

TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – April 24, 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 24, 2013, commencing at 6 p.m.

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

Also present: James Bell, Town Attorney, Nat O. Lester, III, Esq., ZBA, Betsy Brugg, Esq., Andrew Gallina, Joyce Zimowski, Unity Hospital, Eric Schaaf, Marathon Engineering.

Chairperson Thorpe called the meeting to order, and read the notice of public hearing for:

A reconvened meeting to request for review from and/or appeal by Gallina Development Corporation, 1870 S. Winton Road, Rochester, New York, from the January 25, 2013, determination by Walter J. Windus, Building Inspector, Code Enforcement Officer, Town of Sweden, denying the application by said Gallina Development Corporation for a sign permit relating to their property located at 6668 Fourth Section Road, Brockport, New York. The property is owned by South Pointe Landing LLC, tax account number 083.02-1-20.114.

Also, application of Gallina Development Corporation, 1870 S. Winton Road, Rochester, New York, for a use variance to construct a freestanding, monument sign at the Unity Medical Office building located in the Wegmans Plaza, 6668 Fourth Section Road, Brockport, New York. Also, application for two area variances: the proposed monument sign is 5 ft. from the property line and is 7 ft. high. Town of Sweden Ordinance §175-30, Section E, (2), (a) and §175-30, Section E, (2), (g), states the following:

- (a) One such sign not exceeding 36 feet in height, 100 square feet in area and no closer to the right-of-way than 10 feet identifying a shopping plaza comprising not fewer than four commercial establishments. All plaza signs shall be approved by the Planning Board. Plans for such signs shall be prepared by a licensed architect.
- (g) In lieu of any building-mounted signage, one monument or ground-mounted pylon sign may be substituted. Said monument sign shall not exceed 40 square feet in area or four feet in height and may not be placed closer to the highway right-of-way than 10 feet. Said ground-mounted pylon sign shall not exceed 40 square feet in area nor exceed 10 feet in height nor be placed closer to the highway right-of-way than 10 feet.

The property is owned by South Pointe Landing LLC, tax account number 083.02-1-20.114.

6668 Fourth Section Road

Attorney Brugg gave a brief summary of what was presented at the March 21 meeting. She explained that the placement of the sign is five feet from the private drive and is located so the sign can be seen from Rte. 31 and isn't blocked by the ESL Bank. The sign is attractive. Also, the variance is for the height of the sign, which is needed during the winter. Instead of four feet, the proposed sign is seven feet high. It was explained that the medical building is not a regular destination; often a one-time visit from out-of-area residents. Medical buildings aren't easily identifiable similar to a Taco Bell Restaurant.

Chairperson Thorpe asked if there were anyone present with comments, questions, or concerns.

Mr. Gallina stated that Attorney Brugg has covered all the details, and feels the sign will fit nicely with the new building.

Ms. Zimowski expressed that the sign is necessary. She thanked the Board for their consideration and hoped to hear a favorable response.

Chairperson Thorpe closed the public hearing.

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Moved by Mrs. Johnson, seconded by Mr. Johnson, that having reviewed the application of Gallina Development Corporation, for an area variance to construct a freestanding, non-illuminated, seven foot high, monument sign, located five feet from the property line, at the Unity Medical Office building located in the Wegmans Plaza, 6668 Fourth Section Road, Brockport, New York, will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

Moved by Mrs. Johnson, seconded by Mr. Fisher, that the application of Gallina Development Corporation, for an area variance to construct a freestanding, non-illuminated, seven foot high, monument sign, located five feet from the property line, at the Unity Medical Office building located in the Wegmans Plaza, 6668 Fourth Section Road, Brockport, New York, **be approved** for the following reasons:

1. An undesirable change will not be produced in the character of the nearby properties. The proposed sign is within the character of the surrounding properties: Apartment complex, Wegmans Plaza, ESL Bank, M&T Bank, and Taco Bell.
2. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the district. The proposed sign is within the character of the surrounding properties: Apartment complex, Wegmans Plaza, ESL Bank, M&T Bank, and Taco Bell.
3. The alleged difficulty was not self-created. The elevation of Fourth Section Road, the only means of access to the property, is significantly higher than the Unity Medical building, resulting in potential difficulty in identifying the building. The setback location of the proposed sign is restricted because of existing utility easements.
4. No adjacent property owners appeared for or against the proposed variance.

Based upon the foregoing, the ZBA does not render an interpretive opinion and therefore, the request for the interpretive opinion is denied. However, the application for the area variance as requested is granted.

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

The meeting was adjourned by motion at 6:35 p.m.

Clerk to Zoning Board of Appeals