

**TOWN OF SWEDEN
Planning Board Minutes
March 8, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 8, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, William Hertweck, Craig McAllister, Matthew Minor, Arnold Monno, David Strabel

Also present: James Oberst, P.E., MRB, Charles Sanford, Fire Marshal, Kris Schultz, P.E., L.S., Robert Kieffer, P.E., Ronald and Paul Viele, Chris Dailey, Samuel Simone, Courie Putnam, George Hage

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

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Monno, that the minutes of February 22, 2010, be approved.

Ayes – 6
Abstain – Mr. Hertweck

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

Ayes – 7

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

CVS Pharmacy Resubdivision and Site Plan. 6510/6524 Bkpt-Spen Road.083.08-8-22,1.2,1.111

Mr. Kris Schultz and Mr. Robert Kieffer addressed the Board. Mr. Schultz explained that the new CVS site would be the former site of the Enterprise Rent-a-Car and Bruegger's, plus a portion of the plaza so there will be enough room for parking at CVS. He added that a good portion of the Enterprise parking is so old that it is in the State R.O.W. Part of the redevelopment of the new building is to push the parking back.

Mr. Keiffer presented the demolition plan. He has been in contact with NYSDOT regarding the ingress/egress from Rte. 19 and Rte. 31, and was encouraged to move the new CVS entrance closer to McDonalds, which is in the process of being done. The new entrance will coincide with the new relocated entrance of the former Mobil Gas Station on the south side of the property when it comes forward for redevelopment.

Mr. Keiffer presented the proposed CVS site plan. He explained that 25 parking spaces are available for use by the plaza and 69 parking spaces are available for the CVS store. The setback would be met along Rte. 31, but not along Rte. 19, which would require an area variance even though everything has been pushed back. The pavement that currently exists would be removed along with asphalt with a net effect of a decrease in the pervious area on the site.

Mr. Keiffer presented elevation drawings of all 4 sides, as well as a drive-thru window for picking up and dropping off prescriptions.

Mr. Keiffer opened the discussion to the public with any questions, comments or concerns.

Christopher Dailey, 51 Talamora Trail – Mr. Dailey asked if the store would be a 24-hour operation. The answer was yes, much like the CVS stores in the greater Rochester area.

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Samuel Simone, Crestview Drive and Lake Road – Mr. Simone asked if the plan showed only one way out. Mr. Keiffer stated the plan proposes closing two curb cuts on Rte. 31 and to share the access off Rte. 19.

Caurie Putnam, 13 Talamora Trail – Ms. Putnam asked if anything is going to deter traffic going on Sherry Lane. Mr. Keiffer referred this question to the Planning Board. Mr. Strabel stated he doesn't think anyone would use Sherry Lane as a shortcut. If anything, people would use Crestview Dr. or try to use the light at Wegmans. Going east on Rte. 31 from the CVS store would be very difficult. Chairman McAllister added that would probably not be an option. It was suggested cutting through the parking lot to Crestview Dr., and make a left at the light at Rte. 19 and another left at the light at Rte. 31 and head east.

Mr. Keiffer added that the traffic study done for NYSDOT did not include the Crestview Dr. intersection. He would be happy to include Crestview Dr. in the traffic study.

Mr. Hage questioned whether or not there would be a huge change in traffic. He thought it would be similar to what it is now. Ms. Putnam disagreed. Chairman McAllister added that if Mr. Hage is only expecting the same number of trips to be generated on the site after development than what is on the two sites now, one probably wouldn't be able to justify the cost of the purchase of the property alone without the development.

Mr. Strabel stated he doesn't think there are any issues getting onto the site; it is getting off the site. Chairman McAllister added heading south and then east out of the site would be limited due to the stacking lane to turn left, which would force traffic to exit onto Crestview Dr. to the light.

Mr. Dailey asked if there would be any impact on the other local businesses with a new pharmacy in Town. Chairman McAllister stated not sure because this is the first one.

Mr. Strabel asked what is the daily traffic count. Mr. Keiffer stated he would need to look at the study.

The Fire Marshal had a question regarding the demolition. He asked what would happen to the fire hydrant at the front of the site. Mr. Keiffer stated the fire hydrant would be shifted per MCWA's direction.

The Town Engineer asked what type of material is on the outside of the building. Mr. Keiffer passed around a material board. He explained that the materials are noted on the second sheet. It is not brick, but a structural brick concrete that has a brick appearance.

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

Ayes - 7

CVS Pharmacy Resubdivision and Site Plan. 6510/6524 Bkpt-Spen Road.083.08-8-22,1.2,1.111

Chairman McAllister continued review of this application. It was decided that the subdivision and site plan approvals are tied together.

Mr. Hale asked if any of the lots become more nonconforming than they already are. Chairman McAllister stated the plaza does because it is already pre-existing, nonconforming and as soon as you make it smaller, it becomes more nonconforming.

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Mr. Keiffer stated if you consider the function of the CVS and the existing plaza as one unit, the overall site becomes more compliant than it is today. Chairman McAllister stated if the parcels were all one tax account number, it would be more compliant, but they are not. Mr. Keiffer added that the existing two parcels being combined into Lot 1 become more compliant.

Mr. Minor asked what becomes more noncompliant on Lot 2 (the plaza). One variance would be for parking. Mr. Keiffer asked if the parking requirement could be met by providing an easement agreement between CVS and the plaza to provide the 25 parking spaces being eliminated so that the plaza has the same number of spaces that they use today. Chairman McAllister stated that our code requires so many parking spaces on commercial sites so to use an easement to use another lot's spaces would not be part of that consideration.

Chairman McAllister explained that by changing the lot line, it is challenging the pre-existing, nonconforming parking issue.

Another nonconforming issue is the 7.5 side buffer on the south side, which would require a variance. There isn't an existing buffer today and there wouldn't be one on the new site.

Chairman McAllister stated the existing two corner lots are pre-existing, nonconforming, but when you merge the two lots into one, and add a structure, it becomes only nonconforming. The following variances would be required.

1. open space minimum requirement of 30% goes to 11.5%
2. front buffer minimum requirement of 25 ft. goes to a minimum of 5.94 ft. (varies)
3. side buffer requirement of 7.5% goes to 0% on the north side.

Mr. Schultz added that the front buffer variance off of Lake Road is actually farther off the R.O.W. than exists today so the pavement is being pulled back.

Chairman McAllister asked Mr. Hage if there was any possibility of getting the driveway off of Crestview Dr. to be a two-way, ingress/egress. Mr. Hage stated if there is room to do it, he could work something out to help matters. Chairman McAllister stated the amount of traffic using it now is going to be significantly different when the CVS store is built. Discussion followed.

Mr. Dollard asked if the handicap parking spaces shown are for the plaza. Mr. Schultz stated that is correct, the handicap spaces are pull-ins, which is easier than what exists today. Mr. Oberst asked for clarification regarding the dimensions of the parking spaces. Mr. Keiffer stated the parking spaces are correct at 10 ft. by 20 ft., but was incorrectly labeled on the plans at 9 ft. by 10 ft.

Mr. Minor stated some of parking spaces as they exist today, similar to the Burger King site, create a potential hazard if a car parks in the spot. The Planning Board reduced the number of parking requirements for the Burger King application citing a safety concern. The two spots on the CVS site are at the end of the drive-thru and the parking space at the northwest edge of the parking lot.

Chairman McAllister asked if the spaces are going to be signed "parking for plaza use only," or be first come, first serve. Mr. Keiffer didn't believe there would be any signs. Preferred parking would be based on the operation of the CVS store and the plaza. If any parking issues arise, then enforcement would have to be put in place.

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Mr. Hale asked where would all the snow go. Mr. Keiffer stated the snow would be pushed to the back of the plaza or hauled offsite. Mr. Hage stated, if necessary, the snow can be pushed farther on the grass, but presently there is no need for that due to the many empty parking spaces.

Mr. Dollard asked how deliveries would take place. Mr. Keiffer stated deliveries will occur at night and go in the door at the southeast corner of the CVS store. Mr. Strabel asked if the delivery truck would block the drive-thru. Mr. Keiffer said the turning pattern of the tractor trailer has to be modeled, but the trucks will be parking in the plaza or on the CVS site during the night hours (off peak), and taking the goods in by hand truck. Mr. Dollard asked if the CVS store was a 24/7 operation as well as the drive-thru. Mr. Keiffer stated yes to the store hours, but wasn't sure if the drive-thru was 24/7. If it were 24/7, the delivery truck would interfere with the drive-thru. Mr. Dollard asked for clarification as to the hours of operation for the drive-thru. Mr. Keiffer will clarify.

Mr. Monno asked if the building where the Enterprise business is located could be a historical site. Mr. Keiffer stated the structure is not listed as a historical building. Mr. Schultz stated it's not on the SHPO list, but would be interested when it was first constructed. Mr. Keiffer stated there was a question raised whether or not there was any asbestos in either of the buildings to be demolished. Asbestos audits will be performed before the buildings are demolished.

Chairman McAllister asked if the DEC has reviewed the site. Mr. Keiffer stated that a Phase I Environmental Site Assessment was performed. Phase I results determined that a Phase II was necessary. Phase II's work will consist of trying to locate the underground tank that was filled and left onsite previously, the removal of the tank and mitigating any potential impacts from any leakages of the tank. Also, drilling some observation holes to monitor whether or not any of the petroleum product leaked into the ground at the former Mobil Gas Station and has migrated across the road. This work should commence soon. From the Town's perspective, this work should be an improvement to the site because environmental issues will be mitigated and the site cleaned before the CVS store is built, and there will be no further environmental issues for this site in the future.

Chairman McAllister stated before this Board can make any environmental motions, all of the above testing should be resolved.

Mr. Strabel asked what is the plan for drainage retention. Mr. Keiffer stated the plan is to design a stormwater system that treats the water with units, manhole structures that function as a clarifier or cleanser of the stormwater before it's discharged from the site. He added the total rate of stormwater discharge would be less than what it is currently. Mr. Oberst confirmed that the system is similar to what McDonald's did for drainage. There will be no stormwater detention proposed. A long-term maintenance agreement will be entered into for the maintenance of the stormwater units.

Mr. Dollard asked how the building style was determined. He found several different types on the Internet, ones that were more aesthetic than the one proposed. Pictures were distributed to the Board. Mr. Hale stated that what CVS proposed is similar to what Wal-Mart originally proposed, a big box. He added, as it turned out, Wal-Mart was able to design a much more aesthetically pleasing, locally relevant building, which he suspects CVS could do the same.

Mr. Strabel explained the Board would agree that the wall facing Brockport Corners Mall is not a very acceptable treatment architecturally and is visible from the public. Mr. Keiffer stated that wall could be made to

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look like the other two walls if that's the direction the Board would like the CVS to pursue. Mr. Strabel stated that what Mr. Dollard is looking for is other architectural types that are available because the one proposed is rather boring, and there must be more attractive models to consider. Mr. Keiffer understood and will pass that information along, but is looking for more detail as to how this building isn't attractive enough.

Mr. Hale suggested looking at the pseudo-victorian village treatment of the new Wal-Mart to start.

Mr. Minor reopened the discussion regarding drainage. He asked if there were two systems involved. Mr. Keiffer confirmed one system or point of discharge is the Town's system or sewer that runs northeast behind McDonald's, Firestone, etc. The State system runs in the R.O.W. in the vicinity of the entrance off of Rte. 19.

MRB's Comments

Demolition and Easement Plans:

1. Owner's Specifications will be listed on the plans.
2. The overhead wires to stay will be differentiated from those to remove.
3. The 5 ft. wide leg of existing sanitary sewer easement will be widened and reflected on Mr. Schultz' drawing and the site plan.
4. In the process of developing an easement for access, drainage, utilities, etc.

Site Plans:

5. Appropriate pavement markings and traffic controls will be shown on the Overall Site Plan.
6. Handicap accessible curb ramps will be provided for the handicap accessible spaces on the north side of the CVS building and at all crosswalks.
7. Confirmation will be made whether there is sufficient pavement width south of the existing dumpster enclosure on Lot 1 to access the landbanked parking or dumpster enclosure will be removed.
8. Elimination of parking spaces directly across from the entrance from Rte. 31 will need to be discussed. Mr. Keiffer stated there should be ample stacking to allow a vehicle to back out and for vehicles to enter the site. An analysis could be provided to prove this so that there is an opportunity to stack a few cars or what the probability are that there would be more cars wanting to stack than there would be time for a person to back out of the space.
9. The design engineer will provide a demonstration that tractor-trailers and/or emergency vehicles can safely access and navigate through the site. Discussion as to where the delivery trucks will park took place. Mr. Keiffer will discuss with CVS and provide information to the Town in order to evaluate the feasibility of providing access around the building.
10. Deliveries will take place at midnight.
11. Angling the dumpster enclosure will be considered.
12. Engineer will make sure there is safe pedestrian access with crosswalks and sidewalks from existing and proposed buildings to the sidewalks.
13. Will access be provided across the drive-thru lanes to McDonalds? No response given/noted.
14. The snow will be stored or pushed to the edge of the curbing or pushed to the back of the plaza or, if necessary, hauled offsite.
15. Next submittal will show proposed freestanding signage, both business and directional.
16. The R.O.W. at the northeast corner of Rte. 31 and 19 will be restored (graded, topsoiled and seeded). Notes will be added to the landscaping plan.
17. There are no truck docks proposed.

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18. A variance is proposed for the parking spaces encroaching upon the required 25 ft. front buffer.
19. Parking spaces will be 10 ft. wide. The spaces were labeled incorrectly at 9 ft. on the plans.
20. A breakdown of the required parking calculation will be provided.
21. There will be an area variance for open space. The applicant is proposing to landbank parking spaces at the back of the lot behind McDonald's. Mr. Strabel asked if the landbanked spaces were for CVS or the plaza. Mr. Keiffer stated CVS has required spaces based on its contract. Mr. Strabel asked for that breakdown. Mr. Keiffer stated CVS requires 70 spaces and the Town requires 66 spaces. He added that CVS feels it's important to have open spaces, which indicates that it's easy to park.

Utility and Grading Plans:

22. The comment to relocate the sanitary sewers in a different way was a very good idea. It will be incorporated into the plans.
23. Same as above.
24. A profile of the sanitary sewer will be provided.
25. A note will be added to the plan regarding any existing sanitary manholes that are being reconfigured should have their benches removed.
26. The wye portion of the proposed sanitary lateral will be corrected.
27. The design engineer will connect the sanitary lateral to the manhole at the northeast corner.
28. A cleanout will be provided on the sanitary lateral at the easement line.
29. Downspouts will be connected into the stormwater system and treated.
30. Proposed piping and structures will be revised; will work out with MRB. Chairman McAllister asked if the site is being raised to build the building. Mr. Keiffer stated the finished grade would stay essentially the same as today.
31. The inlet and outlet pipes on CB-100 have the same invert despite different diameters. This issue will need to be worked out with MRB.
32. The revised plans will reflect the manner in which construction vehicles will access the site and it will not be from Crestview Dr.
33. Construction fencing will be provided along the northern and eastern boundaries.
34. A concrete truck washout area will be indicated on the plans.
35. The proposed piping will be sized to adequately convey the 10-year storm event and calculations provided to MRB.

Landscaping, Lighting and Details:

36. The Board will determine if the proposed landscaping is satisfactory.
37. The design engineer will complete an analysis and revise lighting accordingly.
38. Details of the proposed Stormceptor units will be included on the plans.
39. A note regarding Cleaning and Testing of Sanitary Sewers will be added to the plans.
40. The Sanitary Sewer Detail will be added to the plan.
41. The Town sanitary lateral connection to the sewer main will be added to the plans.
42. A note will be added to the plans stating that As-Builts will be provided to the Town and MRB prior to a C of O being issued.

Stormwater Pollution Prevention Plan:

43. Documentation that the NYSDEC will accept the Stormwater System will be provided.

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44. The error in the drainage calculations will be corrected.
45. A copy of the Stormwater Maintenance Agreement will be completed and included in the SWPPP.
46. The second bullet on page 12 will be revised.
47. A Notice of Intent was incorrectly completed and will be revised.
48. The Federal Tax ID will be added on the NOI.
49. Question 8 on the NOI will be answered. It is less than 5 acres.
50. Question 19 of the NOI will be answered; half goes to the State and will be indicated.
51. A construction sequence schedule will be included on the plans,
52. An updated MS4 Acceptance Form for GP-0-10-001 will be provided.
53. The Contractor Certification will be revised.
54. The SWPPP and Inspector Forms will be updated to note that Part IV.C.4.k of GP-0-10-001 requires the use of digital photographs during inspections for practices needing corrective actions.

Traffic Impact Study:

55. The design engineer still needs to model whether the intersection of the main access drive and drive-thru lane should be a 2-way or 4-way stop and will render an opinion.
56. Additional information will be provided as to how the stacking will occur on site.
57. The design engineer will evaluate the other two (2) internal intersections.
58. Application will be made to the NYSDOT for work within the R.O.W., as well as a request to review changing the timing for the signal at the intersection of Rte. 31 and 19.
59. The design engineer will include the potential impact on the signalized intersection of Rte.19 and Crestview Dr. from the increase in traffic volume. Chairman McAllister stated the study should include Crestview Dr. as a 2-way lane.

Subdivision Plat:

60. The zoning requirements for both lots will be listed on the plat.
61. The plat will reflect all changes to existing and proposed easements.
62. The proposed property line is revised to match the site plan.

Mr. Hale thanked MRB for doing a very thorough and great job reviewing this application. The Board agreed.

Landscape Plan:

Mr. Keiffer explained the developer is proposing maple trees along the area between the curb and the R.O.W. along Rte. 19 and 31, which is consistent with the existing mature trees. Islands will be planted with trees and lower bushes that will provide color, similar to what you would see at Wegmans. The building will have a few foundation plantings along the plaza side to soften the elevation view that was not the most popular one. Mr. Strabel confirmed that the crab apple trees would be the fruitless type.

Mr. Minor asked about the 7.5 ft. green buffer. Mr. Keiffer stated it will be grassed and significant landscaping on the McDonald's side.

Mr. Oberst asked about the east side of Rte. 31 entrance. Mr. Keiffer stated the trees shown with a scallop edge exist and the perfect circles are proposed trees. Mr. Oberst asked if there are any sight issues with the trees. Mr. Keiffer will look at the height of the trees to see if you can see underneath.

Mr. Monno asked if the topsoil depth would be checked. Mr. Keiffer stated there are construction details on how the landscape material is to be planted and a period of establishment associated with it.

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Mr. Oberst asked if irrigation was proposed. Mr. Keiffer stated irrigation is planned; the lawn areas will be sprinkled.

Chairman McAllister suggested the entrance on Rte. 31 be designed as a westbound in and westbound out. Mr. Keiffer stated right in; right out only was explored, but found there were sufficient gaps during the day that would not necessitate doing that. MRB has asked for additional information regarding how many cars are expected to stack trying to get out on Rte. 31 at any given time. Mr. Strabel compared it to Sherry Lane and how difficult it is to exit left that another way is sought. Discussion followed regarding other ways.

Mr. Minor asked regarding the drive-thru, what is the width of the bypass lane? Mr. Keiffer stated it is 12 ft. for the drive-thru and 10 ft. for the bypass. Mr. Minor asked the Fire Marshal if 10 ft. was sufficient. Mr. Sanford gave a guide to Mr. Keiffer regarding the width required to drive certain fire apparatus around the site to help with his study. He added there isn't a McDonald's, Burger King, or Arby's that an apparatus can drive underneath the 7 ft. high sign.

Chairman McAllister suggested a sign before you make the turn to go down the drive-thru aisle as to what the clearance of the canopy is so trucks don't crash or get stuck. Mr. Keiffer stated the answer might be to modify the canopy so it doesn't overhang.

Mr. Schultz asked if it would be acceptable to prepare a variance application at this time in anticipation of going before the Zoning Board of Appeals (ZBA) soon. Chairman McAllister stated a complete environmental has to be done and the site plan completely reviewed and a final determination given that there are no more changes going to be made to the site plan before the Planning Board sends the application to the ZBA. The ZBA cannot make any modifications to the site plan after the Planning Board sends it to them.

Mr. Keiffer asked if the Planning Board would be able to render a SEQRA determination prior to the design engineer completing a Phase II environmental site assessment. Chairman McAllister stated that an environmental would not be rendered until the transportation study and all the environmental issues with DEC are completed. Mr. Keiffer stated that mitigation of the environmental issues couldn't be done until the property is purchased and the buildings are demolished, which is long after the SEQRA determination. Chairman McAllister stated if the Board doesn't know what the mitigation is, then how can the Board say it's not an impact.

Mr. Schultz stated what the Board needs is a list of the impacts identified by Phase I and how they will be mitigated to determine if the site plan will be affected. Chairman McAllister agreed.

Mr. Schultz summarized that in the next two weeks; the majority of all of the above significant comments will be answered. Chairman McAllister stated all other agency comments need to be reviewed.

Mr. Schultz asked if there were any of the variances that the Board Members had an issue with. Mr. Strabel stated that the applicant's justification for the variances would be that the site would be improved. He added that the Board doesn't have any major problems with the requested variances, although more information is needed.

Mr. Hage asked for a timeline as when he may have to ask tenants to vacate. It was determined that it would be several months at best before any signatures were on the drawings.

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Mr. Schultz suggested that if any of the ZBA members could be present at the meetings, it would be helpful.

Mr. Minor asked if a nicer looking building would be presented at the next meeting. Mr. Keiffer stated he would work on that. Mr. Strabel asked if there was anything he would need from the Board to help in that matter other than language in the minutes.

The Clerk explained that she received a call from a representative from Norr Architects with questions about the design of the building. The Clerk explained how the Board was adamant about the new Wal-Mart having a village-type design, and how they were very pleased with the outcome. She also explained how the new CVS was on the corner of a busy intersection in the Town and the importance of how it will look. The representative thanked the Clerk for her time and comments. Mr. Keiffer understands what direction he should take regarding the design of the building.

The meeting was adjourned on motion at 9 p.m.

Planning Board Secretary