

**TOWN OF SWEDEN  
Planning Board Minutes  
December 11, 2006**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 11, 2006, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Ellen Bahr, David Hale, William Hertweck, Craig McAllister, Matthew Minor, Arnold Monno, Edward Williams

Also present: James Oberst, MRB, James Butler, Building Inspector, Whitney Autin, ECB, A.J. Barea, Christian Brunelle, Harold Mundy, Betty Fluker

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 Mrs. Bahr, that the minutes of November 27, 2006 be approved.

Ayes – 7

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

Ayes – 7

**Tyler-Allocco Subdivision Lots 1 and 2. 203 Swamp Road. 099.04-1-2.1/2.21**

Mr. A.J. Barea addressed the Board. He received comments from the Town Engineer, Fire Marshal and the Environmental Conservation Board. There were no concerns. County Planning and Development has not responded to date. As soon as the Department of Health is finished reviewing the plan, a mylar will be made available for signature.

Chairman McAllister asked if there was anyone here from the public with questions/comments.

Dale Brownhill, 299 Swamp Road – He asked what the proposed use of the property will be since he is the neighbor to the west. Mr. Barea stated that Mr. Bill Allocco is purchasing the land for recreation use only, no development is proposed. Mr. Brownhill was pleased since he has an informal gun club on his site where game birds are raised. Mr. Brownhill also asked if the zoning would change. Mr. Barea stated it would remain zoned as Commercial Recreation.

Chairman McAllister asked if there were any more questions/comments. There were none. The Board moved to the next public hearing.

**Byrne Dairy/Gas Station Amended Site Plan and Special Use Permit E**

Mr. Christian Brunelle addressed the Board. Mr. Brunelle stated that he is proposing a Byrne Dairy retail store (4,114 sq. ft.) and fueling station at the former Sodoma's Market, 5550 Brockport-Spencerport Road. It is a very sound structural building. The siding will stay the same, but the soffit has to be repaired and signage changed. A 5 ft. sidewalk will be added to the front of the building to help cars avoid hitting the building. The existing two driveways will be used because they were just redone a few years ago. There will be a shared driveway agreement for Sodoma's trucks and store traffic. Sodoma's traffic is seasonal. Also, there will be a

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shared drainage agreement. Most of the pavement will stay the same, and the impervious surface will decrease. There will be 12 fueling stations with 6 dispensers and diesel fuel.

Mrs. Fluker, 444 Campbell Road – She asked where the pumps would be located? Mr. Brunelle stated to the east of the store where the existing greenhouse is located.

Mr. Brunelle stated the proposed plans meet or exceed all zoning requirements. There will be underground storage tanks. The dumpster enclosure will match the color of the building. Landscaping will be added. The size of the septic system will be doubled.

The Town Engineer's comments were minor. Petroleum dispensers are on a 3 x 8 x 9-raised island with U-shaped bollards, and have been noted on the plan. There will be a loading zone in the back for the milk trucks. Byrne Dairy stores control their own products. The gasoline is a Byrne Dairy brand. Signage has been added to direct store traffic and farm traffic.

Mrs. Bahr asked what type of lighting would be used? Mr. Brunelle stated there would be 6 lights on 16 ft. high poles; the lighting plan shows the lights are dark sky compliant, no spill. Mr. Brunelle showed the location of each light. The lighting is minimal, but there is enough for safety. Mr. Brunelle stated all the Byrne Dairy stores are a 24-hour operation.

Harold Mundy, 121 Campbell Road – Mr. Mundy's concern is the increased traffic that will result from the change in the type of business, farm market to store/gas station. Mr. Brunelle explained that the existing traffic will be taken off the road, and that there shouldn't be any additional traffic coming to the store.

Mrs. Bahr asked what are the chances of the property being used to avoid the traffic signal. Mr. Brunelle stated that scenario could happen right now. Mr. Hale stated the northbound green turn arrow at the intersection is on most of the time, which helps.

Chairman McAllister asked if there were any more questions. There were none.

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

Ayes – 7

**Tyler-Allocco Subdivision Lots 1 and 2. 203 Swamp Road. 099.04-1-2.1/2.21**

Chairman McAllister continued the review of this project. Mr. Hale asked about the comment from the last meeting whether these lots are pre-existing, non-conforming. Mr. Barea stated that possibly Lot 1 with the existing house, which is changing from 398 ft. frontage to 489 ft. frontage and 558 ft. depth to 783 ft. or 8.79 acres. Mr. Hale stated then Lot 1 with the existing house would have no problem. The remaining lot, 25 acres, would also meet code. There are many wetlands that would have to be delineated before any development.

Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the Project Information Form, comments received from the Town Engineer, Fire Marshal and the Environmental Conservation Board, the Planning Board determines that the Tyler-Allocco Subdivision is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

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Moved by Mr. Hale, seconded by Mr. Hertweck, that the Tyler-Allocco Subdivision be given Preliminary Approval.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Minor, that the final public hearing be waived, the Tyler-Allocco Subdivision be granted final approval contingent upon receiving all required signatures, and the Chairman authorized to sign the mylar.

Ayes – 7

**Byrne Dairy/Gas Station Amended Site Plan and Special Use Permit E**

Mr. Hale stated that there is a ZBA public hearing scheduled on Monday to allow the use of a fueling facility which is too close to the “shopping center or plaza” located at 5605 Brockport-Spencerport Road. He added that because the ZBA has 62 days to make a decision, and whether or not the area variance is approved, the Byrne Dairy store may not open in the Town, and therefore, the Board should wait to see the outcome of the ZBA hearing before continuing review of this project.

Moved by Mr. Hale, seconded by Mr. Monno, to table this discussion until the next meeting.

Mr. Monno stated that Mr. Brunelle should reconsider planting of trees by the septic system because the trees/roots get pretty big, making it difficult to service. Mr. Brunelle stated he would wait to go over all the comments received until the next meeting.

Ayes – 6

Abstain – Mr. Minor

Chairman McAllister asked if the Planning Board would be inclined to send a recommendation to the ZBA in support of the Byrne Dairy store and fueling station coming to the Town. Mr. Minor stated he thought Attorney Bell had put something in writing to that effect. Chairman McAllister clarified that he verbally recommended it go to the ZBA and didn't think there would be an issue.

Chairman McAllister asked for a roll call for each member's opinion regarding the Byrne Dairy project.

Mrs. Bahr – in favor of the project

Mr. Monno – agrees with Attorney Bell

Mr. Minor – suggested Town Attorney write a letter

Mr. Hale – no comment at this time

Mr. Hertweck – no problem with the project

Mr. Williams – in favor of the project moving ahead

Chairman McAllister – in favor of sending recommendation to ZBA

Moved by Mr. Monno, seconded by Mr. Williams, that the above comments and recommendation for the Byrne Dairy store and fueling station be sent to the ZBA.

Ayes – 5

Abstain – Mr. Minor

Abstain – Mr. Hale

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Mr. Oberst asked Mr. Brunelle to make sure that the expansion plan for the septic system is included as part of the final site plan. Mr. Brunelle agreed and will forward a complete package to Mr. Oberst.

Chairman McAllister asked if an environmental motion would be required for an existing, developed site. Mr. Hale stated it would be addressed at the January meeting as long as the ZBA grants approval of the area variance.

The meeting was adjourned by motion at 7:40 p.m.

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**Planning Board Secretary**