

**TOWN OF SWEDEN
Planning Board Minutes
September 10, 2007**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 10, 2007, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Absent: Ellen Bahr, David Hale

Also present: James Oberst, MRB, James Butler, Building Inspector, Charles Sanford, Fire Marshal, Robert Avery, George Wohlers, Richard Maier, Kris Schultz, Brad Hill, Robert Blood, Robert Storie, Harold Mundy, Anna Mary Bettilyon, Rob Jesznewski, Everett Peake, Tom Hauser, Jim & Ruth Moore

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

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the minutes of August 13, 2007 be approved.

Ayes – 4
Abstain – Mr. Minor

Moved by Mr. Hertweck, seconded by Mr. Minor, that the regular meeting be adjourned to the public hearing.
Ayes – 5

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

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

Mr. Maier addressed the Board. The property is located at the corner of Shumway Road and Lake Road. The applicant is proposing to subdivide the property into three lots with no improvements. Water and gas is available.. The property will continue to be farmed to the extent it's being farmed today.

Comments have been received from the Fire Marshal, Environmental Conservation Board and Town Engineer. There were no concerns.

Mr. Maier asked if there were any questions from the public? There were no comments. Chairman McAllister proceeded to the next hearing.

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

Mr. Kris Schultz addressed the Board and introduced Mr. Brad Hill from the Spectra Group. Mr. Schultz explained that this parcel is approximately six acres, and is part of an overall rezoning, including senior citizen housing, just east of where ABVI-Goodwill was developed. This application covers a retail center and a new roadway, which will connect Talamora Trail to Nathaniel Poole Trail.

The north side of the proposed roadway will be a detention facility with an access road into the Wal-Mart SC parking lot. The road runs through the middle of the detention facility.

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The engineers for this project are Duplantis Design Group from Louisiana. Schultz Associates is acting as a liaison to help out Duplantis with Town requirements, etc. Mr. Schultz asked if there were any questions?

Ruth Moore, 4 Talamora Trail – How much parking is proposed? Mr. Hill stated there were 107 parking spaces proposed, which is a little over what is required. What type of buffer is proposed for the residents from the commercial development? Mr. Schultz explained that there is a large wooded area that will be left intact, which will provide a buffer. This area will be made into a conservation easement to the Town. Part of the Homeowner's Association for the senior development will take care of the deadfall in that area. How deep would you estimate that area to be? Mr. Schultz stated approximately 150 ft./152 ft. In the summer, the commercial development won't be seen; however, in the winter, some of the building will be seen from the residential area.

Jim Moore, 4 Talamora Trail – Mr. Moore asked if the roadway into the Wal-Mart SC was all set? Mr. Schultz stated it was, as a result of a combined effort from the engineers, developers and the Town.

Mr. Fred Perrine, Highway Superintendent, asked if the storm water ponds were part of the overall development. Mr. Schultz stated yes, and that Spectra, the developers, for the most part will be paying the cost to maintain the area around the ponds.

Mr. Oberst asked if that type of maintenance would be the same for the connector road into the Wal-Mart SC? Mr. Schultz stated it depends on if the road is dedicated to the Town or it stays as a private driveway, but it was designed to the same standards as Nathaniel Poole Trail.

Ruth Moore, 4 Talamora Trail – She asked if there would be stop signs at the connector road? Mr. Schultz stated yes.

Mr. Minor asked if the ponds were one common pond or two separate ponds? Mr. Schultz explained that the hydraulics are linked together, and the water is at the same level. He also asked which lot are the ponds on? Mr. Schultz stated that originally it was all one lot, but due to the resubdivision, there is Lot R-1A, an out parcel, and R-1B, the commercial development and ponds. R-1A will show no improvements.

Chairman McAllister explained that the south side portion of R-1B has acquired additional land to the south instead of using the detention facility to meet the green space requirement.

Mr. Minor stated he is concerned that Lot R-1A will end up not being a fully buildable lot. Mr. Schultz stated it would be perfect for a smaller building. He added that Spectra has done a considerable amount of research to find out exactly what size building would work without needing variances. Mr. Hill explained that is the reason why Spectra elected not to take additional land from R-1A to meet the green space requirement for R-1B.

Mr. Minor stated while he understood that reasoning, when the Incentive Zoning approval was given, it was for one lot and one commercial building. Mr. Schultz explained that whether it's one, two or four lots, the property is still being used commercially according to the building size requirement.

Mr. Oberst strongly recommended that the Board consider using the existing curb cut access for Lot R-1B to access R-1A. Mr. Hill agreed.

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

Ayes – 5

Burger King Subdivision & Site Plan. 6375 Brockport-Spencerport Road. 084.01-1-5

Mr. Robert Blood, Lauer and Manguso Associates, addressed the Board. He introduced the applicant, Mr. Robert Storie, Carrol's Corporation, who is proposing to develop a new Burger King in an existing vacant lot located on the eastern end of the Sweden Corners plaza adjacent to the Tractor Supply. Mr. Blood submitted a full set of plans and would be happy to answer any questions.

Chairman McAllister asked if the existing Burger King would stay open or close. Mr. Storie stated the existing Burger King leases that property and it is up this year.

Mr. Minor asked how many sq. ft. was the proposed building? Mr. Storie stated 2,900 sq. ft. plus the cooler. Mr. Storie estimated it would be very similar in size to the existing Burger King.

Mr. Blood explained there is room for 76 seats/40 parking spaces. There will be a connector road proposed parallel to the Rte. 31 plaza. Also, storm drainage will go in a conduit to the existing retention pond behind the plaza. Improvements will be required to the retention pond per the Town Engineer's comments.

Mr. Dollard stated the plan shows 40 parking spaces. How many do you have on the existing site? Mr. Storie stated less than that.

Mr. Minor asked if there will be a new pond or will the old Ames plaza pond be used? The Town Engineer hasn't reviewed the plan yet, but he believes it's the old Ames plaza pond, which will require improvements.

Mr. Minor asked if the two-lane roadway was on the property? Mr. Blood stated this property requires subdivision approval because it needed to expand by 2/10^{ths} of an acre to meet the green space and parking requirements. The road Mr. Minor asked about does crossover that boundary.

Mr. Blood added that the NYSDOT has received a concept plan and agrees strongly that a connector road is needed into the plaza. Also, the DOT encouraged a connection south of Transit Way. Mr. Blood isn't sure how that would work.

Mr. Minor asked if a third center turn lane was ever considered? He suggested it might be better to build the Burger King as if there were one to avoid ruining the entrance if the State decides to widen the road.

Mr. Hertweck asked if a berm was proposed? The answer was no, just a slight swale.

Mr. Minor confirmed sidewalks were proposed on the plan. He asked about proposed lighting. Mr. Blood referred the Board to the landscape plan. The plan showed five light poles, two on each side, and one in the rear. There will also be lighting on the building.

Mr. Minor asked if there was any indication of what the building would look like? Mr. Blood stated there was an elevation and floor plan included in the set.

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Mr. Harold Mundy stated that property was previously the site of an Agway Gas Station, and wondered if it was safe to build there. Mr. Storie stated a Phase 1, Environmental, was completed and everything is clean.

Mr. Monno asked how does the elevation of the lot now compare with the elevation of Tractor Supply? Mr. Blood stated the elevation at the edge of the Tractor Supply parking lot at the top of the curve is 97 and the existing pavement for the proposed Burger King is at 98.

Chairman McAllister asked if the original subdivision changed as a result of the development, and if so, a subdivision plat should have been submitted with the plans showing angles, bearings and tax account numbers for adjoining properties. He further explained that a subdivision map would have to be a part of this package prior to the public hearing for review. Mr. Storie stated the parcel had been surveyed, and a subdivision map will be prepared.

Moved by Mr. Monno, seconded by Mr. Minor, that the Burger King Subdivision & Site Plan be accepted for review with the subdivision map to be added as well as the new roadway shown.

Ayes – 5

The public hearing will be October 22, 2007.

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

Chairman McAllister stated he could stay for the Accept for Review, but not any part of the review. Mr. Wohlers addressed the Board and distributed updated plans and information.

The only change Mr. Wohlers made on the site plan adding the location of the used oil tank, which is shown inside the repair shop on a concrete floor.

Mr. Wohlers brought in a copy of the approval of the installed septic system per Mr. Monno's request. Mr. Monno reviewed it and was okay with it.

Mr. Wohlers explained that he called the DEC. The DEC sent out an information packet, tank registration forms, serial number and inspection requirements for the used oil tank. He distributed copies of the "Environmental Compliance and Pollution Control Guide," and highlighted pertinent information regarding waste oil, antifreeze and drainage requirements.

Mr. Wohlers explained that if the shop doesn't have a floor drain, then one isn't required, nor is a water and oil separator required. If the shop had a floor drain, but it will not be used, it should be sealed off, or if a floor drain is to be used, then a water and oil separator should be installed.

Fire Marshal Sanford stated that per the last meeting, NFPA requirements had to be met; however, the DEC requirements would supersede those of the NFPA.

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

Ayes – 4

Abstain – Chairman McAllister

The Public Hearing will be October 22, 2007

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

Mr. Robert Avery addressed the Board. He received County Planning's comments. Revisions were made to the plan from the last meeting's discussion. They were to remove the proposed house, septic system, and show the right angle running across the parcel to verify the 265 ft. of frontage a proposed house would have.

County Planning's comments were reviewed, and there were no major concerns.

Mr. Minor asked if there was an agricultural statement and water statement on the plan? It was determined that the water statement wasn't necessary due to no site plan approval requested. Mr. Avery will add the agricultural statement.

Mr. Monno discussed that Gleason Road will be back to a dedicated road in the future because there are a lot of good lots in the back.

Moved by Mr. Hertweck, seconded by Mr. Dollard, that the final public hearing be waived, the Bettilyon-Hauser Subdivision be granted final approval contingent upon the addition of the agricultural statement, and the Chairman be authorized to sign the mylar.

Ayes – 4
Abstain – Mr. Monno

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

Chairman McAllister continued review of this application.

Mr. Maier stated there were no concerns/comments from the Town Engineer, Fire Marshal, or Environmental Conservation Board.

The Fire Marshal asked if the applicant was aware that there was a house on Lot 1 that burned in 1973. Mr. Maier wasn't sure.

Mr. Hertweck asked how far south does the property go? Mr. Maier stated to the Grace Baptist Church.

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

Ayes – 5

Moved by Mr. Minor, seconded by Mr. Hertweck, that the Shumway Subdivision be granted preliminary approval.

Ayes – 5

Moved by Mr. Minor, seconded by Mr. Dollard, that the final public hearing be waived, the Shumway Subdivision be granted final approval without having received comments from County Planning, and the Chairman be authorized to sign the mylar.

Ayes – 5

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

Chairman McAllister continued review of this application. Mr. Kris Schultz addressed the Board. He is requesting preliminary approval for this application tonight. He received the Fire Marshal comments regarding Knox-Box installation on the building. Duplantis will abide by those requirements.

The Clerk asked Mr. Schultz if the Environmental Conservation Board's comments were received earlier today? Mr. Schultz stated yes and that they disturbed him because while he understands their position, the environmental review for this project was already done, and the comments were similar to what was already discussed.

Chairman McAllister explained that he is completely in support of the Environmental Conservation Board's comments; however, this is the Planning Board. And, that is why the Planning Board has asked the Town Board many times to put a moratorium on new commercial development until existing commercial sites are fully occupied.

Mr. Autin, ECB, stated he agreed with the Chairman's statement, but the ECB will not stop making their concerns known whenever needed or asked.

Chairman McAllister referenced Mr. Minor's earlier comment that the original plan approved under the Incentive Zoning showed one parcel and one commercial building, and now it shows two parcels, one commercial building, with future development on the smaller outparcel. The question is whether or not the Town Board was aware of this when the approval was given. Mr. Schultz stated the Town Board worked mostly from a color rendering, a subdivision map was not created. The idea of another outparcel came at the very end of the approval.

Mr. Schultz reiterated that the Town Board wanted the dedicated road, Nathaniel Poole Trail, built this season. The Highlands Senior Development, Villas at Brandon Woods, was approved at the August 13 meeting contingent upon getting signatures. Once the signatures are received, subdivision map filed, and the Letter of Credit established, road construction could begin. Mr. Oberst is very close to signing the Villas at Brandon Woods mylar except for a few minor issues with the storm drainage. Mr. Oberst also recommended to the Chairman that the mylar should not be signed until he is given a copy of the Wal-Mart SC access road agreement.

Subdivision Review

The Board reviewed the subdivision map for angles, bearings, and tax account numbers. Mr. Monno stated this Board hasn't seen a parcel divided by a road before. Chairman McAllister referenced the Ellie White subdivision on Gallup Road as a similar application. The land across the road will always have retention ponds so it won't ever be developed. The remaining land south of the road meets all the requirements for B-1 zoning.

Again, Mr. Minor stated his concern that the parcel was presented to the Town Board as one parcel with one commercial building. Mr. Schultz stated earlier in the approval process, that's how it was presented stressing the lot be developed according to B-1 zoning.

The Clerk asked why was the parcel resubdivided into two lots? Mr. Hill explained it started as a concept plan showing the maximum building size that would be permitted. During site plan approval, a more realistic expectation of what the demand is and what could be developed is designed.

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Chairman McAllister requested the Clerk to ask the Town Board for clarification whether or not it was fully aware of the two-lot subdivision prior to granting approval for Incentive Zoning.

Mr. Hertweck asked if the ponds would drain into the Wal-Mart SC's pond? Mr. Schultz stated yes.

Mr. Schultz added that while Mr. Hassall received final approval for the Villas at Brandon Woods, he is still dependent on this project receiving final approval for the funding of the new road. He added that he's pretty sure at the end of the rezoning, the lot was changed to include an out parcel. Also, this Board was aware of the resubdivision at the last Accept for Review meeting.

Site Plan Review

Chairman McAllister asked Mr. Oberst the status of his review of this project. He stated he was about 80 percent done.

MRB's Comments:

1. Details for the curb/gutter, dumpster enclosure, driveway apron section, utility connections, etc. have been provided. Mr. Oberst noted that the dumpster enclosure should match the building in color and material.
2. Mr. Oberst asked if an agreement has been reached for the Wal-Mart SC access road? Yes.
3. A truck access will be provided for deliveries to the stores via the heavy-duty pavement area noted on the site plan. Truck deliveries will be directed through the parking field with truck access signage. Truck drivers will be directed to the delivery doors at the rear of each tenant. Note: no tenant will have an isolated loading dock area.
4. Please note that the .1 acres of Federal Wetlands is located in the detention pond area being constructed as part of the Villas at Brandon Woods. The Federal Wetlands areas will not be impacted with construction of the retail tract.
5. Calculations for the sizing of storm water and water systems are to be delivered to Mr. Oberst shortly.
6. A sidewalk is proposed along the frontage of this development and will be shown on the plan.
7. Signature blocks will be added to the plan sheets.
8. Fully dimensioned color building elevations have been provided.
9. The building elevation has raised parapets on the front and side walls that will provide shielding from the two HVAC units located on the rooftop. Mr. Oberst's concern is Mr. Hassall's property to the south, which is at a higher elevation, and whether the rooftop units will be seen, especially during winter. Mr. Schultz stated the trees are very tall; however, some of the building will be seen, but not all of it.
10. There are no Town utility easements on the site. The main sewer and water will be serviced from down the road with the site being serviced by laterals.
11. An Erosion Control Plan and details has been provided. The SWPPP and NOI are forthcoming.
12. A stabilized construction entrance will be utilized for the site. Details are shown on the erosion control plan.
13. Schultz Associates completed maximum drainage calculations, which include full build out for both sites. Any additional information needed will be provided.
14. The grading plan has been revised to divert the offsite drainage to a two-ditch system, which will eliminate overflow on the retail center tract.
15. Erosion matting will be used to stabilize the proposed steep side slopes at the south property line.

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16. All runoff will be contained within the retail tract.
17. The proposed 36-inch RCP, which runs under Nathaniel Poole Trail, will be dedicated to the Town.
18. Duplantis will coordinate location of utilities with the Villas at Brandon Woods master plan. See Utility Plan.
19. The sewer will be flipped from the west to the east side.
20. The location of the RPZ will be in the sprinkler room. See details of the internal sprinkler room.
21. The Landscaping Plan is currently being revised and will be reissued for review.
22. The landscaper is currently reviewing the grading plan to verify any potential conflicts with the drainage ditches, and if any conflict arises, the landscaping plan will be reissued for your review.
23. An irrigation system is not needed at this site.
24. Decorative lighting will be required on the pilasters located on the front façade as indicated on the color building elevation. Recessed lighting will be provided under the canopy area. Wall-packs will be utilized on the side and rear building walls. Mr. Dollard asked if the canopy could take the weight of the snow and ice in our area? Mr. Hill responded it's a metal-type roof.
25. Details have been provided for the proposed lighting fixtures and poles.

Mr. Minor asked for clarification of #6. There will be a sidewalk in front of the development as well as in the Villas at Brandon Woods. The Wal-Mart SC access road won't have sidewalks, but there is a walkway leading into the Wal-Mart SC farther down.

Mr. Dollard asked if there would be lighting on the sidewalk. Mr. Schultz stated usually sidewalks don't have lighting outside of the street R.O.W. Plus, the Wal-Mart SC parking lot is lit pretty well.

Mr. Minor stated a comment should be added to the plan that Lot R-1A should only have cross access to R-1B and not the road. He confirmed that at the western exit/entrance shown as the slash area on the plan represents a wider radius (for truck traffic).

Mr. Minor asked if the lighting poles are the same as at the Wal-Mart SC site? Mr. Oberst stated the lighting poles have shields, and are dark sky compliant. How high are they? The poles aren't any higher than the ones at the Wal-Mart SC.

Chairman McAllister asked Mr. Hill if he had any ideas on what type of businesses are going into the center. Mr. Hill stated typical stores, such as, clothing, shoes, cell phone, etc.

Mr. Minor asked how deep was the storm water management facility? Mr. Schultz stated about 10 ft. deep and there will be a steel guardrail along the road. A dedicated road requires a steel guardrail.

Mr. Monno asked if there would be any park areas by the pond? Mr. Schultz stated no, due to safety reasons with having children around the pond.

Fire Marshal's comments were addressed.

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

Planning Board Secretary