

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – September 1, 2016

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 September 1, 2016, commencing at 7 p.m.

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

Also present: Paul Drake, Bob Hollister

Chairperson Thorpe called the meeting to order at 7 p.m.

Application of Paul Drake, 332 East Avenue, Brockport, New York, for an area variance. Applicant is proposing to construct a two-car garage on the northwest corner of the above-mentioned property with a front setback of 20.25 ft. Town of Sweden Ordinance Chapter 175-36, R1-2 One-Family Residential Districts, D, Lot and area requirements shall be as follows: (1) Specific requirements, (c) Required setbacks, **[1] Front: 75 feet**. The property is owned by Paul and Frances Drake, tax account number 069.10-6-2.1.

332 East Avenue

Chairperson Thorpe asked if anyone has commented on this application. The Clerk stated no one has called or come into the Town prior to the hearing.

Mr. Paul Drake explained he would like to build a two-car garage to keep the Fire Department's emergency vehicle, which is used for security and weather protection. The layout of his property makes it difficult to find a place to store the vehicle. For example, the house is built inside the hill, a creek runs through the property, and there is not a lot of frontage to the R.O.W. Mr. Drake submitted pictures showing the constraints due to the topography of the property.

Chairperson Thorpe confirmed with Mr. Drake he was granted a variance for a garage with a front setback of 67 ft. a few years ago. Mr. Sharpe added he remembers that one of the concerns with the last variance was the level of rising water from the creek. Mr. Drake stated the creek still rises, but it has not affected the garage at all.

Mrs. Pauline Johnson asked where the emergency vehicle is parked now. Mr. Drake stated in the two-car garage, but then has to park his personal vehicle to the west side of the house. The emergency vehicle is an old fire chief's vehicle and is used to help with emergency traffic management.

Mrs. Johnson asked who owns the hedgerow to the west. She explained that with the hedgerow and the location of a new curb cut, there could be sight distance issues, making it unsafe. Mr. Drake clarified that the proposed driveway would be between the hedgerow and existing driveway.

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Mr. Drake added he applied for a County R.O.W. permit, but was asked to obtain approval first from the Town before a new R.O.W. is approved.

Mrs. Pauline Johnson confirmed with Mr. Drake that he currently has two personal vehicles and the emergency vehicle. Mr. Drake is appointed as Captain of the Fire Police, which has an indefinite term depending on Mr. Drake's desire and capability to serve, and whether the Fire Police continues to own the vehicle. Typically, it is an annual appointment.

Mrs. Pauline Johnson explained that an area variance goes with the land. Twenty years from now, there may be no emergency vehicle or Captain of the Fire Police position, but the approval for the setback of the garage will remain.

Robert Hollister, 364 East Avenue – Mr. Hollister is present tonight because he knew that a variance was granted for the existing two-car garage above the creek and wondered why a second one was needed. He feels it is a safety issue having the second garage so close to the road. There is a lot more traffic on East Avenue than there used to be as well as more speeding. Mr. Hollister asked if in granting this variance, a precedent would be set with a structure on that side of the creek. Another concern is potential flooding from the creek. Lastly, residents usually have a driveway turnaround due to the difficulty of backing out a vehicle on East Avenue. The proposed driveway will not have one, how will that work.

Mr. Drake commented that firemen always back into a driveway. He appreciates Mr. Hollister's comments. The photos submitted will show any safety or visibility issues. Mr. Hollister asked what the dimensions of the proposed garage are. Mr. Drake stated 22 ft. x 22 ft., 14.10 ft. high. Mr. Sharpe added that the proposed garage is the same height as the existing garage, but will appear lower due to the lower grade.

Chairperson Thorpe asked if there were any other questions, comments or concerns. There were none. The Board has 62 days to make a decision.

Moved by Mrs. Pauline Johnson, seconded by Mrs. Thorpe, that having reviewed the application and Short Environmental Assessment Form of Paul Drake for an area variance to construct a detached garage on the northwest corner of his property with a proposed 20.25 ft. front setback 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 – Aye
Chairperson Mary Ann Thorpe – Aye

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Moved by Mrs. Pauline Johnson, seconded by Mr. Sharpe, that the application of Paul Drake, 332 East Avenue, Brockport, New York, for an area variance to construct a detached garage, 22 ft. by 22 ft., on the northwest corner of the property with a proposed 20.25 ft. front setback, be **denied** for the following reasons:

1. There will be an undesirable change produced in the character of the neighborhood.
2. The requested variance for a 20.25 ft. front setback instead of the required 75 ft. is substantial.
3. The requested variance will have an adverse effect on the physical conditions of the neighborhood.
4. The variance is self-created.

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

Moved by Mr. Frank Fisher, seconded by Mr. Kevin Johnson, that the minutes of June 2, 2016, be approved.

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

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk