

**TOWN OF SWEDEN  
Zoning Board of Appeals  
Minutes – January 21, 2021**

A reconvened 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 January 21, 2021, commencing at 6 p.m.

Members present: Robert Carges (via conference call from home); Kevin M. Johnson; Pauline Johnson (via conference call from home); Mark Sealy; Mary Ann Thorpe.

Absent: Nat O. Lester, III, ZBA Counsel – Excused.

Also present: James D. Bell, Town Attorney; Brent Bassi and Kathleen Spath; Keith O’Toole, Esq.; Brian Henner and Kristi Molisani; Orson Steele; Scott Arend.

Chairperson Thorpe called the meeting to order at 6 p.m. and asked everyone to say the Pledge of Allegiance, and a Moment of Silence for the three soldiers who lost their life in the Mendon helicopter crash on Wednesday. Thank you!

Chairperson Thorpe read the legal notice.

Application of Brian Henner, 30 Swamp Road, Brockport, New York, for an area variance of 35 ft. to construct a single-family home on approximately 70.63 acres, located southwest of the abandoned Redman Road by way of a 25 ft. wide and 200 ft. long access easement where 60 ft. of R.O.W. to a dedicated road is required. *Town of Sweden Ordinance §175-36 R1-2 One-Family Residential Districts. D. Lot and area requirements shall be as follows: (1) Specific requirements. (a) Minimum lot size. [4] Road frontage: 60 ft.* The property is owned by Scott T. Arend, tax account number 113.04-1-5.8.

Moved by Chairperson Thorpe, seconded by Mr. Kevin M. Johnson, that the Board and Town Attorney move into Executive Session from the reconvened meeting at 6:04 p.m.

**Vote:** Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson – Aye  
Member Pauline Johnson – Aye  
Member Mark Sealy – Aye  
Member Robert Carges – Aye

ADOPTED

Moved by Chairperson Thorpe, seconded by Mr. Sealy, that the Board and Town Attorney move out of Executive Session to the reconvened meeting at 6:17 p.m.

**Vote:** Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson – Aye  
Member Pauline Johnson – Aye  
Member Mark Sealy – Aye  
Member Robert Carges – Aye

ADOPTED

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Moved by Mr. Sealy, seconded by Mr. Carges, to approve the minutes of December 17, 2020.

**Vote:** Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson – Aye  
Member Pauline Johnson – Aye  
Member Mark Sealy – Aye  
Member Robert Carges – Aye

ADOPTED

**Redman Road (Abandoned)/Easement – Henner/Arend**

RESOLUTION

RE: SEQRA Determination Resolution of Nonsignificance Concerning the Application of Brian Henner

WHEREAS the Sweden Zoning Board is the lead agency for making the determination of environmental significance concerning the application of Brian Henner, 30 Swamp Road, Brockport, New York, for an area variance, and

WHEREAS the Sweden Zoning Board has received and reviewed the Short Environmental Assessment Form completed in this matter, and

WHEREAS the Sweden Zoning Board in accordance with the provisions of the State Environmental Quality Review Act (SEQRA) §617 has reviewed the Short Environmental Assessment Form, including any supporting information thereto, in accordance with the criteria contained SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concern, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

- Section 1. The Sweden Zoning Board does hereby make a determination of nonsignificance in this matter.
- Section 2. The Sweden Zoning Board does hereby direct the Chairperson to sign any Negative Declaration Form for said action and to provide notice thereof to any unidentified, involved and interested agencies.
- Section 3. This Resolution shall take effect immediately.

MOTION for adoption of the Resolution by Mr. Sealy, Seconded by Chairperson Thorpe

VOTE BY ROLL CALL AND RECORD:

Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson – Aye  
Member Pauline Johnson – Aye  
Member Mark Sealy – Aye  
Member Robert Carges – Aye

ADOPTED

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Town Attorney Bell asked for confirmation that the three members voted on the SEQRA Determination Resolution, he only heard Member Pauline Johnson and Member Carges. Chairperson Thorpe stated all three members voted in favor of the resolution.

Chairperson Thorpe asked the Board if there was any further information to add or read regarding this area variance or anything to discuss. The members responded no.

**RESOLUTION**

**RE:** Resolution Approving the Application of Brian Henner, 30 Swamp Road, Brockport, New York for an area variance.

**WHEREAS** Brian Henner, 30 Swamp Road, Brockport, New York, has applied for an area variance relating to property owned by Scott T. Arend, tax account number 113.04-1-5.8, and

**WHEREAS** said application requests an area variance of 35 feet to construct a single family home on approximately 70.63 acres located southwest of the abandoned Redman Road by way of a 25 foot wide and 200 foot long access easement where 60 feet of right of way to a dedicated road is required, and

**WHEREAS** a Public Hearing having taken place in this matter on December 17, 2020 at which time all interested parties were heard by the Sweden Zoning Board, and

**WHEREAS** the Sweden Zoning Board having taken into consideration in making the determination set forth herein the benefit to the applicant if the request is granted, as weighed against the detriment to the health, safety and welfare of the immediate area surrounding the subject property by granting the application, and

**WHEREAS** the Sweden Zoning Board having also taken into consideration in making the determination set forth:

- a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- b) Whether the benefit sought by the applicant can be achieved by some method other than an area variance.
- c) Whether the requested area variance is substantial.
- d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the immediate area surrounding the subject property.
- e) Whether the alleged difficulty was self created, which consideration shall be relevant to the determination made herein but shall not necessarily preclude the granting of the area variance.

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AND WHEREAS the Sweden Zoning Board having taken into consideration the various comments and submissions from the applicant and all other interested parties in making its determination.

BASED UPON THE FOREGOING BE IT RESOLVED:

Section 1. The Sweden Zoning Board does hereby grant the application of Brian Henner, 30 Swamp Road, Brockport, New York, relating to property owned by Scott T. Arend, tax account number 113.04-1-5.8 for an area variance of 35 feet to construct a single family home on approximately 70.63 acres located south west of the abandoned Redman Road by way of a 25 foot wide and 200 foot long access easement where 60 feet of right of way to a dedicated road is required for purposes of ingress and egress to and from Redman Road as it presently exists across the former road bed of the abandoned Redman Road which forms a part of the premises for the benefits of Lots 1-4.

Section 2 In making this determination the Sweden Zoning Board concludes that the granting of said area variance is justified in that:

- a) No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by this area variance.
- b) It does not seem feasible for the applicant to pursue any other method other than an area variance for the benefit sought.
- c) The area variance is not substantial.
- d) The area variance will not have an adverse effect or impact on the physical or environmental conditions in the immediate area.
- e) The alleged difficulty identified was not self created.

Section 3. This Resolution shall take effect immediately.

MOTION for adoption of the Resolution by Mr. Kevin M. Johnson, Seconded by Mr. Sealy

VOTE BY ROLL CALL AND RECORD:

Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson - Aye  
Member Pauline Johnson - Aye  
Member Mark Sealy - Aye  
Member Robert Carges – Aye

ADOPTED

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Moved by Mrs. Pauline Johnson, seconded by Mr. Carges, to adjourn the meeting.

**Vote:** Chairperson Mary Ann Thorpe - Aye  
Member Kevin M. Johnson – Aye  
Member Pauline Johnson – Aye  
Member Mark Sealy – Aye  
Member Robert Carges – Aye

ADOPTED

Respectfully submitted,  
Phyllis Brudz  
Zoning Board of Appeals Clerk