

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 28, 2026**

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 May 28, 2026, commencing at 6 p.m.

Members present: Robert Carges, Stacey Costello; Mark Sealy

Members absent: Kevin M. Johnson, Pauline Johnson

Also present: Nat O. Lester, III, ZBA Counsel, Kris Schultz, Schultz Associates

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

Application of Sun Industrial, Inc., 100 Richeyville Road, Richeyville, Pennsylvania, for an area variance, located at the Sweden Corners Plaza, 6515 Brockport-Spencerport Road, Unit #9, Brockport, New York, for the new tenant, Ollie's Bargain Outlet. Applicant is proposing to install a structural canopy, 510 sq. ft., with metal side walls and an open end over the existing scissor lift. The proposed rear setback for the canopy from the south property line is 14.2 ft, 25 ft. is required, 10.8 ft. variance request.

Town of Sweden Ordinance §175-41 B-1 Business District, E. Lot and area requirements in the Retail Business District shall be as follows: (4) Required setbacks: (c) Rear: 25 feet. The property is owned by Gibraltar Management Company, tax account number 084.01-1-4.11.

Chairperson Carges opened the public hearing and waived the reading of the legal notice.

Sweden Corners Plaza at Ollie's. 6615 Brockport-Spencerport Road, Unit #9.

Kris Schultz, Schultz Associates, addressed the Board. He explained the applicant made application to the Planning Board for amended site plan approval for a proposed three-sided enclosure to cover the access to the loading dock at Ollie's Bargain Outlet, Unit #9.

The purpose is to protect the loading dock, employees, and merchandise from inclement weather for deliveries. The enclosure colors are intended to match the building; the siding will be sandstone and the roof will be white.

The site is unique as over the years the drive aisle behind the building has encroached grossly on the neighbor's property which has a lot of landscaping and a berm. There have been no complaints; however, the offset of just over 18 feet requires a variance. There are a couple of other existing bump outs from the building; this area variance will cover all of them.

The construction of the enclosure will not be in the drive aisle and will utilize the same area used to back up to the scissor lift. Part of the interior renovations included new overhead garage doors to improve delivery efficiency. Chairperson Carges noted that no previous tenant of the unit had requested an enclosure. He added that behind the building is in good shape; cleaned up. Mr. Schultz stated his client has invested a lot of money in the building.

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 28, 2026

Chairperson Carges asked if there were any other questions from the Board. There were none.

Counsel Lester requested Mr. Schultz to go over the five factors for granting an area variance.

1. 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:
The change is not anticipated to cause an undesirable alteration to the neighborhood's character.
2. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district:
There are no environmental impacts associated with the proposed area variance request.
3. Whether the variance is substantial:
The request is substantial from the standpoint of what is required and what is provided. The variance doesn't change how the back of the building has been used as far as vehicular traffic.
4. Whether the alleged difficulty was self-created:
The need for the variance is, at least in part, self-created, because the scissor lift could have been left open. Ollie's plan when moving into a new building is to take care of their employees.
5. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance:
There is no other alternative because land is not available from the neighbor to purchase. The position of the dock cannot be changed.

Member Sealy asked if there were any plans for water management as far as the gutters. Mr. Schultz stated if there are issues with standing water or water not draining the owner of the building would look into the matter to resolve it. Mr. Schultz doesn't see any issues because where the proposed building will be located there is existing blacktop. The project is before the Planning Board and the Town Engineer did not have any concerns with the proposed grading, elevations, or runoff.

Counsel Lester stated if the Board grants this variance, verbiage should be included in the resolution that it is contingent upon final approval by the Planning Board.

Moved by Member Costello, seconded by Member Sealy, that the public hearing be closed.
Vote Chairperson Carges – Aye
Member Costello - Aye
Member Sealy – Aye

Motion carried.

Member Costello offers the following resolution and moves for its adoption:

The Applicant, Sun Industrial Inc. on behalf of the property owner, Gibraltar Management Company, located at Sweden Corners Plaza, 6615 Brockport-Spencerport Road, Unit #9, Brockport, New York, for the new tenant, Ollie's Bargain Outlet, is proposing to install a structural canopy, 510 sq. ft., with metal side walls and an open end over the existing scissor lift.

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 28, 2026

The proposed rear setback for the enclosure from the south property line is 14.2 ft, where 25 ft. is required, resulting in a requested area variance of 10.8 ft.

The Sweden 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 variance is an unlisted action, which will not have a significant impact on the environment, which constitutes a negative declaration.

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

Vote Chairperson Carges – Aye
Member Costello - Aye
Member Sealy – Aye

Motion carried.

Member Stacey Costello offers the following resolution and moves for its adoption:
Application of Sun Industrial, Inc., 100 Richeyville Road, Richeyville, Pennsylvania, for an area variance, located at the Sweden Corners Plaza, 6515 Brockport-Spencerport Road, Unit #9, Brockport, New York, for the new tenant, Ollie’s Bargain Outlet. Applicant is proposing to install a structural canopy, 510 sq. ft., with metal side walls and an open end over the existing scissor lift. The proposed rear setback for the canopy from the south property line is 14.2 ft, where 25 ft. is required, resulting in a requested area variance of 10.8 ft. for the following reasons:

In balancing the benefit to the applicant against any detriment to the health, safety, and welfare of the neighborhood or community

1. The change is not anticipated to cause an undesirable alteration to the neighborhood’s character.
2. There are no environmental impacts associated with the proposed area variance request.
3. The request is substantial from the standpoint of what is required and what is provided. The variance doesn’t change how the back of the building has been used as far as vehicular traffic.
4. There is no other alternative because land is not available from the neighbor to purchase. The position of the loading dock cannot be changed.
5. The need for the variance is, at least in part, self-created, because the scissor lift could have been left open. Ollie’s plan when moving into a new building is to take care of their employees.
6. **This variance is granted contingent upon the Planning Board granting final approval for the amended site plan.**

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

Vote Chairperson Carges – Aye
Member Costello – Aye
Member Sealy – Aye

Motion carried.

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 28, 2026

Moved by Member Costello that the minutes of December 18, 2025, be approved.

Seconded by Member Sealy, and duly put to a vote, which resulted as follows:

Vote Chairperson Carges – Aye

Member Costello – Aye

Member Sealy – Aye

Motion carried.

Moved by Member Sealy to adjourn the meeting until Thursday, June 11, 2026, for approval of these minutes.

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

Vote Chairperson Carges – Aye

Member Costello – Aye

Member Sealy – Aye

Motion carried.

Chairperson Carges announced that Member Pauline Johnson will be leaving the Zoning Board of Appeals after more than 40 years of service due to health reasons. The Board thanked her for her many years of dedicated service and how invaluable she has been to the Zoning Board of Appeals and the Town of Sweden.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk