

**TOWN OF SWEDEN  
Zoning Board of Appeals  
Minutes – May 20, 2009**

A meeting of the Zoning Board of Appeals of the Town of Sweden was reconvened at the Town Offices, 18 State Street, Brockport, New York on Wednesday, May 20, 2009, commencing at 7:00 p.m.

Members present: Pauline Johnson, Ken Reid, Peter Sharpe, Mary Ann Thorpe

Absent: Frank Fisher (recused)

Also present: Kris Schultz, Attorney Betsy Brugg, John LeFrois

**1000 Transit Way**

The Town Attorney addressed the Board. He explained that copies of the previous meeting's minutes and a draft of the notice of decision have been distributed. In light of the history of this property and respecting the application that is before this Board now, this is an acceptable solution to everyone and allows the developer to move forward.

Attorney Brugg and myself drafted the notice of decision that encompasses all the variances that have been granted for this property and also recognizes that there still has to be an amended site plan approval. He recommends that the ZBA vote to adopt this decision.

Chairman Reid asked if it combines the two sets of variances. Attorney Bell stated yes and it recognizes that the square foot parameters are 5,839 sq. ft.

Chairman Reid added is that a condition. Attorney Bell stated yes. It is so another applicant couldn't come in a year and ask for a variance for a 6,200 sq. ft. building. Mrs. Johnson stated that the project still has to get approval from the Planning Board and there is the chance, if there are any issues, the building size could change.

Chairman Reid asked if there were any other questions from the Board. There were none.

Chairman Reid closed the public hearing.

Moved by Mrs. Johnson, seconded by Mrs. Thorpe, that having reviewed the 1000 Transit Way application for the following four variances to construct a **5,839** sq. ft. commercial building is an unlisted action which will not have a significant impact on the environment.

1. Building side setback of 9 ft. from the west property line instead of the required setback of 25 ft.
2. Building side setback of 20 ft. from the south property line instead of the required setback of 25 ft.
3. Perimeter rear buffer zone of 6 ft. instead of the required 7.5 ft.
4. Front green strip of 16.5 ft. instead of the required 25 ft.

Mrs. Johnson – Aye  
Mr. Sharpe - Aye  
Mrs. Thorpe – Aye  
Chairman Reid - Aye

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Moved by Mrs. Johnson, seconded by Mrs. Thorpe, to approve the application of LeFrois Builders and Developers, Henrietta, New York, for the four variances to construct a 5,839 sq. ft. commercial building located at 1000 Transit Way, Brockport, New York, tax account number, 084.01-1-1.113, conditioned and contingent upon the following:

1. There is an area variance to allow a building side setback of 9.0' from the west property line instead of the required setback of 25'.
2. There is an area variance to allow a building side setback of 20.0' from the south property line instead of the required setback of 25'.
3. There is an area variance to allow a perimeter rear buffer zone of 6.0' instead of the required 7.5'.
4. There is an area variance to allow a front green strip of 16.5' instead of the required 25'.
5. The aforesaid conditions and contingencies are to apply to a building area of 5,839 square feet.
6. There is to be Sweden Town Planning Board amended site plan approval.

*Mrs. Johnson questioned if the Board should include the criteria usually used when granting an area variance. Attorney Bell stated the above was sufficient.*

Mrs. Johnson – Aye  
Mr. Sharpe - Aye  
Mrs. Thorpe – Aye  
Chairman Reid - Aye

Moved by Mrs. Johnson, seconded by Chairman Reid, to approve the May 7, 2009 minutes.

Mrs. Johnson – Aye  
Mr. Sharpe - Aye  
Mrs. Thorpe – Aye  
Chairman Reid - Aye

The meeting was adjourned by motion at 7:45 p.m.

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Clerk to Zoning Board of Appeals