

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – December 19, 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 December 19, 2016, commencing at 6 p.m.

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

Also present: Nat O. Lester, III, ZBA Counsel, David Matt, Schultz Associates, Jeffrey Smith

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

Application of John Ranson, 18 Canfield Place, Rochester, New York, and Jeffrey Smith, 316 Root Road, Brockport, New York, for two area variances. Applicants are seeking subdivision approval for a pre-existing, nonconforming dwelling located at 316 Root Road, and for the vacant land to the south and adjacent. A single family home is proposed for the vacant land and meets all Town code requirements. The property located at 316 Root Road will acquire a portion of the vacant land modifying its existing frontage from 130 ft. to 150 ft., and total acreage from 27,860 sq. ft. to 53,868 sq. ft., making it larger, but still nonconforming. *Town of Sweden Ordinance §175-36, Section D, Lot and area requirements shall be as follows: (1) Specific requirements, (a) Minimum lot size (1) Area: 80,000 sq. ft. and (2) Width (at front line of house): 200 ft.* The properties are owned by John Ranson and Jeffrey Smith, tax account numbers 114.02-1-7.321 and 114.02-1-6.

Root Road/316 Root Road

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. Chairperson Thorpe asked ZBA Counsel Lester to give a brief summary as to why this application was referred to the ZBA from the Planning Board.

Counsel Lester explained that Mr. John Ranson made application to the Planning Board for subdivision and site plan approval of the Ranson Subdivision located on Root Road. The Planning Board referred the application to the ZBA because the subdivision would create a substandard lot per Town Code. The smaller “L” shaped lot shown on the plan will be merged with Mr. Smith’s property, which is pre-existing, nonconforming. By Mr. Ranson graciously giving Mr. Smith additional land, the property is made larger, but still nonconforming, and would require the granting of a variance. If the ZBA doesn’t approve the variance, then Mr. Smith’s lot will remain pre-existing, nonconforming and Mr. Ranson will seek subdivision and site plan approval for the original vacant parcel.

Chairperson Thorpe introduced Mr. Smith and asked Mr. Matt from Schultz Associates to explain the application. Mr. Matt stated all key points were addressed by the reading of the legal notice and by Counsel Lester’s summation of the project. He added Mr. Ranson came to Schultz Associates looking to buy the 37 acres of farmland and woods. His intention is to build a home on a knoll, leaving as much of the land for farmland. At some

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point he met Mr. Smith, his neighbor, and came to an agreement to sell a small portion of the land to him, making Mr. Smith's property less nonconforming. There is a well approximately 50 ft. off Mr. Smith's property, which Mr. Ranson would like to keep on his property, for the farmer to use to hydrate the crops. Counsel Lester stated the question was asked at the Planning Board if Mr. Ranson would sell additional land to Mr. Smith, and the answer was no.

Mrs. Pauline Johnson stated she understands why Mr. Ranson isn't able to provide more land to increase the width of the property; however, there is land in the rear available to increase the depth of the property. Mr. Matt stated there is, but then that's less land for the farmer.

Mrs. Pauline Johnson asked for clarification as to who is the applicant for the variance. Mr. Smith stated he is the owner of 316 Root Road. Mrs. Johnson asked if he was applying in conjunction with Mr. Ranson. Mr. Matt stated yes because both owners have property lines affected by Mr. Ranson's subdivision. Counsel Lester explained that by Mr. Ranson choosing to give the "L" shaped portion of land to Mr. Smith, he is creating a substandard lot. If he doesn't give any land to Mr. Smith, a variance would not be required. After much discussion as to who is the applicant, Mrs. Pauline Johnson is in agreement that the "L" shaped portion of land is a substandard lot and will remain as such until it can be officially transferred to Mr. Smith on March 1, 2017, which is the taxable filing date.

It was reiterated again the importance of the existing well staying on Mr. Ranson's land for the farmer's use to hydrate the crops, as well as not selling any additional land in the rear, which would result in less active farmland.

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

Chairperson Thorpe closed the public hearing.

Moved by Mrs. Pauline Johnson, seconded by Mr. Fisher, that having reviewed the application and Short Environmental Assessment Form of John Ranson and Jeffrey Smith for two area variances for the property located at 316 Root Road, existing frontage from 130 ft. to 150 ft. and existing total acreage from 27,860 sq. ft. to 53,868 sq. ft., in order for the proposed Ranson two-lot subdivision to receive approval from the Planning Board 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. Fisher, that the application of John Ranson, 18 Canfield Place, Rochester, New York, and Jeffrey Smith, 316 Root Road, Brockport, New York, for two area variances for the property located at 316 Root Road, existing frontage from 130 ft. to 150 ft. and existing total acreage from 27,860 sq. ft. to 53,868 sq. ft., in order for the proposed Ranson two-lot subdivision to receive approval from the Planning Board be approved for the following reasons:

1. No one appeared against the application.
2. The requested variances will not have an adverse effect on the physical conditions of the neighborhood.
3. The benefit sought by the applicant cannot be achieved by another method.
 - a. The frontage cannot be increased due to the southern border that has a well which is used by the farmer.
 - b. The land to the rear is already active farmland.
 - c. The lot located at 316 Root Road is already nonconforming, and by adding land to it will minimize its deficiency.
4. There will not be an undesirable change produced in the character of the neighborhood as the property located at 316 Root Road will be made larger, even though still nonconforming.

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

Counsel Lester informed the Board of a future zoning application for the proposed Runnings, located at 4828 Lake Road, in the “old” Wal-Mart Plaza.

Moved by Mr. Frank Fisher, seconded by Mr. Kevin Johnson, that the minutes of September 1, 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