

**TOWN OF SWEDEN  
Planning Board Minutes  
January 8, 2007**

A regular meeting of the Town of Sweden Planning Board was held on Monday, January 8, 2007, 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

Absent: None – one vacancy

Also present: James Oberst, MRB, James Butler, Building Inspector, Whitney Autin, ECB, Christian Brunelle, Harold Mundy, Richard Dollard

The meeting was called to order at 7:00 p.m. by Chairman McAllister.

Correspondence passed to members for review.

Moved by Mr. Minor, seconded by Mr. Hertweck, that the minutes of December 11, 2006 be approved.

Ayes – 5

Moved by Mr. Monno, seconded by Mr. Hale, that the Planning Board Rules and Schedule for 2007 be adopted.

Ayes – 5

Member Bahr arrived – 7:05 p.m.

**Byrne Dairy/Gas Station Amended Site Plan and Special Permit E**

Mr. Christian Brunelle addressed the Board. Chairman McAllister asked if the ZBA public hearing went well? Mr. Brunelle stated that the public hearing was held on December 18, 2006. The Board decided that an area variance wasn't needed, however, would grant one so that Byrne Dairy wouldn't have any problems in the future. Also, the Clerk stated that first an interpretation was given stating that the Board didn't consider the Rossi property (a.k.a. Grentzinger Plaza) a shopping center or plaza because there wasn't a legal definition for either one in the Town code.

Chairman McAllister asked Mr. Brunelle to go over the comments received.

**Fire Marshal Comments**

1. Information on fiberglass tanks provided; they will be double wall fiberglass tanks manufactured by Containment Solutions. Fiberglass tanks are required by DEC, which doesn't allow for very much flexibility. The tanks come with a 30 year warranty.
2. Piping – a sample of the piping was shown to the Board, which is UL9671, which was required about a year ago by the DEC and EPA. It is a polymer-type plastic. The piping has a double wall with sensors underneath, and a third wall or sleeve for extra protection. Byrne Dairy goes above and beyond with the third sleeve for an additional investment.
3. Leak detection devices are checked by the store manager daily and the DEC weekly with a printed report produced. The DEC will randomly audit the tank monitoring system, and so far Byrne Dairy has been at 100% compliance.

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4. Fire suppression at the island is a NYS fire code, UL1254, and is mandatory. Two years ago it was changed from 5 mph winds to 10 mph winds, stricter standards. This is also checked by the DEC and EPA.
5. Knox box installation for fire department emergency access. Mr. Brunelle will obtain an application from the Planning Board Clerk.

Town Engineer Comments

1. Specs were provided on the drawing, but were very small and hard to read, for the raised islands and proposed bollards. The specs were referenced out as "petroleum dispenser on a 3'x8'x9' raised island with U-shaped bollards" so that they are easier to read.
2. A Spill Pollution Control and Countermeasure Plan should be provided to the Town as required by NYSDEC and USEPA for fueling facilities and underground storage tanks. Mr. Brunelle explained that plan doesn't apply in this case, and he distributed a copy of an email from Kevin Kemp, NYSDEC environmental engineer, which states, "most gas stations fall under the 42,000 gallon threshold." The EPA website was also referenced as proof that this criteria doesn't apply to Byrne Dairy. Mr. Oberst asked if a spill were to happen is there a plan of action in place? Mr. Brunelle stated that "peat sorb" and two 40lb bales are used to soak up the gasoline spilled on site. A spill kit is kept in the back room of the store, which the staff is trained to use. Also, a fuel book and spill log are kept on site. Any spill more than five gallons on an impervious surface must be immediately called to the DEC.
3. Under the PBS law, underground tanks must be registered with the NYSDEC. Mr. Brunelle agreed, and stated the tanks will be registered at the time of installation.
4. A lighting contour plan for the proposed site and canopy will be provided. Mr. Brunelle distributed a copy of the lighting proposal showing the location of the lights, and that the lights are fully recessed with no spill. The lighting poles are 15 ft. high for ease of maintaining. The type of lighting is identical to the Byrne Dairy store in Chili.
5. Elevation plans showing specific colors of the building, canopy and dumpster enclosure have been provided. Mr. Brunelle stated that the building's existing colors would stay the same (white canopy, tan siding), just interior renovation.
6. On site directional signage has been installed on the west side for traffic entering off Sweden Walker Road for both farm and store traffic.
7. The hours of operation at this facility will be 24 hours; all Byrne Dairy stores are open 24 hours.
8. Outdoor speakers are proposed for intercom reasons and the clerk's safety. Generally, there is soft music played. Mrs. Bahr asked if the music could be shut off at a certain time? Mrs. Bahr was concerned for the residents living around the area and the noise that would be generated. Mr. Brunelle agreed to take care of her concern.

Environmental Conservation Board Comments

The ECB would like to see the five small trees relocated on site. There was some confusion because there will be 10 trees on site, 4 existing and 6 additional trees planted.

Monroe County Planning & Development

1. Agricultural Data Statement completed.
2. Site plans will show the proposed sediment and erosion control methods and locations to be used during construction.

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DRC Comments

1. Plans will show all proposed methods of temporary erosion/sedimentation control to be used during construction.
2. Plans for the sewage disposal system will be submitted and approved by the MCDOH.
3. Three percolation tests and one deep hole will be done and witnessed by the MCDOH.
4. The developer will inform the supplier of water of its intended use of public water supply.
5. The MCDOH will review any proposed project with a food service establishment.
6. Monumentation will be checked.

NYSDOT Comments

The driveway on Rte. 31 needs to be limited to an entrance only. The driveway on Rte. 260 should be constructed farther south to accommodate exiting customer traffic. Mr. Brunelle met with Mr. David Goehring, NYSDOT, to better understand the above comments and to clear up any confusion. The confusion originated because the DOT was not aware that the driveway on Rte. 260 was a shared driveway, and because DOT wanted to deter truck/trailer traffic from pulling out on Rte.31. A new letter will be submitted to the Town with DOT's updated comments. Mrs. Bahr asked if the driveway on Rte. 260 could be striped for added direction and guidance? Mr. Brunelle agreed to the additional striping, and stated it is paramount that Byrne Dairy has no restrictions on the driveways.

Board Member Minor left – 7:40 p.m.

Discussion followed regarding diesel fuel and new standards. Mr. Butler asked if propane would be sold? Mr. Brunelle stated yes in a cage under the porch according to specific guidelines.

Mr. Monno asked if the fuel dispensing island diagram could show more detail regarding the pitch? Mr. Brunelle stated when the grading plan is completed it will show the elevation spec for the contractor. This is a unique site because the pavement is staying the same. The finished floor and pavement elevations will have to be taken and then work backwards from there.

Moved by Mr. Hale, seconded by Mr. Monno, that having reviewed the Project Information Form, comments from the Town Engineer, County Planning, Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Byrne Dairy Amended Site Plan and Special Permit E are unlisted actions that will not have a significant impact on the environment.

Ayes – 5

Moved by Mr. Hale, seconded by Mr. Monno, that the Special Permit E be approved.

Ayes – 5

Mr. Hale announced that there would be a meeting on Wednesday, January 10, 2007, at the Hill School at 7 p.m. to discuss the Route 531 Extension Project. Hopefully, some members will be able to attend.

The meeting was adjourned by motion at 8:15 p.m.

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**Planning Board Secretary**