

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – November 13, 2025

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 November 13, 2025, commencing at 6 p.m.

Members present: Robert Carges, Stacey Costello; Kevin M. Johnson; Mark Sealy.

Absent: Pauline Johnson

Also present: Nat O. Lester, III, ZBA Counsel, Robert LaPoint, Code Enforcement Officer, Nicole King, Brook Lefler.

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

Chairperson Carges stated tonight's meeting contains two matters as follows:

- The continuation of the application of Nicole King's request for an area variance.
- A public hearing for Brockport Animal Hospital.

1746 Covell Road – Area Variance – Horse Run-in Shelter

Chairperson Carges continued in regard to the matter of Nicole King's request for an area variance, the public hearing was held on October 23, 2025. The applicant presented her case, and the public hearing was closed.

A SEQRA resolution resulted in a determination of negative declaration, and thereafter a motion to deny the applicant's request for the variance resulted in a tied vote. The matter was continued to this evening for a vote either in favor or denial of the area variance request.

Resolution

Member Sealy offers the following resolution for the application of Nicole King, 1746 Covell Road, Brockport, New York, who appeared before this Board on October 23, 2025, requesting an area variance to allow a run-in shelter for horses with a side setback from the west boundary line of 25.8 feet measured instead of the 100 feet minimum required, and

WHEREAS, I made a motion to Deny the application and a second to my motion was received and a roll vote resulted in a tie vote of two members in favor of my motion and two opposed, thus resulting in my motion being denied.

NOW, THEREFORE, BE IT RESOLVED, that I would like to renew my motion to deny and set forth the findings as follows:

1. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance:
Yes, the benefit being sought, that of a run-in shelter for horses, can be achieved in another location on the three-acre parcel without having to violate the setback requirements of the Town of Sweden.
2. Whether the variance is substantial:
The variance relief sought of 74.2 percent is substantial.
3. Whether the alleged difficulty was self-created:
The difficulty is self-created. The Town Code clearly establishes the minimum setback requirements for where this property is located and the applicant's desire to have a run-in shelter for horses located 25.8 feet off the west boundary line as opposed to the 100 feet setback requirement

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – November 13, 2025**

constitutes a self-created hardship. The three-acre parcel allows for other placement of the run-in shelter without violating the Town Code.

4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district:
Adverse effects include noise and odor.
5. 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:
After careful consideration of all testimony and written comments, this Board finds that allowing a horse run-in shelter to be located 25.8 feet off of the property line instead of the 100 feet setback requirement would produce an undesirable change in the character of the neighborhood and would have a negative effect due to the noise and odor resulting therefrom, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that I move to deny the application as requested.

Seconded By Member Costello

Vote: Member Kevin Johnson – Aye
Chairperson Carges – Aye
Member Costello – Aye
Member Sealy – Aye

Motion carried. Application Denied.

Chairperson Carges read the legal notice for the second item on the agenda as follows:

Application of Brockport Animal Hospital, 6352 Brockport-Spencerport Road, Brockport, New York, for an area variance to construct a proposed addition, ±900 sq. ft., on the north side of the existing building located at 6352 Brockport-Spencerport Road, Brockport, New York. The rear setback for the proposed addition is 27 ft., 40 ft. required, 13 ft. variance request.

Town of Sweden Ordinance §175-37 R1-2S One-Family Residential District. D. Lot and area requirements shall be as follows: (3) Required setbacks: (a) Front: 50 feet; 75 feet on arterial highways. (b) Rear: 40 feet. (c) Side: 10 feet. The property is owned by Lefler Holdings, LLC, tax account number 084.05-10-13.

Brook Lefler, Taylor Builders and Empire Construction, addressed the Board. He will be building the proposed addition and his wife, Brenda Lefler, is the owner of the animal hospital.

He explained his wife purchased the animal hospital four years ago, prior to that it was owned by Dr. Edwards, and then before that Dr. Kuntz. Mr. Lefler referred to the Board the site drawings. The reason for the addition in the rear of the building is for a couple of reasons, such as, ease of use for the patients, doctors, and clients to get in the building and there is a need for more exam rooms. With three existing exam rooms, clients have had to wait in the parking lot to come in. Two more exam rooms are proposed.

The reason the proposed addition is not located on the back of the building is because Dr. Edwards filled in an existing inground pool that Dr. Kuntz installed. From Mr. Lefler's understanding, the inground pool was left intact and stone and dirt were used to fill the pool; the whole structure is still right at the back of the building. Per the architects and engineers, the proposed location for the addition is the only place to build it because of where the inground pool is located. The inground pool would have to be dug up and fill added to make it solid

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – November 13, 2025**

in order to build back there. Also, because of the way the pool's existing pipes come into the existing building, which sometimes leaks, he isn't sure if the area is still full of water.

Chairperson Carges asked what is the old structure that is proposed to be destroyed. Mr. Lefler stated it is the cat ward, slab on grade with a rubber roof, which has leaked and was repaired. It is where the old dog runs were located.

Mr. Lefler added that he will have to be ADA compliant. The existing ramp built by Dr. Edwards, which he believes is grandfathered in, doesn't even go into an exam room. A client in a wheelchair has to go into a step-down room where all the pet food is kept.

Mr. Lefler addressed the bathroom off the waiting room and how difficult it is to maneuver in and out of it due to its size. By pushing everything down and over, raising the floor, and changing the employee entrance door to make room for an ADA compliant ramp that would go right into an exam room, a five-foot bathroom can be constructed. He would also improve the exam room used for putting an animal down to be more private and intimate by insulating it.

Member Costello confirmed with Mr. Lefler that a crawl space will be under the proposed addition, which is there to hold the HVAC. They discussed the depth of the crawl space and that it would be five to six feet. Member Costello requested a drawing of what the neighbors see now and what they are going to see after the proposed addition is built. Mr. Lefler stated what the neighbors see now is the top roof of the cat ward and what they will see is a window and new siding/structure because of the new fence installed.

Member Sealy asked if any of the trees shown will be removed. Mr. Lefler stated the only trees to be removed are all the bushes.

Member Costello asked for clarification on the drawings where the location of the current cat ward is. Mr. Lefler pointed to the drawings to answer the question. Counsel Lester asked for some measurements. Mr. Lefler stated the cat ward is 20 feet out from the original building and with the addition, it will be an additional 13 feet. The proposed addition is substantial in size compared to the cat ward. Mr. Lefler added that the neighbors will have a nicer visibility than what they have now, which is the cat ward roof.

Member Sealy asked how the depth of the addition compares to the fence that is there now. From the fence to where it is now to where it would be is 8.5 to 9 feet.

Member Costello asked where the location of the inground pool is. Mr. Lefler pointed to the drawing to show the Board. In order to build anything at the location of the inground pool it would have to be filled with some type of concrete.

Member Costello asked if the addition could be turned and built on the back side of the building on the west side, which would leave a U shape and avoid the inground pool. Mr. Lefler stated there is an apartment downstairs and the treatment and surgery rooms would be in the way as well as the breakroom and doctor offices. Customers, not being able to see where the dead animals are kept until transported, is a huge concern and is why the porch was enclosed on the front of the building.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – November 13, 2025**

The owner is trying to make the building more efficient for everyone by adding more exam rooms. Mr. Lefler stated at the end of the day the proposed addition is, so it is better for the animals.

Member Sealy stated the only options are to make the proposed addition smaller or build on Transit Way or somewhere else because there is no other place to build the proposed addition.

Member Costello confirmed with Mr. Lefler that the proposed addition is 20 feet wide and must be ADA compliant. Discussion took place about whether a section could be cut off, but there was no solution.

Chairperson Carges asked the Clerk if any of the neighbors responded to the legal notice published or mailed to the neighbors within 500 feet of the property. Mr. Lefler responded that the neighbors at 43 Fairview Drive and 45 Fairview Drive approached Mr. Lefler to ask what was being proposed. They had no issues.

Chairperson Carges asked for any requests for updated maps. Member Kevin Johnson requested an updated surveyor's map showing the existing structures, houses on the north side, fence, and proposed addition.

Member Sealy offers the following motion to table the public hearing until December 4, 2025, at 6 p.m.

Seconded By Member Kevin Johnson

Vote: Member Kevin Johnson – Aye
Chairperson Carges – Aye
Member Costello – Aye
Member Sealy – Aye

Motion carried.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk