

**TOWN OF SWEDEN  
Planning Board Minutes  
May 13, 2024**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 13, 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; Wayne Rickman; David Strabel.

Absent: Matthew Minor, Peter Sharpe

Also present: Nat O. Lester, III, Planning Counsel; James Oberst, P.E., MRB, Town Engineer; Randy Bebout, Bohler Engineering; David Matt, Schultz Associates; Anthony Gizzie; Matt Lester; Steve Licciardello; Alan Adams; Louie Popovski; Hany Nissiem, M.D.

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. Strabel, that the minutes of April 22, 2024, be approved.

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

**Owens Road Subdivision and Site Plan – Phase 1. 90 Owens Road. 084.01-1-19.141/19.145.**

Chairman McAllister asked Mr. Oberst for an update on the project. Mr. Oberst stated all engineering concerns have been addressed. Planning Counsel Lester added the map and legal description for the easement has been prepared, and he will send it over to Schultz Associates for signature. SEQR was granted at the last meeting.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Owens Road Subdivision and Site Plan-Phase 1, located at 90 Owens Road, which was accepted for review on December 11, 2023, and

WHEREAS, a public hearing was held by the Planning Board on January 22, 2024, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board made a SEQRA Determination of Environmental Non-Significance on April 22, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board grants the subdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, the Owens Road Subdivision, be granted final approval, and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Owens Road Site Plan – Phase 1 be approved contingent upon obtaining all required signatures, and the Chairman be authorized to sign the mylar.

DISCUSSION: Chairman McAllister added that all easements should be reviewed by Planning Counsel Lester. Mr. Strabel stated language should be added to avoid installing sprinklers as customers will be limited by what can be stored in the units per the lease agreement. For example, the lease agreement will state upholstered furniture or mattresses in units more than 2,500 sq. ft., need to be sprinkled, and units over 5,000 sq. ft. used for storing commercial vehicles need to be sprinkled. Mr. Strabel confirmed with Mr. Matt that a note referencing this has been added to the Utility Map per the 2020 State Fire Code.

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

**Villas 2 at Brandon Woods – Section 2 Amended Site Plan. 31 Wood Trace/Etna Trail. 084.01-1-14.117.**

Chairman McAllister stated the last time the project was before the Board, the applicant received a conditional variance from the State Variance Board for the fire code. Mr. Matt stated the Board needed more time to review the transcript from the variance hearing.

Chairman McAllister explained the State granted the variance for the fire code provided the Town approved the proposed road, which opens up the discussion for the type of road the Board will approve.

Mr. Strabel stated a secondary fire apparatus access road, FAAR, should not exceed 10 percent in grade, 20 ft. wide minimum, and H2O loading. He is not sure what the applicant is calling the proposed road because it does not meet the requirements of a secondary FAAR. The variance was granted to not install sprinklers in the units, but not what type of road was required. The variance was conditional upon if the Planning Board approved the proposed road.

Mr. Licciardello's understanding is that the variance granted has nothing to do with the sprinklers but that the proposed road would be a means of secondary access. Mr. Strabel stated sprinklers are required if there is a dead end and there are more than thirty dwelling units. Discussion followed.

Mr. Strabel added that there is 580 ft. from the access road to the intersection with fourteen dwelling units in between, not including the four units. He is not sure how that could meet the requirements for a secondary FAAR. From a reality standpoint, if Wood Trace is blocked, there is no way to get fire apparatus into the development. Mr. Matt's understanding is that is why the variance was granted in that the proposed FAAR was close enough to the original access point.

Chairman McAllister stated that the minutes will reflect the State's decision to put the onus back on the Planning Board for safety when the State has not addressed the safety issue. The Town will not accept any of the liability from the State granting the variance. The Planning Board now has to decide the requirements of the road.

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Mr. Matt stated the proposed road meets the requirements of a FAAR, i.e., the slope, construction, and width. Everything meets that section of the fire code. Chairman McAllister confirmed with Mr. Matt that a gravel road is still proposed. Mr. Matt added the Fire Marshal did not want a paved road.

Mr. Licciardello stated his concern with paving the road is that it would be tempting to skateboard on. Chairman McAllister responded that with the elevation change the whole development will be tempting. Having the FAAR paved will ensure it will be maintained. Mr. Matt stated there will be a maintenance agreement with the landowner.

Chairman McAllister stated that this becomes a trust issue again. The Board originally approved the site plan showing some of the units sprinkled which has not come to fruition. The stormwater ponds for the development were supposed to be maintained but became very stagnant.

Mr. Licciardello stated that was a result of the previous owner neglecting the ponds. Once he owned the development, he cleaned out the ponds when requested to do so. Chairman McAllister stated that was a number of years ago, and the ponds need maintaining again.

Planning Counsel Lester reiterated Mr. Strabel's comments that if access to the development is blocked, the FAAR is a moot point. Mr. Matt stated that is the reason for the variance. Planning Counsel Lester asked if the State believed the road was already approved by the Planning Board when the variance was granted. Chairman McAllister did not think so.

Mr. Licciardello stated the State was aware the Planning Board rejected the proposed road. The State granted the variance because it met the intent of the fire code although not a perfect solution.

Chairman McAllister checked with the Town Engineer if the road meets all requirements. Mr. Oberst explained there were some modifications, such as, concrete aprons around the manholes and a few other changes. Everything else met the requirements of a FAAR. Chairman McAllister stated the only outstanding item is whether to pave the road or not.

Chairman McAllister asked the Clerk if the Fire Marshal had submitted review comments. It was determined that Mr. Stirk had not had the opportunity to comment to date. Chairman McAllister requested Mr. Stirk to submit review comments as his input is an important part and he will be required to sign the site plan. He should document if he is satisfied with the way the road is presented by design and that it meets the fire code.

Mr. Licciardello explained that the State indicated that all the liability falls on the State because it is granting the variance. Mr. Rickman requested that be noted on the plan. Mr. Licciardello agreed. Mr. Matt will add the entire reference to the variance on the plan.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Villas at Brandon Woods-Section 2, located at Wood Trace/Etna Trail which was accepted for review on March 25, 2024, and

WHEREAS, a public hearing was held by the Planning Board on April 22, 2024, and all persons wishing to be heard were heard, and

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WHEREAS, the Planning Board has reviewed the Short Environmental Form, the Project Information Form, and comments of the Town Engineer and Highway Superintendent,

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 Villas at Brandon Wood Section 2 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 Villas at Brandon Woods-Section 2 Amended Site Plan be granted final approval contingent upon obtaining all required signatures, and the Chairman be authorized to sign the mylar.

DISCUSSION: Mr. Rickman noted that the variance information and comments should be referenced on the plan. Mr. Oberst asked if a note for the Knox box was also included. Mr. Matt stated yes.

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

**Quick Serve Restaurant Site Plan. 4871 Lake Road. 083.02-1-19.**

Mr. Randy Bebout addressed the Board. He explained the application was before the Zoning Board of Appeals last Thursday. The Board spent a lot of time reviewing the five variances and had a lot of questions. All questions were thoroughly addressed. The Board decided to table the hearing until Thursday, June 6, 2024, for a vote.

Mr. Bebout acknowledged receipt of the Town Engineer's review comments. A response letter is being completed and will be returned in the near future. The traffic study was completed to the Town as requested two to three weeks ago. Mr. Bebout is working on coordination of information with MCWA and Pure Waters. The cross-access easement is also being worked on so that it is in place prior to final approval.

Mr. Bebout would be happy to answer any additional questions from the Board.

Chairman McAllister discussed that there was no mention of berms in Mr. Oberst's engineering review that would block the lights shining at oncoming traffic on Rte. 31. Mr. Bebout stated there is a steady row of plants along Rte. 31 but will look at the specific type of species and change the type or add a berm so that concern is addressed.

Chairman McAllister had an additional question from the traffic study. He could not ascertain what volume of vehicles would be going through the site at peak times and what the queuing looks like on the site during those peak times. Mr. Bebout stated there is stacking for thirty-one cars which works satisfactorily at other locations in other towns. After speaking with a traffic engineer today, it was determined that the stacking of cars onsite at the driveways will be minimal. The traffic study does indicate that there will be times the driveways will have cars backed up to it during a red cycle. Once the light turns green, there are gaps so that cars can get out of either driveway. Chairman McAllister stated he read the gaps will be six seconds. He also sat at that light the other day and tried to count the seconds before the first car went and it was more than six seconds.

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Chairman McAllister would still like to know how much volume to expect at peak times and how much queuing to expect on site. The study states the site can handle thirty-five cars in the queue. Will there be any more than that? Mr. Bebout explained the drive-thru que has room for thirty-one cars with additional stacking built into the east-west southern drive lane. The team members will manage the onsite traffic flow and make necessary changes to move traffic along. Chairman McAllister stated the onsite does not concern him as much as the offsite. Mr. Bebout stated the idea behind the restriping of Rte. 31 should reduce the number of accidents at the WellNow driveway access.

Mr. Oberst asked if separate striping plans are being submitted to NYSDOT. Mr. Bebout stated he has already done so and will forward it to Mr. Oberst.

Mr. Dollard questioned where the concrete sidewalk on the corner of Rte. 31 and Rte. 19 will connect to the property. Mr. Bebout stated there is a sidewalk connecting from the front of the building heading east across the drive-thru lane and connecting to the sidewalk on Rte. 19 only.

Chairman McAllister addressed the access easement agreement and explained that if there are any easement issues, they will have to be addressed outside this Board with the interested parties involved. Chairman McAllister explained that Dr. Nissiem expressed his concerns at the ZBA hearing held on May 9, 2024, with the traffic entering off Fourth Section Road blocking his business. This is the reason for Chairman McAllister asking for what the que numbers are at peak times to see if Dr. Nissiem's concern is valid or not.

Planning Counsel Lester stated the Town did not sign the existing easement agreement, only the review and approval of the site plan. Discussion followed regarding traffic concerns with the Board, Mr. Bebout, and those in attendance.

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

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

Respectfully submitted,  
Phyllis Brudz, Planning Board Clerk