

**TOWN OF SWEDEN  
Planning Board Minutes  
November 10, 2014**

A regular meeting of the Town of Sweden Planning Board was held on Monday, November 10, 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: Nat O. Lester, III, Planning Board Counsel, Lance Brabant, MRB, Rob Fitzgerald, Fitzgerald Engineering, Kip Finley, Indus Co.

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. Strabel, that the minutes of October 27, 2014, be approved as amended.

*Second paragraph, page 5, add "should require" to the first sentence.*

Ayes – 7

**Holzshuh Subdivision and Site Plan. Covell Road. 114.01-1-25.112.**

Mr. Kris Schultz could not be present for the meeting due to a schedule conflict.

The Board reviewed the plans. Mr. Dollard requested that the previous owner and current owner information be consistent on the PIF and the plan.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Holzshuh Subdivision and Site Plan be accepted for review.

Ayes – 7

The public hearing will be December 8, 2014.

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

Mr. Robert Fitzgerald addressed the Board. He welcomed Kip Finley.

The lighting plan and new elevations have been submitted. The colors shown are somewhat darker than the actual colors. Per the last meeting, to relieve car congestion towards the back, three or four parking spaces have been removed. New entrance and exit signs have been added. Handicap parking is back in the front. A few parking spots were lost with the expansion of the patio in the front, but there is better maneuverability and circulation while still meeting the parking requirement.

The lighting plan shows minimal spillage with LED lights. Posts will be replaced in same location using the existing conduit. As far as the existing paving, the plan is to use as much as possible. Mr. Strabel mentioned the location of some large potholes on the site.

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Mr. Fitzgerald stated the existing building's masonry and steel will be used, a considerable savings. Mr. Finley stated the dumpster is in pretty good shape, just need to replace the gate and hardware, and either repaint or sandblast the exterior. The dumpster will be operated the way it was at Burger King. The old refrigerator will be removed with nothing to go in its place; doesn't think a car will fit, maybe a motorcycle. Some of the trees and plantings are in great shape.

Mr. Lance Brabant stated most of the comments have been addressed and the project can move forward with final approval.

Mr. Minor asked if the sidewalk is in the R.O.W. The answer was yes.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of Dunkin' Donuts, located at 4675 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 on October 27, 2014, determined that the amended site plan is an unlisted action, which will not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board grants approval of the amended site plan contingent upon receipt of the required signatures, and the Chairman be authorized to sign the mylar.

*Mr. Dollard requested an exit door be shown for both units on the rear of the building. There is no need for the application to come before the Board again; the Town Engineer will ensure all items are addressed before signatures are obtained.*

Ayes – 7

**DISCUSSION**

**Brockport Mini Storage. 1980 Transit Way.**

The Board discussed the comments received from the Town Engineer regarding the previous approved plans for the above project.

Chairman McAllister stated for the 1993 plan, an 8 ft. high stockade fence around the storage area was approved. In 1995, the fence was not shown on the approved amended site plan. Since the fence was approved in 1993 and the amended site plan was a modification to the buildings, is the fence still approved or did it go away because it wasn't shown. Mr. Strabel suggested that maybe the engineer forgot to put the fence on the plan. A fence has never been built and the current Town code states fences may be either 4 ft. or 6 ft. high. The 8 ft. high stockade fence was chosen to make the storage area aesthetically appealing to the neighbors since there were no restrictions on what could be stored.

If the applicant is proposing a chain-link fence, which would not be the same, an amended site plan application would need to be submitted.

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Planning Board Counsel discussed whether the proposed fence would be considered a structure and should meet current zoning requirements per the Town Engineer's comments. If that is the case, then the fence would not be able to be placed on the lot line. Town Zoning Code, Section 175-46, F, Special Requirements, (2) states:

*Where the lot lines of the subject lot coincide with that of another lot in residential or business commercial use or the subject lot abuts or is traversed by a nonindustrial zoning district boundary, there shall be planted or installed along the lot lines thereof berms, trees, shrubs and/or fencing of such type and spacing as shall be required by the Planning Board to adequately screen all operations on the lot from the viewed adjoining properties. Generally, such screening shall be a minimum of eight feet in height and, if composed of plants, shall not be less than four feet in height but capable of reaching eight feet in height at maturity.*

Mr. Strabel added the 1993 approval was for a visual barrier. Does the Planning Board allow a chain-link fence with vinyl slats as a visual barrier? Planning Board Counsel read from the above-referenced section, (3):

*All permitted uses and accessory equipment, materials or activities shall be confined within completely enclosed buildings or within an area enclosed by a solid wall or a solid fence, with the exception of off-street parking spaces and off-street loading berths.*

Mr. Monno stated he noticed the site had a lot of shrubbery that needed to be attended to and cleaned up. Mr. Hale stated greenspace is a separate issue. Mr. Minor added that the planting requirements, which were approved, are not in place on the property.

In summary, the current Lt. Industrial code still requires an 8 ft. high fence, with a solid screening. If a chain-link fence is proposed, it would have to have a visual barrier and couldn't be located in any easement or right-of-way areas.

Discussion took place whether the 1993 fence is still approved or does a new amended site plan application have to be submitted. The Board determined that a new amended site plan application would be required, showing the whole site meeting current code, the proposed fenced/storage area, landscaping, if any, and all approved variances.

The meeting was adjourned on motion at 8 p.m.

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**Planning Board Clerk**