

**TOWN OF SWEDEN  
Planning Board Minutes  
October 27, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 27, 2008, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Also present: Adam Cummings, MRB, Charles Sanford, Jim Butler, Kris Schultz, Norm Isler, Bob Northrup, Scott Francis, Betsy Brugg, Harold Mundy

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. Strabel, that the minutes of September 22, 2008 be approved.

Ayes – 6  
Abstain – Mr. Dollard

**Experimental Aircraft Association (EAA) Site Plan. 21 Eisenhower Drive. 084.04-1-25.001**

Mr. Kris Schultz addressed the Board. He distributed revised plans to the Board. Drainage calculations were provided to the Town Engineer to ensure that the airport drainage wasn't impacted. The building was slid west 5 ft. so that there would be 25 feet from each property line, which is per code. The biggest change was the reconfiguration of the road coming off the hammerhead. As a result of discussions with the Highway Superintendent, Mr. Perrine approved moving the driveway access up a little bit. The proposed lighting has been shown as a center-mounted light on the parking lot, and the east face of the building, opposite the hangar doors. The lights are a floodlight-type style. Color renderings of the building elevations were shown.

Mr. Schultz explained that he was able to get the water consumption records for the existing leach system. The building depicted to the east is dumping to the bed. The average daily flow for over one year was less than 15 gallons per day. The system shown is setup to take 275 gallons per day, which is way under capacity. Instead of adding another line, the water can be pumped to the distribution box without impact. The plans will be approved by the Health Department.

The temporary location of where the topsoil will be stockpiled has been shown on the plan. Also, bumpers/parking stops have been placed between the septic tank and the wet well, next to the parking lot. This was done so that traffic doesn't get off the pavement and drive over the septic tank.

Mr. Sanford, Fire Marshal, stated that his concerns regarding the drive coming in, and the parking on the north end of it weren't addressed. He asked if it was possible to make the small area into a drive so that fire service could get apparatus to the side of the building. Mr. Schultz stated he missed that comment. Mr. Isler stated there is a drive that comes in directly next to the existing building off Eisenhower Drive that can be used for fire service to get apparatus around the building. Mr. Sanford was fine with that.

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Mr. Minor asked if the Town Engineer's comments, dated October 16, 2008, were addressed. Mr. Schultz stated all comments have been addressed. The drainage calculations have been reviewed. Basically, drainage heads to the south, is picked up at the ditch, and moves west, crossing over and ending up in an existing pond. This information was taken from a full-blown drainage study done by Passero Associates.

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Experimental Aircraft Association has applied to the Town of Sweden Planning Board for Site Plan approval of a lot at 21 Eisenhower Drive, and

WHEREAS, a public hearing was held by the Planning Board on September 22, 2008, and all persons wishing to be heard were heard, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Experimental Aircraft Association Site Plan is an unlisted action which will not have a significant impact on the environment, and

That the site plan be approved contingent upon receiving the signatures of the Town Engineer, Monroe County Department of Health, the Fire Marshal, the Highway Superintendent, and the Chairman be authorized to sign.

Ayes – 7

**Fisher Subdivision. Beadle Road and Sweden-Ogden TL Road.**

The engineer has requested the Chairman's signature be updated for filing purposes.

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

WHEREAS, the Fisher Subdivision on Beadle Road and Sweden-Ogden TL Road was approved on November 7, 2006, and updated on January 22, 2007, and

WHEREAS, an updated signature has been requested,

NOW, THEREFORE, BE IT RESOLVED, that the approval be updated.

Ayes – 7

**McDonald's Restaurant. 6500 Bkpt-Spen Rd. 083.08-8-21**

Attorney Betsy Brugg, Fix Spindelman Brovitz & Goldman, and Mr. Scott Francis, McDonald's USA, addressed the Board. This is an informal presentation. The proposal before the Board includes two variances, down from seven or eight. Attorney Brugg explained that the site is an odd shaped lot. The proposal includes purchasing additional land at the corner of the property, just under 1,600 sq. ft. That property belongs to Mr. George Hage and is forever wild. Without the corner property, two additional variances would be needed for the perimeter buffer zone. The plan shows the buffer zone right near the property line so that fire trucks can get around the building.

Chairman McAllister explained that all of the development for the tract to the north of that property/corner was based on that property staying forever wild. Attorney Brugg stated then it is already restricted.

Mr. Francis asked how the Board felt about creating a cross access from the back of the property to the plaza property. McDonald's believe interconnected traffic is much better than going out onto the main streets.

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The Board thought that would be wonderful, but the applicant would have to reach an agreement with Mr. Hage, property owner.

Mr. Minor asked if there is room for traffic to get around the proposed dumpster. Mr. Francis stated yes. Attorney Brugg stated this is a whole upgrade to the site.

Mr. Francis explained that McDonald's strives for a "green" building in that the blocks are "green" built, the roof is a white membrane, "green" product, and the internal lighting system is a "green" product. Mr. Francis stated one of the variances needed is for green space, but what is proposed is a much bigger site improvement, and far more improved than the neighbors to the left and right.

Discussion took place regarding the Board visiting one of the newly designed McDonald's to see all the improvements. One improvement is the capability to have 17 cars backed up in the drive-thru, and not out on the public road. Attorney Brugg explained that the front setback variance is driven by the double drive-thru and customer safety. Even though it is closer to the R.O.W. than its neighbors, there will be attractive landscaping done by a landscape architect. Mr. Francis stated, as far as signage, the beautiful arches would be gone.

Mr. Minor asked if the two driveway curb cuts would stay the same. Mr. Francis stated there is very little change and that any changes would have to be approved by DOT. Mr. Monno asked if the whole driveway was curved. Mr. Francis stated no and showed Mr. Monno where the curving began and ended, there's no outer curve. Chairman McAllister asked if there was a double window in this drive thru. Mr. Francis stated yes and that there is 42 ft. between the windows to allow one paying customer, one customer in between, and one getting food.

Mr. Dollard stated it looks like there is a sidewalk on the plans. Mr. Francis stated we usually build a sidewalk from where one ends or begins. Chairman McAllister stated sidewalks are required. Mr. Francis asked if the sidewalk should be built on McDonald's property or State property. Mr. Strabel stated usually the sidewalk is put on the side of whoever is responsible to install it.

Mr. Minor asked what the current green space requirement is? Mr. Francis stated hardly anything, but landscaping will be added wherever it can be put with the proposed redevelopment.

Mr. Monno asked to be shown the current path for truck deliveries. Mr. Francis explained how a truck comes in and goes around to the back. The proposed development allows trucks to park wherever they can on the lot. The building is set up for a palette delivery. A 53 ft. refrigeration truck delivers goods.

Mr. Monno asked what is the plan for snow removal. Mr. Francis stated the snow would be pushed to the outside and up.

Mr. Minor asked for clarification on the number of proposed parking spaces. Mr. Francis stated there are 33 spaces down from 48 spaces. Mr. Hale stated the proposed plan shows 66 seats for 33 parking stalls. Mr. Francis added McDonald's is completely ADA compliant. Mr. Monno asked how difficult is it going to be for a handicapped person to leave a parking space. Mr. Francis stated the reason the parking is closer to the building is for the handicapped person's safety, and people tend to stop and let handicapped drivers out of their parking space.

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Chairman McAllister stated from his personal perspective, having all the green space go in where there is none today would make him whole heartedly in favor of this project. Also, having the drive-thru would be both beneficial to McDonald's and the plaza.

Mr. Minor reiterated that there would be a sidewalk on the public side as opposed to McDonald's side unless the State doesn't want it. Signage would be brought into conformance with the current code.

Mr. Monno stated that the front setback variance is a problem. Mr. Francis stated the proposed front setback is in line with the existing corner building at Lake Road and Rte. 31. Attorney Brugg added that the proposed front setback variance allows for a totally improved site with green space, where there is no green space on either side of the site.

Mr. Monno asked if the plan was ever designed with a 75 ft. front setback. Attorney Brugg stated it couldn't be done. Mr. Francis stated the side-by-side drive-thru is needed to grow the business. Attorney Brugg stated the ZBA should ask the applicant whether the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. There is no detriment from this variance because it is mitigated by the increase in green space and other improvements to the site.

In summary, the number of variances needed includes the front setback, overall green space, and side and rear perimeter buffer zone, if the corner property is not obtained.

Mr. Monno asked if the grade of the parking lot would be changed. Mr. Francis stated yes, but he can't comment on it tonight because there are too many unknowns at this time. For example, the property hasn't been surveyed yet, contours aren't known, or what the pitch is. Mr. Monno stated there might be a drainage problem on the current site. Chairman McAllister stated the redevelopment of this site should actually improve the drainage because there will be less impervious material on the site and there will be all new catch basins.

The next step for Mr. Francis is to apply to ZBA and make an official application to the Planning Board. This can be done simultaneously, but the ZBA application should be made as soon as possible. Discussion followed as to upcoming dates and meetings.

Attorney Brugg asked if it would be possible to receive a recommendation or opinion letter to give to the ZBA. The Board will discuss at the next meeting.

Mr. Francis summarized the informal meeting by stating a sidewalk would be installed, efforts would be made to obtain a cross access into the plaza, and the corner issue addressed with a variance so not to disturb the forever wild area. Mr. Francis asked the Board what they thought about the proposed redevelopment.

Chairman McAllister stated the proposed redevelopment is much more aesthetically pleasing.

Mr. Francis stated the plan/objective for redevelopment is to start work in March and reopen in the summer.

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

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**Planning Board Secretary**