

**TOWN OF SWEDEN
Planning Board Minutes
June 10, 2024**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 10, 2024, at the Sweden Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard; David Hale; Craig McAllister; Mathew Minor; Wayne Rickman; Peter Sharpe; David Strabel.

Also present: Nat O. Lester, III, Planning Counsel; James Oberst, P.E., MRB, Town Engineer; Supervisor Patty Hayles; Richard Maier, Maier Land Surveying; Randy Bebout, Bohler Engineering; Matt Tuttle, Schultz Associates; Sarah Costich, Costich Engineering; Kurt Overmyer; Matt Lester, Caliber Commercial; Anthony Gizzie; Michele Johnson and others; Ed Englerth; Jason Matsko.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Rickman, that the minutes of May 13, 2024, be approved.

Discussion: Mr. Hale did not have a chance to review the minutes and asked for the right to make editorial corrections if necessary. The Board agreed.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Abstain
Mr. Rickman - Aye
Mr. Sharpe - Abstain
Mr. Strabel - Aye

Chairman McAllister stated there are two public hearings tonight, the Englerth Acres Site Plan, 5230 Redman Road, and Ledgeale Airpark Amended Site Plan, 21 Eisenhower Drive.

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

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel - Aye

The public hearing began at 7:03 p.m.

Englerth Acres Site Plan. 5230 Redman Road. 083.03-1-5.11

Matt Tuttle, Schultz Associates, addressed the Board. He explained the application is for a single-family home on approximately 23.5 acres which will be serviced by private septic and public water. Review comments have been received by the Town Engineer, DRC, MCWA. A letter from SHPO was received stating there is no impact.

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Chairman McAllister asked if there was anyone present for this project with questions, comments, or concerns. There were none.

Ledgedale Airpark Amended Site Plan. 21 Eisenhower Drive. 084.04-1-25.0002/A.

Michele Johnson, Ledgedale Airpark, addressed the Board. She explained the application is for an office trailer which will be serviced by public water and a pumped sewer system from an existing private septic.

The Clerk distributed to the Board and Michele Johnson a written comment received prior to the hearing and made part of the record.

Chairman McAllister asked if there was anyone present for this project with questions, comments, or concerns. There were none.

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

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel - Aye

The public hearing ended at 7:08 p.m.

Matsko Subdivision. Resub of Northview Subdivision-Lot 108. 17 Long Point Ln. 083.01-1-43, 27.3.

Rich Maier, Maier Land Surveying, addressed the Board. He explained the existing lot is the last house on the south side of the road. The owner would like to add approximately .500 acres to the lot from the farmland to the west.

Chairman McAllister confirmed with Mr. Maier there are no plans for new development at this time.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Matsko Subdivision be accepted for review.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel - Aye

The public hearing will be July 8, 2024.

Mr. Minor confirmed with Mr. Maier that the farmland was previously approved only as a conceptual plan for future subdivision approvals. Site plan approval was granted as requested per section.

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Grandland Subdivision. Resub of Tyler-Allocco Subdivisiion. 203 Swamp Road. 099.04-1-2.11.

Rich Maier, Maier Land Surveying, addressed the Board. He explained the property is located on the south side of Swamp Road. There is an existing house on approximately 8.774 acres. The applicant is proposing to subdivide the property, Lot 1, ±0.925 acres, including the house, and Lot 2, ±8.402 acres, remaining lands. Lot 2, remaining lands, adjoins property owned by the applicant. No new development is proposed.

Moved by Mr. Strabel, seconded by Mr. Hale, that the Grandland Subdivision be accepted for review.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel - Aye

The public hearing will be July 8, 2024.

Englerth Acres Site Plan. 5230 Redman Road. 083.03-1-5.11.

The Board continued to review this application.

Mr. Tuttle stated he has received comments from MRB, MCDOH, MCWA, MCDOT, and a SHPO response letter stating no impact.

Mr. Strabel asked if a MCWA easement exists? Mr. Tuttle explained MCWA has a frontage easement on a neighboring property. An easement will be required for this property.

Chairman McAllister asked for an update from the Town Engineer. Mr. Oberst received revised plans today, and everything is addressed other than adding stop and sight distances to the curb cut.

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Englerth Acres Site Plan, located at 5230 Redman Road, which was accepted for review on April 22, 2024, and

WHEREAS, a public hearing was held by the Planning Board on June 10, 2024, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Highway Superintendent, Environmental Conservation Board, Fire Marshal, Monroe County Planning and Development, and New York State Parks, Recreation and Historic Presevation,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application pursuant to the SEQRA Regulations [6 NYCRR §617.6 (b)], and determines that the Englerth Acres Site Plan is an unlisted action, which will not have a significant impact on the environment, and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Englerth Acres Site Plan be approved contingent upon obtaining all required signatures, and the Chairman be authorized to sign.

Discussion: Chairman McAllister asked for the Town Engineer's comments regarding stop and sight distances be added to the resolution. Mr. Hale stated Mr. Oberst will ensure that with his signature.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel - Aye

Ledgedale Airpark Amended Site Plan. 21 Eisenhower Drive. 084.04-1-25.002/A.

The Board continued to review this application.

Chairman McAllister confirmed with Ms. Johnson that she referred to the proposed structure as an office trailer, not a modular building. She added it could be called a modular office construction trailer as it has four sections. Chairman McAllister noted construction trailers are usually onsite during construction only.

Mr. Strabel stated if it is a legal modular building, it is classified by the State building code as a building. Chairman McAllister agreed and added it would need a foundation. Ms. Johnson stated the office trailer will be on piers.

Chairman McAllister confirmed with Ms. Johnson the office trailer is 3,300 sq. ft. with twelve parking spaces. She added the plan is to start a flight school and the office trailer will be a temporary location for it. Also, as a construction office for future construction projects.

Mr. Dollard asked if there would be classrooms inside. Mrs. Johnson stated at this time she doesn't have a specific plan. It could be used for classrooms, construction meetings, or different ways to expand the airport business. Mr. Dollard asked if she knew how many people she would have there. Mrs. Johnson stated there are twelve parking spaces, but it depends on the use.

Mr. Cody Johnson addressed the Board and stated there are eight offices, one conference room, and one bathroom. The conference room is approximately 16 ft. by 20 ft.

Mr. Minor confirmed with Ms. Johnson that there are four separate individual prefab units that are attached with bolts. How does the roof look? Mr. Cody Johnson stated it's a roll rubber roof. Each unit has an individual roof and then rubber is rolled over the seams.

Mr. Dollard asked how many exits and entrances. Mr. Cody Johnson stated there are three.

Mr. Sharpe asked if there was extra construction for this building. Mr. Cody Johnson stated the units are bolted together using a flat roof system. Extra lumber is not needed to put the units together.

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Chairman McAllister asked for a status update from the Town Engineer. Mr. Oberst stated revised plans were received. He requested any correspondence from MCDOH and MCWA be forwarded to him.

Mr. Strabel asked what the parking requirements are for Airport-Commercial zoning. Mr. Oberst stated the zoning chapter states employee and customer parking is permitted on all except a strip of land 25 ft. in depth adjacent to the public highway boundary, which strip of land shall remain vacant, unused and clear for visibility. Parking requirement met.

Mr. Minor asked Mr. Oberst if there were any new stormwater calculations with the proposed office trailer. Will the site handle the runoff? Mr. Oberst has not seen any additional numbers to date.

Chairman McAllister asked to see what the proposed exterior of the building will look like. Mr. Cody Johnson stated a one-page description and picture was handed out at the previous meeting.

Chairman McAllister asked if there were any more questions or concerns. There were none. Mr. Oberst was good with conditional final approval.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Ledgesdale Airpark Amended Site Plan, located at 21 Eisenhower Drive, which was accepted for review on April 22, 2024, and

WHEREAS, a public hearing was held by the Planning Board on June 10, 2024, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Highway Superintendent, Environmental Conservation Board, Fire Marshal, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application pursuant to the SEQRA Regulations [6 NYCRR §617.6 (b)], and determines that the Ledgesdale Airpark Amended Site Plan is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Ledgesdale Airpark Amended Site Plan be approved contingent upon obtaining all required signatures, and the Chairman be authorized to sign.

Chairman McAllister - Aye

Mr. Dollard - Aye

Mr. Hale - Aye

Mr. Minor - Aye

Mr. Rickman - Aye

Mr. Sharpe - Aye

Mr. Strabel - Aye

Quick Serve Restaurant (QSR) Site Plan. 4871 Lake Road. 083.02-1-19.

Randy Bebout, Bohler Engineering, addressed the Board. He updated the Board that on June 6, 2024, the Zoning Board of Appeals, granted the six variances for greenspace, parking setback, perimeter setback, building setback, and canopy setbacks.

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Monroe County Pure Waters is ready to sign the plans and MCWA is all set except for the backflow device. Additional technical comments were received from NYSDOT, not in relation to the traffic study. The most important point is the request to add additional striping on Rte. 31 to move the striping on the eastbound lane to narrow the actual travel lane which makes the shoulder larger. Also added is hatching on the shoulder to deter people from passing on the right. Chairman McAllister stated in other words to reduce the turning queue.

A response letter and revised plans have been submitted to MRB. Mr. Oberst has done a quick review and is still waiting for some additional information on the hydro dynamic structure as related to the storm water quality discharge and the number of vehicles that are onsite at any one time. Mr. Bebout would like clarification on the latter request.

Chairman McAllister stated he would like to know how many vehicles are anticipated to be serviced at peak times, which is the only information that didn't show up in the traffic study. Mr. Bebout explained studies have been done at other actual sites, i.e., Henrietta, Irondequoit, and two local sites, where the queuing has been studied at Saturday peak hour where the largest queue was 22 cars between 11 a.m. and 2:45 p.m. at any one time. Chairman McAllister asked for the anticipated total number of vehicles that will be served during peak hours. For example, at peak times if the anticipated number of vehicles is 100 and the site only holds 38 cars, there would be a serious issue with the overflow. He added the number has to be known in order to have a viable business plan. He continued that every QSR that Chairman McAllister has been in front of in different states has overflowed its property. It has been noted that extra people will be brought in to manage the traffic during the grand opening, which indicates there will be more vehicles than the site can handle. Mr. Bebout will provide that number. Chairman McAllister stated from a safety standpoint, he has to have that number in order to quantify the overflow is not going to be a problem at the Town's most critical intersection at peak times.

Mr. Bebout continued explaining other outstanding items. A cross-access easement agreement has been provided to Counsel Lester for review. There is not a final signed easement at this point, just waiting for the tenant to complete a final review before signing. Also, the Planning Board requested headlight screening for traffic on Rte. 31. Plantings have been proposed for the perimeter of the site. There are three different species along the front and the angled piece of the property line. The species proposed range from three to five feet at maturity. The species could be changed to evergreen shrubs which would provide year-round screening. There is more room at the angled area to install a small berm. Chairman McAllister stated once a vehicle makes a turn west in the queue, it isn't an issue any longer. The issue is for the people sitting in the queue at the intersection. Mr. Bebout understood and will install a small berm in the angled area.

Mr. Bebout requested approval tonight, if the Board was so inclined, to begin contractual processes in order that this project might start this year

Matt Lester, Caliber Commercial, asked to address the Board for clarification. Are you looking for the number of cars that travel to the site per hour? Chairman McAllister stated yes, during peak hours. Mr. Matt Lester stated there is a maximum of 22 stacked cars that will be put through the two lanes in three minutes or 420 cars per hour. To maintain that threshold and based on the fact that every QSR grand opening had overfilled its capacity, the restaurant will partner with the local police department. If that is not possible, the manager of the restaurant will provide additional security. Chairman McAllister stated there will be over 400 cars coming through the site per hour and the site has the capacity to handle 38 cars at one time. Mr. Matt Lester clarified that the maximum capacity in the drive-thru stack is 22 cars from 11 a.m. to 2:45 p.m., which is the most stack that he has seen.

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Mr. Sharpe stated the Board's question is where will the other 60 plus cars go if they show up? Mr. Matt Lester stated the cars are coming in and going off the site. Mr. Sharpe added the cars are on Rte. 19 or Rte. 31 waiting to enter and exit the site. Chairman McAllister explained there are stacks outside the site too. Depending upon how the volume arrives at the site and the capacity of the site, will tell what the tie-up is on the outside of the site. Mr. Matt Lester stated the numbers are only averages because it's impossible to know how many people will come and what they will order. Mr. Lester explained plans have been put in place for the grand opening, which have been improved with every new store. The grand opening team will waive the cars to Rte. 19 if the site is at full capacity to maintain safety. Mr. Matt Lester added the grand opening team will work with the municipality and any other entities to make sure it goes as smoothly as possible.

Mr. Sharpe asked what are the car lengths from the Lake Road curb cut to the stop stripe at the light? Mr. Bebout estimated it at a couple hundred feet. He added that the traffic study did address that with the cycling of the lights, there are gaps for the cars to exit.

Mr. Minor checked with Counsel Lester whether the access easement to the west going through the WellNow continues to the next property to the west. Counsel Lester explained Dr. Nissiem has a nonexclusive easement to use the access to exit to Fourth Section Road. Mr. Rickman requested the direction flow be clearly marked.

Mr. Matt Lester explained the importance of the grand opening. An experienced opening crew will be brought in to ensure it goes as smoothly as possible, so it doesn't hurt the new development and future opportunities. The proposed site was chosen because of the existing customer base of Wal-Mart and Wegmans.

Mr. Dollard asked what the typical timeframe is for a grand opening. Mr. Matt Lester stated it depends on the location, three weeks to two months, until it slows down. This location will most likely be three weeks.

Chairman McAllister confirmed with Mr. Oberst that he is good with a conditional approval. Mr. Minor asked what is the cure for the traffic concerns? Mr. Matt Lester explained it's already in place with the opening of additional stores in the immediate area, i.e., Batavia, Lockport.

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Quick Serve Restaurant Site Plan, located at 4871 Lake Road, which was accepted for review on February 26, 2024, and

WHEREAS, a public hearing was held by the Planning Board on March 25, 2024, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Project Information Form, comments of the Town Engineer, Highway Superintendent, Environmental Conservation Board, Fire Marshal, Monroe County Planning and Development, New York State Department of Transportation, and New York State Parks, Recreation and Historic Preservation,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application pursuant to the SEQRA Regulations [6 NYCRR §617.6 (b)], and determines that the Quick Serve Restaurant Site Plan is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Quick Serve Restaurant Site Plan be approved contingent upon the receipt of the reciprocal easement agreement, and obtaining all required signatures, and the Chairman be authorized to sign.

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Discussion: Chairman McAllister asked that the installation of the berm along the angled R.O.W. line be included in the resolution.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Abstain
Mr. Minor - Aye
Mr. Rickman – Aye
Mr. Sharpe – Aye
Mr. Strabel - Aye

Jiffy Lube Resubdivision, Site Plan and Special Use Permit. 6060 Brockport-Spencerport Road.084.01-1-19.42.

Sarah Costich, Costich Engineering, addressed the Board. Ms. Costich explained the biggest change to the site plan is the change from the Owens Road access to the Lowe’s outparcel with the driveway to the proposed site. The existing wetland pond structure onsite has been avoided.

Revised plans were submitted a week ago for review. Mr. Oberst provided new comments last Friday.

Responses to the comments are as follows:

- SEQR required updating, which was provided today.
- With the change in the access drive location, the wetlands are slightly more impacted with a total disturbance of .36 acres. In January 2024, Doug Morris, property owner, received a jurisdictional determination from ACOE in regard to the wetland delineation that was done. Ms. Costich has submitted correspondence received from the ACOE. Mr. Morris has engaged Scott Livingstone, wetlands consultant, Earth Dimensions, to work with him for wetlands mitigation permitting. The plan is to mitigate the wetlands impacts on site by buying Ducks Unlimited. Correspondence submitted for purchasing wetlands to get credit for the impacts proposed on site.

Chairman McAllister pointed out that the wetlands are purchased from somewhere else which doesn’t help the Town. Impact to drainage on the property won’t be relieved, but in another community.

Mr. Strabel commented that instead of installing the long driveway to the site and keeping the building in the middle of a wetland, why not move the building to the north? Ms. Costich explained there are plans for future development on that parcel. The northeast corner will not be buildable for any retail with the road going through it. Ms. Costich referred the question to Kurt Overmeyer, applicant, for the project. Mr. Overmeyer stated Jiffy Lube’s preference is to stay as visible as possible.

Mr. Minor stated that during the development of the Lowe’s store, it was moved as far back as possible to the north and an internal road designed for future development. The Board has not seen any other concept plans for future development.

Chairman McAllister stated that with any new development, the flow of water/volume cannot be increased off the property. All the water currently coming into the site will have to be accommodated. Ms. Costich stated the plan is to keep the stormwater on the site. The Lowe’s parcel has several existing stormwater maintenance facilities for the wetlands on site. Chairman McAllister questioned how all the water currently coming in on a built-up site will be contained.

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Mr. Oberst stated the building will be lower than the road. Ms. Costich agreed that the site will not be raised very substantially. The plans show a culvert under the access road to convey the flow going from west to east across Owens Road where the driveway enters the site. Mr. Strabel stated from the plans, it seems the building is right at the water line. Mr. Strabel wanted to know how yearly runoff for this site is being handled. Is there some sort of a retention system? Ms. Costich stated retention is not proposed. Mr. Oberst added that the development is just under an acre based on what is shown for limit of disturbance, which doesn't require a SWPPP. Ms. Costich added the 0.93 acres limit of disturbance does include the driveway to the north. She has had a discussion with Mr. Morris that in order to develop his land, he may have to consider a stormwater agreement to send stormwater elsewhere on the property.

Chairman McAllister stated that is understood, but by State law the Board cannot allow a higher rate of runoff from the property for any new development. Mr. Strabel added that a stormwater mitigation plan could happen for the remaining properties and future development.

Mr. Dollard confirmed with Ms. Costich that the length of the driveway is approximately 200 feet to 300 feet.

Mr. Minor requested an overview of what the potential buildout is for the remaining lands. Mr. Oberst asked if Mr. Morris has a plan for the parcel to the north, it would be good to see how it interacts with the proposed driveway and any future development. Mr. Strabel agreed a master plan for future development is needed. Discussion took place regarding the proposed curb cut and how it could affect future development.

Ms. Costich continued with responses to the Town Engineer's remaining review questions.

Chairman McAllister stated if there are no other concerns, the project can be scheduled for continued review. There were no other questions.

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

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk