

**TOWN OF SWEDEN
Planning Board Minutes
August 8, 2011**

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 8, 2011, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Hale, William Hertweck

Also present: James Oberst, Town Engineer, James Butler, Building Inspector, Kris Schultz, Schultz Associates, Dave Bentley, Ken Greene, Ken Vasile, Robert Bringley, Marathon Engineering, Andy Gallina, Maria and Bob Fosher, Barbara Ingrams

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 July 11, 2011, be approved.

Ayes – 4
Abstain – Mr. Strabel

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

Ayes – 5

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

King Subdivision (n/f Butler Subdivision). 741 – 711 Shumway Road. 084.03-1-35 – 43

Mr. Richard Maier addressed the Board. He stated the property is on the south side of Shumway Road, just east of Lake Road. This is an existing subdivision that is being modified into eight lots; one 10-acre lot, one 50-acre lot, and six 2-acre lots. The sites are serviced by water and electric.

Mr. Maier stated preliminary perc tests have been done with results in the high 30's and low 40's. The existing septic systems are well over a couple 100 ft. to the west and not determined to the east. There is a fair amount of wetlands and wooded lot on the property. The owner is retaining the wooded lot for himself in order to keep it that way. Mr. Maier stated he would be happy to answer any questions at this time.

Robert Fosher, 746 Shumway Road – Mr. Fosher has a concern with the drainage. He submitted pictures to the Board of the drainage this spring. His concern is if the land is developed, provisions will have to be made to drain the north side going through the property. The north side fills up and goes to the south side. Also, Mr. Fosher stated that the people doing the perc tests were not very neat because they left mud all over the road.

Mr. Fosher had one last question, which was whether this property could be turned into a commercial site. Mr. King has no intention of rezoning it.

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

Ayes – 5

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The Hogan Subdivision. Owens Road. 084.01-1-19.14

Mr. Richard Maier addressed the Board. He is representing Mr. Todd Hogan. The property is located on the east side of Owens Road, just north of Lowes. The north property line is the railroad tracks. The applicant is proposing to subdivide 29 acres, which the majority is swampland to be used for recreational purposes.

Chairman McAllister confirmed that the property is zoned industrial. He then asked what portion of Lot 1 is outside of the current Owens Landing project. The property is parcel B of the subdivision. Chairman McAllister questioned whether a portion of this land was promised to the Town to be used for a road from Owens Road to Sweden Walker Road. Mr. Maier or the realtor wasn't aware of that, but he will look into it.

Chairman McAllister asked for an overall map to see what is the location of Lowe's to this project. Mr. Minor asked for an aerial view too.

Moved by Mr. Minor, seconded by Mr. Monno, that The Hogan Subdivision be accepted for review.

Ayes – 5

The Public Hearing will be September 12, 2011.

Bentley Brothers, Inc. Special Use Permit E. 5605 Brockport-Spencerport Road. 084.02-1-38

Mr. Kris Schultz addressed the Board. He explained the last time before this Board, the applicant received site plan approval for the facility on Brockport-Spencerport Road. It was noted that with the repair of vehicles, mowers, etc., approval of a Special Use Permit E to maintain that type of service would be required.

Mr. Schultz summarized there are no floor drains and there would be no large storage of oil or fuels. Oil changes would be done, but with no floor drains, the oil would be captured in a pan and put in a drum to be taken to the Albion store. There will be no painting done.

Moved by Mr. Minor, seconded by Mr. Monno, that the Bentley Brothers, Inc. Special Use Permit E be accepted for review.

Ayes – 5

The Public Hearing will be September 12, 2011.

King Subdivision (n/f Butler Subdivision). 741 – 711 Shumway Road. 084.03-1-35 – 43

Chairman McAllister continued review of this application.

Mr. Maier addressed the Board and the Town Engineer's comments. He explained that some perc tests were done informally, not with the MC DOH. The property did perc at a high 30, low 40 rate; no deep holes were done.

The Fire Marshal and Environmental Conservation Board had no comments. County comments have not been received to date.

Mr. Minor confirmed public water was available, and each lot had 260 ft. of frontage. When previously approved as the Butler Subdivision, there was a note regarding a SWPPP being required. The same note has been added to the King Subdivision.

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Discussion took place regarding the smaller lots not being large enough for a full raised septic system according to the Town's code and that a "not approved for building" note should be added to the plan. The applicant is looking for subdivision approval, not site plan at this time. The Town's code states that a lot served by public water requires a minimum of 150 ft. of frontage and there should be a minimum 40,000 sq. ft. for an in ground or modified raised septic system. A full raised system would require 260 ft. of frontage and a minimum of 5 acres. The Town's code would have to be modified for the smaller lots to be developed. The sale of these lots would fall under "buyer beware."

Mr. Monno added he thought that the plan was very confusing the way it is shown even though it meets County requirements for filing. Mr. Strabel suggested that the legend show that the darker lines are proposed and the dotted lines are pre-existing.

Mr. Maier added that Note #1 states that each lot will be required to have a site plan approval from the Town of Sweden Planning Board. Chairman McAllister stated this is just a division of property lines.

Mr. Minor requested that the Project Information Form be corrected and resubmitted per the comments of the Environmental Conservation Board.

Moved by Mr. Minor, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the King Subdivision (n/f the Butler Subdivision), located on the south side of Shumway Road; and

WHEREAS, the Planning Board held a public hearing on August 8, 2011, 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 the Fire Marshal;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sweden Planning Board determines that the King Subdivision is an unlisted action which will not have a significant impact on the environment and grants Preliminary approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the King Subdivision be granted final approval contingent upon receiving the corrected Project Information Form, and the Chairman be authorized to sign the mylar.

Ayes – 5

INFORMAL

Bruegger's Bagels (n/f Burger King located at 4675 Lake Road)

Mr. Ken Greene addressed the Board. He distributed revised interior layout drawings, and revised exterior pictures of the old Burger King. The existing site plan will stay the same. The shingled roof will be torn off. Bruegger's will occupy the left side and the remaining 1,000 sq. ft. on the right side will be leased. The colors of the exterior will be a cream color with maroon trim. The drive-thru will be on the Bruegger's side.

Mr. Strabel stated that the parking requirements would be met since it was a fast food restaurant before.

Mr. Dollard questioned the restroom facilities. Mr. Green stated the restrooms are off a common hallway and would be shared by Bruegger's and the new tenant.

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Mr. Strabel asked if the building was fire sprinkled. Mr. Greene didn't think so. Mr. Strabel stated this might be an issue because the code now requires fire sprinkling for an assembly use. Mr. Greene thought that the number of seats and square footage fell below the required amount for fire sprinkling. Mr. Strabel would confirm.

Mr. Minor summarized that the color of the building would be the same all over except for the trim. Pedestrian parking on either side with the drive-thru as it exists. The dumpster enclosures will be refaced to match the building.

Chairman McAllister stated the reason for the informal is because the Building Inspector had contacted him about this building and that our interests would be the elevations of the building. Nothing is changing that would prompt a formal application to this Board.

Wegman's Plaza – Medical Office Building

Mr. Robert Bringley, Marathon Engineering, addressed the Board. He introduced Mr. Andy Gallina, Gallina Development. This project will be located on the Wegman's Plaza, north of ESL Bank on 3.4 acres. The property is zoned for business use and the developer is proposing a one-story, 18,000 sq. ft., medical office building.

The plan before the Board meets all the zoning requirements, i.e., setbacks, greenspace, parking for approximately 112 spaces, 93/94 spaces are required. The developer would like to move forward and make an official application as soon as possible, and would entertain any questions, concerns from the Board at this time.

Chairman McAllister stated the 3.4 acres is not currently an approved out parcel, which means the developer would be seeking subdivision approval too. With subdivision approval, the Wegmans site would be impacted and still have to meet code. Mr. Bringley stated the parcel is being purchased from Wegmans and subdivision approval would be obtained.

Mr. Minor stated that as a subdivided lot, in order to develop the parcel, road frontage is required off a dedicated road, which may be an issue for this project. Mr. Gallina stated there is an access easement already negotiated. Chairman McAllister stated road frontage off a dedicated road is still required with an access easement. Chairman McAllister stated that isn't a showstopper, but is an issue that needs to be mitigated.

Mr. Monno explained that it is disappointing that the existing, vacant Chase Pitkins could not serve this development. Mr. Gallina stated that is not in his control. Mr. Gallina questioned rather the road frontage issue could be resolved by this Board or would a variance have to be sought. Mr. Strabel thought a variance would be required for the road frontage. ESL uses the same access drive without road frontage. The Board stated all the out parcels have road frontage either off Rte. 31 or Rte. 19. The proposed site was not a previously approved out parcel. The proposed parcel would be landlocked.

Chairman McAllister wanted to discuss the possibility of granting an access to the Vikings Way apartment complex due to the increased traffic. This request was initially brought up during the approval of the ESL Bank; however, Wegmans did not want to pursue an ingress/egress for the Vikings Way apartments. Chairman McAllister feels that may still be an issue today due to all the development on the Wegmans parcel, which is why the Vikings residents have great difficulty getting in and out of their property. He thought when this project is proposed, the plan could show an access between the ESL property and the proposed medical office property to the Vikings Way property.

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Mr. Gallina asked why the access agreement wasn't granted by Wegmans when ESL was approved. Chairman McAllister stated because Wegmans decided there was too much liability in granting it. Mr. Gallina thought that would be a deal breaker. Mr. Bringley confirmed that Vikings Way is a private drive and can't become a dedicated road because it wasn't built to specifications.

Mr. Minor confirmed that the drive aisle in front of Wegmans would not line up with the drive aisle in front of the proposed medical office and ESL; there would not be a 4-way intersection.

Mr. Monno confirmed that the proposed site is currently where all the snow is unloaded and that another area would have to be found.

Mr. Bringley stated the proposed medical office is a complimentary use for the plaza and would be open from 9 a.m. to 5 p.m. Mr. Strabel confirmed this would not be an emergency care facility.

Chairman McAllister asked since the 3.4 acres would not be owned by Wegmans, would the new owner be open to granting an easement from the Vikings Way through the proposed property and out to Wegmans private drive. Mr. Gallina felt it would be too much liability, and could be a hazard with the medical vehicles coming and going. Chairman McAllister stated it doesn't seem like either party is willing to resolve this issue. The Vikings Way apartments were built at least 10 years prior to the Wegmans development. Discussion followed.

Mr. Oberst asked if there was an interest in having an internal access between ESL and the medical office. Mr. Bringley stated no because it's fairly simple to come out of ESL onto the private drive and access the medical building.

The Board discussed the process/direction that should be followed by the developer, which is to first apply to the Planning Board for subdivision approval and without meeting the 60 ft. road frontage requirement; the application would be referred to the Zoning Board of Appeals for a variance.

The meeting was adjourned on motion at 8:40 p.m.

Planning Board Clerk