

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – June 6, 2019**

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 June 6, 2019, commencing at 6 p.m.

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

Also present: Nat O. Lester, III, ZBA Counsel.

Chairperson Thorpe called the meeting to order at 6 p.m., and introduced the Board Members.

Application of Jac Covert, 533 Colby Street, Brockport, New York, for an area variance for the proposed Covert Site Plan, located at 2430 Colby Street, Brockport, New York, Airport-Commercial Zoning. Applicant is proposing to construct a 3,600 sq. ft. warehouse on ±1.2 acres with a lot depth of 174.40 ft. Town of Sweden Ordinance Chapter 175-42, D, (3), states Required depth: 200 feet. The property is owned by Covert Family Wealth Trust, tax account number 084.04-1-25.15.

2430 Colby Street.

Chairperson Thorpe asked the Clerk if anyone contacted the office regarding the application. The Clerk stated no one.

Counsel Lester stated for the record that this request has been standard for the airport properties that were measured incorrectly from the center of the road when created resulting in the depth of the lots being less than the required 200 ft.

Mrs. Pauline Johnson asked what would be stored in the warehouse. Mr. Covert answered personal items plus hia cars. The cars don't do well sitting outside in the elements, especially the older cars will rust.

Chairperson Thorpe asked if there were any additional questions from the Board. There were none.

Mr. Covert added that the reason commercial property was purchased is so in addition to storing their personal items, his eldest son could have an office inside for his business.

Chairperson Thorpe closed the public hearing by motion. The Board has 62 days to make its decision.

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Moved by Mrs. Pauline Johnson, seconded by Mr. Sharpe, that having reviewed the application and Short Environmental Assessment Form of Jac Covert for an area variance to construct a 3,600 sq. ft. warehouse, located at 2430 Colby Street, Brockport, New York, with a property depth of 174.40 ft, instead of the required 200 ft., will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Kevin Johnson – Aye
Pauline Johnson – Aye
Peter Sharpe – Aye
Chairperson Mary Ann Thorpe – Aye

Moved by Mrs. Pauline Johnson, seconded by Chairperson Thorpe, that the application of Jac Covert, Covert Family Wealth Trust, 533 Colby Street, Spencerport, New York, for an area variance of 25.60 ft. to construct a 3,600 sq. ft. warehouse, located at 2430 Colby Street, Brockport, New York, with a property depth of 174.40 ft, instead of the required 200 ft., *be **approved*** for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood and will not be a detriment to nearby properties.
2. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
3. The area variance request for the lot depth is not substantial when measured to the street line or centerline.
4. The area variance was not self-created in that the lot depth of was originally created incorrectly as it was measured from the centerline of the road.
5. No adjacent property owners appeared for or against the proposed variance.

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

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4765 Lake Road - Canandaigua National Bank

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APPLICANT; Jeffrey Ashline of Mossien Associates Architects

Location: 4765 Lake Road

Tax Map #: Part of 083.02-1-20.113

Zoning District: Retail Commercial (B-1) Zoning District

Requests: 1. Applicant requests a **Use Variance** to install a building sign on the north side of the proposed Canandaigua National Bank located at 4765 Lake Road, Wegman’s Plaza, Brockport, NY 14420 where there is no public parking lot or public street.

Mrs. Pauline Johnson offers the following resolution as it relates to Applicant’s request for a **USE Variance** and moves for its SEQR adoption:

WHEREAS, this application came before the Town of Sweden Zoning Board of Appeals (the “Zoning Board of Appeals”) relative to the property at **4765 Lake Road, Wegman’s Plaza, Brockport, NY 14420**, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Sweden Zoning Board of Appeals makes the following findings:

1. Upon review of the Application, the Zoning Board of Appeals determines that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the “SEQRA Regulations”) (collectively, “SEQRA”), and that the application constitute an **Unlisted actions** under **SEQRA**.
2. The Sweden Zoning Board of Appeals has considered the Proposal at a public meeting (the “Meeting”) held in the Sweden Town Hall, 18 State Street, on **May 16, 2019 at 6:00 p.m.**, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposals for the Sweden Zoning Board of Appeals’ consideration.
4. The Sweden Zoning Board of Appeals has carefully considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant’s

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representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the “Environmental Analysis”).

5. The Sweden Zoning Board of Appeals has carefully considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant’s representatives.
6. The Sweden Zoning Board of Appeals has carefully considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including the Town’s own staff.
7. The Sweden Zoning Board of Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Zoning Board of Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Zoning Board of Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Zoning Board of Appeals has met the procedural and substantive requirements of SEQRA.
11. The Zoning Board of Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Zoning Board of Appeals has carefully considered (that is, has taken the required “hard look” at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Zoning Board of Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Zoning Board of Appeals has made a careful, independent review of the Proposal and the Zoning Board of Appeals’ determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process, as practicable.

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NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Zoning Board of Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Zoning Board of Appeals determines that the Use Variance Proposal will not have a significant adverse impact on the environment, which constitutes a **negative declaration**.

SECONDED BY Mr. Peter Sharpe, and duly put to a vote, which resulted as follows:

VOTE: Mr. Kevin Johnson - Aye
 Mrs. Pauline Johnson – Aye
 Mr. Sharpe - Aye
 Chairperson Thorpe - Aye

Motion carried.

Mrs. Pauline Johnson offers the following resolution as it relates to Applicant's request for a USE Variance:

The applicant, its representative architect Daniel Mossien, appeared before the Sweden Zoning Board of Appeals asking for a **Use variance** for an additional building sign on the north side of its building where there is no public parking lot or public street. The current Town of Sweden Ordinance, **Section 175-30, Signs**, C Provisions, (5), does not allow for this.

WHEREAS, the findings of fact are as follows:

The applicant has **not demonstrated** to the Zoning Board of Appeals that:

1. The applicable code provisions limiting this property to a building mounted sign on the north side of its building **has deprived** applicant of economic use or benefit causing unnecessary hardship.
2. The hardship is not unique to the Property because it is visible from Route 31 and Route 19. The building will be visible as identified by the tower, which is 12 feet above the roof.
3. The hardship is self-created as the subject property chose to build in this location knowing that visibility from the Traffic heading south on Lake Road would not be able to see a sign on the north side of the building.
4. The denial of the north side sign is in keeping with the existing character of the neighborhood.

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Based upon this, Mrs. Pauline Johnson offers the following resolution to disapprove the **USE variance** to install a building sign on the north side of the building.

Seconded by: Mr. Kevin Johnson.

VOTE: Mr. Kevin Johnson - Aye
 Mrs. Pauline Johnson – Aye
 Mr. Sharpe - Aye
 Chairperson Thorpe - Aye

Motion to deny carried, Application for Use variance denied.

Moved by Mrs. Pauline Johnson, seconded by Mr. Kevin Johnson, that the minutes of May 16, 2019, be approved.

Mr. Kevin Johnson - Aye
Mrs. Pauline Johnson – Aye
Mr. Sharpe - Aye
Chairperson Thorpe - Aye

The meeting was adjourned by motion at 6:45 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk