

**Village of Cazenovia  
Zoning Board of Appeals  
July 10, 2014**

5 Members Present: Phil Byrnes, Chair; Sally Ryan; William Keiser; Howard Hart; and Jane Nicholson-Dourdas.

10 Others present: James Stokes, Village Attorney; Win Skeelee; Shawn Skeelee; Shea Skeelee; John Cawley; Bill Carroll; and Bob Giardina.

P. Byrnes called the meeting to order at 8:02 p.m.

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15 P. Byrnes asked for any corrections to the minutes of June 24, 2014. There were none noted. P. Byrnes made the motion to approve the minutes as drafted. S. Ryan seconded. The motion carried 5 in favor, 0 opposed.

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**Skeelee Agency, 9 Albany Street, Signs.**

P. Byrnes 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 July 10, 2014 at 8:00 p.m. at the Municipal Building, 90 Albany Street, Cazenovia, New York, to consider the application of Skeelee Agency, Inc. for an amendment to an existing use variance to allow modification of the existing freestanding business identification sign in the front yard of the premises located at 9 Albany Street, tax map parcel no. 94.51-1-23, and to permit two directory signs at the rear of the building to identify tenants within the existing office building upon the premises. 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.

35 Shea Skeelee gave an overview of the proposed signs. He is one of the managing partners of Skeelee Agency. Skeelee Agency is the anchor tenant in the building. They would like to have a directory sign facing the parking lot in the back of the building directing clients where to go. The McDowell Agency has a 1 foot by 2 foot sign there now and it hangs from the roof of the porch. The McDowell agency has its own separate entrance, whereas the other businesses in the building share an entrance on the side. The existing sign in front at the street would not get any closer to the road. The existing sign is 54 inches wide by 54 high. They are proposing a sign 40 54 inches wide by 74 inches high using the same design--black metal with gooseneck lighting. Another difference in the new sign draws back to the historical significance of the building. It has always been known as the white lilac building and the sign would say 9 White Lilac. The landscaping will have miniature white lilacs. There will be no other changes to the front. Skeelee 45 Agency is a high traffic business and they need parking and they need people to find them. The

other tenants have never had a sign and Skeeles want to give something to the existing tenants. When clients get out of their cars, they need to know where they are going. The rear directory sign is a courtesy to the clients and the tenants.

50 Shawn Skeele recalled that at the last meeting the Skeeles and the Board members were in agreement to eliminate the use of sandwich board sidewalk signs. Shea Skeele mentioned that each individual business is permitted to use a sandwich board, which would be a total of seven.

55 S. Ryan questioned what would happen if the property were to change hands. Mr. Stokes answered that if it is a condition of approval, then it runs with the property.

P. Byrnes called for any comments from the Board members. H. Hart presented and addressed each item on a list of concerns: A business identification sign does not permit both name and product information. A business sign permits only a name or product information. The “White Lilacs” sign does not meet the definition of either of the above or meet the definition of an  
60 address sign. An address sign contains only the name of the occupant and/or street number or other address identification. A directory sign, by definition, has to be a wall sign, physically attached to a wall. The directory sign must be a simple word list format—no logo, no Skeele. 180-97 – “In addition to the name of the business and physical street address of the property or  
65 building, no business identification sign shall contain any advertising message except the telephone number or the electronic mail or website address of the business located on the premises.” H. Hart continued that sidewalk signs are allowed on sidewalks, but the Village plows the sidewalks in the winter and that is a problem with maintenance. Also, no sign shall be placed on or erected on any public property. He asked if the space between the street and the  
70 sidewalk is public property. Mr. Stokes replied yes. H. Hart believes that sidewalk signs raise the problem multi-fold.

P. Byrnes stated that this is already a nonconforming use. Historically, there has been a sign at 9 Albany Street and there is currently a sign there. The Board is considering this: Allowing a  
75 directory sign on the rear of the building, which is less intrusive than seven sidewalk sandwich signs in the front, is a good concession to get rid of the sandwich signs, which the Code allows.

H. Hart maintained that there is a conflict with the Code. Mr. Stokes thanked H. Hart for his hard work on this, but pointed out that the property is in an R-20 zone and other than sandwich  
80 board sidewalk signs, no other identification signs are permitted. For decades, this building has been governed by a use variance. The Board is here tonight to consider an application for modification of that use variance. These provisions identified by Mr. Hart are evidence of nonconformance because signs do not conform since this is an R-20 district and that is what this Board is considering. It is an unusual circumstance in that this is a property that has been  
85 devoted to business use for the better part of the last 40 or 50 years, but it has always remained in an R district and there has been an identification sign on that property for all of that time. This is an application to amend that and supplement it with the additional directory sign.

90 Shea Skeelee observed that the signs at the Brewster Inn and the Brae Loch Inn are grandfathered  
in as well as this property. H. Hart said he has no problem with the existing sign being  
grandfathered in. Mr. Stokes stated that the applicant and the Board are here to consider an  
application to modify that. H. Hart appreciates that the Board is considering amendments, but he  
believes the amendments should be consistent with the existing Code. There are certain  
95 specifications for a business identification sign. Logos are not allowed.

Shea Skeelee pointed out that Skeelee Agency Insurance is one whole phrase, not two separate  
ones. Mr. Stokes added that KeyBank has a logo on their sign. The logo is part of the business  
name, just like Skeelee. Other businesses in the Village have logos as part of their name.  
100 Advertising messages are not allowed.

J. Nicholson-Dourdas observed that the Skeelee Agency Insurance lettering takes the form of a  
logo. Shawn Skeelee wondered how the two could be separated. J. Nicholson-Dourdas observed  
that in looking at the definition of sign, the Code reads: *“Representation” shall include any*  
105 *lettered, pictorial or graphic matter, including letters, words, symbols, logos, colors, emblems and*  
*insignias, and any background panel, frame, structure, or other material or part thereof which displays*  
*such representation.*

Shea Skeelee commented that they are trying to bring back the historical significance of the  
property by including “White Lilacs.” Shawn Skeelee added that just because White Lilacs has  
not been on the sign recently, does not negate the history of the building. H. Hart countered that  
110 9 White Lilacs is not the address of the building.

S. Ryan noted that the 9 White Lilacs did confuse her somewhat. It made her question whether  
the driveway was White Lilacs Street. She wondered if removing 9 White Lilacs would make  
115 the sign smaller. Shea Skeelee answered that the size would not change.

P. Byrnes noticed that the proposal is to raise the height of the sign by 20 inches. He asked if the  
height of the sign could be reduced. Shawn Skeelee replied that snow maintenance is an issue.  
120 The existing sign gets buried in snow, especially when the Village starts blowing snow. He  
continued that they are not asking for something that is not already in the area, for example, the  
Gothic Cottage right next door, which is higher than what is proposed.

Shea Skeelee said that he had measured the Brewster Inn, the Gothic Cottage, Pro-Tel on  
125 Chenango Street, and the Yacht Club and his sign is smaller in terms of height and/or width.

S. Ryan questioned if the tenants mind not having their names out front. Shea Skeelee answered  
that as of right now, no they don’t mind. They have never had it before. He had talked with  
some of the tenants. They do agree with a directory sign in the back to help with flow of traffic.  
130 Skeelee Agency will be the anchor tenant on the first floor and will have the most traffic. The  
McDowell Agency will have the second highest traffic. There will be some tenants that do not  
want to be advertised out front for privacy reasons, such as a therapist.

135 W. Keiser asked if the Skeeles would be willing to replace White Lilacs with 9 Albany. Shawn Skeele answered that if it is in noncompliance with the current Code, yes. If it is in compliance, it is not relevant.

140 Bob Giardina, a resident of 9 Hurd Street, spoke to address back yard concerns: Is it true that this building is working on a variance? Mr. Stokes: That is correct. Mr. Giardina: All of the commercial zoning laws don't pertain to that property. Mr. Stokes: For the most part. Sandwich board signs are allowed. Mr. Giardina: The maximum you are allowed to give them over residential property is the minimum they can sustain themselves with. That is in your book of zoning laws. The maximum you can give them is the minimum. Why is there not a directory in the back? The same reason why there isn't lighting across the parking lot, the same reason  
145 why it wasn't paved until last year, because it kept it residential property with a commercial business in it. Every time I come to one of these meetings (and this is about the fourth one), you guys give that piece of property a little more commercial power. As for the sign in the front yard, they are not allowed to have it. If you say no, then they can't have a sign. It is up to the ZBA. It is a residential property. The house next door went back to a residence. It is going up  
150 for sale. You have to look at what will happen to that house if these guys are allowed full commercial privileges. And the house next to that is up for sale. And you have to look at what is going to happen to that house. My house happens to border all three of those houses. The Code says you can't have anything more than the minimum to sustain you. That is what the Code says. This is a residential property. You have to prove you can't support that building  
155 without having a huge sign with adding high volume traffic. That's my back yard. Where is your dumpster going to be? How many times a week are they going to empty your dumpster at 4:00 in the morning? How many people are going to get deliveries to the rear of the building? You mentioned parking in the back of the building. You have 15 spots between the circle and Route 20. You don't have to have the directory in the back. They can get by. Put this office in a  
160 commercial building. This is not a commercial building. This is a residential building.

Mr. Stokes: The commercial office use is specifically allowed under the existing use variance. The use is allowed. We are not here to talk about the use. The amendment they are asking for is the sign. The use is specifically mentioned. We are not considering the use. This is an  
165 amendment. Historically, there has always been a sign in that front yard. They are asking for a modification of a use variance to the extent of asking to specify that they can have one of these alternative signs. That is really the issue, not the use itself, which is permitted.

Mr. Giardina: They can't put in a bigger sign and they can't put a sign in the back. Mr. Stokes:  
170 That is up to the board. Mr. Giardina: They are talking about the Brae Loch and the Gothic Cottage and they don't count because those are different circumstances.

Mr. Stokes: They are nonconforming uses in the same zoning district. They are considered preexisting nonconforming, whereas this property actually does have a use variance. They are  
175 all three uses that would not otherwise be permitted in the R-20 district. Mr. Giardina: So they are not allowed anything, it is up to the Board what they get.

180 P. Byrnes: Not to be unneighborly to you, Mr. Giardina, but in my mind, a sign on the back of the building beats 7 sandwich boards in the front. Mr. Giardina: I agree 100%, but I can't see 7 sandwich boards in the front from my backyard. Shea Skeelee: You won't be able to see the directory sign because it will be under the porch and there are trees blocking it.

185 Mr. Giardina (to the Skeeles): I really do not have anything against you. My concern is lighting up the sign. I am looking at all the property that surrounds me, all potentially going commercial. Other properties will use you as the pole to get over the hurdle.

Mr. Stokes: The one property having been out of commercial use for over a year has lost its commercial status and has gone back to residential.

190 Mr. Giardina: What I am saying is that because it is a nonconforming use, any amendment of that nonconforming use is not dictated by commercial rules, only by the Board. It is all up to you. You get to decide.

195 S. Ryan: Are you happy with the front sign? Mr. Giardina: What I'm happy with doesn't really count. They should keep the sign as small as possible to make it look like a residence because that is what it is supposed to be.

200 S. Ryan: The directory sign in the back will help direct people who drove in the back. The directory sign will be lit by existing porch lights. It will look pretty much as it does already and when it was Stearns & Wheler and others. It is not changing that much from Albany Street.

205 Mr. Giardina: Except they are growing the sign by 20 inches. Is it a residential improvement or a business improvement? The problem with business improvement is that you are changing the landscape of the area. It is going to affect my property value. It is going to affect the people next door to you.

210 Shawn Skeelee: What would devalue your property? Mr. Giardina: A commercial business next to my house. Shawn Skeelee: A business has existed there for at least 40 years, based on history. It has not diminished the area or your property. Nothing is really changing, except the height of the sign—20 inches—and a directory in the back.

Mr. Giardina: Stearns & Wheler had 15 people working in that building. Nobody else came in and went out. They parked there and worked there.

215 Shea Skeelee: Right now, when everybody is there working, there are 8-10 people, which is rare. We are adding two more vehicles with myself and my work associate. A busy day in my office is 10-12 vehicles in an 8-hour day, some days, only 1 or 2.

220 Mr. Giardina: It increases it over what it is today. I feel it is my duty to curtail that as much as possible because it is a residential property. If the Board decides to leave it residential with a use variance, it is important that they hold the use variance to the letter of use variances, which is: The most you can have is the minimum you can get away with.

225 P. Byrnes stated that the Board had received a letter dated July 9, 2014, from Judy Gianforte,  
Conservation Manager, Cazenovia Preservation Foundation (CPF). He read the letter into the  
record: *The Cazenovia Preservation Foundation holds a façade easement on the front façade  
and parts of the side façade of the building at 9 Albany St. We have reviewed the application to  
the Village ZBA for the placement of 2 signs for Skeele Insurance Agency and find them in  
230 compliance with the terms of the easement as both signs are in locations not covered by the  
easement.*

235 P. Byrnes said the Board had received a letter from Pringle Hart Symonds, a resident of the  
Village. He read the letter into the record: *Unfortunately I cannot be present at the Board's  
hearing regarding a new sign at 9 Albany Street. I have examined the application on file. I  
compliment the applicant on making such a clear, easily understood submission. 9 Albany is in  
an R20 residential zone and in the center of a district listed on the National Register of Historic  
Places. It is highly visible to all who drive through the village. The size and placement of the  
present sign is compatible with its surroundings and does not dominate the north edge of Albany  
240 St. in that residential block. If the sign were allowed to be over 6 feet in height, as requested in  
scheme 2, with larger square footage, its size and proportion would change the character of that  
block of Albany Street which has remained one of homes despite all sorts of commercial pressure  
since the 1950's. In combination with the tall grandfathered Brae Loch Inn sign, it would start  
to appear to be a decidedly commercial zone. That is what has happened to the handsome row  
of historic 19th Century buildings on the south side of Route 5 going from Fayetteville toward  
245 Wegmans. There, despite the row of superb buildings in the background, signs dominate the  
road and building values are now based on business uses. Recently, as you must know,  
Cazenovians in several major residential areas, namely Farnham St., Mill St., Chenango St., and  
Ledyard Ave. have been reacting against what seem to be attempts to open their residential  
neighborhoods to additional commercial expansion because there is already a non-conforming  
250 use nearby. Thank you for considering my opinion. P.S. I am aware that the Historic  
Preservation Committee approved the application and I thoroughly disagree with its decision.*

255 P. Byrnes commented that the Board had received a letter from Barbara Clarke, a Village  
resident. He read the letter into the record: *I am in complete agreement with Pringle. Albany  
Street is too important as a residential neighborhood to undermine its character with large,  
commercial signs. As Pringle mentions, there have been many attempts over the years to  
commercialize the western part of Albany Street but we have been fortunate that good sense has  
prevailed. Homes along that section continue to be sold and upgraded/improved for residential  
260 use. Please carefully consider the application and its long term consequences.*

265 P. Byrnes solicited any comments from the Board or the public. Hearing none, he made the  
motion to close the public hearing. J. Nicholson-Dourdas seconded. The motion carried with  
5 in favor, 0 opposed. P. Byrnes informed everyone that further comments from the public  
would not be accepted.

270 P. Byrnes asked Mr. Stokes to guide the Board in the process. Mr. Stokes reiterated that the Board is considering this application solely as a modification of the existing use variance. The Board would be supplementing the terms and conditions of that use variance. The Board needs to apply the test of benefit to the applicant versus detriment to the community and perform a balancing test. All of the factors have been discussed tonight: Appearance, the effect on the neighborhood character, the size of the sign, any confusion to traffic that might be created. Then the Board needs to consider the request of the applicant and the benefit that they seek to achieve, which is identification of their business in this building. The Board also needs to consider the benefit to the neighborhood and the community of precluding the current permissiveness of the sandwich board signs and take that into account if that would be a condition.

280 W. Keiser wanted clarification whether the sign would say 9 Albany or 9 White Lilacs. Mr. Stokes stated that the Board has the authority to say which it will be.

P. Byrnes polled the Board members and all agreed that 9 Albany would be the least confusing.

285 P. Byrnes started the balancing test process with benefits to the applicant and said that having the Skeelee name on the sign is a benefit to them. All members agreed.

290 P. Byrnes continued with benefits to the applicant and noted that the directory sign in the back would keep employees from spending extra time directing people. S. Ryan commented that she depends on a directory board when going to a building for the first time. It makes it easier when people come in.

P. Byrnes suggested having a directory sign inside the building. Shea Skeelee countered that there is not enough wall space inside to do that.

295 H. Hart voiced that if a directory sign is desired, it should conform to the Code and should be in simple word list format.

300 Mr. Stokes questioned the detriment to the community. The Board should take into account the conditions of this property and perform the balancing test. H. Hart said that is what is making him lean toward a minimalist wall sign, that the existing Code should be used as a guideline.

P. Byrnes pointed out that the directory sign in the back is less of a detriment to the community than the sandwich boards out front. Eliminating those sandwich boards is an improvement to the community.

305 Shawn Skeelee spoke on behalf of the majority owner: It is imperative that we have our name be dominant. We are paying a significant amount of money for this building. We want to perpetuate a certain reputation with this building with the Skeelee name. We want everyone to know that this is owned by the Skeelee Agency and we have tenants within. We have tried to do everything we can to make this as residential friendly as possible. We have been very flexible with it. We gave up on the directory for the very reason of infringement upon the community and making it more commercial. We don't have to put "no sandwich signs" in our contract.

This is close to a deal breaker for us in purchasing the building. We need to have our name prominent in front and back. Someone else could buy the building and have the sandwich signs in front.

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S. Ryan said that she does not see the directory wall sign in the back as a detriment as opposed to the sandwich signs. There was unanimous agreement with her statement among the Board members.

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Mr. Stokes reminded the Board that the establishment of an initial use variance is not the issue here. The use was already established about 40 years ago.

The following motion was made by P. Byrnes, seconded by S. Ryan, and carried with vote of 4 in favor, 1 opposed (H. Hart):

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Grant approval for a modification of the existing use variance for the property which did not previously address what is permitted in terms of the signage on the property. The modification would allow approval of the sign, Skeele Agency, Inc., identified as Option 1, Paul Parpard Studio, dated May 9, 2014, according to the dimensions shown on that drawing on the condition that the sign be modified on the lower portion to say 9 Albany Street as opposed to 9 White Lilacs. The modification of the existing use variance would also allow approval of a 42-inch by 34-inch directory sign to be mounted on the rear of the building in the location depicted in the photographs and other supporting documentation with handwritten dates of July 3, 2014.

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Approval of both the front sign and the rear directory sign are conditioned upon prohibition of the use of sandwich board signs at any point on this property, notwithstanding any other division of the Village Zoning Code that would otherwise allow such signs.

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Mr. Stokes stated that he will prepare such a resolution that the Board can confirm at the next meeting.

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Shawn Skeele volunteered that sandwich board signs will be prohibited in the leases as well.

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H. Hart commented that sandwich boards are a problem in the R-20 zone. He wondered if this Board could make a request to the Board of Trustees to change the Code.

Mr. Stokes answered that can be done individually or as a Board. He believes the reason they were left in the Code is because The Brae Loch and other businesses were already using them prior to the recodification.

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W. Keiser mentioned that the sandwich board signs are supposed to be brought in at the close of business each day and commented that some are not. Mr. Stokes said that is a Code enforcement issue.

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The next meeting was scheduled for August 12, 2014, at 7:00 p.m.

360 P. Byrnes made the motion to adjourn the meeting. H. Hart seconded. The meeting was  
adjourned at 9:37 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary