

**TOWN OF SWEDEN**  
**Zoning Board of Appeals**  
**Minutes - June 1, 2006**

A regular meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Town Offices, 18 State Street, Brockport, New York on Thursday, June 1, 2006, commencing at 7:00 p.m.

Members present: Frank Fisher, Pauline Johnson, Ken Reid, Peter Sharpe

Absent: Mary Ann Thorpe

Also present: Paul Drake

Chairman Reid called the meeting to order, introduced the Board members and read the notice of public hearing for:

Application of Paul C. Drake, 332 East Avenue, Brockport, New York, for an area variance to construct a detached garage, 24 ft. by 26 ft., adjacent to the existing driveway. The proposed garage will have a 42.75 ft. front setback. *Town of Sweden Ordinance Chapter 175-32, Section A-1c, Required setbacks, states the required front setback is seventy-five (75) ft.* The property is owned by Paul and Frances Drake, tax account number 069.10-6-2.

**332 East Avenue**

Chairman Reid stated the Board has 62 days to make a decision. The applicant has 30 days to appeal.

Mr. Drake stated he appreciated the time given him by this Board to review his application for an area variance. Mr. Drake's property is located on East Avenue and has an existing single car garage in the basement of the house. Mr. Drake is proposing a detached 2-car garage. Mr. Drake stated the location for the proposed garage is best because it is on the far side of the creek. The creek will be between East Avenue and the proposed garage. The property slopes with the creek. Mr. Drake presented an aerial view of the property five to six years ago.

Mr. Drake stated the property does fall off to the north and to the west following the creek. Mr. Drake stated it made sense to put the garage where the grade is lower than the house. If the garage were built next to the house, it would require a lot of fill. The plan is to build the garage at grade where the existing turnaround is.

Mrs. Johnson asked how big is the existing turnaround. Mr. Drake stated it is smaller than the proposed garage, 24 ft. x 26 ft.; possibly 20 ft. x 20 ft.

Mrs. Johnson asked how the water drains off the property. Mr. Drake stated it drains to the north and to the west.

Mr. Sharpe asked Mr. Drake, who has lived there the past 25 to 30 years, to describe the history of the creek. Mr. Drake stated the worse storm was Hurricane Frances, 2 years ago. The creek built up behind the canal a couple of inches and the level of water rose to just under the bridge at the gazebo. Mr. Drake stated the previous Building Inspector had checked with the Town Engineer and determined the property is in Flood Zone C, an area of minimal flooding.

Mr. Sharpe asked how has the path of the creek changed as far as meandering through different areas. Mr. Drake stated he has been trying to ensure the path stays the same by adding rocks along it, and also, to protect the bank of the creek and Village sidewalks.

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Mrs. Johnson asked for clarification regarding the existing garage. Mr. Drake stated the basement of his house is partly a garage. A car can be driven in and there is a garage door. Mr. Drake stated it's perfect for a welding/wood shop.

Chairman Reid asked if Mr. Drake added all the rocks along the stream. Mr. Drake indicated probably three-quarters of the rocks; the rocks that look like crushed/broken ones. There was a rock wall along the creek bed when the house was first purchased. There was some erosion before Mr. Drake put the rocks in.

Mrs. Johnson asked if Mr. Drake considered building a single car garage. Mr. Drake prefers a two-car garage for both of his cars, plus the attic of the garage will provide for added storage area.

Chairman Reid asked if the Town does any maintenance of the stream. Mr. Drake stated no and that he's been there since 1979. It has become a finished area just about five years ago.

Chairman Reid asked how many feet he has from right above the water line to the proposed garage. Mr. Drake stated about 5 to 6 ft. from the top of the water line to the existing pad. Chairman Reid asked who was going to do the work. Mr. Drake stated probably Mr. Beehler would do the dirt work and a contractor/mason would be hired for the foundation. Chairman Reid stated he's concerned because the depth of the existing turnaround is about 20 ft. In order to build the proposed garage, an additional 6 feet is needed. Fill would have to be put in the back bringing the garage closer to the stream bank.

Mr. Drake envisions a retaining wall type of foundation. The foundation would be exposed to some extent on the side of the creek. Mr. Fisher commented that the footer would have to be built lower.

Mr. Fisher asked if Mr. Drake considered constructing the garage closer to the house. Mr. Drake stated no because there wouldn't be enough room to turn around (swing room).

Mrs. Johnson asked the Clerk if legal notices were sent out to the neighbors. The Clerk stated yes and to the Town of Clarkson and Village of Brockport. No responses were received.

Mr. Fisher asked if any contractors have looked at the site to see if the plans are going to work as proposed. Mr. Drake stated he just had contact with Mr. Beehler. Mr. Drake would confirm with the mason, Kevin Breiner, and the Building Inspector if the garage can be constructed. The Clerk added that the Town of Ogden Building Inspector was contacted, and in his opinion, the ZBA has the authority to grant or deny the area variance, but not determine if the garage can be built satisfactorily.

Mr. Sharpe asked when was the bridge built over the driveway. Mr. Drake stated before 1979 and only repairs to the railings have been made; nothing structural.

Mrs. Johnson stated that there are certain criteria to be met for an area or use variance to be granted. This is a unique case because of the grade of the property and the creek. Mrs. Johnson stated she is not comfortable making a decision until more information is received on how this construction will affect the drainage.

Chairman Reid and the Board would like to receive input from the Town Engineer, the Highway Superintendent and the Building Inspector. The DEC was contacted and there aren't any special permits required.

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Mr. Sharpe asked if he could have permission to stop by and review the site with Mr. Drake. Mr. Sharpe also agreed that more input is required.

Mrs. Johnson added that she drove by the site on Havenwood Drive and there didn't seem to be any sight problems. There were no impacts to the west or across the street.

Chairman Reid still expressed concern for the structural safety of the garage being so close to the stream, particularly due to erosion. Also, the proposed setback is significant at 42.75 ft. instead of 75 ft.

The meeting was adjourned until June 15, 2006 at 7 p.m.

Moved by Mrs. Johnson, seconded by Mr. Fisher, to approve the December 22, 2005 minutes.

Mr. Fisher – Aye  
Mrs. Johnson – Aye  
Mr. Sharpe – Aye  
Chairman Reid – Aye

Moved by Mrs. Johnson, seconded by Mr. Fisher, to table the ZBA's decision tonight until input is received from the Town Engineer, Highway Superintendent and/or Building Inspector, and the meeting be adjourned to June 15, 2006 at 7 p.m.

Mr. Fisher – Aye  
Mrs. Johnson – Aye  
Mr. Sharpe – Aye  
Chairman Reid – Aye

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Clerk to Zoning Board of Appeals