

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – July 31, 2007**

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 Tuesday, July 31, 2007, commencing at 7:00 p.m.

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

Also present: Richard and Peggy Baird, Sondra Berner

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

Application of Jason and Kelly Urckfitz, 1233 West Sweden Road, for an area variance to use their existing barn to house horses. The existing barn is approximately 86.4 ft. from the south property line and 86.10 ft. from the east property line. Town of Sweden Ordinance Chapter 175-36, Section A(4), states that no storage of manure, nor barns used for housing any animals other than traditional domesticated pets, shall be permitted within 100 ft. of any property line. The property is owned by Jason and Kelly Urckfitz, tax account number 112.02-1-2.1.

1233 West Sweden Road

Mr. and Mrs. Baird addressed the Board. They are the potential buyers of this property who desire to house horses in the existing barn. Mr. Baird explained that his wife has two horses and this property was advertised that horses were permitted. Also, he brought letters from the neighbors on both sides of the property stating they had no objection to horses. The horses will actually be kept in stalls at the back of the existing barn, which would then make where they are housed over 100 feet from the property line. The plan is to build four stalls.

Ms. Sondra Berner, Nothnagle, as the agent for the seller, stated that horses were kept in an old barn on the property, which was demolished many years ago. She specifically stated that she called the Town and was told that only the manure had to be 100 ft. from each property line.

Mrs. Johnson asked if the Urckfitz', present owners, had horses? Ms. Berner stated they did not, but that the previous owner, Dan McGlaughlin, had horses. The existing barn was built in 1995.

The storage of manure was discussed. Mrs. Baird stated she practices manure management and eventually the manure is spread in the pasture as fertilizer.

Mrs. Johnson asked the Clerk how many neighbors were notified of this application? The Clerk stated there were six neighbors notified within 500 ft. of the property, and none of them responded.

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Mr. Baird stated that the horses wouldn't be visible from the road. Mrs. Thorpe asked what blocks the east property side? Mr. Baird stated there are pine trees and a stone fence.

Mrs. Johnson read the letters received from Mr. Kevin Briener, 1235 West Sweden Road, and Mr. G. Curtis Conklin, Jr., 1215 West Sweden Road, both of which had no objection to horses being kept at 1233 West Sweden Road

Mr. Sharpe asked how far was the barn to the neighbor's house? Mr. Baird stated about 82 ft. to the property line, plus around 100 ft. on the neighbor's property. Mr. Sharpe explained that the variance runs with the land so the Board has to be mindful of its decision.

Chairman Reid asked if there were any other questions. There were none.

The Public Hearing was closed.

Chairman Reid explained that the Board has 62 days to make a decision and the applicant has 30 days to appeal that decision.

The Bairds thanked the Board for its time.

Moved by Mrs. Johnson, seconded by Mr. Fisher, that having reviewed Jason and Kelly Urckfitz' application for an area variance for the existing barn, which will be used to house horses, and is 86.4 ft. from the south property line and 86.10 ft. from the east property line is an unlisted action that will not have a significant impact on the environment.

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

Moved by Mr. Sharpe, seconded by Mrs. Thorpe, to **approve** the application of Jason and Kelly Urckfitz, 1233 West Sweden Road for an area variance to use the existing barn, which is 86.4 ft. from the south property line and 86.1 ft. from the east property line to house horses, tax account number 112.02-1-2.1, for the following reasons:

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 a feasible method.
3. The proposed variance is not substantial, only 14 percent.

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4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. No one appeared against the project and the adjacent neighbors wrote letters stating they had no objection to the proposed variance.

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

Moved by Mrs. Johnson, seconded by Mr. Fisher, to approve the June 14, 2007 minutes.

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

The meeting was adjourned by motion at 8:30 p.m.

Clerk to Zoning Board of Appeals