

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**August 13, 2007**

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 13, 2007, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

Members present: Ellen Bahr, Richard Dollard, William Hertweck, Arnold Monno, Craig McAllister

Absent: David Hale, Matthew Minor

Also present: James Oberst, MRB, James Butler, Building Inspector, Charles Sanford, Fire Marshal, Robert Avery, George Wohlers, Richard Maier, Kris Schultz, Jack Hassall, Harold Mundy, Anna Mary Bettilyon, Bob and Judy Fisher, Jimmie Bettilyon, Amber Kallen-Monroe

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

Correspondence passed to members for review.

Moved by Mrs. Bahr, seconded by Mr. Monno, that the minutes of July 9, 2007 be approved.

Ayes – 5

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

Ayes – 5

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.

**Bettilyon-Hauser Subdivision. 1559 West Sweden Road. 112.04-1-3.1**

Mr. Robert Avery addressed the Board stating he is representing Mr. Tom Hauser. He distributed revised prints to the Board. Mr. Hauser would like to subdivide the approximately 54 acres into two lots. The property is on the west side of the road and is 985 ft. from the center of Ladue Road. Lot 1 will include the existing farmhouse, barn and 20 acres to the R.O.W., and Lot 2 will include the balance of 34 acres, which Mr. Hauser would like to build on at a later date. The changes to the map were due per the results of the perc test witnessed by the MCDOH indicating a raised fill system would be required. The map shows where the property line has been pushed out to 260 ft. (per code) at the location Mr. Hauser would like to build a house.

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

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

Ayes – 5

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**Shumway Subdivision. 5112 Lake Road. 084.03-1-16.2**

Mr. Richard Maier addressed the Board. The applicants are proposing to subdivide the 48-acre parcel at the intersection of Lake and Shumway into three lots. Lots 2 and 3 are 450 ft. wide at the road. There is gas and water available. No improvements are requested at this time.

Chairman McAllister asked what parcel were the lots subdivided from? Mr. Maier stated the original 48-acre parcel, but lots 2 and 3 will front on Shumway Road. Lot 1 will remain vacant land. Chairman McAllister asked about the lots to the east of the property. Mr. Maier stated it's an existing subdivision, Battisti Subdivision.

Moved by Mrs. Bahr, seconded by Mr. Dollard, that the Shumway Subdivision be accepted for review.

Ayes – 5

The Public Hearing will be September 10, 2007.

**Special Use Permit E – Public Service. Thunderbolt Automotive Sales. 5371 Lake Road. 098.02-1-9.1**

Chairman McAllister excused himself from review of this application. Member Hertweck took over as Chairman of the meeting.

Mr. Wohlers addressed the Board. He is requesting to extend his existing Special Use Permit E to do repairs on cars for the public. The existing permit only allows work on the cars that Mr. Wohlers has for sale.

Mrs. Bahr asked what changes would be made? Mr. Wohlers stated there would be no changes to the type of repair work done, just more of it due to servicing the public. Mrs. Bahr asked if there would be any painting of the vehicles? Mr. Wohlers stated no.

Mr. Dollard stated that the volume of business would increase. Mr. Wohlers agreed, but not to the same degree of business as Midas or Firestone. The parking is more than adequate for the extra volume. Mr. Dollard asked if any additional employees would be hired? Mr. Wohlers stated it would just be himself for now, and if business does well in the future, he would hire an additional mechanic and office person.

Mrs. Bahr asked what type of repairs would be done? Mr. Wohlers stated brakes, exhaust, and once in awhile a motor/transmission exchange. There would be no bodywork, painting or washing of motors.

Mr. Hertweck asked if the building was wood construction, and if a torch used at the shop? Mr. Wohlers answered yes to both.

Mrs. Bahr asked if there would be an accumulation of tires? Mr. Wohlers stated there would be no.

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Mr. Dollard asked if Mr. Wohlers had his license to do NYS inspections? Mr. Wohlers stated he has all the applications, but has not sent them in until he gets approval from the Planning Board. Mr. Wohlers mentioned that he does get a lot of requests for repair work, especially from people who have bought cars previously from him.

Mrs. Bahr asked where would the cars waiting for service be parked? Mr. Wohlers stated along the west property line, farthest from the road. Mrs. Bahr stated the cars would be about 5 car lengths from the road and could be seen. Also, what would be the noisiest repair? Mr. Wohlers stated probably an exhaust repair.

Fire Marshal Sanford stated he thought that when the first special use permit application was before the Board, part of the approval was to blacktop the parking lot. Mr. Wohlers stated no it wasn't included at that time, but left for the future. Fire Marshal Sanford also confirmed that the business is changing from a doll-up service to a repair shop. He also asked if there was a concrete floor and if there were any cracks in it? Mr. Wohlers stated it was a concrete floor, and there were no cracks. Fire Marshal Sanford explained that NFPA-30A, which is the code for motor vehicle dispense and facility repair garages, might require you to install a floor drain with an oil and water separator. Because there is no sanitary sewer at your location, the oil and water separator would have to be hooked up to an outside vent and pump system. This will cost a lot of money. Since you opened, the code has changed.

Mrs. Bahr read the December 10, 2001 minutes from his first Special Use Permit application, which stated Mr. Wohlers agreed to comply with the DEC Information Sheet, "Examples of Best Management Practices for Vehicle Service, Washing, and Storage Bays," and that before final approval could be given, there were three outstanding items, DOT approval of curb cut change, removal of the word "phasing" from the plans, and storm equalizer calculations added to the plans.

Mrs. Bahr read the October 22, 2001 minutes, which stated, (1) the driveway apron will be paved and the parking area will be gravel, and (2) if a DEC permit is required for the extraction of auto fluids and disposal of contaminants, Mr. Wohlers agrees to comply with DEC regulations. Mrs. Bahr asked if Mr. Wohlers has checked into the cost of those improvements? Mr. Wohlers will look into it. Mr. Wohlers explained that if there were an oil spill, the oil would then go into the floor drain. Mr. Oberst asked how Mr. Wohlers washes down the floor? Mr. Wohlers stated he never does, he uses sawdust.

Mr. Butler explained that there are two issues, the DEC and NFPA and what modifications for this minor repair shop would be required in order to get a Certificate of Occupancy.

Mr. Monno stated an engineer and the building inspector could help. Mr. Wohlers will look into that.

Mr. Dollard asked what would be the hours of operation? Mr. Wohlers stated 8 a.m. to 6 p.m. during the week, and if business picks up, until 8 p.m. on Thursday. Mr. Dollard's concern is the surrounding residents.

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Moved by Mr. Hertweck, seconded by Mr. Dollard, that the Thunderbolt Auto Sales Special Use Permit E be accepted for review.

Mrs. Bahr – Aye  
Mr. Dollard – Aye  
Mr. Hertweck – Aye  
Mr. Monno – Nay

Mrs. Bahr stated while the motion didn't pass, Mr. Wohlers was welcomed back after he spoke with an engineer and determined what changes would be required per the DEC/NFPA, and costs involved to do so.

Mr. Wohlers thanked the Board for their time.

**Highlands Senior Development. Sweden Shopping Center. Resubdivision & Site Plan. 084.01-1-14.113 (part of)**

Mr. Kris Schultz addressed the Board. This is a unique project in that he is assisting another engineering firm with submitting the application form and plans so that they reflect Sweden's requirements. The firm is Duplantis Design Group from Louisiana. Duplantis has designed over a hundred of these types of plazas and is working for Spectra Development, who is purchasing the land from Mr. Hassall. When Mr. Hassall brought this application for rezoning to the Town Board, the Board was very involved as to how the commercial building should look. Mrs. Bahr suggested that the building look more like the new Wal-Mart SC in color theme and architectural style. Mr. Schultz will make sure that Duplantis is aware of that. Mr. Monno stated that the Board should keep in mind that different is also good and how far does the Board go to make all new construction look like the Wal-Mart SC.

Mr. Schultz explained that part of the development was the extension of Nathaniel Poole Trail, which would connect the Wal-Mart access to the stub on Talamora Trail. Part of the agreement was that this connector road be completed this year. During the rezoning, this access into the Wal-Mart SC was shown at the southwest corner of the parking lot. The developer would not agree to purchase the site until Wal-Mart approved it, which held up the project for a little over a month. To make the access road work, the pond had to be split in half and expanded to the east. The walkway was also moved to the east, which ended up being closer to the front walk of the Wal-Mart SC. One residential unit was lost in order to make the access road work.

Mrs. Bahr stated she is concerned about the new access and that traffic will shoot through the parking lot. Stop signs will be used from the access to the dedicated road to slow traffic down. The new access does not run into the middle of the Wal-Mart SC parking lot, but into the main run.

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Moved by Mr. Monno, seconded by Mr. Dollard, that the Sweden Shopping Center, LLC, resubdivision and site plan be accepted for review.

Ayes – 5

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Mr. Monno asked how long is the building? Mr. Schultz stated if he measured correctly, 133 ft. Also, the developer is not using the entire lot. There will be a separate parcel to the west that will need its own site plan review and approval.

Chairman McAllister stated, for the record, the remaining acreage may not be a fully developable lot and will be documented to that effect so that at a later date it can't be brought to the ZBA or that the applicant was not made aware of this fact.

Chairman McAllister asked how many acres were commercial? Mr. Shultz stated approximately six acres. Lot R-1B includes the ponds across the road, which will be included in the green space calculation. Chairman McAllister stated that area is noncontiguous and shouldn't be included as green space. Mrs. Bahr confirmed that has never been done before.

Mr. Schultz stated he would contact the engineer to find out the exact percentage of green space. When last discussed, it was close, but he figured with the pond across the road, it would meet the requirement. Chairman McAllister explained the way that a lot is defined is from the edge of the R.O.W. or the centerline of a dedicated road, and asked Mr. Schultz to look into that. There is the possibility of moving the lot line to the west to obtain additional land for green space.

**Bettilyon-Hauser Subdivision. 1559 West Sweden Road. 112.04-1-3.1**

Chairman McAllister continued review of this application.

Mr. Hertweck stated that on the map it shows Reed Road continuing through, but it stops at the County line. Mr. Avery will make that revision.

Chairman McAllister asked Mr. Oberst if all of his concerns were addressed? Mr. Oberst stated that the frontage at the house was jogged out to 265 ft. from 222 ft. at the R.O.W.

The ECB and the Fire Marshal had no concerns. Comments have not been received from County Planning and Development.

Mr. Oberst requested that the house detail and perc test calculation be removed from the plans because site plan approval is not requested at this time. Also, the dimension of the angle at the widening of the lot should be given.

Moved by Mr. Hertweck, seconded by Mr. Dollard, that having reviewed the Project Information Form, comments from the Town Engineer, Environmental Conservation Board, Fire Marshal, the Planning Board determines that the Bettilyon-Hauser Subdivision is an unlisted action which will not have a significant impact on the environment.

Ayes – 5

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Moved by Mr. Hertweck, seconded by Mr. Dollard, that the Bettilyon-Hauser Subdivision be given preliminary approval.

Ayes – 4  
Abstain – Mr. Monno

**Highlands Senior Development. Villas at Brandon Woods – Section 1 Subdivision & Site Plan.**  
**084.01-1-14.113**

Mr. Kris Schultz addressed the Board. He is requesting final approval for Section 1 tonight. The SEQRA review was done during the rezoning process. There is now an access road into the Wal-Mart SC parking lot located between the ponds. Because of this change, Mr. Oberst has to review the storm water calculations again.

Chairman McAllister stated it should be noted the drawings that received preliminary approval are not the same as tonight's plans in that there is a new access road and a loss of one unit.

Chairman McAllister asked Mr. Oberst if all of his concerns have been met in the July 16 letter. Mr. Oberst stated there are still minor changes that he needs to go over, but ultimately they won't change anything. Mr. Monno asked who would be performing inspections on the pond? Mr. Oberst stated the pond would be maintained by the Homeowner's Association with an access easement to the Town to maintain around the pond, if necessary.

Mr. Schultz stated that Spectra Development will take care of the ponds, not the Homeowner's Association.

Chairman McAllister asked the Board if it was ready for a contingent final approval for Section 1. Mr. Oberst stated he is comfortable that all the details will be worked out before signing.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the final public hearing be waived, the Highlands Senior Development, Villas at Brandonwood – Section 1 Subdivision and Site Plan be granted final approval contingent upon receiving County Health's approval and all other required signatures, and the Chairman be authorized to sign the mylar.

Mr. Dollard added the Findings Statement states that the new road has to be dedicated by November 30, 2007.

Ayes – 5

**INFORMAL**

**Sidewalk Extension – Lowe's**

Mrs. Amber Kallen-Monroe addressed the Board with her concern for pedestrian safety on Owens Road as a result of the traffic increase due to the new Lowe's. It is extremely difficult and unsafe for herself and 4-year-old child to ride bikes from The Woodlands Condominiums to the South Avenue extension.

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Mrs. Kallen-Monroe sent a letter to Paradigm Development (Lowe's) requesting help to have the sidewalk extended from the end of the Lowe's development to the South Avenue extension. To date she has not received a response. The South Avenue extension is very important to her and the residents of the Woodlands to get into the Village of Brockport by foot or bicycle. Mrs. Kallen-Monroe wishes she had been more aware of the Planning Board meetings when the Lowe's development was being reviewed.

Chairman McAllister stated the Woodlands have not offered to provide sidewalks either. He added there is an option whereby the 125 units could petition the Town Board to form a sidewalk district to share the cost for extending the sidewalk.

Mrs. Bahr suggested that Mrs. Kallen-Monroe check if the Walk, Bike Community might be of help to her, possibly some grant money could be obtained.

**7617 Fourth Section Road – Auto Dealership**

Mr. Butler requested the Planning Board's input on what action to take for Mr. Clarke's auto dealership business on Fourth Section Road. Mr. Clarke was before the Board awhile back to see if an official application was needed to sell 1 to 2 cars in front of his home. The Planning Board determined that an official site plan wouldn't be required for just 1 to 2 cars parked approximately 75 ft. from the R.O.W. Since then, the Building Department has received complaints that there are more than 1 or 2 cars. After a site visit by the Fire Marshal and Building Inspector, it was determined Mr. Clarke had 7 or 8 cars, and sometimes more, for sale on his property.

The Planning Board stated Mr. Clarke should come before the Board for an official site plan review. It seems Mr. Clarke is operating an auto dealership and must adhere to specific regulations.

The meeting was adjourned by motion at 9:30 p.m.

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**Planning Board Secretary**