

**Village of Cazenovia  
Zoning Board of Appeals  
January 26, 2010**

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Members Present: Phil Byrnes, Chair; William Keiser; Sally Ryan; Howard Hart.

Absent: Jerry Munger.

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Also present: James Stokes, Village Attorney; Gene Smith; Eric Byers; Karl Schnitzler; Cindy Underriner; Pringle Symonds; Brian Coughlin; Harris Lindenfeld; Carlos Gavilondo; Laurie Cornell; Jim Sasser; Anne Ferguson; Chary Griffin; Barbara Clarke; several others who did not sign in or speak.

P. Byrnes called the meeting to order at 7:00 p.m. and introduced the Board.

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**CAVAC, Sign Variances (Freestanding and Area), Nelson Street**

P. Byrnes opened the public hearing and read the public notice aloud:

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***NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Village of Cazenovia Zoning Board of Appeals on January 26, 2010 at 7:00 p.m. at the Municipal Building, 90 Albany Street, Cazenovia, New York, to consider the application of Cazenovia Area Volunteer Ambulance Corps (CAVAC), for two area variances to allow a free standing business identification sign, six feet in height by six feet in width, which would exceed the maximum height limitation of two feet under section 180-109(H)(1)(b) of the Cazenovia Village Code, and which would also not be attached to the building as required by section 180-109(H)(1)(b) of the Code.*

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*The applicant seeks these variances in connection with its new ambulance dispatch facility, to be located on a 0.8092 acre parcel to be subdivided from 73 acres of land owned by Rodor, LLC, located on the south side of Route 20 at 54 Nelson Street, being also known as tax map parcel no. 95.3-1-3.*

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*All interested persons shall have an opportunity to be heard at this time. A copy of the subject application is available for review at the office of the Village Clerk during the Clerk's regular business hours. Following the conclusion of the public hearing, the Board may conduct such other business as may come before the Board.*

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*Dated: January 5, 2010  
Philip Byrnes, Chairman  
Village of Cazenovia Zoning Board of Appeals*

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Gene Smith was present to speak on behalf of CAVAC. Mr. Smith believes the proposed sign is within the required size and setbacks. P. Byrnes explained that the variance is for a ground-mounted sign. The code allows a building-mounted sign, but not a ground-mounted sign. Also, the actual size of the sign is 6 feet by 6 feet and is different from what the code allows.

45 Cindy Underriner indicated that the code she read stated that a sign not exceeding 24 square feet  
in area is allowed. Mr. Stokes remarked that is the code for a plaza identification sign with more  
than one business and then cited 180-109H(1)(b) in the code that pertains to this request: *“One*  
*sign identifying each business, profession, industry or other nonresidential use conducted within*  
*a building, not exceeding two feet in height and attached to the building.”*

50 Mr. Smith commented that the CAVAC building was set back on the site so it did not destroy  
any view and thinking that is where the Village would want it located. CAVAC has people with  
medical problems coming into the facility 24 hours a day and a sign is needed so they can find  
emergency help. It is difficult to see the building that is nearly 100 feet from the highway,  
55 especially in an emergency situation. That is the reason why a two-sided sign perpendicular to  
the road is being requested—to be a benefit to people looking for CAVAC and emergency help.  
Mr. Smith noted that the building is 67 feet back from the State’s right-of-way, which is  
approximately 30 feet from the road. The sign would be in line with the building.

60 P. Byrnes asked if the sign would be illuminated. Mr. Smith answered there are no plans to  
illuminate it. S. Ryan observed that the sign would not been seen at night if it is not illuminated.  
Mr. Smith said that headlights will light it.

There was discussion about the size of the sign, whether it is 6 feet by 6 feet as in the public  
65 notice, or whether it is 60 inches wide by 35 inches high from the information gathered by Cindy  
Underriner, or whether it is 5 feet off the ground as Mr. Smith says. Brian Coughlin said that the  
information he saw on file three days ago showed that the overall dimensions of the sign are  
8 feet high and 6 feet wide, but the public notice says 6 feet high by 6 feet wide. He strongly  
urged that the Village have thorough and accurate information in the files for the public to view  
70 and that the public notice should match what is in the files. He wanted to know why there is a  
discrepancy. He stated his wish for a smaller sign attached to the building.

Mr. Stokes asked Mr. Smith if he is amending the application to 5 feet high. Mr. Smith  
responded in the affirmative. Mr. Coughlin said that amending the application at the time of the  
75 hearing does not give the public adequate notice. He believes the public has been misled in this  
case.

Pringle Symonds voiced that she agrees with Mr. Coughlin. It is frustrating to come to a public  
hearing to find that the rules of the game have changed and the public did not have time to react.  
80 She expressed her respect for CAVAC and the Zoning Board of Appeals (ZBA), but stated that  
the public is informed by the legal notice. She indicated that she had spent a great deal of time  
going over the application and through the file and the whole business of the property line is not  
in the file at all and there is no diagram. It is only from reading the Planning Board minutes that  
you find out.

85 Harris Lindenfeld stated his understanding that the sign would not be on the building and that the  
proposed sign is oversized and would need a variance. Furthermore, there is ambiguity about the

location of the sign and it was not in the public notice. He expressed his concern about amending an application during the public hearing.

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Carlos Gavilondo wanted to echo what Mr. Lindenfeld said about the application being amended at the public hearing and not what was in the public notice. He suggested that this public hearing have another public notice to allow for due process.

95 Barbara Clarke, President of the Cazenovia Preservation Foundation (CPF), said that CPF's statement is pertinent to both applicants tonight (CAVAC and Dr. Fauth). She proceeded to read CPF's statement aloud:

100 *Based on its mission to protect the historic character of the village, the Cazenovia Preservation Foundation respectfully requests that the ZBA deny the two requests now before it for variances for the erection of new signs on Route 20 East.*

105 *In several public hearings, which involved property on Route 20 East owned by the Cazenovia Preservation Foundation, many citizens clearly indicated that they wanted the entry to the village to reflect the village edge; that is, to distinguish the line between the open, rural landscape east of the village edge and the densely populated edge of the heart of the village. In response to community sentiment, in 2008 CPF sold its Route 20 East property on the north side of the highway with restrictions requiring that its uses be compatible with the Comprehensive Plan and public demand. The new owner has not only maintained its agricultural use but has enhanced the edge of the property along Route 20 with a handsome row of good sized, attractive trees. The result has been satisfying and consistent with years of thoughtful planning.*

115 *Major governmental buildings in the village, such as the Municipal Building, the firehouse, and Carpenters Barn, previous home of CAVAC, have signs attached to the buildings as required by the code. The village has continued to set a pattern of restraint in signage with two lovely village gateway signs designed by Paul Parpard at the east and west entrances to the Village. Since the two new buildings in question are located in the village, they, too, should conform to village regulations and expectations.*

120 *While it is understandable that owners of the new buildings would want to draw attention to them, they have requested signage that requires variances in size, location, and illumination. For its small size, Cazenovia already has a sufficient amount of freestanding signage on the north side of Route 20 around the Town and Country Plaza. Adding more on the south side could result in every new enterprise asking for its own sign along the road.*

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130 *CPF believes it would be in the best interest of the community if signs for those two new buildings remain in keeping with established village enterprises. Since neither applicant typically serves walk-in clientele, there seems to be no apparent need for freestanding signs to attract business. In fact, Dr. Fauth has already received approval for an illuminated sign on his professional building that fits nicely in the design of the façade. The CAVAC building could easily duplicate that scheme.*

135 *The site plan with the CAVAC application does not indicate where the sign is to be placed on the property nor does it state that the sign is to be perpendicular to the building. [That information appears only on page 6, line 271 of the Planning Board minutes for December 14, 2009]. CPF suggests that no signs be permitted in the required 20-foot frontage to insure that there would be a clear view unobstructed by additional freestanding signs at the entrance to the village center.*

140 *Approval of variances for the two signs in question would be inconsistent with other signage in the village and could set a precedent that will endure for years. Entrance to the village from the east would cast a fragmented appearance similar to those of large commercial shopping strips and contrary to wishes of many Cazenovia residents.*

145 *Cazenovia residents are depending on this government to protect the unique, historic, rural character that distinguishes Cazenovia from urban and suburban communities.*

150 *We appreciate the ZBA's careful and thoughtful review of the applications and the implications for the future of our community.*

155 Jim Sasser supports CAVAC's mission and thinks it is a wonderful organization. He noted that CAVAC is focusing on the safety aspect of the proposed sign in helping people find emergency medical care. He has observed that in other communities there are state approved road signs that identify police departments, fire departments, hospitals, etc. He wonders if signs of that nature have been suggested. He believes that type of sign would be more effective in identifying CAVAC.

160 Mr. Smith said that it is extremely difficult to get the state to put up any kind of sign. In addition, those signs are pretty small.

W. Keiser stated that he had done some research on that subject and the federal government in its manual of uniform traffic control code recommends a blue background sign with white lettering stating ambulance station, 24 inches by 12 inches in size.

165 Laurie Cornell: I appreciate all the nonprofit organizations and their passions. CAVAC is a business of sorts, but is also a medical service. If the community embraces having such a medical service, the community has the responsibility of having it visible. CAVAC is not advertising to gain new patrons, but to provide medical service—and not just to Cazenovians who already know the location—but for many people passing through. I feel very strongly that there should be some signage notifying the public. It would be irresponsible of the community if there is no sign, especially coming down the hill from the east where there is limited sight distance. It is a point of safety to be appropriately marked because it looks more like a residence than a business providing medical service. If it is not visible, it is not helpful. I would hate to see a tragic event happen because of current regulations and passion to keep the Village looking beautiful.

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180 Mr. Sasser followed up on the safety issue: The sign should not be ambiguous in any way. There should not be a language barrier. The sign needs to say ambulance or something that everybody can recognize. If someone is not from the community, they may not know what CAVAC is. I suggest installing a blue sign with a white cross on the building and moving toward something standard throughout the United States as opposed to something that is unique to the community.

185 Mr. Coughlin: People not from the community do not know what CAVAC is and that it is a valuable service. CAVAC should have a state sign indicating that it is an ambulance facility. Anybody in a panic is not going to know what the proposed sign means because it looks like “O”s on each end and AVA in the middle. He urged the Board to look at the common sense of it. Furthermore, it sets a dangerous precedent for other businesses in the Village. CAVAC knew full well when they purchased the property they would be in the Village and would need to follow Village rules. The Village has stringent rules that go back a long ways about signage. 190 Now, retroactively, after the building is done and the money is spent, now they want a big sign. What about a place like Buyea’s that depends on drive-by business? There is no sign out by the road. If you grant this CAVAC sign and Earl Buyea comes here next month wanting a sign by the road, how can you deny him? Other businesses will come. If you set this precedent, you 195 cannot go back and do spot planning and zoning.

Mr. Lindenfeld: It seems to me that the government sign allows the Board to deny the request for the variance in two different very important ways and it solves the problem. It allows the Board to not set the precedent and to use regulations and signs that are already available and 200 regularly in place and uniform throughout the country. We need people to know where CAVAC is and the government sign is the perfect resolution.

Eric Byers, CAVAC Chief of Operations: We do not need a sign to operate. We are not trying to attract business. The sign is truly for the people going by on the street. I hope the Department of Transportation puts up their standard ambulance signs. The value of the sign is to distinguish 205 the building from other buildings in the area on a dark night or during the day in bad weather. It is there as a public service, as is the function of the organization. The organization exists to serve the community at large. It is up to the Board what we put up for a sign. As a data point, we do get an inordinate number of walk-ins because it is on a public thoroughfare. Because of the setback and the hill, a sign on the building may not show up very well. I would love to see 210 additional signage out on the road within the right-of-way of the road along the lines of what the federal government proposes. I am happy to put up whatever the community wants. I just want to make sure people can find us when they need us.

215 Ms. Symonds: I do agree with the idea of having a standardized sign that is recognized across the country. I noticed in the Planning Board minutes that CAVAC had made a request for illumination for the sign, which would be a great help. As far as the applications go, I know it is a problem for volunteers, but possibly ZBA members could rotate to check before hearing dates to make sure all the information is available to the public.

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Mr. Smith said that perhaps “CAVAC” could be taken off the sign and “ambulance” could be in larger letters.

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Karl Schnitzler, volunteer driver for CAVAC, related a true story. A woman came in complaining of chest pains. She had been to the bank in Cazenovia. She was getting clammy. The paramedic put on the LifePak machine and found out she was having some heart issues. We took her to the cath lab at Crouse Hospital. She got to the cath lab within their standards. We got her to the hospital the way we were supposed to do. The paramedic did what he was supposed to do. We got a commendation from Crouse stating that all the benchmarks had been met. This person suffered no damage and her heart was back in proper working order very shortly. So it means something to people looking for the ambulance. It meant something to me. In addition, the sign we tried to put together is a standard with the Village entrance signs.

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Mr. Coughlin: Nobody is going to speak against CAVAC. The sign does not aid the public unless they live in Caz because CAVAC is a crazy acronym. It does not say medical service. If they live in Caz, they already know where it is. Get Paul Parpard to do a building-mounted sign, perhaps between the columns of stone, with some tasteful lighting on it. Then request the State of New York or the federal government to put up signs that are recognizable to anyone across the country.

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Anne Ferguson: I lived here for two years before I knew what CAVAC meant. What is so difficult about granting a sign to comply with the Comprehensive Plan and desires of the community? I ask that the ZBA fulfill its obligation in upholding the Comprehensive Plan.

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Mr. Gavilondo: The very fact that we are here at the Zoning Board of Appeals suggests there is already a nonconformity. Given what I have heard tonight with requests for an amendment and the fact there is even some ambiguity or confusion about what is actually in the record and whether or not public notice was given about what is being proposed, I think it would be appropriate to continue the meeting and hold it over for another session and allow for an amended public notice that does reflect what is actually being proposed for a variance.

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Ms. Symonds: I know the signage code is being revised. It seems too bad to set a new precedent on Route 20 east when you are about to examine the whole picture to be more consistent and easily used. I agree that CAVAC gives good service and needs to be identified.

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H. Hart: Regarding the federal signs, it is a fairly wide highway. Would there be a sign on each side. W. Keiser said he did not know, but what he saw showed different sizes for freeways and expressways.

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Mr. Byers hopes that everyone would recognize the Star of Life symbol and would love to see a blue reflective sign with it.



Star of Life

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P. Byrnes asked Mr. Stokes if the Board should request that the applicant return with the new criteria on the application. Mr. Stokes answered that would not be legally required since the Board has authority to grant a lesser variance than what was requested and this is less than what was in the public notice. The Board can postpone the hearing for site plan review.

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H. Hart inquired if the sign is an element in fundraising. Mr. Byers answered: It is the intent of the sign to let people know an ambulance service is there. Fundraising is important to us in order to provide consistent, with an emphasis on consistent, funding for emergency medical services. First and foremost, we rely on a combination of the ambulance district to pay for part-time paramedics because we cannot get enough volunteers. Secondly, we rely on billing. Fundraising is a distant third.

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H. Hart noted that in the Planning Board minutes, it said something about the sign falling within the 24-square foot limit, but he was unable to find that in the code. He asked Mr. Stokes if there is such a thing. Mr. Stokes answered that if the sign is mounted on the building, the limit to the size of the letters is 24 inches high by the entire length of the building. But a freestanding sign is not allowed at all.

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P. Byrnes asked Mr. Smith if he plans to go forward with the state signs. Mr. Smith said that he has requested that state signs be placed and he suspects they will be. But his experience has been that they are very small and people need to be close to see them.

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P. Byrnes asked Mr. Smith if the state signs were placed with arrows pointing to the building and then if there was a building-mounted sign, would that be okay.

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Mr. Smith replied that a building-mounted sign would not do any good because the building is 100 feet from the road and the building lights are downward dark sky compliant lights. Headlights would shine on a freestanding sign and the shopping plaza lights would help too.

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S. Ryan expressed her concern about visibility. She stated her opinion that the sign being requested would not be sufficient and a better sign, if any sign, would need to be illuminated or something. A better sign is needed. If a person is in a panic situation late at night, they are not going to see a pretty little sign that says CAVAC. She feels the state signs that everybody knows would be the way to go for “Joe Public.” She does not think it is going to set a precedent because CAVAC is unique. It is not selling anything. It is a service that needs to be publicized.

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Mr. Byers agreed with S. Ryan and said that if the government wants to provide the sign, it would be great.

305 Mr. Sasser pointed out that if you go to any community, you can readily identify any hospital. He cannot imagine it would cost much money. He believes people would donate money to get a standardized sign that is clear and people can safely find CAVAC.

310 Mr. Lindenfeld was curious as to why this conversation is happening at this point. He thinks that visibility would be part of CAVAC's comprehensive plan for their building initially. But past that, it is not within the jurisdiction of CAVAC to request these blue state signs. He asked that the meeting be adjourned to give CAVAC an opportunity to make application to the Village to talk to the state or the federal government about getting these signs. Upon getting them or refusing them, continue this public hearing. The signs are obviously beneficial to people who do  
315 not speak our language, so why not give it a shot.

P. Byrnes commented that he has heard a lot and in his mind he can weigh it either way. The state standard signs would be great. And he is not sure that an illuminated sign on the building would be enough. He asked for comments from the Board.

320 W. Keiser remarked that since there is a committee for revising the code, he would like to hear what the committee has to say before the Board makes a decision. P. Byrnes stated that the committee will not have a determination for quite some time and he does not want to hold up CAVAC.

325 Mr. Sasser asked if a freestanding sign in front of CAVAC would influence the sign committee and would it be the precedent setting sign? P. Byrnes said, "No." Mr. Sasser continued: Exclusive of this sign, a decision will be made. If the sign is granted, would it be grandfathered or would it need to conform to new sign regulations?

330 Mr. Stokes: If the Board grants a variance, it would be grandfathered. Mr. Sasser: Then it would become the standard and this will be precedent setting. This will determine all future signage. Everybody else will demand a sign equal to or greater. Every business will come for a variance.

335 Mr. Coughlin: Both CAVAC and Dr. Fauth's office have very large signs right on the edge of the road introducing them to people who already know what they are and where they are. I don't know if this involves permitting or if there is an expiration date on how long they can have those signs. No harm will be done in postponing this public hearing because temporary signs are  
340 already there.

H. Hart voiced his opinion that a sign out front near the highway is an important element for an emergency service. He has mixed feelings about restricting it to only a sign on the building.

345 P. Byrnes asked if the Board wanted to discuss this further tonight or adjourn the hearing to give the Board more time to think about it.

Mr. Stokes suggested that Assemblyman Magee’s office or Senator Valesky’s office could make the request for the state signs. Mr. Smith said he had already asked the DOT engineer.

350 Mr. Lindenfeld asked that this be investigated on the public’s behalf without expense to CAVAC and without giving a variance on two different issues.

355 P. Byrnes stated that he wants to know what the options are regarding the state signs and he would like to give this issue more thought. He wonders if a building-mounted sign would be seen from the road if it is not illuminated, especially when travelling from the east. Perhaps a variance for a larger sign on the building is conceivable.

360 Mr. Coughlin: It would be a very reasonable compromise to take a version of the Paul Parpard sign and fit it between the stone columns on the building and illuminate it. Also, try diligently to get universally recognized signs, both east- and west-bound on Route 20.

365 Ms. Symonds volunteered to call Bill Magee’s office about these signs and report back to P. Byrnes. She also volunteered to explore the federal emergency signs and to talk with Bill Carr, the Village Zoning Enforcement Officer.

Mr. Byers said he would be glad to support anyone who takes initiative to make contacts and provides input.

370 P. Byrnes read Madison County Planning Department’s comments for the record:  
*The requested Area Variances—for size and location of the proposed CAVAC sign—would have no adverse County or intermunicipal impact. The proposed sign, including posts (72”x96”) would be free-standing and likely fit well on this stretch of US Route 20, a nationally recognized scenic byway. Recommendation: Return for local determination.*

375 P. Byrnes made the motion to adjourn the public hearing and reschedule it for Thursday, March 4, 2010, at 7:00 p.m. W. Keiser seconded. The vote was unanimous.

380 P. Byrnes advised Mr. Smith to put the location of the sign on the site plan for clarity and to send a letter documenting CAVAC’s intentions. P. Byrnes said a new public notice will be published for the next meeting on March 4.

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**Cazenovia Dental, Sign Variances (Freestanding, Area, Setback, and Second Sign),  
54 Nelson Street**

P. Byrnes opened the public hearing and read the public notice aloud:

390           *NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village of*  
               *Cazenovia Zoning Board of Appeals on January 26, 2010 at 7:05 p.m. at the Municipal*  
               *Building, 90 Albany Street, Cazenovia, New York, to consider the application of Peter J.*  
               *Fauth, D.D.S., for four area variances to allow a free standing “monument type” business*  
               *identification sign, four feet in height by five feet in width, which would exceed the maximum*  
               *height limitation of two feet under section 180-109(H)(1)(b) of the Cazenovia Village Code,*  
 395           *and which would also not be attached to the building as required by section 180-*  
               *109(H)(1)(b) of the Code, and which would be located less than three feet from the front*  
               *property line in violation of the ten feet setback requirement of section 180-109(H)(1)(f) of*  
               *the Code, and which would constitute a second business identification sign in addition to the*  
               *one sign allowed under section 180-109(H)(1)(b) of the Cazenovia Village Code .*  
 400           *The applicant seeks these variances in connection with a new 3,500+/- square foot dental*  
               *practice office to be located on a 1.004 acre parcel to be subdivided from 73 acres of land*  
               *owned by Rodor, LLC, located on the south side of Route 20 at 54 Nelson Street, being also*  
               *known as tax map parcel no. 95.3-1-1.11 All interested persons shall have an opportunity to*  
               *be heard at this time. A copy of the subject application is available for review at the office of*  
 405           *the Village Clerk during the Clerk’s regular business hours.*

*Dated: January 7, 2010*  
               *Philip Byrnes, Chairman*  
               *Village of Cazenovia Zoning Board of Appeals*

410 P. Byrnes began: Where have you people been? This Board has met twice and not one person  
 attended the meetings. We have proceeded with guidance from the Planning Board and  
 recommendations for the proposed sign for Dr. Fauth. The only reason we are back here tonight  
 for Dr. Fauth is that Madison County Planning Department’s comments had come back to us  
 under site plan review and not a variance. We resubmitted this to the County with the correction  
 415 and published another public notice. At our last meeting, this Board voted to grant a ground-  
 mounted sign contingent on the County’s remarks. It has since gone back to the Planning Board  
 for their approval where they recommended an increase in height from our variance. It has come  
 back to us from the Planning Board. Now the public hearing is opened back up.

420 Mr. Stokes: The Board’s prior action was not an actual approval. It was informational only.  
 This application is still open and before the Board.

Mr. Gavilondo: It is not clear to me, from the public notice or any of the materials in the file,  
 what the justification or rationale is for additional signage in this variance. I would argue that no  
 425 one is going for emergency dental care in the middle of the night where they need that sort of  
 immediate information. I think the request for a variance is unfounded and should not be  
 granted.

430 Ms. Symonds: I would like to oppose the sign too. The existing sign on the façade of the  
building which is 15 feet long and 18 inches high and is lit with overhead gooseneck lamps is a  
clear sign that fits in. That sign was approved by the Planning Board and they voted not to  
recommend the freestanding sign on the highway. I quite agree that what he has is sufficient and  
it is perfectly clear. There is so little distance between the front of that building and the highway  
435 that it would be hard to put another sign in there. He also wants a variance for the setback  
because he wants the sign 3 feet from the property line instead of the required 10 feet. I don't  
see any justification for that. It is not a drop-in or emergency type of business.

440 Mr. Lindenfeld: There is no emergency justification. It is a commercial profit-making  
enterprise. It has an adequate sign. He is asking for a variance for a second sign, for a setback  
variance to get closer to the road. It simply conflicts with the whole spirit of Cazenovia. I  
oppose it.

445 Anne Ferguson: This is not considered special. CAVAC is special. This is an example of a test.  
This should have been considered when locating the building. After much consternation,  
parking and asphalt were allowed in front of the building. Now he is requesting another sign  
because the building is too far from the road, which is where the building was supposed to be to  
begin with. I think it would be totally incongruous for the ZBA to approve this signage.

450 Chary Griffin: I have driven by both places at night. Dr. Fauth's office is very visible in a snow  
storm, in a rain storm, fog, and any conditions we often have here. This may somewhat apply to  
the CAVAC situation because we often have emergencies at night. Having a lit sign is a lot  
more visible under adverse conditions, which is often when we have the most emergencies.  
Lighting is important. But excessive signage dilutes the whole message. With a lot of signs  
along the roadside, it becomes difficult to pick out the particular ones you need. Dr. Fauth's sign  
455 is very visible and it might be the way to go with CAVAC.

P. Byrnes said that maybe the Board could consider a variance for a larger sign for CAVAC.

460 Mr. Coughlin: This business is not any different from most other businesses in the Village. It is  
a for-profit enterprise. You have to remember that he chose a Village location for his new  
location. He was out of the Village and he chose to move into the Village. He put up a large  
sign that fits within the code and he is fine with that. We set a dangerous precedent if we allow a  
secondary sign. What if Earl Buyea comes up and says that he relies 90% on drop-in business?  
You are now looking at a guy who relies on people to call and make an appointment and he  
465 wants a second sign. It opens the floodgate for everyone. My father was a dentist in the  
Syracuse area for 50 years in private practice and his largest sign was about 16 inches long and  
14 inches high and he had to hire other dentists to work with him. A dentist does not need to  
have a billboard. My other point is that the legal notice that was published in the paper said the  
sign would be 4 feet in height by 5 feet in width. The application that is on file in the Village  
470 that I saw the other day, said the sign would be 3 feet and 5 feet wide. The drawing on file with  
the application on file shows the sign that is 4 feet 5 inches high and 5 feet 6-1/4 inches wide.  
Somebody has not done their homework. It is an important decision and these things need to be

figured out. The legal notice has to represent exactly what the applicant desires and the drawings should reflect that as well.

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H. Hart explained that the code does not count the posts in a freestanding sign. The proposed sign comes down to be about 54 inches wide, or about 4-1/2 feet. In the code, the height of the sign is measured by the scripted background material and this comes out to about 24 square feet.

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Mr. Coughlin: The public notice is the only thing the public knows. The application is different from the public notice. And the third drawing is scaled differently as well. There should be some standardization and clarification.

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H. Hart: Several things change from the Planning Board meeting and then it goes to the ZBA and things are changed again, and then it goes back to the Planning Board where things may be changed again. The dimensions are fairly clear as to what is being proposed. And where it is not clear, it is shown larger than life.

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Mr. Lindenfeld: I respectfully suggest that it is incumbent on the applicant asking for a variance before any Village Board to comply with the ordinance from which it seeks a variance and to describe in the application the size of the sign in accordance with the ordinance.

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Mr. Coughlin: What hardship has the Dr. Fauth shown? Doesn't he have to prove hardship? Hardship does not show up in any paper that I saw. How will his business suffer if he doesn't get a sign?

Ms. Symonds: Is hardship a provision for granting a second sign?

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Mr. Stokes answered that there are statutory tests that the Board has to consider for any variance requests. He proceeded to read them aloud:

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*In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; whether the requested area variance is substantial; whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.*

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515 Mr. Coughlin: It seems to be a self-created hardship. A dozen people took time out to come here tonight for this and Dr. Fauth is not here and there is no representative.

520 P. Byrnes: At last month's meeting, which none of you attended, we had indicated to Dr. Fauth that based on the information we had, if the County's remarks came back positive, that we would probably grant the variance. He is not required to be here this evening. We did contact him today and he had another commitment tonight.

525 Ms. Symonds: It is not right of you to have a public hearing advertised and then to blame people for not coming to an earlier public hearing.

Mr. Stokes: Mr. Byrnes was not blaming anybody. He was being forthright in explaining how we got to where we are tonight.

530 Mr. Sasser: If there is no public opposition, is the Board going to grant variances to anybody who comes forth? A lot of this stuff is well defined in the Comprehensive Plan and you have granted two variances for site location and parking on the front of the building. I have great trepidation about the future of the Comprehensive Plan if one variance after another is being given. This is in conflict with the Comprehensive Plan. These are the first businesses to be developed on the south side of Route 20. Mr. Stokes: No variances have been given to  
535 Dr. Fauth at all.

540 Mr. Coughlin: The ZBA is charged with protecting the public, even if the public doesn't attend the meetings. Isn't it your job to say, "Is this a self-created hardship?" I think it is pretty obvious that it is. For you to lead on the applicant, a place where you have to make an appointment to get in, it doesn't make sense. You are charged with carrying out the laws of the community, unless there is a terrible hardship on the applicant. In this case, there isn't.

545 P. Byrnes: The Board is charged with the ability to grant variances based on the Board's decision making. There is a Board of five. It does not mean it is unanimous. It is a democracy and democracy rules. Each case that comes before us gets reviewed with due diligence. It does not mean we will grant a variance every time there is a request.

P. Byrnes: Are there any further comments from the public? No one spoke.

550 P. Byrnes: We are taking public comment tonight. In light of the fact that Dr. Fauth is not here and the fifth Board member is not here, I make the motion to adjourn the hearing until March 4, 2010. H. Hart seconded the motion. The motion carried by unanimous vote.

\* \* \* \* \*

555 The Board elected to wait until March 4 to approve the meeting minutes of December 15, 2009.

W. Keiser made the motion to adjourn this meeting. S. Ryan seconded. The motion carried.  
The meeting was adjourned at 9:03 p.m.

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Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary