

**TOWN OF SWEDEN
Planning Board Minutes
October 27, 2014**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 27, 2014, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Matthew Minor, Arnold Monno, Wayne Rickman, David Strabel.

Also present: Kris Schultz, Schultz Associates, Rob Fitzgerald, Fitzgerald Engineering, James Glogowski, L.S., Frank Gollel, Victor Derefinko, Helene Kibler, Nelson Kibler, Rick Popen, Dan Butler, Scott Crosier, Gary Skoog.

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

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of September 22, 2014, be approved.

Ayes – 6

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

Ayes – 6

Mr. Hale arrived.

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

Galvano Subdivision and Site Plan. 6150 Lake Road. 114.01-1-48.

Mr. Kris Schultz addressed the Board. He explained the application is for a single family home located quite a distance off the road. The proposed home will be subdivided on ±6 acres, with an improved driveway to be used for the access. Deep hole tests were very good, resulting in an in ground leach system. A well will provide water to the house.

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

Rick Popen, 235 Root Road – Mr. Popen asked since it's a subdivision, will there be additional houses in the future? Mr. Schultz stated typically a subdivision happens when lot lines are changed or when an existing parcel was created through deed and not reviewed by this Board. This application is a true subdivision in that a lot is being created and developed out of the overall acreage with the balance of land left unimproved. If there is another house proposed, it would require a new application and same process followed.

Mr. Popen stated that he is baffled as to why someone would want to build that far back, especially bringing utilities back or removing snow, etc. Mr. Schultz stated the inherent costs were discussed with the applicant in building a house so far back. He added building a house this far back is easier to present because it has no impact on the neighbors as opposed to building a house right behind existing houses, i.e., not in my back yard. Mr. Popen commented that as a hunter he is upset because he is losing land to hunt on.

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Chairman McAllister asked if there were other concerns relative to a residential zoned development.

Gary Skoog, 6142 Lake Road – Mr. Skoog asked if there was a setback for the driveway from the property line. The answer was no, the driveway can be on the property line. Mr. Skoog asked how wide the driveway has to be. Mr. Schultz stated 14 ft. is required for the width of this driveway based on the length. It will have a stone base for strength to handle fire trucks and will probably never be paved. Mr. Skoog wanted to know who monitors the driveway construction. Mr. Schultz stated it starts with the Town Engineer making sure it is designed per code and then the building inspector will ensure the driveway is built accordingly with a final “as built” map submitted.

Mr. Skoog asked what is the methodology for bringing electric back to the house. Mr. Schultz stated typically the electric is brought back in a single trench about 30 inches deep following the course of the driveway. Other utilities available would be brought back the same.

Scott Crosier, 6166 Lake Road – Mr. Crosier asked exactly how far off the road is the house. Mr. Schultz showed the proposed map and stated more than 2,000 ft.

Gary Skoog, 6142 Lake Road – Mr. Skoog stated he had concerns after Mr. Galvano visited the site stating he wanted to put a camp on the property, as well as someone else heard a commercial pig farm. Mr. Schultz explained that any type of development would have to come through this Board for approval. Mr. Hale confirmed that the two concerns were not being discussed as part of tonight’s meeting. Mr. Skoog asked what does the “PR” on the plan mean, especially with the sign at the front of the property announcing the Church owns the property and the wording “look at what’s coming.” Mr. Schultz stated “PR” stands for proposed, not parsonage.

Mr. Skoog is still concerned that a residential home is going to be built on an active agricultural property. Mr. Schultz has added the farming note to the plan. Mr. Skoog asked for a timeline for the house. Mr. Schultz thought construction would likely start in the spring. Also, do we know what size house? Mr. Schultz stated the size of the house is unknown, but it will have to meet Town requirements.

Nelson Kibler, 1580 Covell Road – Mr. Kibler asked what is the lot size? Mr. Schultz stated just over 6 acres with most of it being the driveway. Mr. Kibler asked if the church still owns the property. Mr. Schultz stated yes and the applicant, a member of the church, has been given permission.

Gary Skoog, 6142 Lake Road – Mr. Skoog asked for an update on the water spring east of the hedgerow and south of the woods. Mr. Schultz stated there is seasonal water, but not in the area where the soil was tested. He would agree there is ground water to the north/northwest. Also, deep hole tests were 8 ft. depth for the test with no rock.

Chairman McAllister asked what is exactly being subdivided. Mr. Schultz showed on the map the portion of land being subdivided from the 110 acres. Originally, it was supposed to be a single lot, but found out that it was never formally before this Board. In the course of surveying the perimeter, the applicant decided to have the house on its own lot.

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

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4675 Lake Road Amended Site Plan. 083.02-1-22

Mr. Robert Fitzgerald addressed the Board. He is representing Indus Company for the Burger King site on Lake Road. The plan is to remodel the existing vacant Burger King building for two tenants. Dunkin' Donuts will use the existing drive-thru on the south side and the second tenant has not been determined yet. All the existing utilities and access will be used. The entire parking lot will be resurfaced and striped. Landscaping and tables out in front are proposed. There are four existing light poles on site which are not dark sky compliant and will be replaced per the Town Engineer's comment. The new poles will have LED lights.

The existing structure will be used, but the roof will be raised. A rendering was shown with the tenant names on the building, not a typical Dunkin' Donuts design because it is a remodel. Indus Company will maintain and improve the site like the new Hampton Hotel in town.

Gary Skoog, 6142 Lake Road – Mr. Skoog asked what the aesthetics would look like, i.e., colors, plantings, etc. Mr. Fitzgerald stated there is some nice existing vegetation, planting beds in front, and a concrete planter that goes across the whole front of the building. The building will look completely different while using the existing structure with many architectural embellishments.

Mr. Minor asked if colors have been picked. Mr. Fitzgerald stated not yet, but he believes they were looking at earth tones.

Mr. Skoog asked if sit down meals will be available. The answer was yes. Chairman McAllister asked about the second tenant. Mr. Fitzgerald stated it's not that it's a secret, the new tenant has not been decided, but it will compliment the Dunkin' Donuts, and work well with it, not against it.

There were no other questions.

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

Ayes – 7

G. Wohlers Auto Sales Amended Site Plan. 5371 Lake Road.

Chairman McAllister and Mr. Hale recused themselves from this application. Mr. Minor took over as Chairman.

Mr. Jim Glogowski addressed the Board. He explained that George Wohlers would like an addition to his repair garage. At the moment, he doesn't have enough room to service bigger vehicles. There is no room to walk around the vehicles. Mr. Wohlers would like to extend the roof and construct a 7 ft. by 35 ft. addition to the existing building.

Mr. Monno asked if 7 ft. would be enough. Mr. Glogowski stated the applicant would be happy with that giving him room to move around and to have a workbench.

Acting Chairman Minor asked if there were any questions.

Mr. Monno asked what type of door would be used. Mr. Glowgowski stated an 8 ft. door.

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Moved by Mr. Strabel, seconded by Mr. Rickman, that the G. Wohlers Auto Sales Amended Site Plan be accepted for review.

Ayes – 5

The public hearing will be November 24, 2014.

Chairman McAllister and Mr. Hale returned to the meeting.

Galvano Subdivision and Site Plan. 6150 Lake Road. 114.01-1-48.

Chairman McAllister continued review of this application.

MRB Comments

1. SWPPP in process of being completed and will submit.
2. The proposed driveway width will be 14 ft. wide based on the length being over 250 ft.
3. The erosion control fence on the north side of the lot has been extended to better protect the wetlands.
4. The plans have been submitted to the DOH, reviewed, and updated plans resubmitted.
5. Deep hole testing data has been added to the plan, noting an in ground system.
6. Plans will be submitted to the NYSDOT.
7. Roof leaders have been shown on the plan.

Fire Marshal Comments

- Driveway width – 14 ft.
- Multiple turnaround locations have been shown. There is one at the turn, which is spaced a little farther, but much more functional.

ECB Comments

- The Board is generally happy with the project. Native species should be planted.
- PIF corrections were made and distributed to the Board.

Building Inspector/Stormwater Manager Comments

- Driveway concerns addressed above.
- Silt fence should be 10 ft. from slope. Mr. Schultz stated the only place it can't be 10 ft. is adjacent to the driveway where there is a ditch.

Mr. Dollard stated his question from the last meeting was not addressed. He is still not clear who the owner of the property is. On several of the forms, both the church and the applicant are listed as the owner. Mr. Schultz stated a letter was provided to grant permission for approval. Mr. Dollard asked if the owner of record is the church, is it tax exempt as a parsonage.

Mr. Hale asked who is controlling the corporation, a Board of Trustees or the Pastor. Does the pastor have authority? Mr. Schultz stated he thought he did and will provide documentation. Mr. Strabel asked that the Board should know what the legal structure of the church is, and a corporate resolution should be sent to Planning Board Counsel for review.

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Mr. Monno asked for a note that three different scales are being used. Mr. Schultz explained where it was shown on the plan. Also, Mr. Monno asked how far the development is from Root Road, the Colby property. Mr. Schultz stated from the proposed house to Colby's house is well over 2,000 ft.

Mr. Monno recommends when properties are this far back, that the State should require a holding tank for water for fire protection and the fire companies should know where they are. Also, how many times will the power be boosted up before it gets to the house? Mr. Schultz stated there will probably be a transformer every 500 to 700 ft. Mr. Monno recommends making sure the transformers are easily accessible to service for all seasons. He added the curve on the driveway should be widened for sight visibility. Mr. Schultz stated it has been widened.

Chairman McAllister confirmed with Mr. Schultz that the driveway going back is 60 ft. There are ditches, which are close to both sides of the driveway. Mr. Schultz stated the ditches are off the side of the existing farm lane that is being improved. Chairman McAllister's point is if those are swales that need to be maintained, it would prevent any future subdivision from going in there because a 20 ft. road wouldn't fit.

Mr. Minor asked if the utilities are proposed underground, will they stay in the 60 ft. R.O.W. all the way back. Mr. Schultz stated yes. Mr. Schultz will add a note stating that the proposed utilities are to remain on the developed property.

Mr. Dollard asked if the remaining land will be leased for agricultural use. Mr. Schultz stated they will still lease the land. Chairman McAllister asked if the parcel was in an Ag District. Mr. Schultz stated it is not in an Ag District after looking through his files.

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

WHEREAS, the Town of Sweden Planning Board has received application for the Galvano Subdivision and Site Plan, located at 6150 Lake Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 27, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the revised Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Environmental Conservation Board, Building Inspector/Storm Water Manager, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself as Lead Agency for environmental review of this project,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board determines that the Galvano Subdivision and Site Plan are unlisted actions which will not have a significant impact on the environment.

Ayes – 6
Mr. Dollard – Nay

The Town Engineer referenced the Land Use Regulations, A177.34, stating that sewer, water, electrical, street lighting, and other public utilities shall be installed and maintained underground in all residential, commercial, and industrial zones.

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4675 Lake Road Amended Site Plan. 083.02-1-22

Chairman McAllister continued review of this project.

MRB Comments

1. Adjacent property owners have been labeled on the plan.
2. Existing lights and poles will be replaced with LED, sleek profile lights.
3. As-built drawings will be provided; a note has been added to Sheet 3.
4. Water service in building does not have an RPZ. Looking to replace the water service in the building only, adding a RPZ. MCWA has indicated the water line from building has already been replaced. The existing sewer will be used if possible. The grease trap will be inspected.
5. The dumpster enclosure is block and brick and will be reused. New doors and hardware to be replaced.
6. The information has been added to the plan.
7. Striping added on sheet C3. Snow removal was discussed. MRB asked for directional arrows with the proposed two-way traffic onto Lake Road. Mr. Fitzgerald agreed. Mr. Dollard asked for markers at the edge of pavement before the sidewalk where pedestrians are walking. There are enter and exit signs. A new sign package will be submitted. Mr. Minor stated previously for the Burger King, the northern driveway was an entrance only and the southern one an exit only, creating a big loop. Mr. Fitzgerald will make those changes on the plan.
8. The existing greenspace is at 27 percent, not the required 30 percent. The Burger King site is pre-existing, nonconforming. Mr. Minor suggested showing proposed additional greenspace on the plan even though it would be used for snow storage.
9. The Town Engineer asked if another car could get around cars waiting in the drive-thru. Mr. Fitzgerald stated it would be tight; a car may have to wait. The Fire Marshal indicated if an emergency vehicle couldn't get around the building, it would fight a fire from Lake Road. As far as delivery, Indus uses vans.
10. Not sure if there will be roof top units at this time, but they will be covered.
11. Will check existing storm sewer and use if possible.
12. Will check existing grease trap and use if possible.
13. As far as erosion control, not disturbing much, so no issues will protect inlets.

County Comments

- Standard comments addressed.
- No monumentations.

ECB Comments

- Very positive.

Fire Marshal Comments

- Addressed above.

Chairman McAllister expressed his concern granting final approval without knowing who the other tenant will be.

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Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received application for an Amended Site Plan approval for 4675 Lake Road South (Burger King/Dunkin' Donuts), and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 27, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Monroe County Planning and Development, Town Engineer, Environmental Conservation Board, Fire Marshal, and Highway Superintendent,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself as Lead Agency for environmental review of this project,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board determines that this is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

INFORMAL

Mini Storage. 1010 Transit Way.

Mr. Frank Gollel addressed the Board. He showed the plans with a six-foot fence proposed. Chairman McAllister asked what will be stored there. Mr. Gollel stated boats, RVs, and trailers. Chairman McAllister asked if the fence would be solid. The answer was a chain-link fence.

Chairman McAllister stated that the open area may be part of the required greenspace. Mr. Hale asked if the area will be paved. Mr. Gollel stated just stone with a 12-inch base. If the space is graveled, will there be any greenspace? Mr. Strabel stated a variance for greenspace may be needed.

Mr. Gollel doesn't know the total space for storage, just wanted to see if it's possible first. Mr. Minor added that a chain-link fence is unattractive and one would be able to see everything being stored. Chairman McAllister stated the new business across the street may not want to see the stored items.

Light Industrial zoning requirements needs to be outlined to see if the proposed application is permitted. The area variances granted previously should be looked at to see what exactly was granted.

The Town Engineer will review the code requirements and variances granted. The Board can discuss again either at the November 10 or November 24 meeting.

The meeting was adjourned at 9:15 p.m.

Planning Board Clerk