

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – October 15, 2009**

A regular 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 Thursday, October 15, 2009, commencing at 7 p.m.

Members present: Frank Fisher, Pauline Johnson, Ken Reid, Peter Sharpe, Mary Ann Thorpe

Also present: James Bell, Esq., Arthur Kaminski - ZBA Chairman, Town of Clarendon

Chairman Reid called the meeting to order, introduced the Board members and read the notice of public hearing for:

Application of James and Katherine Conroy, 20 Hidden Harbour Way, Webster, New York, for an area variance of one (1) foot. Applicant's in-ground swimming pool located at 245 Hollybrook Road, Brockport, New York, was installed nine (9) feet from the rear property line. *Town of Sweden Ordinance Chapter 175-26, Accessory buildings, states no barn or accessory building shall be constructed nearer to the highway line than is permitted for a residence building, nor to any side or rear lot line than 10 feet.* The property is owned by James and Katherine Conroy, tax account number 084.05-11-4.

James D. Bell, Esq., excused himself from the public hearing to attend a court hearing being held in Sweden Town Court. The Clerk stepped in to answer any questions since she was familiar with the application.

245 Hollybrook Road. 084.05-11-4

Mrs. Johnson asked the Clerk if neighbors were sent a notice and if any responses were received. The Clerk stated yes, and that she received no responses.

The record should show that the Conroys attempted to contact the neighbor to the north to purchase additional property in order to be in compliance with the Town's ordinance, but the neighbor was not interested in selling the property. Also, the record should state that the contractor was aware of the minimum setback requirement as drawn on a copy of the instrument surveyor's map submitted with the original application. For some reason, after the pool was installed, it was short one foot. The contractor is no longer in business.

Mrs. Thorpe summarized the in-ground pool's rear setback requirement is just one foot short from the property line.

Mr. Fisher added from personal experience, Mr. Conroy is looking at a considerable amount of money (\$15,000) to move the pool or fill it in. The pool is a selling feature to the prospective buyers.

Chairman Reid closed the public hearing.

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Moved by Mr. Fisher, seconded by Mrs. Thorpe, that having reviewed the application of James and Katherine Conroy for an area variance of one (1) foot is an unlisted action that will not have a significant impact on the environment.

Mr. Fisher - Aye
Mrs. Johnson – Aye
Mr. Sharpe – Aye
Mrs. Thorpe - Aye
Chairman Reid - Aye

Moved by Mr. Fisher, seconded by Mrs. Johnson, that the application of Robert and Katherine Conroy for an area variance of one (1) foot for the in-ground pool that was installed 9 ft. from the rear property line instead of the required ten (10) feet be **approved** for the following reasons:

1. The request does not create an undesirable change in the character of the neighborhood because the in-ground pool exists.
2. Benefit cannot be achieved by another means feasible to the applicant, as the property owner to the north would not sell additional land to the applicant.
3. The requested variance is not substantial.
4. The requested variance will not have an adverse impact or effect on the physical and environmental conditions because the in-ground pool exists.

Mr. Fisher - Aye
Mrs. Johnson – Aye
Mr. Sharpe – Aye
Mrs. Thorpe - Aye
Chairman Reid - Aye

Moved by Mrs. Johnson, seconded by Mr. Sharpe, to approve the June 22, 2009 minutes.

Mr. Fisher - Aye
Mrs. Johnson – Aye
Mr. Sharpe – Aye
Mrs. Thorpe - Aye
Chairman Reid - Aye

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

Clerk to Zoning Board of Appeals