

**Village of Cazenovia
Zoning Board of Appeals
March 23, 2010**

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

Absent: Jerry Munger.

10 Others present: James Stokes, Village Attorney; Peter Fauth; Kathy Burns; Jim Sasser; Anne Reagan; Graham Egerton; Barbara Clarke; Brian Coughlin; Pringle Symonds; Bob Lucas.

P. Byrnes called the meeting to order at 7:12 p.m. and introduced the Board.

15 P. Byrnes asked if anyone had any additions or corrections to the meeting minutes of March 4, 2010. There were none. H. Hart made the motion to approve the minutes as submitted and W. Keiser seconded. The motion carried unanimously.

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

P. Byrnes opened the continuation of the public hearing from March 4, 2010, and read the public notice aloud:

25 *NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village of Cazenovia Zoning Board of Appeals on March 4, 2010, at 7:00 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, post mounted, 24 inch x 54 inch, business identification sign, which, as mounted will be 53 inches in height by 67 inches 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, 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 .*

40 *The applicant seeks these variances in connection with a new 3,500+/- square
foot dental practice office 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 the Village Clerk during the Clerk's regular business hours.*

45 *Dated: February 17, 2010
Philip Byrnes, Chairman
Village of Cazenovia Zoning Board of Appeals*

P. Byrnes invited Dr. Fauth to speak and express why he needs the variances.

50 Dr. Fauth spoke: I want to bring everyone up to speed since there was no opposition at the first
three meetings regarding this sign. I am requesting a sign in front of my building because there
is a serious traffic predicament in the area directly across from my building because of Carriage
Lane and because of the shopping plaza. Both coming up the hill and down the hill, people are
fighting to get into the plaza and, when I'm operational, into my office through a middle lane,
55 which is a bidirectional lane, which both parties need to use to get to their appropriate sites. This
poses a serious traffic hazard. Since that meeting, a semi-tractor trailer get into a semi-jack
position that sat there in the middle trying to get into the P&C for about 45 minutes. There were
several screeches. I witnessed a couple of things out there where people had to swerve out and
around. I am requesting the sign primarily because of the traffic hazard. You can't tell where to
60 turn into mine. Two parties are fighting for that middle lane—those coming up the hill going
into the plaza and those coming from the east down toward the west getting into my property.
There is only a matter of maybe 100 feet there where both parties fight to get in there. There is
no time to look up at my building and see my sign and maneuver in traffic. I believe having a
sign out there would help someone see where they need to get into and will help in negotiating
65 this hazard. On December 15, the Board did weigh that and they went through every point that
was needed for a variance. One of the criteria in determining if there would be a variance
granted is that the Board should 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. I feel the traffic is a detriment to the community. There is going to be a serious
70 accident out there. I think a sign would be a help to prevent that. Another point was that the
Board shall determine whether if it will be an undesirable change to the character of the
neighborhood. It was the consensus of the Board that the proposed sign would not have an
adverse effect or impact to the community. That night, the Board voted three to two in favor of
my sign. I was asked to go back to the Planning Board where they would determine the
75 aesthetics of the sign (the colors, lettering, etc.) and whether it would be appropriate for the
community. At that time, the chairman looked at the proposed sign and said—unprovoked—
there must be an error here. You are asking for a 3-foot sign and I believe it should be at least
4 feet tall. This was the chairman, who is not a patient of mine. Unprovoked, he brought that up
and they batted that around and unanimously the Board voted in favor of that. I am just giving
80 some history here. I was told I didn't have to come back and now here we are.

P. Byrnes asked for comments from the public.

85 Barbara Clarke spoke: My name is Barbara Clarke and I am President of Cazenovia
Preservation Foundation (CPF) and my comments are being made on behalf of the CPF
Board of Directors. First, we want to express our gratitude for your public service. It is not
always easy and you are faced with tough decisions. Appreciation for your work doesn't
90 come your way in abundance. At the January ZBA meeting, I read a statement from CPF,
which was lengthy, and I will not read it again, with the exception of several phrases. I
would ask that the entire text be entered into the record again for this meeting. The phrases
that are the exception are: *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. Cazenovia residents are depending on this government to protect the unique, historic,
rural character that distinguishes Cazenovia from urban and suburban communities.*

95 Barbara Clarke continued: This is a personal statement. As a member of the community that I
love dearly, I urge the board, which has been entrusted with the responsibility of upholding
existing laws and regulations, to thoughtfully review each petition and to carefully weigh the
consequences of any action that varies from the rules of the community as reflected in its
100 planning documents, laws, and regulations regardless of how many people speak in favor or
opposition before it's too late and the damage can't be undone.

The entire text of the above-mentioned CPF letter follows:

105 *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.*

110 *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
115 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.*

120 *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
125 the village, they, too, should conform to village regulations and expectations.*

130 *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.*

135 *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.*

140 *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.*

145 *[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.*

150 *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.*

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

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

160 *Sincerely,*

*Barbara Clarke
President*

165 **Jim Sasser:** Dr. Fauth, this is not a fight against you. It is a fight against signs throughout the community. I appreciate the fact that you came to this community and the fact that you established a business. You are using water, paying taxes, and contributing to the overall wellbeing. Your sign is setting a precedent for what will be requests from all businesses in the community, possibly, to put signs out in front of their businesses. The Village code is what it is.

170 We have to live up to that. We can't grant variances every time somebody asks. I just think that
adding more signs detracts from the overall community—what we have spent a long time
protecting ourselves against as far as overdevelopment and appearances thereof. Granting your
sign is simply going to set a precedent for any other business. As far as the argument you made
with the traffic situation up there, I agree. It is not a very good situation up there. However, I
175 disagree with you in that I don't believe that your sign is going to make any difference there.
Your business there just represents more chaos in that area. The traffic situation should be
handled by the Department of Transportation (DOT)—maybe put in a dedicated turning lane for
the P&C that would keep people from turning in earlier to give access to your building from
people coming from the other direction. I hope that the Board appreciates the concerns of the
180 community as far as the precedent this may set for future cases.

Pringle Symonds read a letter to the Board:

185 *Once again I oppose the application of Dr. Fauth for a sign variance in front of his new
building on Route 20 East.*

190 *At the ZBA hearing held on January 26, 2010 there was extensive discussion of the facts
involved in the erection of the proposed sign and based on those facts a number of
opinions were stated. All of the discussion was well reported in the draft minutes. Am I
correct in believing these minutes and the letters submitted at the meeting are already
part of the official record of tonight's hearing on Dr. Fauth's request? (P. Byrnes
answered: "They are.")*

195 *In the new zoning the village board has designated the south side of Route 20 East as
Village Edge South in the expectation that it would be treated differently than the
business districts in the village. In fact, it was to be a gradual transition into the more
densely built and better lighted village proper. There is now a brilliantly lighted sign
18 feet long and 18 inches high prominently and legally placed on the dentist's office.
Tonight the ZBA is asked to consider an additional free standing sign not permitted in
200 any business district. Where free standing signs were allowed by the ZBA, they have
usually been the only sign.*

205 *In the last meeting, many were concerned that, if granted, the precedent set by this
variance would understandably be used by village merchants to justify similar variances.*

210 *At the ZBA meeting held on January 26, your attorney, Mr. Stokes read the village code's
criteria for granting a variance. The Village code requires [in bold face] that, in making
its determination, the Board shall take into consideration. 1/ "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": -- Since the village and town in
their comprehensive plan call for dark skies lighting, the additional lighted sign in
combination with the well illuminated sign on the new building and the commercial strip
across the street, creates a suburban commercial strip like the entrance to Manlius -- not*

215 *the character most Cazenovians want for their village. 2/ “whether an undesirable
change will be produced in the character of the neighborhood”: -- yes, it will
undermine the village qualities that residents want to preserve and that many businesses
depend on to attract customers and clients. 3/ “a detriment to nearby properties will be
created”: -- yes, for the commercial aspect of the building with its paved parking in the
220 front and adjacent to the beginning of a row of residences on Nelson St. already makes
an awkward transition to the village ; this sign would make it worse. 4/ “whether the
benefit sought by the applicant can be achieved by some method feasible for the
applicant to pursue.”: -- Given the large illuminated sign on the building the problem
seems to have been solved. 5/ “whether the requested area variance is substantial”: -- I
225 would say it is because it will lead to additional requests by merchants who, out of
fairness to their respective businesses, will want their own free standing signs. 6/
“whether the proposed variance will have an adverse effect or impact on the physical
or environmental conditions in the neighborhood or district”: -- it will for the reasons
stated above. 7/“ whether the alleged difficulty was selfcreated”: -- It was definitely self
230 created as the applicant went before the Planning Board and was told what the village
permitted and, in addition, chose to move half a mile down the road from the town zoning
into the village jurisdiction.*

235 *If the Board, intends to carry out its duty to preserve and protect the character of the
neighborhood and the health, safety and welfare of the community, it should deny the
application.*

240 *In early March while rechecking the file in the village clerk's office I found a new
communication from the Madison County Planning Dept., received by the village on
Jan. 26. In it Planning Director Scott Ingemire points out that the site is on Route 20, a
nationally recognized scenic byway. Neither Manlius nor Fayetteville can take
advantage of that designation for which New York State has spent substantial sums.
Additionally, in their long range goals CPF, the Chamber, the Art Park and Lorenzo
245 have all been working together to develop programs to attract visitors and utilize the
rural character of that beautiful road as it crosses the state.*

*Thank you for your consideration,
Pringle Symonds*

250 Dr. Fauth: The sign I proposed is not going to be lit during the day. The only time that sign will
be lit is from dusk to closing of my office. Rarely do I work that late. Essentially, the sign will
not be on at all. So there won't be any additional illumination. I personally don't believe this
will set a precedent. I think the Board would be voting on a variance based on a unique
situation. This is the only place where there is Carriage Lane directly across and the problem
with the plaza. I think the Board would be voting on a variance based on this unique situation.
255 So I don't think you set a precedent at all. Each case should be viewed on an individual basis.
This sign would help guide people into my area.

260 Bob Lucas: My parents live at 54 Nelson Street. They are the neighbors. They have no problem
with the sign. I know there are traffic issues there trying to get into parents' house. We call that
third lane the suicide lane. Whether or not the sign would mitigate that, I don't know, but it
should help. As far as businesses in Cazenovia, maybe this is one of the issues. There are very
few businesses that succeed in Cazenovia. I'm not saying a sign would make a difference, but it
seems like we are very anti-business. If this business is going to survive, somehow we have got
265 to generate some revenue. And this is the best way—with businesses. We just fight businesses
tooth and nail. I just can't see why every time a business wants to come to the community, we
fight tooth and nail to make sure it doesn't succeed. Very few businesses downtown have made
it. It is a struggle. I think we should take a different look at businesses coming to the area.

270 Barbara Clarke: I totally do not agree with that thought. One of the things that is so unique
about Cazenovia is the rural character and that is what is going to attract people, not making it
into another commercial strip that is common to any other area. And I don't see what hardship
has been created by this.

275 Pringle Symonds: If the Village had wanted that section of Route 20 to be commercial, that's
what they would have zoned it. But they deliberately did not zone it commercial because they
had commercial on the north side of Route 20. If the Village wants more commercial
development, then it should be zoned for that. But that is not what has been done.

280 Mr. Stokes: There is no retail on the south side, just professional buildings, restaurants, etc.

P. Byrnes: Village Edge South is not residential.

285 Brian Coughlin: I agree with Mr. Lucas in that the community needs to be pro business. But I
disagree because Dr. Fauth's business is not a new business. It has long been established in this
community. He chose to move from the township to the Village, knowing full well that the rules
of the Village do not allow a second sign. Furthermore, the sign on his building is 18 inches
high and 16 feet long. I pulled out of the shopping center a couple of weeks ago on a Sunday
night at around 11:00 and it was brilliantly lit. I don't think he is filling teeth at 11:00 on a
Sunday night. It is unnecessary. It is more than adequate signage for a business that requires an
290 appointment. That is wildly inappropriate for our whole community. This would be insult to
injury and would set a dangerous precedent for other business owners who want a secondary
sign. I, for one, really moved to Cazenovia because I didn't want to live near Erie Boulevard.
And, if it is a dangerous location, then the Village should not have allowed a business to move
into that location.

295 Dr. Fauth: My sign is on a timer to go off at 10:00.

Mr. Stokes: That is not relevant to the case and is not before the Board at this time.

300 Brian Coughlin: I would like to point out for the record that the meeting that is in contention that
no one came and therefore it was a shoe-in, was December 15 and very near the holidays when

most people don't come to public hearings. The fact that the public did not come en masse does not mean that the Board should grant a variance if the applicant does not show hardship. It indeed shows self-created hardship.

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P. Byrnes: The Board tries to accommodate those who request hearings and hold hearings as expeditiously as we can so we are not holding up something. The date is immaterial.

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Barbara Clarke: When doing deliberations, I understand you will be listening to voices for and against. But isn't it more important to study the law and follow the guidelines to the extent of the law? Just because a bunch of people come doesn't mean a variance is a good thing.

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P. Byrnes: That's the whole reason that we exist as the Zoning Board of Appeals. If no variances were ever granted to anyone, there would be no reason for this Board to exist.

320

Jim Sasser: This case is different from others. It is not putting a swimming pool in somebody's backyard. It is not putting an addition on somebody's house. This case is going to decide and set precedent for signage throughout the community in front of every single business. I think it is important. The Board should think about keeping the established ordinances and maintaining those in the interest of the community.

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Brian Coughlin: As I stated at the last meeting, this business sees maybe 30 people a day, maybe 50, all of whom have an appointment, and this business needs two signs. When Mr. Buyea comes up and says: *I rely on 500 drive-ins a day and I have no signage by the road.* And his building is 300 feet off the road. Can you legally say to him: *No, you can't have a sign.?* From there, it seems it would snowball and where does it end? If there is a dangerous situation on Route 20, it should be addressed by DOT and not by the Village ZBA.

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Barbara Clarke: More signs create more confusion. There is a movement to reduce signage in some parts of the country.

P. Byrnes: Does anyone else wish to speak? Do Board members have any questions or comments?

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H. Hart: Is there some evidence from DOT or others about safety considerations?

Dr. Fauth: No.

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Mr. Stokes: If there are no more comments, I suggest you close the public hearing and begin deliberations.

P. Byrnes made the motion to close the public hearing. H. Hart seconded the motion. The motion carried unanimously.

345

P. Byrnes read the criteria as written in the Village Zoning Code:

350 *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
355 *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-
360 *created; which consideration shall be relevant to the decision of the Board, but shall not*
necessarily preclude the granting of the area variance. The Board, in granting of an area
variance, shall grant the minimum variance that it shall deem necessary and adequate
and at the same time preserve and protect the character of the neighborhood and the
health, safety and welfare of the community.

365 Mr. Stokes recommended that the Board consider all four variances at the same time as they go
through the criteria because the Board cannot grant one without the other and the Board may
want to consider the cumulative impact of all four.

370 P. Byrnes: The proposed sign is a post mounted, 24 inch x 54 inch, business identification sign,
which, as mounted will be 53 inches in height by 67 inches in width, which would exceed the
maximum height limitation of two feet under section 180-109(H)(1)(b) of the Cazenovia Village
Code. Whether an undesirable change would be produced in the character of the neighborhood
or a detriment to nearby properties will be created by the granting of the area variance based on
the size. Two square feet is allowed.

375 H. Hart: I think it would be an undesirable change to the neighborhood. A second sign is simply
not allowed.

J. Munger: Did Dr. Fauth agree to move the sign back so that it was not a variance?

380 Dr. Fauth: I did agree to move the sign back ten feet so the number of variances would be
brought down to three instead of four. But the whole point of the sign is to see where to turn in
and putting it back farther diminishes that effect.

385 P. Byrnes: There is a provision that will allow you another route in regards to signs and you
could stress the safety issue. It can be permitted for directional signs to your parking lot, but is
subject to a permit.

Mr. Stokes: If Dr. Fauth removes the location variance, he needs to go to the Planning Board. If he puts in directional signs, he needs to go to the Planning Board. Mr. Stokes asked Dr. Fauth to state for the record: Are you requesting a variance for the setback?

Dr. Fauth: Yes, I am requesting a variance for the setback. That is from the property line, not from the road, which is quite a ways back.

P. Byrnes: Whether an undesirable change will be produced in the character of the neighborhood. Although I'm not necessarily in favor of a second sign, but I don't see how a ground sign would produce an undesirable change. I don't see it as a detriment.

J. Munger: Somebody made a comment that Village Edge South should be a gradual transition from rural to Village. As a member of the committee that drafted the Comprehensive Plan, we spent considerable time discussing exactly that issue. We came to the conclusion that we did not want a gradual transition. We wanted what we referred to as a hard edge. There should be a distinct difference between rural character and Village character. So I don't think the intent of the Comprehensive Plan was to provide any kind of a gradual transition. I don't see the sign as being detrimental. I think that area as we defined it can be commercial to include sit-down restaurants and no fast food. From the standpoint of development there, development was desirable. Commercial development, in the sense of professional offices, etc., was desirable. We were mostly concerned about what a structure would look like, and not what function went on within that structure. It was form over function that we discussed. I certainly don't have a problem as far as being a detriment to the neighborhood. Mr. Lucas has spoken on behalf of his parents, who are the direct neighbors, who don't see it as an issue. Someone mentioned the issue of precedent. From what I have learned in seminars about our responsibilities as members of the Zoning Board of Appeals, each case that comes before us stands on its own and does not establish precedent. At least from my perspective, granting additional variances just because we grant a variance to Dr. Fauth, really isn't a strong argument.

Mr. Stokes: You are right in what you said. But the law also provides that if in similar circumstances you do not explain the reason or rationale for not granting a variance when you granted it under very similar situations before that is also an obligation of your duties. For all that other land up along Route 20 and they all come in and say, "we have a dangerous situation on Route 20" and if you grant one, but not all, you do have an obligation to provide a rational explanation as to why you granted one, but not all. You have an obligation to distinguish.

J. Munger: We granted at least two variances that I am aware of on Route 20, not in the Village Edge South, but within close distance, I'm thinking about the bank and the gas station.

Mr. Stokes: The bank was not a variance. The gas station sign was in lieu of a ground mounted sign.

J. Munger: Did we grant McDonald's a second sign? Mr. Stokes: They had an existing second sign that was converted to a monument sign as opposed to a pole sign.

435 H. Hart: I have a difference of opinion. The problem is if you don't stay consistent with the precedent that has been set, then you are capricious and considered arbitrary. This sets a precedent for Village Edge South.

Mr. Stokes: The remaining properties in Village Edge South are essentially the same as Dr. Fauth's.

440 P. Byrnes: Future lots in Village Edge South will not all have separate driveways.

445 Mr. Stokes: I'm not trying to sway you. If we are talking about the law, I want you to have the whole picture. Granting a variance to Dr. Fauth doesn't necessarily set a precedent. I want you to understand your responsibility going forward with future applications and variances.

S. Ryan: Regarding the safety issue and the sign giving a good heads up, I don't think a sign is going to do that.

450 H. Hart: I do not find the argument compelling. If there are too many signs, it is too distracting.

P. Byrnes: Whether a detriment to nearby properties will be created.

455 J. Munger: Again, I would refer to Bob Lucas and his comments about his parents and they are residential. It is certainly not a detriment to other commercial establishments in the area. It may be a detriment to the ambiance of Cazenovia, but certainly not a detriment to nearby properties.

460 P. Byrnes: Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue. I think the sign you have, Dr. Fauth, certainly identifies your business. As I alluded to the safety issue, you could pursue some directional signs for entrance from and exit to the highway. I don't see where a second sign would do anything more than a directional sign.

465 W. Keiser: Perhaps a reduction in speed at that location of the highway, but that would go through the DOT. The 35 mph to 45 mph transition occurs at that area. Maybe bring the speed down east of there if that is part of the problem. The sign is not a safety device.

P. Byrnes: Whether the requested area variance is substantial.

470 W. Keiser: This is going to set a precedent. Is that the argument you wish to use?

Mr. Stokes: It is not necessarily a matter of precedent. Whether it is substantial or not is your collective judgment as to whether this is a minor deviation from the requirements or is significant. It is four variances.

475 P. Byrnes: The fact that he requested four variances is a substantial request.

H. Hart: If this one is minor, and the next one is minor, then they all become substantial.

480 P. Byrnes: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. I really don't see where a sign would have any impact on the environment.

H. Hart: I agree.

485 P. Byrnes: Whether the alleged difficulty was self-created.

J. Munger: That is pretty obvious. As somebody pointed out, Dr. Fauth should have been aware of the Village requirements.

490 P. Byrnes: I agree that this is a self-created issue.

P. Byrnes read Madison County Planning Department's comments:

495 *This application requests four Area Variances, any of which individually would likely cause little County concern. In this case however, the requested variances look excessive as it seems that none of the town's sign regulations have been met. While the granting of such variances would likely cause no adverse intermunicipal impact, the business in question is located along US Route 20, a nationally recognized scenic byway, which is of similar importance to us at the County.*

500 *The Board will likely want to work with the applicant to come to a compromise, adhering closer to the regulations the Village has set forth in their Zoning Code. It should also be noted that if any signs have already been purchased by the applicant (larger and in more quantity than is allowed in the Village), their existence does not constitute a valid reason*
505 *for the variances to be granted here—according to New York State.*

P. Byrnes: As a group, are we ready to come to a determination?

510 Mr. Stokes: In your motion specify why you are granting or denying the request.

J. Munger made a motion to deny the above-referenced application for four separate area variances to erect a second business sign, free-standing, in violation of the front yard setback and height limitations of the zoning code, on the grounds that the benefit sought by the Applicant (better identification of the driveway location from Route 20) can be achieved through the use of "Direction Signs" which are permitted upon site plan approval by the Planning Board without the need for any variance, that the requested variances are collectively substantial in their magnitude, and that the Applicant's hardship is clearly self created in that he relocated his business into the Village from the Town of Cazenovia with full knowledge of the limitations of the Village sign regulations. J. Munger included SEQOR in his motion. The Board has reviewed this application

520 and determined that it is an “Unlisted Action” as defined by the New York State Environmental
Quality Review Act (SEQR) and since no other Agency is involved, nor will the approval of this
application have any significant adverse effect upon the environment, no further SEQR action is
required. Therefore, it is recommended that a “Negative Declaration” be prepared and filed for
this project.

525 H. Hart seconded the motion. The motion carried unanimously with the following roll call vote:

	W. Keiser	aye
	S. Ryan	aye
530	P. Byrnes	aye
	J. Munger	aye
	H. Hart	aye

535 J. Munger made the motion to adjourn the meeting, W. Keiser seconded. The motion passed
unanimously and the application for four sign variances was denied.

The meeting was adjourned at 8:16 p.m.

540 Respectfully submitted,

Marlene A. Westcott
Recording Secretary