

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – July 31, 2025

A regular meeting of the Zoning Board of Appeals (ZBA) of the Town of Sweden was held at the Sweden Town Offices, 18 State Street, Brockport, New York on July 31, 2025, commencing at 6 p.m.

Members present: Robert Carges, Stacey Costello; Kevin M. Johnson; Pauline Johnson.

Absent: Mark Sealy

Also present: Nat O. Lester, III, ZBA Counsel; Ben Walkow, Buffalo Solar, Diana Petranek.

Chairperson Carges called the meeting to order at 6 p.m. and asked everyone to say the Pledge of Allegiance.

Chairperson Carges waived the reading of the legal notice.

Application of Diana Petranek, 13911 Drake Island Road, Albion, New York, for three (3) area variances. The applicant proposes installing a Tier 1 roof-mounted solar system at Custom Service Solutions, Inc., located at 1900 Transit Way, Brockport, New York. The **requested** area variances are as follows:

1. The proposed solar system will have a maximum height of 25.03 inches (17.03 in. variance) between panels and the highest point of the roof.
2. The proposed solar system will not be installed parallel to the roof surface as required. The tilt angle is 15 degrees, putting the top edge of the panel at a distance of 25.09 inches (17.09 in. variance) from the roof surface.
3. The proposed solar system will extend 25.03 inches (25.03 in. variance) higher than the highest point of the roof surface.

Town of Sweden Ordinance §174-7. Permit requirements for Tier 1 solar energy systems. A. (1) Roof-mounted solar energy systems shall incorporate, when feasible, the following design requirements: (a) Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface and the highest edge of the system. (b) Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached. (c) Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted.

1900 Transit Way

Chairperson Carges noted that the name of the business in the legal notice has been corrected to Custom Service Solutions, Inc.

Ben Walkow, Buffalo Solar, addressed the Board. He distributed photos of various elevations. Mr. Walkow explained tilt up racking was chosen because the orientation of the roof is east-west facing, which does provide production, however, in this case the pitch of the roof is fairly low and during the winter there won't be that much production due to the panels being covered in snow. A successful solution for this is to tilt the panels to face south, not only will the panels shed snow better, but their orientation will be true south which gives better production throughout the entire year. Also taken into consideration is that the utility company has a requirement for the maximum AC and DC system size installed on the property, which there are certain limitations. An AC system size is what the grid sees. The goal is to push 50 KW back to the utility company. With an oversized DC size system, the threshold can be pushed higher so in winter months or on days that are cloudy, a little more energy is produced. In the summer months, energy is overproduced and can be banked as credits to be used in the winter months.

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Using panels that are flush mount, the DC size would have to be bigger to get the proper offset for its usage. Going bigger is a lot more money and pushes the threshold of the inverter. Going with the tilt up panels as a solution is better production and less panels. For example, using the same system proposed with flush mounted panels is approximately 75,000 KW hours per year. A flush mounted system similar to the amount of production being proposed would have been an 87 KW system whereas the proposed system is 76 KW. In reference to that, 10 KW will require 20 to 25 more panels and associated costs. The goal is to optimize the design to get the best production and not have the applicant pay more money for panels to reach the same end goal.

Chairperson Carges asked if the higher building out in front will cast a shadow during December and January. Mr. Walkow stated the roof in front is far enough up where it will not cast any shadow on the modules. As far as you can see from the road it is minimal; it is really from the sides where the building is higher.

Member Costello confirmed with Mr. Walkow that none of the panels will exceed the peak of the building.

Mr. Walkow noted that Transit Way is more a commercial road. Across the road is a trucking company and a self-storage business is next door. The building is surrounded by trees behind it. The only time the panels are most visible is on the property itself.

Chairperson Carges asked if the Board had any more questions.

Member Pauline Johnson asked if any neighbors had any comments. The Clerk stated no.

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

Having reviewed the application and Short Environmental Assessment Form of Diana Petranek, Custom Services Solutions, Inc., owner of real property situated at 1900 Transit Way, tax account number 084.04-1-1.115, in the Town of Sweden, County of Monroe and State of New York. The applicant proposes installing a Tier 1 roof-mounted solar system at Custom Service Solutions, Inc., located at 1900 Transit Way, Brockport, New York. The **requested** area variances are as follows:

1. The proposed solar system will have a maximum height of 25.03 inches (17.03 in. variance) between panels and the highest point of the roof.
2. The proposed solar system will not be installed parallel to the roof surface as required. The tilt angle is 15 degrees, putting the top edge of the panel at a distance of 25.09 inches (17.09 in. variance) from the roof surface.
3. The proposed solar system will extend 25.03 inches (25.03 in. variance) higher than the highest point of the roof surface.

The Zoning Board of Appeals declares itself Lead Agency for the environmental review of this application pursuant to the SEQRA Regulations [6 NYCRR§617.6 9b)], and determines that the proposed variances are unlisted actions, which will not have a significant impact on the environment, which constitutes a negative declaration.

Seconded By Member Costello, and duly put to a vote, which resulted as follows:

Vote:
Chairperson Carges – Aye
Member Costello - Aye
Member Kevin Johnson – Aye
Member Pauline Johnson – Aye
Member Sealy – Absent

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Motion carried.

Member Pauline Johnson offers the following resolutions and moves for their adoption: Application of Diana Petranek, Custom Service Solutions, Inc., 1900 Transit Way, Brockport, New York, for three (3) area variances to install a Tier 1 roof-mounted solar system per stamped drawings.

Area Variance #1 – 17.03-inch variance. Maximum height between panels and the highest point of the roof.

1. An undesirable change will not be produced in the character of the neighborhood.
2. The benefit sought by the Applicant cannot be achieved other than an area variance.
3. The proposed variance is substantial due to the design of the roof and the orientation of the building.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the Light Industrial Zoning District.
5. The alleged difficulty was not self-created because there was no other feasible location on the property to build the addition where the proposed roof-mounted solar system will be installed.
6. No one appeared for or against the proposed area variances.

Seconded By Member Kevin Johnson, and duly put to a vote, which resulted as follows:

Discussion: The Board discussed the variance request based on the area variance criteria to determine its reasons for granting the proposed variance.

Vote: Chairperson Carges – Aye
Member Costello - Aye
Member Kevin Johnson – Aye
Member Pauline Johnson – Aye
Member Sealy – Absent

Motion carried.

Area Variance #2 - 17.09-inch variance. Distance from the top edge of the panel to the roof surface.

1. An undesirable change will not be produced in the character of the neighborhood.
2. The benefit sought by the Applicant cannot be achieved other than to install tilted panels to capture more of the southern exposure.
3. The proposed variance is substantial due to the design of the roof and the orientation of the building.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the Light Industrial Zoning District.
5. The alleged difficulty was not self-created because there was no other feasible location on the property to build the addition where the proposed roof-mounted solar system will be installed.
6. No one appeared for or against the proposed area variances.

Seconded By Member Costello, and duly put to a vote, which resulted as follows:

Discussion: The Board discussed the variance request based on the area variance criteria to determine its reasons for granting the proposed variance.

Vote: Chairperson Carges – Aye
Member Costello – Aye
Member Kevin Johnson – Aye
Member Pauline Johnson – Aye
Member Sealy – Absent

Motion carried.

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Area Variance #3 -25.03-inch variance. Solar system extends higher than the highest point of the roof surface.

1. An undesirable change will not be produced in the character of the neighborhood.
2. The benefit sought by the Applicant cannot be achieved other than an area variance.
3. The proposed variance is substantial due to the design of the roof and the orientation of the building.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the Light Industrial Zoning District.
5. The alleged difficulty was not self-created because there was no other feasible location on the property to build the addition where the proposed roof-mounted solar system will be installed.
6. No one appeared for or against the proposed area variances.

Seconded By Member Costello, and duly put to a vote, which resulted as follows:

Discussion: The Board discussed the variance request based on the area variance criteria to determine its reasons for granting the proposed variance.

Vote: Chairperson Carges – Aye
Member Costello – Aye
Member Kevin Johnson – Aye
Member Pauline Johnson – Aye
Member Sealy – Absent

Motion carried.

Moved by Member Kevin Johnson, seconded by Member Costello, that the minutes of May 15, 2025, be approved.

Chairperson Carges – Aye
Member Costello – Aye
Member Kevin Johnson – Aye
Member Pauline Johnson - Aye
Member Sealy – Absent

Moved by Member Costello, seconded by Member Kevin Johnson, to adjourn the meeting.

Chairperson Carges – Aye
Member Costello – Aye
Member Kevin Johnson – Aye
Member Pauline Johnson - Aye
Member Sealy – Absent

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk