

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – October 7, 2010**

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, October 7, 2010, commencing at 7 p.m.

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

Also present: Kip Finley, P.E., Razak, Jett Mehta, Indus Development, Tom Talley, L. Popovski

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

Application of INDUS Development, 1170 Pittsford-Victor Road, Pittsford, New York, for two (2) area variances to construct a 75 to 80 key Hampton Inn located immediately north of CountryMax and south of Fourth Section Road. The following variances are requested for the Hampton Inn site:

1. The proposed perimeter side buffer zone is 1.5 ft. Per Town of Sweden Ordinance §175-40, Section B, Required perimeter buffer zone is 7.5 ft. in width.
2. The proposed freestanding sign height is 25 ft. Town of Sweden Ordinance Chapter 175-30. Signs. Section E (2) (b) states said ground-mounted pylon sign shall not exceed 100 sq. ft. in area nor exceed 20 feet in height.

Hampton Inn Site Plan. Lake Road. 083.02-1-12.21

Mr. Kip Finley, P.E., addressed the Board and introduced Mr. Jett Mehta, Indus Development.

Mr. Finley explained that the two variances have to be addressed before the project can move forward at the Planning Board. He clarified the one variance is for the perimeter side buffer zone requirement on the south side of the property.

The hotel design is a prototype, which resulted in a tight footprint on the site, and falling six feet too narrow. Smaller parking sizes and/or a smaller building was looked at, but without favor. The best solution was to use the south side, which has an existing underground drainage pipe along Rte. 19, approximately 1-1/2 feet down, and therefore, would not be good for planting, even if there was a 7-1/2 ft. buffer. The applicant is asking for relief from the 7-1/2 ft. buffer on the south side.

Mrs. Johnson asked for clarification as to the location of the storm drainage pipe on the south side. Mr. Finley explained that the State has an easement at the beginning part and then it is privately owned, which carries all the highway drainage. He added there is no room for landscaping with the ditch on the south side.

Mrs. Johnson asked if the Planning Board has determined the amount of space required for turning radius. Mr. Finley stated there has to be a 24 ft. wide drive aisle and a 20 ft. deep parking space. Mrs. Johnson noted the size of the parking spaces are designed to comply to Town regulations, and therefore, reducing the perimeter side buffer requirement on the south side is a more viable option.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – October 7, 2010**

Chairman Reid asked where is the main entrance. Mr. Finley stated that when the CountryMax site was approved, it included a shared driveway with an easement to the property owner to the south. He added several options have been pursued, which were not feasible to the Planning Board.

Mrs. Thorpe asked if there would be landscaping on the north side. Mr. Finley presented a map with quite a bit of landscaping on the remaining sides. He added that a pedestrian walkway to Friendly's is being considered.

Mrs. Thorpe asked what is the front setback of the hotel. Mr. Finley stated he didn't have an exact measurement, but it is before the CountryMax building.

Mrs. Johnson asked if a representative of CountryMax has stopped in or called regarding this application. The Clerk stated no.

Chairman Reid asked if there were any other questions regarding the proposed perimeter side buffer variance. There were none.

Mr. Finley explained the second proposed area variance is for the freestanding sign height. He stated that the Hilton brand and Hampton Inn franchise have a standard sign. He presented a photo of the proposed sign. The Town's code calls for a 20 ft. height maximum and the hotel prototype is 25 ft. high. The prototype would give the hotel more visibility because of having to use a shared driveway; not being able to have the sign right in front of the hotel. Also, the applicant is planning to keep the two mature maple trees in front of the site. The extra sign height would not interfere with the trees, and provide visibility from the corner of Lake Road and Fourth Section Road. He added that the goal is to have the customers see the sign clearly so that they don't use the bank entrance.

The Board discussed the bank's freestanding signage and that it may be pre-existing, nonconforming because it appears taller than the 20 ft. height requirement for hotels.

Chairman Reid asked if the sign meets code otherwise. Mr. Finley stated yes; the hotel (name) sign is ±84 sq. ft. and the food (free continental breakfast) sign is ±17 ft.

Mr. Sharpe asked for clarification regarding the Planning Board minutes regarding this application. The Clerk stated the Planning Board was concerned only with the perimeter side buffer zone requirement, and not the height of the sign, as that would be approved by the Building Department.

Mr. Fisher asked what would be a sign alternative if the proposed sign height variance was denied. Mr. Finley explained that this sign is a prototype so a custom sign would have to be made. Hilton works with a few sign companies, which offer the various types of signs. Discussion followed regarding the different signs and pros and cons of each one.

Mr. Sharpe asked what is the agreement between Hilton and Indus Development. Mr. Mehta stated there is a 20-year franchise agreement before either party can exit.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – October 7, 2010**

Mrs. Thorpe asked the distance from the bottom of the food sign to the ground. Mr. Finley stated it was approximately 8-½ ft. Mrs. Thorpe suggested putting the sign deeper into the ground, if necessary. Mr. Finley stated, more than likely, the legs would be cut.

Mr. Sharpe stated that having an open sign (8-1/2 ft.) would be better than if shortened reducing visibility.

Mrs. Johnson asked why the need for a higher sign than what's required. Mr. Mehta explained that a sizeable donation has been made to the community, visibility for transient customers coming into the community, and because there's a shared driveway entrance. Also, there's a concern that patrons see the hotel, especially out-of-town guests traveling at night.

Mrs. Johnson explained the Town is a Victorian village, unlike Victor and Henrietta, so having trouble finding places isn't really an issue. Chairman Reid agreed.

Mrs. Johnson explained that CountryMax is set farther back than the hotel so it will not block visibility, as well as Columbia Bank, which will not block the hotel's view. Chairman Reid added that the hotel will probably see its busiest time from college events and he believes the out-of-town guests won't be able to miss the hotel.

Mr. Fisher asked how tall is the hotel. Mr. Finley stated the top of the roof slab is at 32 ft. to 33 ft. high with the parapets at different heights. Discussion took place regarding the building signage, which will be lighted. The goal is to have a sign facing Rte. 31 and a sign facing Lake Road.

Mr. Mehta explained that 80 percent plus of the reservations made are booked online with very few walk-ins, and this keeps growing. He added that a flagpole would be installed at the site to help with visibility.

Chairman Reid closed the public hearing.

Moved by Mrs. Johnson, seconded by Mrs. Thorpe, that having reviewed the application of INDUS Development for two (2) area variances to construct a 75 to 80 key Hampton Inn located immediately north of CountryMax and south of Fourth Section Road is an unlisted action that will not have a significant impact on the environment.

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

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – October 7, 2010**

Moved by Mrs. Johnson, seconded by Mr. Fisher, that the application of INDUS Development to construct a 75 to 80 key Hampton Inn with a perimeter side buffer zone of 1.5 ft. wide on the south side instead of the required 7.5 ft. width be **approved** for the following reasons:

1. Benefit cannot be achieved by another means feasible to the applicant other than obtaining the requested variance.
2. The requested variance will not have adverse physical or environmental effects.
3. The alleged difficulty is not self-created.
4. No one appeared against the proposed variance.

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

Moved by Mrs. Johnson, seconded by Mr. Fisher, that the application of INDUS Development to construct a 75 to 80 key Hampton Inn with a freestanding sign height of 25 ft. instead of the required height of 20 ft., specifically submitted model HI P-82, D/F (open space-style pylon sign) to avoid any potential visibility issues be **approved** for the following reasons:

1. Benefit cannot be achieved by another means feasible to the applicant other than obtaining the requested variance.
2. The requested variance will not have adverse physical or environmental effects.
3. The application is unique due to the existing shared driveway entrance.
4. No one appeared against the proposed variance.

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

Moved by Mrs. Thorpe, seconded by Mr. Fisher, to approve the minutes of the May 20 meeting.

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

The meeting was adjourned by motion at 8:15 p.m.

Clerk to Zoning Board of Appeals