

**TOWN OF SWEDEN  
Planning Board Minutes  
August 9, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 9, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Hale

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

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. Strabel, that the minutes of July 12, 2010, be approved.

Ayes – 5  
Abstain – Mr. Hertweck

**Larkin Subdivision. 5499/5517 Lake Road. 098.02-2-27, 098.02-2-26**

Mr. Kris Schultz addressed the Board. He explained the purpose of the subdivision is to create Lot 1 and the balance left to the estate.

Mr. Monno asked if the lots are buildable. Mr. Schultz stated yes, but the lots would require site plan approval.

Mr. Monno asked about the availability of public water. Mr. Schultz explained public water is available, made possible through a private donor.

Moved by Mr. Monno, seconded by Mr. Strabel, that the Larkin Subdivision be accepted for review.

Ayes – 6

The Public Hearing will be September 13, 2010.

**Colonial Estates Resubdivision. 4600 Monroe Orleans County Line Road. 067.04-1-1.2**

Mr. Kris Schultz addressed the Board. He distributed copies of the project's Agricultural Data Statement to the Board.

Mr. Schultz explained that this project was previously two five-acre lots, merged into one, and now, being separated again. The existing house and land is being sold. The remaining lot will be subdivided so that it meets the requirements of the building code for a single-family home. Site plan approval will need to be granted.

Mr. Schultz added there are wetlands north of the site. He showed the Board where the State wetlands are located on the map.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Colonial Estates Subdivision be accepted for review.

Ayes – 6

The Public Hearing will be September 13, 2010.

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**Breiner Subdivision and Site Plan – 2 Lots. West Sweden Road. 112.02-1-1.2**

Mr. Richard Maier addressed the Board.

Mr. Minor asked for clarification regarding the spelling of the applicant's last name. Mr. Maier stated it is Carson, not Carlson as stated on the application forms. Mr. Minor recused himself from this project due to a conflict of interest.

Mr. Maier explained that Kevin Breiner owns the land and wants to sell Lot 1 to his sister and brother-in-law so they can develop it.

Mr. Strabel confirmed that Lot 2, a flag lot, has only a 20 ft. access. Chairman McAllister stated the 20 ft. access is an issue because 60 ft. R.O.W. is required.

Mr. Maier stated he spoke with Mr. Breiner and the plan is to take 40 ft. from Lot 1 and add it to Lot 2.

Moved by Mr. Hertweck, seconded by Mr. Strabel, that the Breiner Subdivision and Site Plan – 2 Lots be accepted for review.

Ayes – 5  
Abstain – Mr. Minor

The Public Hearing will be September 13, 2010.

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

Mr. Maier addressed the Board. He explained that there have been some modifications to the plan. There are now 10 lots instead of 16 lots and all the lots have 260 ft. or more of frontage to avoid having the expense of perc testing the lots.

Mr. Monno confirmed that the lots are now buildable.

Mr. Minor recused himself from this project due to a conflict of interest.

Mr. Maier stated that the note requiring 260 ft. of frontage in order to develop was removed, and the following SWPPP note was added to the plan:

*The Town of Sweden Local Law No. 4 of 2007 requires that a Stormwater Pollution Prevention Plan (SWPPP) be provided when land disturbance activities exceed 25,000 square feet. Additionally, both a SWPPP and post construction stormwater runoff controls are to be provided when stormwater runoff from residential land disturbance activities are smaller than 25,000 square feet provided that such activities are part of a larger common plan of development (whether phased or not), where the disturbance in total will exceed 5 acres.*

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

Mr. Richard Maier addressed the Board. He explained there are now 4 lots instead of 5 and all the lots have at least 260 ft. of frontage so that they are buildable. The following SWPPP note was added to the plan:

*The Town of Sweden Local Law No. 4 of 2007 requires that a Stormwater Pollution Prevention Plan (SWPPP) be provided when land disturbance activities exceed 25,000 square feet. Additionally, both a SWPPP and post construction stormwater runoff controls are to be provided when stormwater runoff from residential land disturbance activities are smaller than 25,000 square feet provided that such activities are part of a larger common plan of development (whether phased or not), where the disturbance in total will exceed 5 acres.*

Moved by Mr. Strabel, seconded by Mr. Dollard, and in response to changes made to the original application,

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 – 10 lots, located on Shumway Road, and the Lake Subdivision – 4 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the Butler and Lake Subdivisions be granted final approval contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 5  
Abstain – Mr. Minor

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

Mr. Daryl Martin addressed the Board. He explained that the following changes were made as a result of the last meeting:

- Bollards added around the electrical boxes
- Caution signs added to the back of the “Do Not Enter” signs
- No left-turn sign coming from the car wash

Mr. Oberst asked if the storage sheds would be removed. Mr. Mehta stated those sheds belong to Hess and he can't guarantee that they would remove them. He added Dunkin Donuts has some similar sheds at other locations.

Chairman McAllister asked what would be the hours of operation for Dunkin Donuts? Mr. Mehta stated the store would close at 10 p.m. during the summer and 9 p.m. during the winter and on Sundays. The store will open at 5 a.m.

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Mr. Oberst stated the only concern he still had was stacking. Chairman McAllister asked if Mr. Mehta came up with a solution for that. Mr. Mehta stated that he spent some time talking with existing managers and reviewing existing stacks and he determined that having three cars between the menu board and window is good because it allows people to go through the drive-thru more quickly. Customers can place their order and the order can be prepared while they wait. Mr. Mehta visited the Dunkin Donuts store at the corner of Long Pond and Maiden Road, which has a higher volume and similar stack, and the drive-thru moved pretty well, especially with the right number of staff committed to getting the customers through.

Chairman McAllister asked if the products are pre-made. Mr. Mehta stated it is mostly the finishing of products, i.e., toasting bagels, pouring coffee, and mixing drinks. It is very much a retail environment as opposed to manufacturing; nothing is being baked, fried, etc.

Mr. Mehta added when comparing Dunkin Donuts and Tim Hortons, it really isn't the same because the business volume for a freestanding building is different than from a drive-thru window. Plus, Tim Hortons has a signal light right at the location for convenience.

Mr. Minor asked if the signage had been approved. Mr. Martin stated he applied to the Building Department as suggested. The Clerk added that a sign permit was approved. Mr. Martin stated the freestanding signage would be replaced, building signage added, but no Dunkin Donut signage on the drive-thru awning.

Moved by Mr. Monno, 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Hess Express Amended Site Plan be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 6

The meeting was adjourned on motion at 8:30 p.m.

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**Planning Board Secretary**