

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – May 28, 2009**

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, May 28, 2009, commencing at 7 p.m.

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

Absent: Mary Ann Thorpe

Also present: Jim Meinecke, Robert Blood, David Warner

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

Application of Carrols Corporation, Syracuse, New York, for a use variance to change the existing freestanding sign from 10 feet to 15 feet high at the Burger King Restaurant located at 6375 Brockport-Spencerport Road. Town of Sweden Ordinance Chapter 175-30. Signs. Section E (2) (g) states said ground-mounted pylon sign shall not exceed 40 sq. ft. in area nor exceed 10 feet in height. The property is owned by GBR Spencerport Limited, tax account number 084.01-1-5.

6375 Brockport-Spencerport Road

Mr. Robert Blood addressed the Board. He explained that Burger King's freestanding sign was installed at the 10 ft. maximum height requirement at the time the building was constructed. The problem that has arisen is that the enter/exit signs on the site block the reader board, and this has caused visibility issues when entering and, more specifically, exiting the site. The applicant's proposal is to keep the sign at the same location, but raise the sign 5 ft. Pictures were distributed to the Board. Mr. Blood asked if there were any questions.

Mrs. Johnson asked how far the enter/exit signs are from the R.O.W. Mr. Blood looked at the site plan and determined they were 10 ft. or so.

Mr. Blood added another issue with the reader board less than 2 ft. off the ground is all the snow that will pile up and cover the sign.

Mr. Fisher asked what prompted this request for a use variance, i.e., complaints. Mr. Meinecke stated customers have said they can't see the reader board; plus, the issue with the sign being buried in the snow. The directional signs are higher because of snowplowing.

Mrs. Johnson asked could the pylon sign be moved back. Mr. Blood stated if it were moved back, there would still be visibility issues from the road. Mr. Meinecke added then the sign would be back by the tree line, which will cause further visibility issues when the trees start to grow.

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Mr. Sharpe stated the Burger King directional signs are 44 inches off the ground, and the reader board is 22 inches off the ground. The McDonald's directional signs are 22 inches off the ground and Arby's are 28 to 30 inches off the ground. He added that Wendy's are 45 inches off the ground. Mr. Sharpe reiterated that the Burger King directional sign is 44 inches from the grass line to the bottom of the actual sign, which is close to twice the size of the others. The reader board is 22 inches from the grass line, which puts the directional sign in front of the reader board.

Discussion took place as to how to modify the signs. Mr. Sharpe asked why was the pylon sign installed that way. Mr. Meinecke had no idea, but the objective is to keep the signage away from the snow. The Clerk explained that the original sign permit application was submitted with a height of 15 ft. and was denied because the code states the maximum height is 10 ft.

Mr. Meinecke suggested that the directional signs be lowered to 22 inches and the pylon sign raised 3 feet. Mr. Sharpe added then the reader board would be over the directional signs, which is the main objective.

Mrs. Johnson asked if the man in the room was a neighbor and if he had any questions.

David Warner, 6396 Brockport Spencerport Road – Mr. Warner stated that the Town has regulations on the height of signs, and if the Burger King sign is changed, then why bother to have the regulations. He feels the reader board could be seen without putting up a taller sign. He lives across the street from Burger King and he knew that area was zoned commercial when he moved into his house, however, unless they have a legitimate complaint, he doesn't feel Burger King should be able to raise its sign.

Mr. Meinecke stated because a business can have either a building sign or freestanding sign unlike motels and auto dealerships that can have more signage and bigger signage, being able to see the one sign permitted is important.

Chairman Reid asked if there is a different style sign that could be used. Mr. Meinecke stated this is the only sign available that meets the Town's requirements.

David Warner, 6396 Brockport Spencerport Road - Mr. Warner stated that he doesn't have a particular problem with changing the height of the sign but, more so, if it is going to set a precedent.

Mr. Sharpe stated every case that comes before the ZBA is considered on an individual basis so according to the code, there wouldn't be a precedent set. Mrs. Johnson added this application could be a matter of safety because Brockport-Spencerport Road is a pretty busy road.

Mr. Sharpe explained his first thoughts were to move the directional signs, but considering there is a road coming into the property from the plaza, and it is a very busy loop at that point, he understands why the applicant wouldn't want to move the directional signs for safety reasons.

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Mr. Meinecke suggested raising the pylon sign 2-½ ft. to better see both the reader board and directional sign.

Mrs. Johnson stated she would like to have Mr. Butler, building inspector, look at the revised sign drawing for safety concerns.

Chairman Reid stated this application is unique because of the shape of the sign.

Mrs. Johnson stated from looking at how the pylon sign was installed, it looks as though there's a lot of foundation. She asked what would it take to remove the sign. Mr. Blood stated a lot of excavation, repouring of the foundation, and relocating the electric service. Five feet of foundation was used to install the pylon sign.

Discussion followed and it was determined that Mr. Blood will change the signage by lowering the directional signs 22 inches and raising the pylon sign 30 inches, and email a drawing to the Clerk to distribute to the Board and Mr. Butler for review.

Moved by Mrs. Johnson, seconded by Mr. Fisher, to table the discussion to June 11, 2009, at 7 p.m.

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

Moved by Mrs. Johnson, seconded by Mr. Sharpe, to approve the May 20, 2009 minutes.

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

The meeting was adjourned by motion at 7:45 p.m.

Clerk to Zoning Board of Appeals