brothers, Inc., located at 5605 Brockport-Spencerport Road; and

WHEREAS, the Planning Board held a public hearing on July 11, 2011, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Monroe County Department of Planning and Development, Environmental Conservation Board, and the Fire Marshal;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sweden Planning Board determines that the Bentley Brothers, Inc. 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 Bentley Brothers, Inc. amended site plan be granted final approval contingent upon receiving the signature of the Town Engineer and the Chairman be authorized to sign.

Ayes - 6

The meeting was adjourned on motion at 8:30 p.m.

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**Planning Board Clerk**