

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – April 10, 2013

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 April 10, 2013, commencing at 6:00 p.m.

Members present: Frank Fisher, Pauline Johnson, Kevin Johnson, Peter Sharpe, Mary Ann Thorpe.

Also present: Nat O. Lester, III, ZBA Counsel, Dorothy Daniels (& husband).

Chairperson Thorpe called the meeting to order, and read the notice of public hearing for:
Application of Dollinger's Inn & Suites, 4908 Lake Road, Brockport, New York, for an area variance to modify the height of its existing freestanding sign to 30 ft. Town of Sweden Ordinance Chapter 175-30. Signs. Section E (2) (b) states: One such sign not exceeding 20 ft. in height and 100 sq. ft. in area and no closer to the right-of-way than 10 ft., on the premises of a hotel or motel. The property is owned by Dollinger's, LLC, tax account number 084.01-1-2.4.

4908 Lake Road

Chairperson Thorpe asked if anyone was present from the public with questions for this application. There were none.

6:09 p.m. - The Board waited for awhile for Ms. Daniels, but decided to begin discussion without her.

Mrs. Johnson stated it appears that the sign height has only become an issue now that Hampton Inn has been built and is open for business. Also, Mrs. Johnson would like to know from the applicant whether the sign's visibility is a concern for drive-by business or for people who have made reservations in advance and need to determine the location of the hotel ahead of time.

Mr. Sharpe discussed the existing sign color/size with what is proposed. It was brought up that maybe just changing the color of the existing sign would be beneficial.

Chairperson Thorpe noted that the location of the sign is not changing, just the height and color.

The Board reviewed the trees on the property and how they are blocking the sign's visibility. Also, who owns the trees, the applicant or the Town?

Mrs. Johnson pointed out that by inferring that the existing sign is causing financial hardship fits more with a use variance than an area variance.

Chairperson Thorpe brought up for discussion that the Hampton Inn received an area variance for its freestanding sign. That variance was granted due to shared parking and safety issues. Plus, the sign was a prototype sign from the corporate office.

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – April 10, 2013

Mr. Johnson wondered if the benefit could be achieved by changing the color of the existing sign and cutting down some trees. Mr. Fisher stated cutting down trees is not environmentally friendly and could be frowned upon. Plus, the pictures were taken during the winter; it will be even harder to see once the trees are in full bloom.

Mr. Sharpe discussed the sign's visibility from the pictures submitted, which it appears the sign is visible. Mr. Fisher pointed out that the one picture was taken from the driveway, and coming from the other way, you don't see the sign until you are right on top of it because of the hill.

Ms. Dorothy Daniels – arrived at 6:30 p.m.

Chairperson Thorpe opened the floor to Ms. Daniels. Ms. Daniels explained that the visibility of the sign is most important. The color of the sign was her choice, which she admits was a bad one. There is a new sign ordered as shown, just waiting to see what height to order depending on if the variance is approved or not.

Ms. Daniels noted that several guests have wished there was a turn in the road because they don't see the sign until they are right on top of it, which is a safety issue. The trees were planted on the north side by the Town. She would like to keep the trees to the south, which she believes are hers.

Chairperson Thorpe asked what the color of the new sign is. Ms. Daniels stated it will be burgundy and backlit. She added that a big issue is the increased competition in the area. If the hotel/sign is not visible, it's hard to compete. Already in January, business has decreased by 17 percent, February decreased 17 percent, and March decreased 27 percent.

Ms. Daniels explained that when the hotel was owned by Holiday Express, the sign design was taken care of. Then, when the Dollinger's took ownership, the sign wasn't that important because the hotel was the only one in town.

Mrs. Johnson asked how many stays are drive-by versus reservation. Ms. Daniels stated it depends on what's happening in town; approximately 20 percent are drive-bys.

Mr. Fisher asked how high the current sign is. Ms. Daniels estimated 15 to 20 ft. Mr. Sharpe stated the base of the sign is very wide, more like a monument type. Mrs. Johnson asked if would be better to move the sign. Ms. Daniels didn't think so, just the additional height. Also, by modifying the existing sign, it will save money.

The existing sign was reviewed for height and distance from the road. The Clerk located the original sign permit, which showed the sign was 10 ft. from the R.O.W. and 15 ft. high.

Ms. Daniels asked about when she would be notified of a decision. Also, if it was possible to request less of a variance if the original request is denied. The Clerk will notify her in writing, plus she can call the office tomorrow.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – April 10, 2013**

Attorney Lester highlighted the criteria for granting an area variance, which include the following: is there an undesirable change produced in the character of the neighborhood or detriment to nearby properties created by granting the variance, can the benefit sought by the applicant be achieved by some other feasible method, is the variance substantial or can it be minimized to meet the goal, whether the proposed variance will have an adverse effect on the environmental or physical conditions of the neighborhood, and was the difficulty self-created.

Attorney Lester commented with respect to the applicant's variance request for a sign height of 30 feet, which would be a 50 percent increase and would be substantial. Would a variance for 25 percent work for the applicant, which would be less intrusive on the neighborhood.

Ms. Daniels explained that on the south side of the property is the cemetery and on the north side is an empty plaza, and across the street is a large lawn area either owned by the Town or the church, and therefore, no neighbors in the general area that it will be negatively affected. Attorney Lester asked if any neighbors had called regarding the variance application. Ms. Daniels state no. The Clerk stated she did not receive any calls.

Attorney Lester asked why was Ms. Daniels requesting the freestanding sign to be 30 ft. Ms. Daniels stated it just came from her head *because she thought the existing sign was 20 ft., but it is 15 ft. She added, in all honesty, it could have requested a 25 ft. sign, and she would be happy with that height.*

Mr. Fisher reiterated that Ms. Daniels felt it would be a financial hardship to relocate the sign, but if the sign was located on the south side of the property, it would be higher due to the elevation. Ms. Daniels agreed, but the trees would cover it on the south side.

Ms. Daniels explained the history of the hotel as a Holiday Inn Express to an independent hotel and how the signage had changed.

For the record, Attorney Lester asked if Ms. Daniels thought the updated sign would have any environmental effects on the neighborhood. Ms. Daniels stated there would be none; everything is staying the same, just the height is changing.

Chairperson Thorpe closed the public hearing.

Moved by Mrs. Johnson, seconded by Mr. Fisher, that having reviewed the application of Dollinger's Inn & Suites, 4908 Lake Road, Brockport, New York, for an area variance to modify the height of its existing freestanding sign to 30 ft. will not have a significant impact on the environment.

Mr. Fisher – Aye
Mrs. Johnson – Nay
Mr. Johnson – Aye
Mr. Sharpe - Aye
Chairperson Thorpe – Aye

**TOWN OF SWEDEN
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Minutes – April 10, 2013**

Moved by Mr. Fisher, seconded by Mr. Sharpe, that the application of Dollinger's Inn & Suites, 4908 Lake Road, Brockport, New York, for an area variance to modify the height of its existing freestanding sign to 25 ft. *be **approved*** for *the* following reasons:

1. An undesirable change will not be produced in the character of the neighborhood with the change in height of the existing, freestanding sign to 25 ft.
2. The benefit cannot be achieved by another means feasible to the applicant due to the trees on both sides of the sign.
Discussion: Mrs. Johnson stated the trees could be cut down. Mr. Fisher and Mr. Sharpe agreed while that may be true, they believe there would be an environmental concern.
3. The proposed variance is not substantial at 25 ft., where the original request was.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood as it by a cemetery and vacant land.

Mr. Fisher – Aye
Mrs. Johnson - Nay
Mr. Johnson – Aye
Mr. Sharpe - Aye
Chairperson Thorpe – Aye

Moved by Mr. Fisher, seconded by Mr. Sharpe, to enter into executive session to discuss zoning matters.

Mr. Fisher – Aye
Mrs. Johnson – Aye
Mr. Johnson – Aye
Mr. Sharpe - Aye
Chairperson Thorpe – Aye

Moved by Mr. Johnson, seconded by Mr. Sharpe, to leave executive session and return to the regular meeting.

Mr. Fisher – Aye
Mrs. Johnson – Aye
Mr. Johnson – Aye
Mr. Sharpe - Aye
Chairperson Thorpe – Aye

The meeting was adjourned by motion at 7:26 p.m.

Clerk to Zoning Board of Appeals