

**TOWN OF SWEDEN
Planning Board Minutes
November 13, 2006**

A regular meeting of the Town of Sweden Planning Board was held on Monday, November 13, 2006, 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: James Oberst, MRB, James Butler, Building Inspector, Whitney Autin, ECB, Christian Brunelle, 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. Monno, that the minutes of October 23, 2006 be approved.

Ayes – 5

Byrne Dairy/Gas Station Amended Site Plan & Special Use Permit E. 5550 Brockport-Spencerport Road.

Mr. Minor excused himself from this application. Mr. Christian Brunelle addressed the Board. He is the Director of Facility and Real Estate for Byrne Dairy and/or Sonbyrne Sales. Presently, there are 57 Byrne Dairy stores in operation throughout Central New York, 23 of which have fueling facilities.

Mr. Brunelle is proposing a Byrne Dairy and fueling station at the current location of Sodoma's Farm Market, which is located on 2.46 acres on the northeast corner of Brockport-Spencerport Road and Sweden Walker Road (both State roads). The plan is to reuse the existing Sodoma Farm building (4,144 sq ft), which was built in 1997 by Bob Sodoma, and ironically, resembles the architectural style of a Byrne Dairy store. An 81 ft. by 40 ft. gas canopy will be added to the site, 6 gas dispensers/12 fueling positions and one of them will be a 3 plus 1, for servicing diesel vehicles. There will be two petroleum tanks; one is a split tank, which the DEC considers three tanks. They will be double wall fiberglass with interstitial monitoring, which is a state-of-the-art system and has 9 to 11 sensors that go off immediately with any kind of moisture. The plan is also to use most of the impervious asphalt as is to save on site work. The driveways will be utilized as is and will not be touched. A courtesy plan will be sent to NYSDOT for review. As part of the deal, there will be a shared access drive with Mr. Sodoma.

Mr. Brunelle explained that this plan meets or exceeds the Town of Sweden zoning requirements, setbacks, lot width, and 30% open area (39.9%). Very little land will be disturbed. Basically, a fueling station will be carved out and the building dressed up with added landscaping. There are four blue spruce trees by the septic system that will remain and six more will be planted. The raised bed leachfield system will be expanded to double its size just to be safe.

There are 25 parking spaces proposed, the code requires 21 spaces. There will be a 20 ft. by 15 ft reinforced concrete dumpster pad with fence enclosure in the back. Mr. Brunelle distributed a pamphlet to the Board describing Byrne Dairy stores. The site will use unbranded gasoline, Byrne Dairy. The store will have 26 freezer/cooler doors inside with an extensive line of ice cream and milk. The dumpster enclosure will match the color of the building.

TOWN OF SWEDEN
Planning Board Minutes
November 13, 2006

Full, cut-off lighting will be used, which is very residential friendly and exceeds all standards for cut-off lighting. All the lighting will be recessed, flat and pointing downward.

Mr. Brunelle described the Town's signage as strict in that there can be either building signage or a pylon sign, 40 sq. ft., 10 ft. high. and 10 ft. back from the R.O.W. This Byrne Dairy will use a pylon sign primarily to show the gas prices.

Drainage will remain the same, fewer surfaces than before.

Mr. Monno asked Mr. Brunelle to show a typical traffic pattern from both Brockport-Spencerport Road coming from the east and both ways on Sweden Walker Road. Mr. Brunelle explained to the Board what he thought the traffic patterns may be like.

Mr. Monno also asked if the strip of road at the back would be widened for the truck traffic going to Sodoma Farms and for the store traffic. Mr. Brunelle stated that the strip of road is 23 ft wide, which is enough room for both the truck trailers and cars.

Mr. Mundy, member of the audience, asked a question regarding the additional traffic where he lives on Campbell Road. He was concerned about the additional traffic entering the store on Brockport-Spencerport Road just past Campbell Road. If the cars back up past Campbell Road, the residents of that road may have a difficult time exiting.

Mr. Brunelle doesn't think more traffic will be created, but will be taken off the road. He doesn't think the traffic will back up because the road isn't a single lane and there is a whole separate turn lane big enough for three to four cars to back up. Mr. Mundy stated the road tapers.

Mr. Hale stated the above question could be answered in more detail at the public hearing. Chairman McAllister agreed.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Brockport Byrne Dairy Amended Site Plan & Special Use Permit E be accepted for review.

Ayes – 4
Abstain – Mr. Minor

The Public Hearing will be December 11, 2006

Chairman McAllister brought up for discussion the plaza located across the intersection from the proposed Byrne Dairy. The code states that a gas station cannot be within 1,000 ft. of a shopping plaza. The question is whether or not this building is a plaza. Chairman McAllister explained that the applicant might need to go before the ZBA for a determination. Mr. Brunelle stated he spoke with the Building Inspector regarding this and that Mr. Butler researched this issue. Mr. Butler stated that there isn't a definition for shopping plaza in our local law in order to make a determination. Chairman McAllister stated there was one previously. The Clerk stated that under signage rules, it states that a shopping plaza, 4 or more stores, can have a freestanding sign plus signage on the building. Discussion followed. Mr. Minor summarized that if it is a plaza, the application will require approval from the ZBA to operate the gas station, if not, it continues with the Planning Board.

TOWN OF SWEDEN
Planning Board Minutes
November 13, 2006

Chairman McAllister stated because the plaza presently doesn't have four tenants, and if this application were to get approved, would the plaza owner be permitted to have four businesses. Chairman McAllister further explained that the original intent of the law was to keep highly explosive material away from a high-density population.

The Clerk asked if the Town Attorney should be asked for an opinion. Mr. Butler stated when he spoke with Attorney Bell prior to this meeting; he explained that the definition of a shopping plaza is implied under the signage requirements. Chairman McAllister stated he feels the Town has historically defined what a shopping plaza is.

Mr. Minor suggested that the Town Attorney render an opinion in writing. Chairman McAllister agreed and asked the Clerk to contact Attorney Bell.

INFORMAL

Spurr/Subaru Dealership Renovations. 6325 Brockport-Spencerport Road.

Mr. Butler addressed the Board regarding Spurr Dealership's request for new signage and to change the front facade of the existing building for their new business (Subaru) and existing business. The Board reviewed the proposed changes. Chairman McAllister stated that the existing freestanding signs would need to be updated as well. Discussion followed regarding the various freestanding signs and that a dealership may have one freestanding sign per parcel.

Mr. Butler asked if this would require an official application for an amended site plan. Chairman McAllister stated yes. Mr. Minor would like to know why the existing Spurr Dealership continues to park cars on the sidewalk. Chairman McAllister suggested that point be addressed when the applicant comes before the Planning Board.

The meeting was adjourned by motion at 7:50 p.m.

Planning Board Secretary