

**TOWN OF SWEDEN
Planning Board Minutes**

January 26, 2004

A regular meeting of the Town of Sweden Planning Board was held on Monday, January 26, 2004, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Absent: Ellen Bahr, Edward Williams

Also present: Jerry Foster-Environmental Conservation Board, Alan Bader, Building Inspector, Charles Sanford, Fire Marshal, James Oberst, Town Engineer, James Bates, Ray Bardol, Al Warner, Harry and Deanna Shifton

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

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the minutes of January 12, 2004 be approved.

Ayes – 4
Abstain – Chairman McAllister

Resubdivision – Lot 59, Highlands at Brandonwood. 55 Talamora Trail. 084.01-2-78

Mr. James Bates of Grover & Bates spoke regarding the resubdivision. In 1999, when the subdivision map was prepared for Highlands at Brandonwood, there was an error made by Grover & Bates. An access road was supposed to be left to enter the Mills property. Mr. Bates would like to rectify this error by resubdividing Lot 59.

Chairman McAllister confirmed the location of the Mills property as being to the southeast.

Mr. Bates explained to the Board Members that an offer to purchase part of the Lana parcel was made to rectify the situation, but it was rejected by Mr. Carl Lana. Mr. Lana wanted Mr. Bates to purchase the whole parcel, approximately 150 to 200 acres, but that option was too expensive.

Mr. Hale asked for clarification on the part of Lot 59 which is being subdivided; possibly a dotted line would help show the new lot line. Also, Mr. Hale inquired if the new area created between Lots 58 and 59 can be built on. Mr. Bates stated it could not. Mr. Hale stated a revision of the location sketch showing all of the Mills property would make this proposal clearer.

Mr. Minor would like to see indicated on the plan the distance from the northern Mills boundary line heading south to where the new Lot 59 begins.

Mr. Bates attempted to clarify what originally happened. When Mr. Mills sold the northeast quadrant parcel to Homestead Development, there was an arrangement made to leave an access road into the Mills property, which didn't happen. Mr. Bates attempted to gain a small portion of land from the Lanas so a road could lead into the Mills property, but that wasn't acceptable to the Lanas.

Mr. Minor asked for clarification regarding the comment, See Note #1, which is the property reserved for future highway use owned by Mr. Mendez. This property belongs to Mr. Mendez until a dedicated road is built.

Mr. Bader inquired as to how much Mr. Bates paid for the subdivided part of Lot 59. Mr. Bates stated \$3,000 plus all fees.

Chairman McAllister commented that this project is here for Accept for Review and we have enough information to do that.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Lot-59 Resubdivision, Highlands at Brandonwood, be accepted for review.

Ayes – 5

The Public Hearing will be February 23, 2004.

Brockport Bowl. 4660 Lake Road. 083.08-3-25.1

Mr. Ray Bardol addressed the Board and distributed copies of drawings, including a tape map showing how a storage shed was built. Mr. Bardol stated some time during the second week of December an extension storage shed was built on the south side of Brockport Bowl in front of an emergency exit door. A couple days after that, Mr. Bardol was informed a building permit should have been applied for and approved prior to the shed being built. Mr. Bardol would like to know what steps to take in order to rectify this situation.

Mr. Hale asked Mr. Bardol to show on Sheet 3, tape map, the location of the storage shed in relation to the existing building. Mr. Bardol drew the location on Mr. Hale's copy. Mr. Hale also inquired how many feet was there from the shed to the property line. Mr. Bardol stated from the property line to the building is approximately 80 feet so from the shed to the property line would be about 70 feet. The building sits approximately 26 feet back from the front edge of the building which leaves a distance of about 85 feet away from the road.

Mr. Bardol showed the Board Members a model of the shed. Mr. Bardol explained how a person would exit from the emergency exit door into an enclosed overhang area and then into the shed. The shed is not attached to the building. Mr. Bardol stated the shed is used for storage of tables, chairs and ladders.

Mr. Minor asked if the inside door leading into the shed was a fire door. Mr. Bardol explained that door has since been removed. The only other door is a push door exiting out of the shed to the outside. Mr. Minor inquired if this door conforms to all the requirements of an emergency exit door.

Mr. Charles Sanford, Fire Marshal, passed out a copy of the NYS Fire Code, Section 1004.2.3, Egress through intervening spaces. Essentially, the code states you cannot have an exit way exiting through a storage room, store room or spaces used for similar purposes. Therefore, this project can't be done. Mr. Alan Bader, Building Inspector, added a room that's used for storage can easily block the passage way for emergency egress out of the building and negates its purpose to evacuate people.

Mr. Minor commented that per the Fire Marshal, the door is not conforming to fire code. Is there any other code violation anyone is aware of? Mr. Bader stated the area isn't illuminated at the outside of the door. Mr. Bardol commented there is an outside light that was there before. Mr. Minor asked about the material used for the shed. Mr. Sanford added that the material used is combustible and not acceptable to pass out of an exit way.

Mr. Hale commented the situation sounds like a Building Department and/or Fire Marshal issue. Chairman McAllister stated the reason Mr. Bardol is here is to see if it is permissible to put up a shed for which Planning Board approval would be needed to amend the commercial site plan. From a safety standpoint, the materials being used are combustible and not acceptable. In addition, the fact that the shed is deemed a storage facility makes it not acceptable for egress. Mr. Sanford agreed and added that with the addition of the shed, there is one less available emergency exit. The total number of occupancy is driven by the number of exits which means that the total number of people allowed in this building would be less.

Mr. Bardol mentioned other options discussed when Mr. Bader visited Brockport Bowl. It was determined that there isn't enough room on the west side of the exit door to put another 36 inch door and on the east side of the exit door, a new air conditioning unit was just installed. Chairman McAllister suggested moving the shed to the west of the door which would leave a clear egress out of the building.

Mr. Sanford commented that the side walls of the shed need to be changed to fire rated walls/material. Mr. Bader suggested putting a small roof over the exit to help when there are poor weather conditions. Mr. Bader also added the problem with building a shed out of wood so close to the main building is in the event of vandalism and the structure is set on fire, the chances of the main building burning are greater. Storage sheds are traditionally kept away from the main building because of the possibility of fire when storing lawn mowers and/or gasoline.

Mr. Monno stated it would be safer to put a shed away from the building and easier than trying to blend the outside exterior of the shed with the existing building. Chairman McAllister spoke that in the past we have requested accessory buildings have a stone cover siding which is not a full block and is less expensive. For example, the Mobil Gas Station recently used this stone block surface.

Chairman McAllister stated the fact that Mr. Bardol is here means that he wants to work through this and rectify the situation. Mr. Bader agreed, but stated that doesn't change the fact that the shed needs to be removed.

Chairman McAllister suggested moving the shed to the west so that the location is still close in proximity to the exit door which would have overhang coverage. The shed would have a door on the north side which would minimize concerns of having to move furniture back and forth in bad weather. Mr. Bardol commented that option would be acceptable.

Mr. Bader wanted to know how the new roof would be built. Mr. Al Warner, contractor for Mr. Bardol, commented that the existing roof would be removed and a new roof put on higher and farther to the west. Discussion took place regarding the placement of the shed and type of roof.

Mr. Sanford stressed that both side walls at the exit door have to be removed so there is an open path. Mr. Bader suggested using the area in the front of the building for a storage area. Mr. Tadio, owner, wasn't in favor of that idea due to the possibility of future expansion plans.

Chairman McAllister suggested Mr. Bardol check with Mobil for information on the fire proof material used at the gas station. Mr. Bader added our building office should have that information, too.

Chairman McAllister stated it's unfortunate that it's not a great time of year to be building, but **the shed and side walls at the exit door must be removed as soon as possible to open up the fire exit path of travel.**

Moved by Mr. Minor, seconded by Mr. Hale, that the meeting be adjourned.

Ayes – 5

Planning Board Secretary