

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – November 17, 2022**

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Sweden Town Offices, 18 State Street, Brockport, New York on November 17, 2022, commencing at 6 p.m.

Members present: Robert Carges, Kevin M. Johnson, Mark Sealy, Mary Ann Thorpe.

Absent: Pauline Johnson – excused.

Also present: Nat. O. Lester, III, ZBA Counsel; Jon Long and Lee Talley, Long Talley Engineering, P.C.

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

Application of Diana Petranek, 1900 Transit Way, Brockport, New York, for an area variance for parking. Applicant is proposing to construct a 9,000 sq. ft. addition to the existing structure located at 1900 Transit Way, Brockport, New York, in a Light Industrial Zoning District. The existing parking lot is 6 feet, 3.5 inches from the east property line where 10 feet is required. In addition, there is existing and proposed parking in the front yard, where front yard parking is not permitted.

Customer Service Solutions – 1900 Transit Way

Jon Long and Lee Talley, Long Talley Engineering, addressed the Board. Mr. Long explained that revised drawings have been submitted based on the Town Engineer’s review. The project is still for a proposed 9,000 sq. ft. manufacturing warehouse addition to the existing building with a loading dock on the east side.

Mr. Long stated the variance request tonight is for the 10 ft. vegetative buffer from the neighboring parcel from the east side property line to the parking lot. The neighboring parcel to the east is also zoned Light Industrial. The existing setback is 6 ft., 3.5 inches to the parking lot. The other variance request is for no front yard parking from the street line to the building front. The applicant is proposing to add seven parking spaces shown as the dark shared area, four existing parking spaces are shown, and the two existing handicap parking spaces that were originally approved in 1990.

Chairperson Thorpe asked the Board if there were any questions.

Mr. Carges asked what was the distance from the R.O.W. to the front parking? Mr. Long stated approximately 50 ft.

Counsel Lester asked if there were other properties in the neighborhood with parking in the front yard. Mr. Long explained Medline across the street is an “L” shaped building and the very front of the building has three parking spaces between the building line and the R.O.W. It depends on the interpretation of where the front of the building is located. The mini storage units to the west have a striped parking space in the front of the building. Mr. Long stated ABVI has parking in the front yard. ABVI is zoned Retail-Commercial but still part of the neighborhood.

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Mr. Long reiterated that Mr. Hogan owns the vacant land to the east but is asking too much for it. Mr. Lee added the owners had looked into purchasing additional land a few years ago when considering expanding and it was too costly then.

Mr. Long stated there are other constraints to the site such as the slope elevation of the property on the west side of the building, and the limiting of impervious surface on the west and north sides of the property as good stewards of the environment. Mr. Lee added the granting of the requested variances will clean up the whole property moving forward.

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

Chairperson Thorpe closed the public hearing.

Mr. Robert Carges offers the following resolution and moves for its adoption:

Having reviewed the application and Short Environmental Assessment Form of Diana Petranek, Custom Service Solutions, for area variances for the existing side setback of 6 ft., 3.5 inches from the east side lot line to the parking lot and the proposed and existing front yard parking required to construct a 9,000 sq. ft. addition to the existing structure located at 1900 Transit Way, Brockport, New York, in a Light Industrial Zoning District will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded By Chairperson Thorpe and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges - Aye
Mr. Kevin M. Johnson – Aye
Ms. Pauline Johnson – Absent
Mr. Mark Sealy – Aye

Motion carried.

Mr. Kevin Johnson offers the following resolution and moves for its adoption:

That the application of Diana Petranek, Custom Service Solutions, 1900 Transit Way, Brockport, New York, for two area variances, the existing side setback of 6 ft., 3.5 inches, to the parking lot where 10 ft. is required, and the proposed and existing front yard parking required to obtain Planning Board approval to construct a 9,000 sq. ft. addition to the existing structure located at 1900 Transit Way, Brockport, New York, in a Light Industrial Zoning District, tax account number 084.01-1-1.115, **approved** 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 another method other than an area variance for the following reasons:
 - a. It is not economically feasible to purchase additional land.

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- b. Existing blacktop cannot be eliminated because of the Town code's minimum number of parking spots required, and
 - c. Parking cannot be added on the western boundary because of slope elevation.
3. No one appeared for or against the proposed variance.
 4. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood as it consists of Light Industrial and Retail-Commercial zoned properties only and whereby Retail-Commercial zoning permits front yard parking.

Seconded By Mr. Robert Carges and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges – Aye
Mr. Kevin M. Johnson – Aye
Ms. Pauline Johnson – Absent
Mr. Mark Sealy – Aye

Motion carried.

Moved by Mr. Kevin Johnson, seconded by Chairperson Thorpe, that the minutes of November 1, 2022, be approved.

Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges – Aye
Mr. Kevin M. Johnson – Aye
Ms. Pauline Johnson – Absent
Mr. Mark Sealy – Aye

The meeting was adjourned by motion at 6:30 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk