

**Town of Erwin
Zoning Board of Appeals Meeting
And
Public Hearing**

December 17, 2013

Present: Chairman Frank Thiel, Ruth Fisher McCarthy, Susan Fontaine, Kris West, Jay McKendrick

Absent: Jody Allen

Guests: Scott Fladd, Robert Brown, Rita McCarthy

Call to Order:

At 7:00 PM, Vice Chairman Frank Thiel called the meeting to order in the meeting room of the Erwin Town Hall, 310 Town Center Road, Painted Post, NY 14870. As is their usual practice, the Zoning Board of Appeals will consider applications up until 9:00 PM, and will continue any unfinished business to the next regular scheduled meeting.

Minutes of the September 24, 2013, October 22, 2013 and November 19, 2013 were approved by unanimous consent.

- 1. Request from Erwin Hospitality Association, LLC for an Area Variance at 248 Town Center Road to allow a wall sign 17'10" where 15' is allowed. Variance of §130-81.B.3.d and Table 130-81-1 is requested. With Public Hearing.**

Notification of this action was sent to 39 adjacent property owners. A legal notice of this action printed in the Town's official newspaper, The Leader, and in the Star Gazette on December 8, 2013.

The sign variance is a Type II action under the State Environmental Quality Review Act. ***No SEQR action is required.***

The property is located in Business 1 – Neighborhood Services District.

The applicant seeks to place a wall sign at a height of 17' 10" where the maximum height allowed is 15'. Therefore, the applicant is seeking 2' 10" relief.

Scott Fladd represented the application. HE explained that the sign is proposed to be erected on the portico, and that the height of the portico is dictated by the vehicles that must pass under it. The sign will be lit with LED lights. The letter will be 2 ft 6 inches high. The sign placements was determined based on aesthetics and fitting into the space.

The portico was approved by the Planning Board as a part of the Site Plan approval. There was a discussion about the feasibility of putting a façade on the portico from which to hang the sign.

The applicant stated that there would be technical difficulties with the wiring and servicing the electric, and that such placement would not be aesthetically pleasing and extremely expensive. The applicant noted that the original request for the sign was to be above the fourth story windows.

The Board noted the unique circumstances of the property in that it is lower than the main road, S Hamilton Street.

The Chairman opened the Public Hearing at 7:15 pm.

Bob Brown, 55 Katie Lane, stated his only concern was that the sign not be on the back of the building. He was not opposed to the sign fitting on the portico.

Rick Rossettie, owner of property on town Center Road, sent an email expressing his enthusiastic support for granting the variance.

All members from the public wishing to be heard, the Chairman closed the hearing at 7:20 pm.

The Zoning Board of Appeals considered whether the benefit to the applicant if the area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Zoning Board of Appeals also considered whether:

(1). The requested variance will not produce an undesirable change in the character of the neighborhood:

The Board unanimously finds that the requested variance will not produce an undesirable change in the character of the neighborhood. The signs is consistent with and lower than the adjacent building.

(2). The requested variance will not create a detriment to nearby properties.

The Board unanimously finds that the requested variance will not create a detriment to nearby properties.

(3). There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

The Board finds unanimously that there is no other feasible method to identify the building with a wall sign. No other method is either feasible or economical. It would be prohibitive to attempt to devise a method to hang the sign on/below the overhang, and such placement would not be aesthetically pleasing.

(4). The requested area variance is not substantial.

The Board unanimously finds that while the requested variance is not de minimis, at 19%, it is not substantial.

(5). The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Board finds unanimously that the requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The sign will not be a flashing sign.

(6). The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance).

A majority of the Board finds that the difficulty was self-created since the applicant desires to erect the sign. One-member finds that it was not self-created since the sign is being erected on the portico and the height of the portico must accommodate vehicular/truck traffic.

RESOLUTION TO APPROVE APPLICATION 2013-12 FROM FLADD SIGN SERVICE ON BEHALF OF HEMANT PATEL D/B/A ERWIN HOSPITALITY ASSOCIATION LLC TO ALLOW A WALL SIGN AT 17 FT 10 IN WHERE 15 FT IS ALLOWED, PROVIDING 2 FT OF RELIEF BASED ON THE FINDINGS OF THE BOARD.

MOVED BY: KRIS WEST SECONDED BY: SUSAN FONTAINE
DISPOSITION: 5-0

Meeting was adjourned by unanimous consent at 7:30 pm.

Minutes Submitted by Acting Zoning Board Secretary

Rita Y. McCarthy