

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – February 21, 2008

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, February 21, 2008, commencing at 7:00 p.m.

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

Absent: Frank Fisher

Also present: Jim Meinecke

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

Application of Carrols Corporation, Syracuse, New York, for an area variance to construct a new Burger King Restaurant at 6375 Brockport-Spencerport Road. Town of Sweden Ordinance Chapter 175-41, Section E (9) Required parking space, (a) states a minimum of five ten-feet-by-twenty-foot parking spaces shall be provided for each 1,000 square feet of retail floor space. Restaurants shall provide one ten-feet-by-twenty-foot parking space for every two seats. The proposed Burger King Restaurant will have 35 parking spaces instead of the required 38 parking spaces due to a request from the Planning Board to eliminate 3 spaces on the north side of the building for safety reasons. The property is owned by GBR Spencerport Limited, tax account number 084.01-1-5.

6375 Brockport-Spencerport Road

Chairman Reid asked if there was an updated map from the Planning Board? The Clerk stated the Planning Board hasn't received an updated copy due to recent changes.

Mr. Meinecke explained that one of those changes was to use angled parking, resulting in a few spaces being eliminated.

Chairman Reid asked to see the location of the three parking spaces that were eliminated? Mr. Meinecke pointed to the north side of the building.

The Clerk explained that originally the plan had 40 spaces, but due to the angled parking request, two spaces were lost, plus the elimination of 3 parking spaces on the north side of the building, brings the total number of spaces to 35.

Mrs. Johnson asked what percentage of business is drive-thru? Mr. Meinecke stated about 68 to 70 percent. The Clerk stated 65 percent was reported at the Planning Board meeting.

Chairman Reid asked if the Planning Board had requested in writing that the three spaces be eliminated? The Clerk gave the Chairman a copy of the minutes which stated the following:

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Mr. Minor asked how does this Board officially handle the shortage in the required number of parking spaces? Chairman McAllister stated noting it in the minutes is sufficient. The Board requests that the three parking spaces on the north side of the parking lot be eliminated to enhance the safety of the access, resulting in the application not meeting the required number of 38 parking spaces. Mr. Oberst stated that initially the application was over the parking requirement at 40 minus the 3 on the north side and minus 2 due to the angled parking brings the approved total to 35.

Chairman Reid asked if the new site is bigger than the existing one? Mr. Meinecke stated yes, the existing lot is short and thin. It's very difficult to get around the drive-thru at the existing site, which is why it made sense to look for a new location once the lease expired.

Mrs. Thorpe asked about the two parking spaces in front of the dumpster, and how useful are those two spaces when the trash has to be picked up? Mr. Meinecke stated the doors on the dumpster are set back from the parking spaces. Trash pick up takes a few minutes and is before lunch. This is the standard location for dumpsters at Burger King restaurants.

Mr. Meinecke stated that he has nothing else to address; he just wanted to be safe and legal regarding the elimination of the three parking spaces.

Mrs. Johnson asked if there was a copy of the subdivision map so she could see the location of the neighboring parcels? The Clerk showed her a copy of the subdivision map, and the boundaries were discussed.

Chairman Reid asked if there were any more questions? There were none.

Chairman Reid closed the public hearing.

Moved by Mrs. Johnson, seconded by Mrs. Thorpe, that having reviewed the Carrols Corporation application for an area variance to have 35 parking spaces instead of the required 38 parking spaces, per the request of the Planning Board for safety reasons is an unlisted action that will not have a significant impact on the environment.

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

Moved by Mrs. Johnson, seconded by Mrs. Thorpe, to **approve** the application of Carrols Corporation, Syracuse, New York, for an area variance to have 35 parking spaces instead of the required 38 parking spaces at the proposed Burger King Restaurant, 6375 Brockport-Spencerport Road, tax account number 084.01-1-5, for the following reasons:

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In consideration of granting this area variance, the ZBA took into account the type of restaurant, whereas approximately 65 percent of the business is drive-thru versus dine-in, and therefore,

1. An undesirable change will not be produced in the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by another method; in fact, the applicant purchased additional land to the west to allow for more room on the property.
3. The proposed area variance is not substantial; there will be 35 parking spaces.
4. The Town Engineer's recommendation for angled parking, and the elimination of three spaces on the north side of the building will maintain the safety of the community.

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

The meeting was adjourned by motion at 8:00 p.m.

Clerk to Zoning Board of Appeals