

**TOWN OF SWEDEN
Planning Board Minutes
September 11, 2017**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 11, 2017, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Wayne Rickman, David Strabel.

Absent: Matthew Minor, Arnie Monno.

Also present: Nat O. Lester, III, Counsel, James Oberst, MRB, Kris Schultz, Schultz Associates; Andy Gabbert, Burns and McDonnell, Richard Maier, Maier Land Surveying; Nancy Harkin; Tony Gianni; Chris Pape.

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. Dollard, seconded by Mr. Hale, that the minutes of August 14, 2017, be approved as amended.
Mr. Hale requested that the names of Frank Sacheli and Libby Caruso be added to the minutes as also present. They didn't sign in, but were in attendance. The Board agreed.

Ayes – 5

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

Ayes – 5

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

Fogg Subdivision and Site Plan.1681 Reed Road.128.02-1-3.13.

Mr. Kris Schultz addressed the Board. The applicant is proposing a single family home. A subdivision plat has been distributed. The property was split by deed, but never approved by this Board. The location of the house is unique in that it is quite a distance from the road for privacy. The house will be served by septic and well.

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

4665 Lake Road Amended Site Plan. 083.02-1-23

Mr. Andy Gabbert, Burns & McDonnell, addressed the Board. Since the last meeting, a survey has been completed and the measurements are pretty close to what was shown on the original plan. Because the 71/2 ft. buffer was not taken into consideration on the original plan, the design has shifted slightly to accommodate it, except for the north side of the property where it remains the same as before, 0 ft. A variance will be requested.

Currently, the plan shows open space at 21 percent, which is less than what is required at 30 percent. KFC likes to have a minimum of 20 parking spaces to conduct business, which is over what is required per code. If the Board requests additional greenspace, more parking spaces could be eliminated. To date, 20 parking spaces have been changed to 19 to allow for more greenspace from 21 to 25 percent. A variance will be requested.

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An updated landscape plan has been submitted. Chairman McAllister stated for the public this is the old Arby's property, which is being demolished, and a KFC is proposed.

Chairman McAllister asked if there were any questions, comments or concerns.

Nancy Harkin, 4698 Lake Road – Ms. Harkin explained she lives across the street from the project. When the old Burger King, next to the proposed KFC, was closed down, an incident occurred, which affected many neighbors across the street. There was a severe gas smell in her house. The gas company determined after spending 20 hours digging up her entire lawn that there was a gas leak from the old Burger King. The gas lines go across to the east side of the road, and when the gas was shut off, a gas line broke causing the gas to leak. Ms. Harkin is very concerned that something similar may happen when the KFC is built. She received a letter from the gas company that the gas lines are going to be replaced and easements put in place. She added that the gas company indicated that when the gas line was dug up, it was noted that other pipes were not in the greatest of shape as well. She is very concerned about the utility lines.

Chairman McAllister stated those are valid concerns, however, the Planning Board does not control when the pipes are replaced or repaired, just that service is available for planning purposes. Mr. Strabel stated a similar situation happened on Crestview Drive and the pipes were replaced. He is not sure of the schedule as to what area is next. MCWA is responsible for maintaining the water lines.

Mr. Hale asked when the incident took place. Ms. Harkin stated two years ago. She added she received a letter on August 23rd from Bergman Associates regarding redesigning the gas pipes. Hopefully, this means the pipes are going to be replaced.

Ms. Harkin had one last comment that the proposed KFC utilizes a covered trash container as there is always a problem with trash being blown all over. Mr. Gabbert clarified that she is addressing the container itself and not the dumpster enclosure. Ms. Harkin agreed.

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

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

Ayes – 5

Spinosa Subdivision and Site Plan. Beadle Road. 099.03-1-25.1.

Mr. Kris Schultz addressed the Board. He distributed a subdivision plat as this was the same as the previous project where it was created by deed and not approved by this Board.

Mr. Schultz stated the property is approximately 22 acres and is serviced by well and septic. The perc tests were done farther north than desired with reasonable results considering it is Beadle Road. The property goes way back crossing the power lines.

Moved by Mr. Hale, seconded by Mr. Rickman, that the Spinosa Subdivision and Site Plan be accepted for review.

Ayes – 5

The public hearing will be October 23, 2017.

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Jo Jo's Bake Shop Subdivision. 2422 Colby Street. 084.04-1-39.

Mr. Rich Maier addressed the Board. He explained that the applicant is acquiring additional land at the rear of the property, which will now include the septic system.

Chairman McAllister asked if there were any issues with the airport in that it is selling property. Mr. Maier stated not as far as he knows.

Moved by Mr. Strabel, seconded by Mr. Hale, that the JoJo's Bake Shop Subdivision be accepted for review.

Ayes – 5

The public hearing will be September 25, 2017.

Fogg Subdivision and Site Plan.1681 Reed Road.128.02-1-3.13.

Chairman McAllister continued review of this application.

MRB Comments – August 30, 2017

1. MCDOH will approve septic system design.
2. The footprint of the existing barn is now detailed on the plan.
3. A spot elevation of the driveway is shown on the plan to ensure adequate coverage of the culvert. There is a good foot of cover to avoid issues in the winter.
4. MCDOT will review the location of the driveway and layout/design of the proposed driveway apron. Plans were submitted early for review due to sight issues. The best location will be approved as well as possible road signage to help.
5. A SWPPP was submitted to the Town Engineer tonight for review. The Clerk requested a copy be sent to the Town as well. Mr. Schultz agreed to send both paper and an electronic copy.
6. The Fire Marshal should review and approve the driveway turnaround location/design, which was done.

Fire Marshal Comments

1. The turnaround should be 20 ft. x 50 ft., hammerhead design – done.
2. An address post is requested at the end of driveway with 5 inch letters – done.

Building Inspector/Stormwater Comments

- SWPPP submitted – done.
- Driveway turnaround should be shown – done.

ECB Comments

- Mr. Schultz explained the applicant is building in the trees for privacy. To protect the septic system from roots, some trees will be removed.

DRC Comments

1. The agricultural note has been added to the plan and proper notices were sent out by the Clerk.
2. Standard comments have been addressed. MCDOT asked whether the driveway culvert was in the R.O.W. It is not in the R.O.W.

The Town Engineer is satisfied with the plans except for reviewing of the SWPPP.

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

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision and site plan approval of the Fogg Subdivision, located at 1681 Reed Road, which was accepted for review on August 14, 2017, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on September 11, 2017, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Fire Marshal, Building Inspector/Stormwater Manager, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Fogg Subdivision and Site Plan is an unlisted action which will not have a significant impact on the environment, and grants the subdivision preliminary approval.

Ayes – 5

4665 Lake Road Amended Site Plan. 083.02-1-23

Chairman McAllister continued review of this application. Mr. Gabbert indicated that the plan to start construction has been moved to January 2018. Variances must still be granted. The Town Engineer is satisfied for the most part except for a few minor concerns.

MRB Comments – August 29, 2017

1. A 7-½ buffer will be provided along the west and south property lines, but not the north. (See Sheet 2)
2. Trash pickup will be scheduled for early morning or late evening after close of business to access the trash enclosure. Turning movements have been provided on Sheet 6.
3. Twenty parking spaces have been reduced to 19, which is as far as it can according to KFC's business plan. A variance has been requested through the ZBA. Parking spaces closest to the entrance are located behind the required 25 ft. open strip of land from the public highway boundary. Mr. Oberst asked why the spaces were changed from angled parking spaces to 90 degree parking spaces. Mr. Gabbert stated the 90 degree parking spaces are much more efficient. Plus, there would be a loss of an additional parking space if kept at an angle.
4. Landscape plan has been revised to show proposed trees for that location and trees have been selected per NYSDOT intersection clearance guidelines. The sidewalks will not be disturbed.
5. Full survey plans including boundary and topo have been provided.
6. Utility plans have been provided showing all proposed improvements and connections.
7. A landscaping plan detailing the specific plantings proposed has been provided.
8. A sedimentation and erosion control plan has been provided. Details to be added.
9. No work is planned at this time in the R.O.W., but should that change, it will be coordinated with NYSDOT and the Town.
10. Directional signs are proposed at the entrance and exit with details included on the plan.
11. The Fire Marshal has reviewed the plans for accessibility issues in regards to emergency vehicles. See comments below.
12. A lighting contour plan has been provided to include a photometric plan. All lighting is dark sky compliant with shields to reduce the amount of light going beyond the property line. The only building mounted lights are at the top of the building and they shoot down at the building. No wall pacs.

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13. There will be two HVAC units on top of the building just below the parapet and will be screened from public view. The grates and inlets are being replaced. If an existing pipe needs replacement, it will be replaced same size, same location.
14. Signage is proposed on the building and will be approved by the Building Department. Elevations are shown.
15. A grease trap will be provided and will coordinate with MCWA.
16. An engineering report for the RPZ unit will be provided to MCWA and MCDOH.
17. Dumpster enclosure details have been provided. The color of the dumpster will match the building.

ECB Comments

1. A variance will be requested for open space, which has increased by nearly 15 percent with this project.
2. Based on the new survey, updated numbers were submitted for impervious/pervious areas.
3. The proposed site is an improvement over what currently exists. Open space has increased from 10.8 to 25.8 percent.
4. Vegetation will not be disturbed beyond the property line, and a portion of the shrubs towards the northern entrance are now shown as saved. Some existing vegetation will be removed to make a pedestrian connection to the existing sidewalk.
5. The landscape plan has been provided to show the incorporation of native trees and shrubs.

Fire Marshal Comments

1. A knox box will be provided.
2. Address numbers will be 5 inches on the building.
3. The drive lane provided is 24 ft. wide with a clear path well over 26 ft. wide. A truck radius has been provided. A truck will need to perform a 3-point maneuver at the west end of the site to fully make the turn. Otherwise, it will need to pull in and back out.
4. The drive-thru overhang, 12 to 18 inches off the building, will not interfere with the fire trucks.
5. The proposed building is significantly thinner than the current building, which allows for an increase to the width of the drive. A retaining wall will not be utilized.

Highway/Sewer Comments

1. The project will connect to the existing sanitary lateral, which will be inspected prior to construction and replaced if needed.
2. The property entrance or existing sidewalks along Rte. 19 will not be modified as shown on the new survey.

DRC Comments - Standard comments addressed.

MRB is satisfied with the responses. Erosion control and stabilized construction details should be added to the plan.

The Board finds the proposed project a big improvement to the site, and recommends the project to the ZBA.

The applicant will attend the next planning meeting on September 25, and the ZBA hearing on September 26.

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

Respectfully submitted,
Phyllis Brudz
Planning Board Clerk