

**TOWN OF SWEDEN
Planning Board Minutes
January 14, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, January 14, 2008, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Absent: David Hale

Also present: James Butler, Building Inspector, James Oberst, MRB, Robert Blood, Robert Storie, Jim Meinecke, John Clarke, Joseph Clarke, Harold Mundy, James and Ruth Moore, Richard Hendel, Mark Rabjohn

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. Monno, that the Planning Board Rules and Schedule for 2008 be adopted.

Ayes – 6

Moved by Mr. Hertweck, seconded by Mr. Dollard, that the minutes of December 10, 2007 be approved.

Ayes – 5

Abstain – Chairman McAllister

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

Ayes – 6

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

Donald Shetler Subdivision. Resubdivision of the Rabjohn Subdivision. W. Sweden Road. 083.03-1-17.2

Mr. John Clarke addressed the Board on behalf of Richard Maier. The application is for a two-lot subdivision of a 10-acre parcel. He asked if there were any questions from the public.

Richard Hendel, 298 W. Sweden Road – Mr. Hendel is concerned about the water situation because his well water is poor quality and low quantity. With the possibility of additional houses, and Mr. Shetler's son-in-law's large house, his concern is even greater because already when the son-in-law uses a lot of water, Mr. Hendel's well gets black with sulfur and/or the water is just depleted. Also, this would put a strain on the existing water table.

Mr. Clarke stated it is difficult to judge the strain that will be put on Mr. Hendel's well. It should be noted that all wells proposed for the site would have to be tested prior to taking occupancy. The County will make sure test results are adequate. It's hard to gauge how one well will affect another well.

Mr. Hendel stated he understands, but what does he do if his well runs dry. He explained that his well went sulfur three months after moving in and the water is not drinkable. Bottled water must be bought for drinking and cooking. Well water is used for showers/toilets. The well water is not used for laundry. Again, if the well

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goes dry, his house has no value and life becomes very difficult. Also, there is another neighbor who has water problems, but could not be here tonight.

Chairman McAllister asked how was the water this past summer? Mr. Hendel stated if they were all very careful, and staggered showers three hours apart, the well didn't run dry, just very low.

Mr. John Clarke asked if public water was available. Mr. Hendel stated no, but it's all around us.

Brockport Auto Sales Amended Site Plan. 7617 Fourth Section Road. 082.02-1-30.

Mr. John Clarke addressed the Board. The applicant is proposing to expand the existing parking area for the purpose of showcasing autos that are for sale. Comments have been received from the Town Engineer, ECB and Fire Marshal. A letter was submitted in response to the Town Engineer's comments.

Chairman McAllister asked if there were any questions from the public. There were none.

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

Ayes – 6

Donald Shetler Subdivision. Resubdivision of the Rabjohn Subdivision. W. Sweden Road. 083.03-1-17.2

Chairman McAllister continued review of this application. He read the Town Engineer's request for a letter from the owner stating he is in full agreement with the subdivision. The Clerk explained that the letter is in the process of being sent; there were problems with the fax/email earlier.

The Fire Marshal had no issues.

The ECB stated there were no adverse environmental issues at this time. Also, that the hedgerows shown on the lot line should be retained in keeping with the environmental and rural character criteria.

The Clerk stated comments from the MCP& D have not been received to date.

Mr. Minor requested that agricultural and water statements be added to the subdivision map because the present use is agricultural, and the comment that was made earlier at the public hearing regarding the well water.

Chairman McAllister asked how close does public water come to West Sweden Road? It comes down Rte. 31 and White Road, it just needs to be looped. The Town Engineer stated he isn't aware of public water coming to this area, just to Redman Road.

Moved by Mr. Minor, seconded by Mr. Strabel, that having reviewed the Project Information Form, comments from the Town Engineer, Fire Marshal and Environmental Conservation Board, the Planning Board determines that the Donald Shetler Subdivision, Resubdivision of the Rabjohn Subdivision, is an unlisted action that will not have a significant impact on the environment.

Ayes – 6

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Moved by Mr. Monno, seconded by Mr. Strabel, that the Donald Shetler Subdivision, Resubdivision of the Rabjohn Subdivision be given preliminary approval.

Ayes – 6

Brockport Auto Sales Amended Site Plan. 7617 Fourth Section Road. 082.02-1-30.

Chairman McAllister continued review of this application. Mr. John Clarke distributed updated plans to the Board, which address the Town Engineer's comments.

Mr. Dollard asked how many cars are on the site now and how many are proposed? Mr. Joseph Clarke, applicant, stated he was hoping to decide that tonight. When he came before the Board informally, he had stated three to five cars because he was just starting out. Now, the applicant keeps about 10 cars parked out front.

Chairman McAllister clarified that the Board permits one or two cars. Anymore than that means a full-fledged business is in place, and the parking area should be asphalted, drainage, how oil is stored, and how spills are cleaned should be addressed. Mr. Joseph Clarke stated oil spills are not an issue, and he doesn't sell any cars that leak oil.

Mr. Dollard asked how many cars would the applicant like to have on display? The applicant stated 20 cars. Also, is there a sign in the front at this time? The applicant stated the sign is on the barn/office in back. Mr. Dollard thought 20 cars was a lot.

Mr. Monno asked if the updated map shows the approximate location of the water service? Mr. John Clarke stated yes, and also shown is a proposed small sign at the front. Mr. Strabel commented that the sign was smaller than what's permitted. Mr. Joseph Clarke agreed, but he's not concerned about having a big sign because he sold 60 cars last year without one.

Mr. Minor asked the Town Engineer if he had any issues with the driveway drainage. There were no changes proposed so he has no issues. He also requested that the lamppost located outside the property line be moved onto the applicant's property. Mr. John Clarke stated that would be a preexisting condition. Mr. Minor stated it should be brought into compliance now that the plan is being modified.

Mr. Monno asked for a side view of the parking area. Mr. John Clarke stated he would provide a cross section of the parking detail on the plan.

Chairman McAllister stated it looks like there are nine cars parked across the front now. Mr. John Clarke stated the cars are for viewing so ten cars would work in the front and back. Will bumper blocks be put in to prevent the number of cars from growing? The applicant commented that ten cars would be the limit because the front row is at the setback, and behind the second row, there are large old trees and the landscape is uphill.

Mr. Dollard asked if the office was in the house? The applicant stated no it is in the barn with a large paved area in front for parking.

Chairman McAllister stated crushed stone is better for this type of operation. Mr. Oberst agreed with respect to runoff. Mr. John Clarke stated he would use about 8 to 12 inches of stone.

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Mr. Minor confirmed that the parcel is zoned commercial, setbacks have been met, and that there are sufficient turnarounds for the driveway.

Chairman McAllister asked that the signage location be confirmed, but that the size of the sign would be approved by the Building Department. Mr. Monno asked what type of sign lighting is proposed? The applicant stated small ground lighting would be used.

Mr. Hertweck asked if NYS Inspections would be done? The applicant stated no, that he only repairs his own vehicles.

Mr. Oberst stated the signature block for the Water Superintendent should be deleted.

Mr. Monno asked if the driveway lights are fed from the house? The applicant stated yes, the 110 electric runs the two lampposts at the end of the driveway. When the sign is installed, all the electric will be redone and the two lampposts moved back behind the property line.

Chairman McAllister confirmed that the cross section detail needs to be shown on the plan as well as the two lampposts moved onto the property in order to be ready for final approval at the next meeting. Mr. Joseph Clarke confirmed that the two lampposts should be moved about a foot, but definitely on his property/R.O.W.

Burger King Subdivision & Site Plan. 6375 Brockport-Spencerport Road. 084.01-1-5

The Board asked the Town Engineer for an update on the project. Mr. Oberst stated that a meeting with Mr. Dan Wechsler, Gibraltar Management, was held before the last meeting to discuss the access road.

Mr. Oberst's concern is regarding the three parking spaces located on the north side of the building where vehicles would be backing into the intersection of the site. Some Board members had a concern whether there would be enough room going in and out at the front of the store, especially if development were to occur to the west. A suggestion was raised to move the building back. Another issue was providing an easement to the Town in regards to drainage/maintenance of the pond. The language is still being worked out.

A revised plan was submitted showing the three parking spaces for employees only because if the spaces are removed, the parking requirement would not be met and a variance would be needed. It should be noted that the plan originally called for two-way traffic, but the Board requested it be changed to one-way, and to use angled parking. This request, combined with the removal of the three parking spaces on the north side, would result in the application not meeting the required number of parking spaces. Chairman McAllister stated because the applicant would be working with us to create a safer plan, the Board could approve the less than required number of parking spaces.

Another concern is storm water. Plans were reviewed and recommendations made for enhancements to the pond. Discussions took place with the DEC and Mr. Oberst is awaiting a revised submittal.

Chairman McAllister summarized that the issues were the revised storm water submittal, removal of the three parking spaces for better flow of traffic, and in return, approval from this Board for the less than required number of parking spaces. Mr. Oberst added that the only other issue was whether or not to move the building back. Mr. Oberst stated from his point of view, the removal of the three parking spaces is a primary concern.

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The amount of parking available would be 35 spaces, including 2 handicap spaces, instead of 38 (required) spaces. The owners are satisfied with that number, because the drive-thru accounts for 65 percent of their business.

Mr. Minor asked how the greenspace in front of the road access would be treated, and if the sidewalk would go in front of the property and along the access road?

Chairman McAllister asked what was Mr. Wechsler's opinion regarding the sidewalk? Mr. Dollard stated Mr. Wechsler didn't think it was an unreasonable request, but he had to take the request back to the owners. Mr. Wechsler stated that there were no specific plans for the development of the future parcel.

Chairman McAllister noted that in regards to the greenspace on the north side of the access road, it would count towards the future parcel's overall greenspace. He also added that the access road would never be a dedicated road, but a shared access.

Mr. Monno asked because the project is being approved in 2008, does there have to be a storm water prevention plan on the construction site? Mr. Oberst stated they are responsible to have a plan. Mr. Monno wanted to know how this was different from the DEC as far as enforcing it. The biggest difference is before the DEC was doing the enforcement, but now it is coming from the local level, Fred Perrine's jurisdiction. This was done to make sure that the ponds are built as proposed and approved, plus maintenance is performed once a year.

Mr. Oberst stated his last review letter was dated November 15 with comments pertaining to the status of the outside agencies. Mr. Blood asked which sanitary district and extension is involved. Mr. Oberst stated no extension, and he will need to get the district. Also, the Health Department would like the Town Supervisor's signature instead of the Planning Board on the BSP-5 application. The Clerk will take care of.

Mr. Minor asked how does this Board officially handle the shortage in the required number of parking spaces? Chairman McAllister stated noting it in the minutes is sufficient. The Board requests that the three parking spaces on the north side of the parking lot be eliminated to enhance the safety of the access, resulting in the application not meeting the required number of 38 parking spaces. Mr. Oberst stated that initially the application was over the parking requirement at 40 minus the 3 on the north side and minus 2 due to the angled parking brings the approved total to 35.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Burger King Subdivision as presented be given preliminary approval.

Ayes – 6

Chairman McAllister asked if final approval on subdivision should be given? Mr. Minor would like to see the requested cross section detail first. Also, the Health Department needs to sign and storm water revisions need to be reviewed.

Mr. Oberst asked if contact was made with the MC Water Department because there will be overlapping easements? Mr. Blood will address. Discussion took place regarding including easements on the subdivision map, and the Board determined they would like to see easements on the plan.

Mr. Monno requested that the access road be raised up along the parking lot so that cars can't enter at random, but only at the entrances.

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Slattery-Doe Subdivision

Moved by Mr. Monno, seconded by Mr. Minor, that the Chairman be authorized to update his signature on the mylar for the Slattery-Doe Subdivision.

Ayes – 6

The meeting was adjourned by motion at 8:45 p.m.

Planning Board Secretary