

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – July 9, 2020**

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Sweden Courtroom, 18 State Street, Brockport, New York on July 9, 2020, commencing at 6 p.m.

Members present: Kevin M. Johnson; Pauline Johnson; Mary Ann Thorpe.

Absent: Mark Sealy, Peter Sharpe.

Also present: James D. Bell, Esq., ZBA Counsel; Richard Iuppa; Karen and Rob Carges; Jeremiah Omer.

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

Application of John Iuppa Company, Inc., 1105 Walker Lake Ontario Road, Hilton, New York, for two area variances for Lot 120 of the Northview Subdivision, located at 2 Goldenhill Lane, Brockport, New York. Variances for Lot 120 were not applied for at the time the subdivision was approved. The applicant is now seeking relief for the proposed front (30 ft.) and rear (20 ft.) setbacks to sell the property as a buildable lot. Town of Sweden Ordinance states for R1-3S, One-Family Residential zoning, Chapter 175-38, D, (3), Required setbacks: (a) Front: 40 feet; 75 feet on arterial highways. All property lines abutting a street must meet front setback requirements. (b) Rear: 40 feet. The property is owned by John Iuppa Company, Inc., tax account number 083.01-1-55.

2 Goldenhill Lane, Lot 120 – Northview Subdivision

Mr. Richard Iuppa, John Iuppa Company, Inc., addressed the Board. He explained he has been building at the subdivision for quite a long time and this is the last lot he owns. He has a gentleman that wants to buy it and build a decent house on it. He would like the house to face west just like all the other houses on that road. The lot does not have the depth for that, thus the request for relief from the required setbacks.

Mr. Iuppa added there is no other way to build the house unless it is turned to the south, Fourth Section Road. With the lot only 30 ft. to 35 ft. wide, there would be no room to put a garage on the house. Plus, it would not be uniform to the rest of the development, which is why we want to keep the house facing west and seek relief from the required setbacks.

Chairperson Thorpe asked if anyone present would like to look at the subdivision map.

Mrs. Pauline Johnson asked how long the lot has been for sale. Mr. Iuppa stated he has been building houses since 2005 when Jim Northrup developed it. We struggled to get the subdivision going, then Mr. Northrup died. Ryan Homes sold about nine houses, but then pulled out because they were not making enough money. Mr. Iuppa bought all the remaining lots, owning them for five to six years now. Because it was not a desirable lot, clients wanted to build on the other lots first. Mr. Iuppa stated he is selling the lot to the gentleman present tonight who would like to build his own house.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – July 9, 2020**

Mrs. Johnson asked if you were to build the house facing south, would you be able to have the driveway entering off Fourth Section Road. He would never want the driveway off Fourth Section Road plus there would never be room for a garage on the house. He explained that putting the house facing Fourth Section Road and meeting the required setbacks would leave 35 ft. to construct the house and garage. A small two-car garage would be 20 ft., leaving 15 ft. to build a house. Mrs. Johnson agreed there would not be enough room to have a garage.

Mrs. Johnson asked the Clerk if any neighbors expressed concerns. The Clerk stated two neighbors to the east on Fourth Section Road stopped to review the map. One confirmed the location of the lot and the other neighbor abutting this lot was not in favor of it but did not have a compelling reason to deny the variance requests.

Mrs. Johnson asked if the hedges belonged to the neighbor or the proposed lot. Mr. Iuppa stated he was not sure about the hedges in the northeast corner. He thinks it may be part of his lot. Mrs. Johnson hoped that they would remain there for privacy. Mr. Iuppa agreed.

Mr. Kevin Johnson asked is there any way with the house facing south, the driveway and garage could be arranged off Goldenhill Lane. Mr. Iuppa stated there just is no room. Again, it would leave 15 ft. to build the house and it would not be uniform to all the other houses on the street. Mrs. Johnson asked if you could put the garage behind the house; it would look odd. Mr. Iuppa stated probably detached, but then his customer would walk away from buying it. Plus, facing the house south, means looking at the neighbor's lot. Mr. Iuppa showed a picture of the neighbor's lot with many vehicles parked in the back, who uses the proposed lot as a cut through leaving tracks.

Mrs. Johnson stated for safety reasons having a driveway feeding into Goldenhill Lane would be best. Mr. Iuppa stated absolutely.

Counsel Bell asked if this was the last lot to be built. Mr. Iuppa stated there is one other lot on Long Point Lane that was sold to his plumber, but he had passed after having a heart transplant, so it is for sale again. Counsel Bell asked if that lot is in conformity to the original plans. Mr. Iuppa stated yes.

Counsel Bell confirmed with Mr. Iuppa that the lot was originally approved this way and that he inherited it needing variances to build on it.

Mr. Robert Carges, 10 Goldenhill Lane – Mr. Carges, as a relatively new resident on that street, 16 to 17 months, he wholeheartedly supports the ZBA granting these small variances because it's a great subdivision and Mr. Iuppa builds a great house as the Town Building Inspector can attest to that. Plus, if the Town has a chance to add a new house, it should take advantage of that opportunity. For some years there is a great lull in building and especially with the last three months, if there is someone who wants to move here, he would think the Town would support that. Also, it is not a good idea to have to back out of a driveway off Fourth Section Road. Traffic can be bad, although manageable, just depending on the time of day.

Chairperson asked if there were any further questions. There were none.

**TOWN OF SWEDEN
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Counsel Bell asked the Board to go into Executive Session at 6:15 p.m. The Board agreed. The Board agreed to leave Executive Session and return to the regular meeting at 6:19 p.m.

Chairperson Thorpe closed the public hearing. The Board has 62 days to decide.

Mrs. Pauline Johnson offers the following resolution and moves for its adoption:

Having reviewed the application and Short Environmental Assessment Form of John Iuppa Company, Inc., for two area variances, front setback of 30 ft. and rear setback of 20 ft., to construct a single family home, located at 2 Goldenhill Lane, Lot 120, Brockport, New York, of the Northview Subdivision will not have a significant adverse impact on the environment, which constitutes a negative declaration.

SECONDED BY Mr. Kevin M. Johnson, and duly put to a vote, which resulted as follows:

VOTE: Member Kevin M. Johnson – Aye
 Member Pauline Johnson – Aye
 Chairperson Mary Ann Thorpe – Aye

MOTION carried.

Mrs. Pauline Johnson offers the following resolution and moves for its adoption:

That the application of John Iuppa Company, Inc., 1105 Walker Ontario Lake Road, Hilton, New York, for two area variances, a front setback of 30 ft., instead of the required 40 ft., and a rear setback of 20 ft., instead of the required 40 ft., to construct a single family home, located at 2 Goldenhill Lane, Lot 120, Brockport, New York, of the Northview Subdivision, tax account number 083.01-1-55, **be approved** for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties be created by granting of the two area variances.
2. The benefits sought by the applicant cannot be achieved by another method.
3. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
4. No one appeared against the application, in fact, a neighbor appeared for the granting of the two variances.
5. For safety reasons, it would be better for the driveway to enter in off Goldenhill Lane rather than Fourth Section Road.

SECONDED BY Mr. Kevin M. Johnson, and duly put to a vote, which resulted as follows:

VOTE: Member Kevin M. Johnson – Aye
 Member Pauline Johnson – Aye
 Chairperson Mary Ann Thorpe – Aye

MOTION carried. Application for area variances granted.

The meeting was adjourned by motion at 7 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk