

**TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 12, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: William Hertweck

Also present: James Oberst, P.E., MRB, Daryl Martin Architect, Richard Maier, L.S., Jett Mehta

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

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of June 14, 2010, be approved.

Ayes – 5
Abstain – Mr. Strabel

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

Ayes – 6

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

Hess Express Amended Site Plan – Dunkin Donuts. 995 Transit Way. 084.01-1-10.11

Chairman McAllister asked if there were any comments, questions or concerns.

Mr. Jim Butler, Building Inspector, spoke on behalf of Mr. Michael Marschke, 39 High View Circle, who stopped by the office earlier today, but couldn't make tonight's meeting.

Mr. Marschke asked if signs similar to those by the gas pumps that read, "Please consider our neighbors" could be placed by the drive-thru window to deter loud radios, etc. He is also concerned about hearing noise from the drive-thru order speaker.

Mr. Martin stated the hours of operation are from 5 a.m. to 9 p.m. so the speaker noise shouldn't bother anyone and he will look into having additional signs by the drive-thru to prevent noise while waiting in line.

Mr. Butler also stated the Fire Marshal was concerned with vehicles having to drive over the tank island to get by the drive-thru. Mr. Martin stated there are two lanes for the drive-thru so vehicles shouldn't have to drive over the tank island.

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

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

Ayes – 6

TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010

Chairman McAllister continued review of this application. Mr. Daryl Martin addressed the Board. Mr. Jim Oberst, Town Engineer, had a concern with the stacking of seven to eight cars and what data and/or supporting documentation Dunkin Donuts is using to determine this. The main concern is from the menu system back where there is room for two to three cars before northbound traffic is blocked on Transit Way.

Mr. Jett Mehta, Project Developer, stated Dunkin Donuts operates a number of these locations throughout Western New York and in Monroe County, and typically, there are 6 to 8 cars stacked from the window to the edge of the property line. This information is based on 5 existing Dunkin Donuts restaurants operating inside of gas stations in Monroe County.

Mr. Monno asked if those other stores are the same building plan as Hess. Mr. Mehta stated very similar. Mr. Mehta commented what was so nice is that the Hess store was actually designed to include a future drive-thru.

Mr. Monno asked for the drive-thru traffic flow to be shown. Mr. Martin explained how a customer would enter off of Transit Way and proceed to the menu board and then to the pick up window and exit by the car wash, back to Transit Way or right only onto Rte. 31. Mr. Monno is concerned that there may be a blind spot leaving the drive-thru lane when parking in the front of the store is full.

Mr. Mehta explained that the Dunkin Donut drive-thru time is about 2 to 2.5 minutes while Tim Horton's, McDonald's, and Burger King's is sometimes 4 to 5 minutes. This is due to Dunkin Donuts being mainly a beverage-based business, one person in the morning getting their medium coffee in under a minute. Mr. Mehta also suggested using creative stripping to bring the customer out farther to avoid the blind spot. Mr. Monno just wanted to bring this to the developer's attention in hopes of finding a solution.

Chairman McAllister suggested "no left turn" signage coming from the car wash onto the Hess site. Mr. Martin stated there is an existing "do not enter sign."

Mr. Monno asked if the number of employees would increase with the drive-thru addition, and how it would affect employee parking. Mr. Mehta explained how there could be three to four employees during the morning hours (7 a.m. to 10 a.m.), but eventually there would only be one employee. Mr. Mehta explained that from his experience, every employee doesn't have their own vehicle, i.e., college/high school help, etc.

Mr. Strabel stated there are six existing parking spaces for staff.

Mr. Minor asked the Town Engineer if there's enough clearance in the back employee parking area for employees to back out of with the addition of a drive-thru lane. Mr. Strabel thought it would be tight, but asked Mr. Oberst to review that. Also, is it possible to move the menu board one space farther east so that there is room for stacking three cars. Mr. Mehta stated that could be done, but he wasn't sure if that would prevent traffic from spilling over onto Transit Way.

Mr. Strabel suggested moving the pick up window down one space. Mr. Mehta stated that was the original plan, but unfortunately, Hess has a manager's office and electrical items in that space.

Mr. Oberst asked if there happens to be an order that is taking longer, where would the customer pull over. Mr. Mehta stated yes there would be a designated spot wherever the Board would like to see it.

TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010

Mr. Minor asked if the full electrical panel located on the corner of the building requires any additional fortification, i.e., bollards. Mr. Martin will look into that. Also, he asked if the three plastic sheds on the property are staying. Mr. Mehta wasn't sure; Hess probably uses them for storage. Mr. Minor suggested that they be removed because they are not very attractive.

Mr. Minor asked for signage to proceed with caution and/or stop when exiting the drive-thru due to the cross traffic. Mr. Martin suggested putting something on the back of the "do not enter" sign. Also, he suggested signing Transit Way to alert truck drivers that they may have a hard time navigating through the drive-thru. Mr. Monno stated delivery trucks usually park in the front of the building.

Chairman McAllister asked what is the possibility of the air station being moved from the first space? It was determined that a kerosene pump is there, not an air station. Chairman McAllister asked when was approval given for that change. Mr. Martin thought it was on the last plan he reviewed.

Mr. Monno added that when you see the site at packed capacity, the vehicles don't end up where the pump ends especially by the pumps near the west side of the building (diesel side) with the bigger vehicles. These vehicles are the ones that are going to hang over. Mr. Martin stated the goal is alleviate some of the traffic in front of the store with the drive-thru.

Mr. Oberst asked if there were any attempt to acquire land to the south. Mr. Mehta stated not that he was aware of.

MRB's Comments:

1. The site plan can be stamped and signed by a licensed architect as long as there are no DEC issues or storm water/utility upgrades proposed.
2. The seven to eight queue was discussed earlier.
3. Greenspace is 30% per Town Code; original calculation was done conservatively.
4. Landscape Plan is currently being developed as per MRB's and the ECB's comments.
5. Signage will be reviewed by the Town and modifications made as necessary.
6. The only new lighting proposed is at the drive-thru menu board and a recessed light in the drive-thru window awning.

ECB's Comments:

Mr. Martin discussed the landscape design with his landscape architect. It was agreed to plant "Shadblow Serviceberry" trees in the front to add some color, and "American Hornbeam" trees in the back. Hess will be asked to clean up their existing mulch beds. Pictures of the trees were distributed.

Mr. Oberst added he would still like to see some data to back up queuing needs. Mr. Strabel added that Dunkin Donuts would take some of Tim Horton's business away. He asked what are the alternatives if the queuing is more than expected, i.e., 10 to 15 cars.

Mr. Mehta stated if for some reason the line speed is slow and the queuing is increasing, the simple answer is to add more employees. He added that the store located at Long Pond and Maiden Lane has 50,000 cars travel by it and still only stacks 6 to 7 cars with 5 people on staff and service. The location on Latta Road off of Rte. 390 has an 8 to 9 car queue and there are no issues.

**TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010**

Mr. Mehta stated 60 percent of Dunkin Donut's business is drive-thru and 40 percent is walk-in. Mr. Monno asked if the existing coffee is going to stay. It was determined that the existing Hess coffee station will go away.

Mr. Strabel asked what recourse does the Town have if cars start backing up onto Transit Way. He added is the recourse that the Town complains, and Dunkin Donuts hires an additional employee to get the cars through faster or is the recourse that the Town would require additional stacking space. Because there is no hard data that says there won't be stacking issues and the uncertainty of how busy the new business will be at first makes this a major concern.

Mr. Mehta agreed with Mr. Strabel, that the coffee business is very competitive and customers will go where the service is the quickest, most convenient. He welcomed the Board to visit a location that does a higher volume of business with no stacking issues. Mr. Mehta reiterated that he doesn't have a definite answer for the Board, only that Dunkin Donuts operates in similar communities with the same competitive set and stacking has not been a problem.

Mr. Strabel confirmed that Dunkin Donuts differs from Burger King and Tim Horton's because it is a mercantile rather than an assembly use where there is an annual inspection and issues can be resolved. Discussion followed. Mr. Mehta explained that the store located at the corner of Monroe and Alexander in Rochester has seven to eight cars stacked and the store in Brockport would be lucky to do a third of that business volume.

Mr. Minor asked about shared signage with Hess. Mr. Mehta was glad to discuss signage. He plans to replace the existing Godfather and Blimpie monument signage. He hopes to be able to have some building signage. Discussion followed. It was determined that the signage application should be submitted to the Building Department with the possibility of having to go to the Zoning Board of Appeals.

Mr. Minor asked if the overhang/awning is aligned with the drive-thru window. Mr. Martin stated yes and there is a height sign.

Mr. Minor asked for clarification regarding the "DD" on the front of the awning and should be submitted as part of the signage application for approval.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application on June 14, 2010, for a Hess Express Amended Site Plan; and

WHEREAS, the Planning Board held a public hearing on July 12, 2010, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, the comments of the Town Engineer, Environmental Conservation Board, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Amended Site plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 6

TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010

Butler Subdivision – 16 lots. Shumway Road. 084.03-1-16.1

Mr. Maier addressed the Board.

MRB Comments:

1. The title of the plan for the Butler Subdivision was corrected.
2. MC DOH stamp is on the plan.
3. A note was added to the plan that these lots are not approved for building, and the Town of Sweden Planning Board must approve any site development.
4. Site data added to the plan.
5. Wetlands have been mapped according to the Federal Wetland Map.
6. The closest septic is 400 ft. to the west, unlimited to the east.
7. A note has been added to the plan stating if a parcel requires a full raised septic system, 260 ft. of frontage is required. Mr. Hale stated a note is good, but why haven't the lots been perc'd. Mr. Maier stated he has worked with this developer and from his experience, people buy the lots and don't build on them. Also, there are five or six houses on lots that are 200 ft. wide with a house on them so there is a chance. Chairman McAllister stated there is full disclosure on real estate so the only person liable would be the seller if the lot can't be built on and it goes to court.
8. Mr. Oberst stated a SWPPP has to be in place for the 16 lots when the first lot comes in for site plan approval and the developer is responsible for doing the SWPPP. Mr. Maier stated he would add note #4 to the plan stating, "when the first lot gets sold, N/F Ed White and/or White Holdings LLC is responsible for providing the most current DEC SWPPP for the entire project when the first lot comes in for development."

Chairman McAllister stated that the Town is protected with the above notes.

Lake Subdivision – 5 lots. Lake Road and Shumway Road. 084.03-1-16.21

Mr. Maier addressed the Board. He will add the same notes to this plan as stated above regarding the septic and SWPPP. Public water is available to these lots.

Mr. Dollard asked what was the width of Lot 4. Mr. Maier stated 191.53 ft. with angle point R.O.W. of 28.46 ft.

Mr. Maier addressed MRB's comments, which were basically the same as for the Butler Subdivision. It was determined that the church was the nearest septic system.

County comments addressed that the project is within 500 ft. of land in agricultural production in Monroe County's Midwestern Agricultural District, and therefore, an Agricultural Data Statement should be submitted for this project. Agricultural Data Statement was completed.

Mr. Hale asked that the subdivision name of the other Lot 2 be included to avoid confusion. Mr. Maier will take care of that and add the page and liber.

TOWN OF SWEDEN
Planning Board Minutes
July 12, 2010

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application on May 10, 2010, from Ed White/White Holding LLC, for approval of the Butler Subdivision – 16 lots, located on Shumway Road, and the Lake Subdivision – 5 lots, located at Lake and Shumway Roads; and

WHEREAS, the Planning Board held a public hearing on June 14, 2010, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Environmental Conservation Board, Fire Marshal, Monroe County Planning and Development; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines the Butler and Lake Subdivisions are unlisted actions which will not have a significant impact on the environment; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Butler and Lake Subdivisions be granted Preliminary approval.

Ayes – 5

Nay – 1

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

Planning Board Secretary