

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – April 27, 2017**

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Town Offices, 18 State Street, Brockport, New York on April 27, 2017, commencing at 6 p.m.

Members present: Frank Fisher, Kevin Johnson, Pauline Johnson.

Absent: Mary Ann Thorpe, Peter Sharpe

Also present: Nat O. Lester, III, ZBA Counsel; Mike Heaney, Elizabeth Hamilton, Kevin Hamilton, Milt and Deb Waye.

Acting Chairperson Pauline Johnson called the meeting to order at 6 p.m.

Application of Elizabeth Hamilton, 6 Tracy Terrace, Brockport, New York, for approval of a home occupation, Kennie Cakes & Confections, located at 6 Tracy Terrace, Brockport, New York. Applicant is proposing to convert existing dining room into a second kitchen to conduct home occupation. *Town of Sweden Ordinance §175-24, Home Occupations. (A) states, prior to operation of a home occupation an approval shall be obtained from the Zoning Board of Appeals.* The property is owned by Milton E. and Debra J. Waye, tax account number 084.05-10-41.

Acting Chairperson Pauline Johnson introduced the Board Members and ZBA Counsel. Chairperson Mary Ann Thorpe is out of town and Member Sharpe had to attend an unscheduled work meeting.

6 Tracy Terrace

Mrs. Elizabeth Hamilton, applicant, addressed the Board. She introduced her daughter, Kennie, whom her business is named after. Mrs. Hamilton attended college for bakery and pastry arts. The plan is to still stay home with her daughter, but have a bakery business in her home, which will be strictly by order only. Orders will be made and either picked up at the house or delivered. Customers will not be randomly stopping by to purchase goods.

The volume of business will be what Elizabeth can handle since she will be the only employee; most likely, a few cakes and cookies a week. The main reason for obtaining approval is so she can be licensed by the County to do weddings, parties, etc. To date, applications have been made to the Town and the County for permits. Mrs. Hamilton needs final approval for the permits, but requires approval first from the ZBA.

Acting Chairperson Pauline Johnson asked Mrs. Hamilton to review the required steps for approval. Mrs. Hamilton explained that first she obtained a DBA from the County, and then submitted blueprints to the Building Department for a building permit to remodel her home to include a second kitchen. Inspections by the Town, County and Electrical Inspector have been completed. Mrs. Hamilton passed the Department of Health exam with a score of 94 out 100! The Department of Health and the Town still have to complete final inspections after approval from this Board is granted to operate a home occupation.

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Acting Chairperson Pauline Johnson asked if the Fire Marshal was responsible for inspecting the work. The Clerk explained the Building Inspector would complete all inspections prior to issuing a Certificate of Occupancy. Fire, life, and safety inspections will be conducted by the Fire Marshal on an annual basis.

Acting Chairperson Pauline Johnson asked if anyone present from the public would like to comment.

Mike Heaney, 10 Tracy Terrace – Mr. Heaney is concerned about an increase in traffic to his quiet street. He stated Mrs. Hamilton had answered all his questions and he was satisfied.

The Clerk stated that Linda Coleman, 9 Tracy Terrace, stopped by the office with concerns regarding traffic and signage. Mrs. Hamilton commented she had an opportunity to talk with Ms. Coleman, and explained what she anticipated as the proposed amount of business, and that since she will be delivering most of her product; a sign isn't really needed at this time. Ms. Coleman was satisfied.

Acting Chairperson Pauline Johnson stated, for the record, if she should decide to have a sign, a permit would be required and approved according to the Town's sign code.

Counsel Lester asked for clarification as to where customers would park when picking up an order. Elizabeth stated there is a double car garage. Presently, there is room for the family's four cars and two additional cars. The likelihood of having more than one customer is rare due to the complexity of the orders and only having the time to do one order per day.

Counsel Lester stated, for the record, that the Board's approval is for one year, which would be automatically approved each year as long as the Code Enforcement Officer has not received any complaints. If there are unresolved complaints, the applicant would have to seek re-approval from the ZBA for the home occupation. Mrs. Hamilton agreed.

Acting Chairperson Pauline Johnson asked if MCDOH will do regular inspections. Ms. Hamilton stated yes, the inspections are very detailed and completed every six months.

Mrs. Hamilton stated she was excited about passing the exam and that this endeavor is something she has put a lot of thought into. She has been passionate about it ever since she was a young girl.

Counsel Lester asked if the approval is granted, would a resident driving by the house have any indication a bakery business was operated at the house. Elizabeth stated no, none at all. The Board stated that's what they like to hear.

Acting Chairperson Pauline Johnson closed the public hearing. The Board has 62 days to make a decision. The Clerk will contact you as soon as one is made.

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Counsel Lester confirmed with Mrs. Hamilton that the primary use of the home is still a residence. Also, that all Town and County regulations would be adhered to. Mrs. Hamilton agreed.

Moved by Mr. Frank Fisher, seconded by Mr. Kevin Johnson, the Zoning Board of Appeals declares itself lead agency for the environmental review of this application, and determines that having reviewed the application and Short Environmental Assessment Form of Elizabeth Hamilton to operate a bakery business as a home occupation at 6 Tracy Terrace, Brockport, New York, will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Frank Fisher – Aye
Kevin Johnson – Aye
Pauline Johnson – Aye
Peter Sharpe – Absent
Chairperson Mary Ann Thorpe – Absent

Moved by Mr. Frank Fisher, seconded by Mr. Kevin Johnson, that the application of Elizabeth Hamilton, to operate a bakery business as a home occupation at 6 Tracy Terrace, Brockport, New York, be **approved** for the following reasons:

1. The home occupation will be operated by a member of the family residing in the dwelling unit.
2. The home occupation is incidental and a secondary use of the dwelling unit.
3. The home occupation will be operated in the primary dwelling, and no more than one member outside the family will be employed.
4. There will be no exterior display or sign except as permitted under Town Code, Section 175-30.
5. There will be no exterior storage of materials and no exterior indication of the home occupation.
6. There will be no variation from the residential character of the principle dwelling.
7. There will no offensive noise, vibration, smoke, dust, heat, or glare produced.
8. The applicant will comply with all provisions of Sweden Town Code and Monroe County Department of Health at all times.

Frank Fisher – Aye
Kevin Johnson – Aye
Pauline Johnson – Aye
Peter Sharpe – Absent
Chairperson Mary Ann Thorpe – Absent

The meeting was adjourned by motion at 7:30 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk