

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 19, 2011**

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, May 19, 2011, commencing at 7 p.m.

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

Absent: Peter Sharpe

Also present: Scott Harter, P.E., Jerry Klafehn, Ellen Bahr

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

Application of Christ Community Church, 36 Coleman Creek Road, Brockport, New York, for an area variance to construct ±6,000 sq. ft. of new parking area, located at the municipal boundary. The following variance is requested:

The proposed 25 ft. strip of land adjacent to the public highway boundary is 0 ft. *Per Town of Sweden Ordinance §175-41, Section E, (7) Use of frontal area. Employee and customer parking is permitted on all except a strip of land 25 ft. in depth adjacent to the public highway boundary, which strip of land shall remain vacant, unused and clear for visibility, to be curbed, fenced or otherwise rendered impassable to vehicles and set aside for lawn or landscaped, with advertising signs permitted in accordance with the sign provisions of this chapter.*

Lake Road/36 Coleman Creek Road

Scott Harter, P.E. addressed the Board. He introduced Mr. Jerry Klafehn and Ms. Ellen Bahr as members of Christ Community Church. Mr. Harter explained that he was directed by the Planning Board to apply to the Zoning Board of Appeals for an area variance, due in part, to the municipal boundary line. The Church is proposing to expand its parking, and possibly, a building in the future, which would be on the property located in the Town of Sweden.

Mr. Harter's application letter dated, April 26, 2011, addressing the five criteria to be considered when approving an area variance, reads as follows:

1. An undesirable change will not be produced in the character of the neighborhood, as this improvement is consistent with the existing use that simply being expanded. The proposed project does not impact adjoining properties, and is consistent with surrounding uses near the school.
2. There is insufficient property within the existing parcel situated in the Village of Brockport to wholly contain the additional parking. It should also be noted that, the church purchased the subject parcel especially for their perceived growth needs such as this project represents. Given the growth of the church and increasing needs, there is not a viable alternate method feasible for the church to pursue.

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3. The variance being sought is to reduce the 25' front setback to a 0' setback so it could be interpreted as significant reduction from a numerical perspective. However, it should be noted that the Town of Sweden's Planning Board recommended that the church seek this alternative (area variance) rather than merge the two parcels together into one parcel.
4. The proposed project will not have an adverse effect on the physical or environmental conditions of the neighborhood because of its relatively small size and because the project is subject to site plan review/approval by both the town and village where any environmental effects will be addressed.
5. The alleged difficulty is due to the presence of the municipal boundary, which was not created by the church. Without the presence of municipal boundary, this land would be merged into one parcel via the subdivision process.

Chairman Reid asked if the Board had any questions for the applicants and/or Mr. Harter.

Mrs. Johnson asked what was the Village of Brockport's recommendation. Mr. Harter stated that the Village did not have any objection to the subdivision process. The Church's attorney was involved.

Mrs. Johnson asked for clarification as to the location of the proposed parking lot. Mr. Harter explained where the existing parking is located, and that the proposed parking lot will extend into the brush area.

Mr. Fisher asked if the Town municipal boundary line is currently where the grass is cut in order to better visualize the boundary line. Mr. Klafehn agreed; the Town property is mowed since the Church now owns it.

Mrs. Johnson asked how the property was zoned. The Clerk indicated that it was zoned commercial due to the fact it was subdivided from the Barry Dodge property.

Mrs. Johnson asked if anyone from the public had called or stopped by with questions regarding this application. The Clerk indicated that one resident from Stull Lumber stopped by the Town office for clarification of the project. Once the project was explained, the resident was satisfied.

Chairman Reid asked if there was a recommendation letter from the Planning Board. The Clerk stated the Planning Board minutes of March 14, 2011, are reflective of the Board's support of the area variance request.

Chairman Reid closed the public hearing.

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Moved by Mrs. Johnson, seconded by Mrs. Thorpe, that having reviewed the application of Christ Community Church, located at 36 Coleman Creek Drive, Brockport, New York, for an area variance to construct a parking lot with a 0 ft. setback at the Town municipal boundary is an unlisted action that will not have a significant impact on the environment.

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

Moved by Mr. Fisher, seconded by Mrs. Thorpe, that the application of Christ Community Church, 36 Coleman Creek Road, Brockport, New York, for an area variance to construct a parking lot with a 0 ft. setback at the Town municipal boundary be **approved** for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood by this project.
2. There is no other feasible method for the applicant to reach its goal. The situation is unique in that the only reason a variance is needed is due to the Town municipal boundary.
3. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood. The proposed project is similar to what exists.
4. No one appeared against the proposed variance.

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

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

Clerk to Zoning Board of Appeals