

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Town Offices, 18 State Street, Brockport, New York on Thursday, March 29, 2012, commencing at 6 p.m.

Members present: Frank Fisher, Ken Reid, Pete Sharpe, Mary Ann Thorpe

Absent: Pauline Johnson

Also Present: Kris Schultz, Schultz Associates, Walter Breese, applicant.

Chairman Reid called the meeting to order, introduced the Board members and read the notice of public hearing for:

Application of Breese and Associates, LLP, 174 South Union Street, Spencerport, New York, for an area variance to construct a 380 sq. ft. addition on the western-most side of the existing plaza building located at 6515 Brockport-Spencerport Road, Brockport, New York. The proposed perimeter side buffer zone is a minimum width of 2 ft. Per Town of Sweden Ordinance §175-40, Section B, Required perimeter buffer zone is 7.5 ft. in width. The property is owned by GBR Spencerport Ltd., tax account number 084.01-1-4.11.

6515 Brockport-Spencerport Road. Sweden Corners Restaurant. Subway Restaurant

Mr. Kris Schultz addressed the Board. For clarification, he distributed updated maps showing only the requested variance.

Mr. Schultz reviewed the plan pointing to the neighboring restaurant, Golden Eagle, parking lot, traffic flow and how the perimeter buffer zone, 7-½ ft, wasn't required at the time the plaza was developed. The perimeter buffer zone was intended to generate landscaping and to discourage driving through parking lots.

The proposed building addition is a trapezoid shape so it won't cause any issues with traffic flow like it would if it were squared off. The applicant is proposing a drive-thru for the addition, which isn't usually seen at Subway restaurants. In order to do this, there had to be enough drive lane width for two-way traffic for the delivery trucks and/or Chase ATM traffic. The applicant is proposing to remove the Chase drive-thru bollards to allow Subway traffic to exit into the plaza. The drive lanes have been changed to ten feet wide per Planning Board's comments. By increasing the drive lane width, the 7-½ ft. buffer has been encroached upon to the worse case scenario of 2.1 ft., whereby the buffer requirement isn't met for approximately 20 ft.

Mr. Sharpe clarified that there will be a drive-thru lane and two 10 ft. drive lanes for incoming and outgoing traffic.

Mr. Fisher stated there is a huge change in elevation at the point where the variance is requested.

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Mr. Schultz summarized by stating that the project has been before the Planning Board and the Town Engineer has reviewed it and changes have been made as a result. One issue is that GBR Management, owner of the plaza, has outstanding improvements from previous amended site plans, but this project is only dealing with the corner of the property and doesn't affect the whole plaza. However, the applicant is trying to meet the Planning Board's request by increasing the drive lane width even though a variance would be needed as written in the Planning Board minutes.

Mrs. Thorpe asked about the drive-thru window and what would prevent vehicles from crashing into it. Mr. Schultz stated there would be a curb around the island and along the building. Chairman Reid asked how the proposed drive-thru island location would be affected if the Lake Road entrance was relocated as proposed. Mr. Schultz stated it ends up turning out better. Also, by adding new drive lanes, it will be easier to complete the proposed access between this plaza and the old Wal-Mart plaza in the future.

Mrs. Thorpe asked if the roads would be striped. Mr. Schultz stated yes, complete with stop signs and crossbars.

Mr. Fisher asked for confirmation that the owner of the Golden Eagle was approached to sell some land to the applicant so a variance would not be needed. The applicant explained that he did approach the owner of the Golden Eagle only to be turned down.

Mr. Schultz went over the following variance criteria:

1. There will be no undesirable change in the character of the neighborhood.
2. Whether the benefit can be achieved by other means feasible to the applicant. The applicant has tried to work with the neighbor to the west with no luck and this variance is being requested based on a modification to the drive lanes per the Planning Board.
3. The requested variance from 7.5 ft. to 2 ft. is substantial, but what's more important is that the variance runs for only 24 ft., which is not substantial.
4. The project will not have adverse physical or environmental effects on the neighborhood. It is actually improving the aesthetics of the plaza.
5. The alleged difficulty is self-created because the applicant chose to move to this location, but the benefit of this project outweighs the detriment to health, safety and welfare of the community.

Mr. Sharpe asked for clarification regarding the Chase ATM and drive-thru. Mr. Schultz stated the drive-thru has been removed, but the ATM still operates. Mr. Breese explained that the former Chase drive-thru lane is part of the lease agreement.

Mr. Reid confirmed that in order to install rip-rap on the slope, the contractor would have to work around the Golden Eagle property line. The plan is to install weed barrier too.

Mrs. Thorpe questioned the process from placing the order to picking it up. Mr. Schultz explained that a customer will drive up to the island and place the order with the worker; once the order is done, the customer will be asked to drive up to the window to pick it up so there will

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be no stacking of vehicles. He added that this is a unique process, but still like any other Subway in that you may still go into the store to place an order.

Mr. Breese stated there is a similar offsite drive-thru functioning well in Batavia. Subway is growing and finding alternate locations and installing drive-thrus. He added 30 percent of quick service restaurants have customers that do not get out of their car.

Mrs. Thorpe confirmed that Mr. Breese is leaving the Brockport Corners Mall due to lost visibility from the new CVS store and moving to the Sweden Corners Plaza. Mr. Breese still owns the Subway in the Wal-Mart plaza.

Mrs. Thorpe asked if there were anything to prevent someone from driving through the drive-thru exit lane into the plaza. Mr. Schultz stated there are stop signs and stop bars.

Chairman Reid closed the public hearing.

Moved by Mr. Fisher, seconded by Mr. Sharpe, that having reviewed the application of Breese and Associates, LLP, 174 South Union Street, Spencerport, New York, for an area variance to construct a 380 sq. ft. addition on the western-most side of the existing plaza building located at 6515 Brockport-Spencerport Road, Brockport, New York, *with a perimeter side buffer zone of a minimum width of 2 ft.* is an unlisted action that will not have a significant impact on the environment.

Mr. Fisher – Aye
Chairman Reid – Aye
Mr. Sharpe - Aye
Mrs. Thorpe - Aye

Moved by Mr. Fisher, seconded by Mr. Sharpe, that the application of Breese and associates, LLP, 174 South Union Street, Spencerport, New York for an area variance to construct a 380 sq. ft. addition on the western-most side of the existing plaza building located at 6515 Brockport-Spencerport Road, Brockport, New York, *with a perimeter side buff zone of a minimum width of 2 ft.* **be approved** for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood. Actually, the proposed development will improve the area.
2. The benefit cannot be achieved by another means due to the applicant was unable to mitigate the sale of additional land with the neighbor.
3. The proposed variance is not substantial in that there is only 24 feet where the perimeter buffer zone is not 7.5 ft.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood.
5. The cross flow of vehicle traffic will be prevented by the different elevations.
6. The variance is needed due to the request of the Planning Board to increase the width of the drive lanes (per Planning Minutes dated March 12, 2012).
7. No one appeared against the variance.

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Mr. Fisher – Aye
Chairman Reid – Aye
Mr. Sharpe - Aye
Mrs. Thorpe – Aye

Moved by Mrs. Thorpe, seconded by Mr. Fisher, to approve the minutes of the January 26, 2012, meeting.

Mrs. Fisher – Aye
Chairman Reid – Aye
Mr. Sharpe - Abstain
Mrs. Thorpe – Aye

Moved by Mr. Fisher, seconded by Mrs. Thorpe, to approve the minutes of the February 2, 2012, meeting.

Mrs. Fisher – Aye
Chairman Reid – Abstain
Mr. Sharpe - Aye
Mrs. Thorpe – Aye

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

Clerk to Zoning Board of Appeals