

**TOWN OF SWEDEN
Planning Board Minutes
February 25, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 25, 2008, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Richard Dollard, David Hale, Matthew Minor, Arnold Monno, David Strabel

Absent: William Hertweck, Craig McAllister

Also present: James Oberst, MRB, Debra Webster, Kris Schultz, Jim Meinecke, Bob Storie, Rick Cross, Harold Mundy, Joseph and Mary Daniels, Rick Oyer, Donnie Jones, George Bonko, Chris Winkler, Rick Woodson, Mathew Raths, Kelli Jean Neary, Brian Peters, Allison Williams, Michael Truelson, Courtney Kervson, Jim and Ruth Moore

The meeting was called to order at 7:00 p.m. by Acting Chairman Hale.

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Strabel, that the minutes of January 28, 2008 be approved.

Ayes – 5

Abbotts Frozen Custard. 4599 Lake Road. 083.08-2-4

Mrs. Debra Webster addressed the Board. She distributed updated plans and explained that she has owned the Abbots in Brockport for 13 years. She tried to operate the store for nine months after the Wal-Mart closed, but realized she would not survive at that location. She looked for a new location, and purchased the property located at 4599 Lake Road.

Acting Chairman Hale asked for clarification of the exact location of the building. Mrs. Webster explained it was on the east side of Lake Road, formerly Jack Hassall's real estate office. A picture of the existing building was shown to the Board.

Acting Chairman Hale asked Mrs. Webster what are her proposed changes for this site? She explained that there are few changes, which include a handicap accessible ramp to the front porch area, the front porch area will be opened up for more visibility from the street, and the porch will be cement. The top front window will be taken out and replaced with the electric illuminated Abbots sign, 9 ft. by 5 ft., that's on her existing plaza business.

The parking lot will stay the same. Mr. Strabel stated the site is currently paved, and doesn't meet the 30 percent green space requirement. Mrs. Webster agreed.

Mr. Oberst asked if there was any lighting currently on the parking lot? Mrs. Webster stated yes, there is a mercury vapor light on the back of the building plus lighting on the front and side entrances. She plans to make the side light a mercury vapor light attached to the building. The open porch would also have three fixtures at the top.

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Acting Chairman Hale asked if there was enough information to accept the project for review? The 30 percent green space requirement would need to be discussed during the review of the project. Mrs. Webster wasn't sure what percentage the green space was at, but there is a wedge shape lawn area in the back that would be nicely manicured. The existing bushes will be maintained, and there will also be potted plant containers.

Mr. Strabel asked what was the size of the building? Mrs. Webster stated the building is 29 ft. by 31 ft., exactly 900 sq. ft. He asked what she thought her most popular nights would be, and how many cars she might get after a baseball game? Mrs. Webster thought 18 parking spaces would be enough, especially with the apartment complex to the west, and with Sweden Village across the street. Her busiest time is from 7 p.m. to 10 p.m.

Mr. Oberst asked if there would be any indoor seating? Mrs. Webster stated there would be nine seats. Mr. Dollard asked if there would be a walk-up window? Mrs. Webster stated there would be a sliding window on the front porch to serve ice cream through.

Mr. Monno stated, in his opinion, after a baseball game, 18 parking spaces would not be enough, and that Mrs. Webster should pursue a working agreement with another business with different hours, i.e., Monroe Muffler. She could use the vacant bank parking lot for any overflow in parking until it's sold.

Acting Chairman Hale questioned whether this property had been through site plan approval before. The Clerk will check into the history of this property.

Moved by Mr. Minor, seconded by Mr. Strabel, that the Abbotts Frozen Custard Site Plan be accepted for review.

Ayes - 5

The Public Hearing will be March 24, 2008.

Daniels Subdivision – 7 Lots. 754 Beadle Road. 099.03-1-29.1

Mr. Kris Schultz addressed the Board. He explained that Mr. and Mrs. Daniels were recently before the Board to obtain subdivision and site plan approval for their new home. They are now before the Board to subdivide the 77± acres, which they moved from, on the north side of Beadle Road. The original intent was to divide the property according to minimum requirements, but they held up coming to the Board until they could market the property. They currently have a purchase of sale contract for Lot 3, which includes the house and 14.56 acres. The property is unique because like many properties on Beadle Road it includes the Niagara Mohawk subdivision of overhead power. Lot 7 is the parcel north of the Niagara Mohawk property, which when subdivided many years ago, the right to cross the Niagara Mohawk property was given to the existing property owner. Lot 7 is mostly wetlands, and will probably never see any development. It should be kept for hunting, logging and/or recreation. The Daniels did give Lot 7 a 60 ft. access so it would be construed as a legal lot. The lots across the frontage have 260 ft. of frontage. Sites are clay soils and will require modified raised systems. The Daniels are looking to transfer the property by the end of March, if possible. The application is for subdivision approval only. Future buyers would have to come before the Planning Board for site plan approval in order to develop the land.

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Acting Chairman Hale stated that Lot 6 is a flag lot, and is it a possibility that Lot 6 could someday be combined with Lot 7? Mr. Schultz stated it is very conceivable. He also asked if there were any other wetlands on the lots? Mr. Schultz stated that most of the remaining land is secondary growth, idle agricultural for a number of years, and the northerly portion of Lot 3 is wooded.

Mr. Monno asked about the PIF not being filled out completely, and if it was because no development is shown at this time. Mr. Schultz stated he tried to fill out the areas that made the most sense. Lot 7 is being sold as a recreational lot, not to be developed. Acting Chairman Hale stated the Board would need to make sure that prospective buyers know this about Lot 7. Mr. Schultz will modify the form and plans to show the wetland areas on Lot 7.

Mr. Oberst asked if the wetlands were mapped wetlands? Mr. Schultz stated yes they are mapped with the DEC. Mr. Monno asked if the R.O.W. to Lot 7 is a wetland? Mr. Schultz stated no.

Moved by Mr. Monno, seconded by Mr. Dollard, that the Daniels subdivision be accepted for review.

Ayes – 5

The Public Hearing will be March 10, 2008.

Burger King Subdivision & Site Plan. 6375 Brockport-Spencerport Road. 084.01-1-5

The Town Engineer addressed the Board. He explained that Mr. Blood had responded to his latest comment letter of February 8. The comments related to the coordination of the utility location and swale issues, which both have been addressed. One outstanding item remains and that has to do with the calculation of the sizing of the outlet structure. Paula Smith, from DEC, was asked for her opinion, and she concurred with the Town Engineer's interpretation. Mr. Blood will need to run through the model again to see how it changes the sizing of the outlook structure for that pond. That's the sole remaining issue.

Approvals were received today from Monroe County Water Authority and Pure Waters. The Health Department is ready to sign once the Town Engineer has approved everything.

Acting Chairman Hale stated that the other outstanding issue from the last meeting was obtaining a variance from the ZBA to reduce the number of parking spaces from 38 to 35, which was granted last week.

Mr. Monno asked what happened to the idea of moving the building back? Mr. Oberst explained the resolution to that was changing the site plan to one-way traffic around the building, remove the three parking spaces on the north side of the building, and also angle the parking spots. Signage was also added, i.e., stop signs at the access road and along the east side of the building. Mr. Monno is still concerned about vehicles heading west on Rte. 31 and using the Burger King curb cut to get to the access road only. Mr. Bob Storie stated, not that we want that to happen, but there will be low landscaping so the driver's view will not be blocked.

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Mr. Dollard asked if anyone has heard back from Mr. Dan Wechsler, representative from Gibraltar, as to whether or not Gibraltar agreed to put in a sidewalk along the access road. The Planning Board and Carrols Corporation responded they had not heard back.

Mr. Minor asked how does the approved access road between Wal-Mart and Nathaniel Poole Trail compare to the Burger King proposed access road. Mr. Oberst stated the Wal-Mart access road wasn't built to Town standards, but it's at least 25 ft. wide. The proposed Burger King access road will be 20 ft. wide.

Mr. Oberst explained that the pond, with all the improvements, would be ten times better even though it won't meet 100 percent of today's standards. This is due to circumstances beyond Carrols' control. Mr. Meinecke stated that the pond maintenance agreement was secured with Gibraltar and forwarded to the Clerk. Mr. Oberst stated he received a copy from the Clerk.

Mr. Minor mentioned that sidewalks are not shown on the updated plan Mr. Oberst passed around. Mr. Dollard stated that safety is his biggest concern, and without a sidewalk, the access will turn into a pedestrian walkway. The Clerk stated that she had forwarded a copy of the informal meeting minutes that addressed the sidewalk issue to Mr. Wechsler awhile ago, but has not heard back from him to date. Discussion followed pertaining to the importance of the sidewalk along the access road, and that it is a requirement of the Planning Board before final approval can be given.

Moved by Mr. Monno, seconded by Mr. Strabel, that the final public hearing be waived, the Burger King Subdivision be granted final approval, and the Chairman be authorized to sign the mylar.

Ayes – 5

Moved by Mr. Minor, seconded by Mr. Dollard, that the Burger King Site Plan be approved with the following conditions that (1) the drainage question be resolved, and (2) authorization be obtained from Gibraltar Management Co., for Carrols Corporation to construct a sidewalk along the western access road; and that when the Town Engineer, Highway Superintendent, and Fire Marshal have signed a mylar **showing** that these conditions have been met, the Planning Board Chairman is authorized to sign.

Ayes – 5

Lowe's Home Improvement – Crosswalk Revisions

The Town Engineer addressed the Board. Mr. Oberst stated that during the site plan review, the Board was concerned about pedestrian safety, and that the front roadway would become a drag strip unless some type of raised crosswalk was used. Lowe's engineers proposed a stamped asphalt crosswalk. After construction commenced, the contractor stated that he has had experience with stamped asphalt crosswalks, and they don't hold up well over the winter months with all the snowplowing. The Town suggested stamped concrete instead, which was similar to what the new Wal-Mart SC had done. Lowe's responded with a proposal that included striping and signage. This is an item on Lowe's punch list; however, it still needs to be addressed by the Board because it is a change to the approved site plan.

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Mr. Strabel stated he is familiar with the process of melting the plastic stripping (template) into the blacktop, but from his experience this can also be pulled right out with a snowplow. Lowe's proposal is to stripe/paint the crosswalk and put signs in the parking lot.

Moved by Mr. Minor, seconded by Mr. Strabel, that the Lowe's of Brockport Site Plan be amended to reflect the proposed crosswalk striping and signage as proposed by Paradigm Development Inc.

Ayes – 5

The meeting was adjourned by motion at 8:30 p.m.

Planning Board Secretary