

**TOWN OF SWEDEN  
Zoning Board of Appeals  
Minutes – May 4, 2017**

A reconvened 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 May 4, 2017, commencing at 6 p.m.

Members present: Kevin Johnson, Pauline Johnson, Peter Sharpe, Mary Ann Thorpe

Absent: Frank Fisher.

Also present: Nat O. Lester, III, ZBA Counsel, Steve Lauth, Building Inspector.

Mr. Steve Lauth, Building Inspector, couldn't attend the March 30, 2017, hearing, but wanted to take a few minutes prior to the meeting to give his interpretation of the variance request for the Board's consideration in making its decision.

Chairperson Mary Ann Thorpe called the meeting to order at 6 p.m.

**230 Hollybrook Road**

Chairperson Mary Ann Thorpe stated she has had an opportunity to update herself with this application through the March 30, 2017, minutes and discussion with other members.

Mrs. Pauline Johnson stated, for the record, she is abstaining from tonight's vote due to being an immediate neighbor.

APPLICANT: Mark and Donna Schwan  
Location: 230 Hollybrook Road  
Tax Map #: 084.05-7-1  
Zoning District: Residential  
Request: An area variance to construct an addition to the front of the garage changing the front setback from 51.2 ft. to 47.2 ft.

Mr. Peter Sharpe offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Sweden Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 230 Hollybrook Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations

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(6 NYCCR Part 617, the “SEQRA Regulations”) (collectively, “SEQRA”), and that the application constitutes an Unlisted action under SEQRA.

2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the “Meeting”) in the Sweden Town Hall, 18 State Street, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals’ consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant’s representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the “Environmental Analysis”).
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant’s representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including the Town’s own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required “hard look” at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.

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13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process, as practicable.

NOW, THEREFORE, be it RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals declares itself Lead Agency for the environmental review of this application, and determines that the Proposal is an unlisted action, and will not have a significant adverse impact on the environment, which constitutes a negative declaration.

SECONDED BY Mr. Kevin Johnson, and duly put to a vote, which resulted as follows:

VOTE:           Kevin Johnson – Aye  
                    Peter Sharpe - Aye  
                    Mary Ann Thorpe - Aye  
                    Pauline Johnson – Abstain  
                    Frank Fisher – Absent

MOTION CARRIED

Moved by Mr. Peter Sharpe, seconded by Mr. Kevin Johnson, that the application of Mark and Donna Schwan, 230 Hollybrook Road, Brockport, New York, for an area variance to construct a 4 ft. addition to the front of the garage changing the front setback from 51.2 ft. to 47.2 ft., be approved for the following reasons:

1. No one appeared against the application.
2. The benefit sought by the applicant cannot be achieved by another reasonable method due to the existing roof design on the east side of the house.
3. The requested variance is not substantial at 2.8 ft.

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4. There will not be an undesirable change produced in the character of the neighborhood.
5. The requested variances will not have an adverse effect on the physical conditions of the neighborhood.

VOTE:           Kevin Johnson – Nay  
                  Peter Sharpe - Aye  
                  Mary Ann Thorpe - Nay  
                  Pauline Johnson – Abstain  
                  Frank Fisher – Absent

MOTION FAILED

The meeting was adjourned by motion at 7:20 p.m.

Respectfully submitted,  
Phyllis Brudz  
Zoning Board of Appeals Clerk