

**TOWN OF SWEDEN  
Planning Board Minutes  
March 27, 2006**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 27, 2006, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Absent: William Hertweck

Also present: James Oberst, Town Engineer, Whitney Autin, ECB, Kip Finley, James Glogowski. Douglas Morris, Ronald Bronstein, Taylor McDermott, Bruce Myers, Dave Balcer, and please see attached sign in sheet.

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

Correspondence passed to members for review.

Moved by Mr. Williams, seconded by Mr. Minor, that the minutes of February 13, 2006 be approved.

Ayes - 4  
Abstain - Mr. Hale  
Abstain - Chairman McAllister

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

Ayes - 6

The Chairman read the notice of public hearing and affidavit of publication. The Chairman asked if there were any questions or comments from anyone present at the public hearing.

**Delle Fave Subdivision & Site Plan. West Avenue. 068.01-2-3.2**

Mr. Kip Finley addressed the Board. Mr. Finley distributed updated plans to the Board. The minor changes made are from comments received from the Department of Health, Town Engineer and ECB. The applicants propose to build a single-family home.

Chairman McAllister asked if there were any questions/comments from the public. There were none.

**Ledgedale Resubdivision. 4875 Sweden Walker Road. 084.04-1-25.2, 084.04-1-25.17 (part of)**

Mr. James Glogowski addressed the Board. Plans have been submitted to the Department of Health and the Town Engineer's comments have been addressed. The applicant is proposing to combine the two parcels; one parcel has a house and the other has a small barn. There will be no new development.

Chairman McAllister asked if there were any questions/comments from the public. There were none.

Moved by Mr. Hale, seconded by Mr. Minor, to adjourn the public hearing to the regular meeting.

Ayes - 6

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**Lowe's of Brockport. Owens Road & Rte. 31. 084.01-1-19.1**

Mr. Douglas Morris addressed the Board. Since the plans received final approval in January, a recommendation from the Lowe's home office was requested. Updated plans were distributed.

The change has to do with the southern most access drive off Owens Road. The previous plan didn't have a roadway and there were land-banked parking spaces. Lowe's recognized this drive would have the most traffic for the whole shopping center and that it would be a good idea to separate the drive with a curb and have only two access points into the Lowe's parking lot for safety reasons. The location of the entrance and the utility connections are the same. The building has been moved back approximately 10 ft. to accommodate this change. The grading plan did not change because the storm water design moved back with the building.

Mr. Minor asked about the land-banked parking spaces. Mr. Morris explained that by adding curbing, the previous land-banked parking spaces would now be actual parking spaces.

Mr. Minor asked if the land-banked spaces were needed to meet code. Mr. Morris checked the specs and there were 593 spaces required and 593 were proposed.

Mr. Morris explained that at the recommendation of the traffic analyst, Lowe's extended the two lanes all the way to the second access driveway, which will provide plenty of stacking. Mr. Hale commented that it's an assumption that most of the traffic will use the southern most entrance. Anyone coming from north of the canal will use the first entrance. Mr. Morris reiterated that based on the studies done by the traffic analyst, and with most of the development closer to the southern entrance, that drive will be used the most. Mr. Hale stated that might change once the store is constructed.

Mr. Minor asked about the heavy-duty asphalt areas. Lowe's learned from experience to use heavy asphalt for high traveled areas to avoid potholes over a longer period of time.

Mr. Morino asked about the two areas for handicap parking. The first area has an access onto the main road, which is good, but the other area has the 25 cars going through an area buffered by the end zone. Mr. Morris stated the theory of limiting the access to two points is based on safety.

Moved by Mr. Hale, seconded by Mr. Minor, that the Lowe's of Brockport (Shoppes at Owens Landing) Amended Site Plan be accepted for review.

Ayes - 6

Chairman McAllister asked the Board if they would agree to waive the public hearing. Mr. Morris asked that the Board keep in mind that the access and utility points have not changed. Mr. Minor added that anywhere the site has a public use has not changed, and to answer the Chairman's question, Mr. Minor would agree to waive the public hearing. Mrs. Bahr and Mr. Williams agreed.

Discussion took place regarding the proposed landscaping for the new roadway. There will be trees with a grass strip. Mr. Minor asked would the landscaping be a typical layout, i.e., junipers. Mr. Morris stated the landscaping would be according to the original layout. Mr. Morino stated that the islands shouldn't have anything planted too high; a bush would work fine.

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Mr. Oberst stated that from a SEQRA standpoint, this change would not reopen the SEQRA review process due to that the change being made does not increase any of the environmental impacts, and will ultimately be an increase in safety.

Chairman McAllister read the following code to the Board, § 175-15, (2) Planning Board, (c): *The Planning Board may, when reasonable, waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver may be exercised in the event that such requirements are found not to be a requisite in the interest of the public health, safety and general welfare or inappropriate to a particular site plan. Such waiver shall include conditions to assure that no undesirable change will be produced in the character of the neighborhood or no detriment to nearby properties will be created.*

Moved by Mr. Minor, seconded by Mr. Morino, that the public hearing be waived pursuant to Town Code § 17515, (2) Planning Board, (c), for the Lowe's of Brockport Amended Site Plan.

Ayes - 5

Nay - Mr. Hale

**Delle Fave Subdivision & Site Plan. West Avenue. 068.01-2-3.2**

The Board continued review of this project. Mr. Finley distributed updated plans.

The Dept. of Health requested an updated phone number and additional invert data on the drop boxes.

MRB Comments:

- The driveway is shown as 14 ft. wide and the two required turnarounds are shown on the plan. One of the turnarounds has been moved to a cleared area so that no additional trees have to be cut. The other one is used for an apron at the pole barn.
- The water note, Note #21, has been added.
- The County's comments were similar regarding the wetlands. There are tape map wetlands on the property. A huge State wetland, approximately 10 acres, is located on the site. There is also a mapped Federal wetland on the property. The DEC comments didn't mention these wetlands. Mr. Finley visited the site to confirm that the wetland delineation on the plan is very close to where the wetlands actually, begin.

ECB Comments:

- The ECB requested retaining and incorporating the large trees. M/M Delle Fave are environmentally friendly, and especially want to save the 30 in. cherry tree. The septic system has been woven to retain trees.
- All the trees for the driveway have been cut so there is no need to cut anymore.
- The Radon Level Note was looked into and the Town of Sweden is not a high radon area. The note was changed to read for informational purposes.

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Mrs. Bahr stated that the first comment from the Development Review Committee is that the site might contain wetlands and the wetland boundary must be determined by the NYSDEC. Mr. Finley explained that the DEC, when available, will visit the site to agree or disagree with the biologist's flags. A biologist must be hired first. Mr. Finley added that he feels that the wetland delineation shown on the plan is accurate after his visit to the site.

Chairman McAllister stated that the plan shows that there is no development happening within the 100 ft. buffer area. Chairman McAllister asked if the Town Engineer was comfortable with the wetland issue. Mr. Oberst stated yes because of the fact that the DEC had no comments.

Mr. Morino requested the existing driveway be moved 10 to 12 ft from the corner of the Wood's parcel. The applicant agreed.

Moved by Mr. Minor, seconded by Mrs. Bahr, that having reviewed the SEQRA Form, Project Information Form, comments from the Town Engineer, County Planning, and the Environmental Conservation Board, the Planning Board determines that the Delle Fave Subdivision & Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes - 6

Moved by Mr. Hale, seconded by Mr. Williams, that the Delle Fave Subdivision & Site Plan be given preliminary approval.

Ayes - 6

**I Ledgeale Resubdivision. 4875 Sweden Walker Road. 084.04-1-25.2, 084.04-1-25.17 (part of)** Mr. James Glogowski continued with the review of this project. MRBs comments have been addressed. No site plan review. The applicant is only combining two lots into one.

Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the SEQRA Form, comments from the Town Engineer, Fire Marshal and the Environmental Conservation Board, the Planning Board determines that the Ledgeale Resubdivision is an unlisted action which will not have a significant impact on the environment.

Ayes - 6

Moved by Mr. Monno, seconded by Mr. Hale, that the Ledgeale Resubdivision be given preliminary approval.

Ayes - 6

Moved by Mr. Monno, seconded by Mr. Hale, that the final public hearing be waived, the Ledgeale Resubdivision be granted final approval contingent upon receiving signatures from the Town Engineer, Fire Marshal, Highway Superintendent, and the Chairman authorized to sign the mylar.

Ayes - 6

**Petsmart - Amended Site Plan. 1989 Transit Way. 084.01-1-1.121**

Mr. Bruce Myers and Mr. Dave Balcer addressed the Board informally seeking approval for a chain link fence around the store's patio. An internal security audit was completed and found that there is a potential for unauthorized access into the patio doors into the facility. Pictures were distributed.

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Mrs. Bahr commented that the berm shown should almost hide the fence from the roadside. Mr. Myers stated all but the top two to three feet of the 8 ft. fence.

Chairman McAllister requested the fence be painted green. Mr. Myers stated there would be a special gate for egress purposes/emergency exit with panic bar on the inside.

Chairman McAllister stated that Petsmart may proceed with installing the fence. No permit is necessary.

The Clerk raised a few questions for discussion. First, if an applicant were to construct a pond on an existing parcel with a single family home would that require an amended site plan approval. The Board agreed the resident should come before the Board informally to present more information. Second, whether or not MJ Trucking, Owens Road, is required to come before the Board for a Special Use Permit E to operate a truck repair/state inspection service. Discussion followed regarding the number of trucks owned by Mrs. Dreher, the type of repairs to be completed, and that if a Special Use Permit E would be required. The question was raised if Northrup had a Special Use Permit E. Fire Marshal Sanford will be visiting the site to see if the facility is up to code to do repairs. The Board will require something in writing from Mrs. Dreher stating she will be performing inspections only on her own vehicles. If Mrs. Dreher will be performing inspections on other vehicles as well, a Special Use Permit E would be required.

The meeting was adjourned by motion at 8:45 p.m.

**Planning Board Secretary – Phyllis Brudz**