

**Village of Cazenovia
Zoning Board of Appeals
Meeting Minutes
November 7, 2017**

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Present: Phil Byrnes, Chair; Cindy Bell; Lynn Hart; and Sally Ryan.

Absent: Jane Nicholson-Dourdas.

10 Others Present: James Stokes, Village Attorney; Greg Widrick; Ken Alweis; Judy Gianforte; Tim McCay; Bob Ridler; Anne Ferguson; Allyn Stewart; and Sharye Skinner.

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

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P. Byrnes asked for any changes to the minutes of December 12, 2016. There were none noted.

20 P. Byrnes made the motion to approve the minutes as drafted. L. Hart seconded. The motion carried with 4 in favor, 0 opposed.

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25 **Aldi Sign, Variance Request**

Greg Widrick, Sphere Development, and Ken Alweis, Sphere’s attorney, were present. P. Byrnes read aloud the Legal Notice:

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*NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS OF THE
VILLAGE OF CAZENOVIA*

NOTICE IS HEREBY GIVEN that a meeting and public hearing will be held by the Village of Cazenovia Zoning Board of Appeals on November 7 at 7:00 p.m. at the Municipal Building, 90 Albany Street, Cazenovia, New York, to consider the appeal of Sphere Cazenovia, LLC, for area variances to erect two building mounted business identification signs for the Aldi grocery store under construction at 2392 Route 20 East. As proposed, the applicant seeks relief from the zoning regulations applicable to the VES-MU zoning district, which, under Code section 180-117(F)(1), permit only one business identification sign per business establishment. The applicant also seeks relief from the two (2) feet sign height limitation of Code section 180-117(F)(1)(c). As proposed, each sign would have a height of 9.5 feet.

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.

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*Dated: October 24, 2017
Philip Byrnes, Chairman
Village of Cazenovia Zoning Board of Appeals*

50 Mr. Alweis: This has been a long difficult path with the owner and Aldi's to try to get this building
built after working very, very closely with the Planning Board and historic committee and plodding
through two, what we would say were, frivolous lawsuits against the owner, developer, and the
Village itself. We are here at our last part of the application process, which is applying for the
variances we are here to talk about. Aldi's and Greg, on behalf of the owner, worked very closely
55 with the Planning Board to get to this point. So here we are asking for two variances. I know that
the County has also mentioned, but I'm not sure I agree with them on their reading of the Code.
What we are asking for are two variances. The first one is a height variance regarding the two Aldi
signs on the building. The other is for having two signs in the first place. Initially when we
submitted the application, we were talking about asking for five different signs. We have now
60 withdrawn the two food market signs, so those are no longer going to be on the building. We
withdrew the application for the monument signs. We are not asking for that any longer. So really
we are down to these two variances we are here to talk about. To really understand the variances
that we are asking for and how we got here in the first place, you kind of have to understand the
history behind the whole project, the whole process with the Planning Board. As part of the
65 development of the project, the Village's Historic Preservation Committee (HPC) asked Aldi to
lower or to add lower canopies. And now we are talking about the height variance, so let me start
with that. So now we have a lower canopy and we have the upper canopy. The building itself sits
below the road level. Although we are asking for a height of 24 feet, which would be a 4-foot
variance, when you compare to that the actual height from the road, what we are really talking about
70 is basically a 1-2-foot variance. The real difference in real terms is really 1-2 feet as opposed to a
4-foot variance. I know the measurement is from the ground up. But you have to look at this in the
context of when you talk about the five factors later on. But when you look at this in terms of
reality, we are really talking about a 1-2-foot difference. Part of the reason that we have to have
them at the higher level is: 1) Because Aldi was asked to add this lower canopy. So if we have it
75 lowered down, we are now going to have part of the sign being obstructed by this lower canopy. So
to make it look better, we have to get it higher. No part of the sign will extend above the upper
canopy. Ultimately, the purpose of the sign is to make it visible so the people coming along can see
it as they are passing by. The motorists can see it passing by. So if we have it any lower, 1) You've
got your problem with the canopy. 2) It is not going to be high enough for people to see it from the
80 road. 3) Quite frankly, if you have it any lower it is going to look stupid. It is just going to look
ridiculous in proportion to the façade of the building. It is going to be sitting down too low. It is
going to be out of proportion with the rest of the building. It's just not going to look right. The way
they have got it proposed, and what we're asking for, puts it much more balanced. It looks a lot
better. If you have it lower, it's going to look ridiculous. That's why we asked for the height
85 variance. I'm glad you are looking at the elevations. On top of that, when you consider how it is
going to look also, there is going to be green space between the road and the building itself. There is
no parking in there. No carts in there. It is just going to be green space. It is going to look fine. As
you are passing by on the road, it is going to look good.

90 Mr. Widrick: Several trees and plants and bushes that were required by the Planning Board.

Mr. Alweis: These are the plans that were submitted to the Planning Board and were approved by
the Planning Board. But to do this, we have to go through the process. We have to get the
variances. So that's why we are here—requesting the variances. The second variance that we are
95 asking for is two signs. Again, we have to go back to the history of the project overall. When the
developer and Aldi first presented the project, the way the building was going to be situated, the way

that they proposed it, was such that it was angled so that they would not need two signs. They were only going to need one sign. But they were asked by the Planning Board and the Historic Preservation Committee to turn the building so that the side is now squared to the road. So now, because of the request from the HPC and because of the change in orientation, they now need two signs: One facing Route 20 and one facing Nelson Street. People coming Route 20, if you don't have that, they are not going to see it's an Aldi's. The same thing coming the other way. In terms of the front of the building, the Aldi sign there has two purposes: 1) One to identify the building, but 2) It also directs shoppers that this is where you come into the building. So that's why they are asking for the two of them. In terms of the process, and I think in the submissions I sent you folks, the Planning Board and the HPC actually, as part of the site plan approval process . . . I will just quote from the report that is in the materials I sent you. The HPC strongly recommends that the pair of Aldi signs, as proposed, is most appropriate with the smaller food market signs alongside. We don't even want the food market signs. So that part of it we are not even asking for. But the recommendation came back that they, in fact, said that two signs is the right way to go. So that's what we are asking for here. We are asking for the two signs. The County report that we got, I think it was Friday Jim sent it to us, in fact, says that two signs is not going to have any adverse impact on the community or the county. So we are asking for those two signs. This is really an unusual case. You see them all the time. One of the criteria is: Was the situation self-created? Was it created by the applicant? This is one of those situations where, in fact, the requests we have are not self-created. The variances we are asking for are in response to requests that were made to the developer and to Aldi: 1) To add a lower canopy. 2) To change the orientation of the building to the road. So now that we are asking for two signs, as opposed to the one sign if they had gone the way they had initially planned, they would have only needed the one sign. So that's why we're here asking for the two signs. There was a comment in the report from the County that suggested that the Planning Board had acted in a piecemeal fashion. Frankly, if I were your Planning Board, I would be insulted. I think they went to great lengths to do an extremely thorough analysis of this. They had multiple proceedings, multiple hearings. They defended two different lawsuits, the Village did, and came up with the plans that the developer has gone through, that Aldi has gone through, at length, submitting all kinds of proposals, adapting the project to fit the demands and the requests of the different committees. Frankly, I completely disagree with what the County said. In terms of the criteria you need to go through to determine whether or not a variance should be granted. In terms of an undesirable change to the character of the neighborhood. Not at all. There would be none. As I said, the Planning Board and with all the various committees went through an extensive analysis. Aldi's and the developer worked very, very closely with the Planning Board to come up with this project. What we are asking for are proposals that were reviewed and analyzed by the Planning Board and the various committees and that they agreed to. In fact, in the Resolution that was issued, again quoting: The proposed use and site plan will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique recreational, cultural, historical, architectural, or other special community values, including those inherent in any conservation areas identified on the Zoning Map. As I mentioned, the HPC concluded that the two signs were the appropriate way to go. Second is: The benefit sought cannot be achieved by some other feasible alternative. As I mentioned, they submitted a different alternative and were asked to change it. So in terms of there being a feasible alternative, the Planning Board said no. They said, we want you to do it this way. So, in fact, what they did was adapt their plan to fit what was asked of them. So there is no feasible alternative. Are the variances requested substantial? In terms of the height, not when you consider it in terms of its relation to the road. So really what we are talking about, I know, technically it is a 4-foot variance we are asking for. But in reality when you compare it to the height of the road, we are talking 1-1/2 to 2 feet. So in terms of that being substantial, I

145 submit to you it's not substantial. In terms of the two signs, again, it's not substantial when you
consider in light of the other factors, there is no adverse impact on the community. There is no
environmental impact of having the two signs. It was done in response to the request from the
Planning Board. And so I would say that they are not substantial requests. The fourth: The
150 requested variance will not have an adverse impact on the physical or environmental conditions in
the neighborhood or district. Again, like I said before, County Planning didn't think so. Your
Planning Board doesn't think so. All the resolutions have analyzed it. Your Planning Board really
did a very, very thorough job in terms of its analysis of the project and determined that there was no
adverse physical or environmental impact on the conditions in the neighborhood or district. And this
is a permitted use. It's not like they are building something that is not a permitted use. And last, as I
155 mentioned, this is one of those unusual circumstances for a variance where the variances sought
were not self-created. The need for the variances were not self-created. They changed their project
to fit the requirements at the requests of the Planning Board and the HPC. And they moved the
building. They added the lower canopy. And that's why we are here for those variances. I'm happy
to answer any questions.

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P. Byrnes: Before I open it to the public, how about questions from the Board?

S. Ryan: When did the building get moved? When did that happen? Under whose advisement?
And why did that happen? That is what you are saying is the reason that justifies the variance.

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Mr. Widrick: This land was originally annexed to the Village so we had to go through an annexation
procedure. I can't tell you the number of site plans that we had created, and recreated, and created,
and recreated and so on. I can't remember how many versions we went through before annexation
was achieved. And then we came in front of the Planning Board where we basically went through
170 the entire same process. Because even though it was an annexation process, it was very much a site
plan review—an initial one anyway—which is unique. And then we came to the Village Planning
Board. We had our initial meeting. And then we were told to go to HPC to get their comments on
the building. I want to say five meetings with HPC. They requested 27 changes, of which 25 were
made. The most and the very first one was the angled storefront. We said we are only doing that
175 because we knew what the codes were. We weren't coming in here bullheaded and saying we want
two signs.

S. Ryan: So it was HPC who didn't care for the building?

180 Mr. Widrick: None of them did. They wanted it to represent more of a street corner—squared. I
don't know if you've seen other Aldi's. Most of their cart collection area is on one side. They
wanted it on both sides to balance off this mirror image of the building. At that time, we said, on the
corner. So we had a sign on each corner and we had the food market on each corner. Actually, I
think the signs that were in our final set of plans that were approved were above the 75 feet. So, in
185 addition, they've shrunk it down to be under 75 and removed the food market signs. We would have
built it either way. But at this point in time, where we are, when this was approved by the Planning
Board, we were committed to this two-storefront look.

190 S. Ryan: Am I incorrect in thinking that it was the historical people's advisement to the Planning
Board and the Planning Board said okay.

Mr. Widrick: It was an actual report delivered to the Planning Board that the Planning Board followed.

195 C. Bell: But then the Planning Board went on to say you could do the two signs?

Mr. Alweis: Yes, in fact, there is a recommendation from the HPC to the Planning Board where they said, I think I quoted it in here, saying we want two signs. They recommended two signs.

200 P. Byrnes: That was HPC's recommendation to the Planning Board.

Mr. Widrick: Remember, it wasn't just site plan approval. Architectural approval was another approval that was reviewed and granted and this kind of fell under that category.

205 P. Byrnes: That is not the case. The Planning Board did not approve the signs.

Mr. Stokes: The Planning Board did not specifically approve the signage.

210 Mr. Alweis: A recommendation from HPC to the Planning Board. Ultimately, it is your decision.

P. Byrnes: Unfortunately, we are charged with looking at the Code and looking at the request and in our determination granting the minimum variance that we deem is required based on your request.

215 Mr. Widrick: If you look at the original, when it was approved, we were looking at many more signs. So we have minimized them down and shrunk the size of the two Aldi signs. One meets Code. We are asking for the other one.

220 P. Byrnes: I do have a question. The size of the sign here, obviously, was dictated possibly by the size of the façade that you have there. Does Aldi's have a smaller sign? One of the issues is, and I know you talked about the 4-foot versus the 2-foot versus the ground level versus the street level, but also the Code says the sign height is 2 feet. You can do the math, but 2 feet, you could have a sign that is fairly long (37.5 feet) to come up with 75 square feet. Does Aldi's have a sign that is smaller than what you are offering here?

225 Mr. Alweis: I don't know that. But going back to that. I think we talked about it briefly just before. If you do the calculations of the dimensions of this sign, it is just at 75 feet. So in terms of the concept behind the Code of minimizing the sign size, we are at the 75 feet, which certainly would look better than a sign that is 2 feet by 37.5 feet, which would be the alternative, which would be allowed, which would look kind of ridiculous, frankly.

230 P. Byrnes: Again, the 2-foot issue is going to be an issue for us and for you to figure out. But is there a sign that is less than 9.5 feet by 7.5 feet that still gives you the Aldi corporate logo? Obviously, I still have a height issue. I will probably have a smaller square footage issue. I am wondering if there is a smaller package. In looking online at your specifications, I see that there are different size wall signs. Again, that might be something that we would want to consider as we go forward.

235 Mr. Alweis: As I sit here, I don't know the answer to it. But at some point, if you go too small, you lose out on the whole purpose of the sign, which is to be able to see it from the road.

- 240 S. Ryan: It is 45 miles per hour at that point. It's not the 55.
- Mr. Alweis: But still, people are going by at a pretty good clip.
- 245 Mr. Widrick: The answer to your question: Is there a smaller sign? I don't know. There could be. They could do some custom type sign. At the end of day, we have to look at the proportion of the parapet that is built and how the sign looks within that. And remember, these are not internally lit signs. They are just signs with lights that shut off at 8:00. Aldi's closes at 8:00 and the signs shut off. This isn't something that is going to be illuminated, in the summertime, for very long. So from
- 250 a minimal standpoint, these are not internally lit. I just wanted to make sure that was clear. Even in DeWitt they are not internally lit. I'm just trying to think of any other municipality that Aldi is in that does not have an internally lit sign. Everything is goosenecks pointing down. Then they close at 8:00 so they shut them off. It is pretty much a painting on the wall.
- 255 Mr. Alweis: We could look at it in the context of the criteria. This sign size does not have any impact on the environmental quality of the neighborhood or the characteristics of the neighborhood. It is consistent with everything else that is going on alongside there. The hotel, for example, the sign is much higher up.
- 260 S. Ryan: But that sits way back from the road.
- C. Bell: Environmentally can be more than just taking a tree down or something too. To say there is no environmental impact isn't quite 100% accurate. Somebody may look at it as being obtrusive.
- 265 S. Ryan: If you have adjusted the basic structure of Aldi's from a lot of the ones I have driven by, could we ask for a little bit different sign that fits more with the character of Cazenovia?
- Mr. Widrick: The issue with that is that it becomes more of a subjective standard than an objective standard.
- 270 S. Ryan: But we are setting a precedent.
- Mr. Widrick: No you're not. You are not setting a precedent. Legally, you are not setting a precedent. Not in zoning.
- 275 S. Ryan: I have the book.
- Mr. Widrick: We are trying to work and get this. We removed the food market signs. You don't see an Aldi without food market on it. Those have been removed. We have reduced the overall
- 280 square footage of one sign. This has been an 18-month process and 12 months ago, if we stuck to our original plan with the one front, this wouldn't be an issue and we wouldn't be here.
- Mr. Alweis: This is the Aldi logo. They are not going to change the Aldi logo.
- 285 Mr. Widrick: One of those two requests that weren't made was to change the colors of the logo. That was a no. When we look at it, we just see a sign. But corporations spend a lot of money on their identification and their trademark and their signs. There are proportions to that sign. So when

you say, “can you take it smaller?” yes, you probably can, but it shrinks in proportion. With the façade that is built that we cannot change at this point, it is going to look funny. It really is.

290 L. Hart: I’m surprised that they don’t allow customization of signs. It seems to me that I have seen that in certain communities.

Mr. Widrick: What do you mean by customizing?

295 L. Hart: Size, shape. In certain communities, it just looks different.

Mr. Widrick: The sign is more appropriate with the building structure that was approved for that sign for it to look not out of the ordinary. Remember, look at the elevation, the big parapet with a little sign. Just trying to keep it proportional. They do have a sign package. I don’t have it with me. I really don’t think . . . I’m not going to hold to this, but I’m just going from my memory. I don’t think there is one smaller than 9 by 7.

305 P. Byrnes: In their illuminated versions, there are.

Mr. Widrick: There are in the illuminated versions, yes.

P. Byrnes: Which means that they do have a design based on smaller square footage.

310 Mr. Widrick: And the consideration is that it is illuminated.

S. Ryan: But it still would look funny on a building like ours.

Mr. Widrick: They would not have designed the parapet that way. That’s what I keep trying to get back to. Remember, another aspect—and I sat through every one of these HPC meetings—was to have the varying roof heights. And they really wanted this entrance to be the focal point of the store. So they wanted the big parapet. That is not something Aldi demanded. They wanted the big entry with the double-sided canopy things where the carts go. Then they wanted the stack and the different types of material. If you were in my shoes . . . We had to meet with a lot of committees. Not all the committees agreed on anything. HPC, however, is an advisory committee of the Planning Board. So we had to give them a little bit more homage. Aldi and us, as the owner and developer, were arms wide open to make this building look like the buildings and the character of downtown. That’s why we had a survey done. All the buildings, whether you want to admit it or not, are flat roofs and brick, the majority of them commercial buildings. We have kept it that tone. If you sat in these HPC meetings, that was discussed. The other change that someone requested that the Board did not agree on was a gabled roof on the building. One person brought it up and the rest of the Board shot it down before Aldi even said no. We are just trying to accommodate.

330 C. Bell: Where do the signs go on a typical Aldi? Those are your generic building dimensions. That is how you build all of your buildings, isn’t it? If you knew you wanted two signs and the HPC recommended two signs to the Planning Board, why are we doing this when the building is already built?

335 Mr. Widrick: It’s timing of the process, to be honest with you.

C. Bell: You are saying: Our hands are tied. This is the size of the sign.

340 Mr. Widrick: I'm not saying your hands are tied. We are just requesting. This is our last stop in the process. This store is trying to open by December 15. They don't make signs in a day. We are trying to get a sign company to pull the trigger on signs and get these here so we have them for opening day.

345 Mr. Alweis: The function of where we live is we have a short construction season so you have to build when you can. The way we got here in the first place is because of what they did in working with the Planning Board and working with all the various committees. This is how we ended up where we are now. Companies just don't change their brand. They just don't. We tried to reach the minimum level, the minimum variance we can ask for is how we got rid of the food market signs. Those are gone. We got rid of the request for the monument sign. That's gone. So we're down to these two signs. I know I'm repeating myself, but the reason there are two signs is because they
350 were asked to change the configuration of the building. So now we need to achieve the same result, which is to make the thing visible, to be consistent with their other stores subject to all the other changes that they have made, but they still have to be consistent on a level. We are now asking for the minimum variances to get to the point where they can do what they have been asked to do and get the store built.

355 C. Bell: We are here as the Zoning Board for the two signs only, so it doesn't matter about the food market signs or anything like that. That's all water under the bridge.

360 Mr. Widrick: We would just like you to know that is something we are agreeing to do.

C. Bell: But it has no weight on this decision at all.

S. Ryan: I don't think that was anything we asked you to do.

365 Mr. Alweis: Oh no. We understand the function of the Board is to give that variance which is the least amount of a variance. So what we have done to get to that point was remove those things. That would be requests for more variances. So that's how we got here.

370 S. Ryan: I am for Aldi's. I love Aldi's. I shop at Aldi's. But I also live in Cazenovia. Anything I am bringing up or questioning is because that is our approach from the east. We have to guard that. I know you said it won't set a precedent, but I don't agree with that. I look at Manlius and I don't want Cazenovia to ever look like Manlius. I don't know who their zoning people are, but it is not very attractive. We—I have to look at that. And I like Aldi's. I think the shape of the building says Aldi's. They are almost like golden arches. You find any Aldi's in any area . . . I was just in
375 Nashville and they have an Aldi's. It's not a very nice one, but it is the same structure.

Mr. Widrick: It is a rectangular building. Yes, they have a corner entry. It is usually a little bit higher. Again, go to DeWitt. You will see that DeWitt's has a step down and then it goes up and then steps down. They had like the four corner type thing going on. Here they wanted that taller.
380 All I could think of in my head at the time was the old western saloons that had a big thing in the middle. I think that's where they were going with how to design this thing. It's such a subjective thing because you will like something that I'm not going to like. And I like something you don't like. Going through the craziness we went through for all the different opinions on how the building

385 should look, how the site should look. It's funny because we kind of came right back around to
almost where we were initially. There is a ton of vegetation in front of this building. I hope you will
even be able to see the thing through all the trees. We had to also meet with the tree commission just
recently. Adding in more trees. Obviously they are not in yet. They will be. I think we are just
trying to be respectful. And we are trying to minimize as much as we can to get the signs that we
need. Again, the one would have been fine.

390 L. Hart: As for just the signs, though, there are communities that have chain restaurants and chain
stores like this and it does set it apart because they are custom signs. Even though it is a chain, for
instance, several towns in New England. They make a point to do the custom signs that fit with the
town just so much better. It is already built. It just seems like it would be so worth it to make an
effort.

395 Mr. Widrick: I guess I come back to you as a Board . . . what are you looking for? What are you
looking for us to do? This has been an issue for the last three months or more about what sign is
appropriate. We see the 75, so we are trying to stick with that. We don't have a 2 x 37.5-foot sign.
400 That's not going to go over. We are trying to make something that looks not odd and out of place
and trying to keep it as much to blend in as much as possible. We are talking not that plastic
illuminated sign. This is some sort of polymer that is pretty dull in color. We are open for
suggestions.

405 P. Byrnes: What are the plans going forward for that site as far as signage?

Mr. Widrick: I don't understand.

410 S. Ryan: The other businesses.

Mr. Widrick: We don't own those other properties. But I'm sure if you talk about restrictions and
restrictives, they are going to follow closely to what we would be building. That doesn't mean you
have to grant it to them. It is a different owner and it's a different property aligned together. What I
can tell you is during the Planning Board approval process, it was agreed that they would have the
415 exact same building materials and styles. But no architectural approval was granted at that point for
the remaining properties. Again, we don't own them and we have no interest in them.

P. Byrnes: But you have that second site, do you not? The Retail 2 site. Is that part of your parcel?
Where the drugstore could or could not go, possibly?

420 Mr. Widrick: We only own 3.5 acres, which is the Aldi site. That is still owned by New Venture
Assets. The other owner is trying to move it from his plaza over to there and go freestanding and
convert it to Walgreens.

425 P. Byrnes: At that point they would be entitled to a plaza identification sign?

Mr. Stokes: They have already applied for a plaza identification sign.

430 C. Bell: Who did?

Mr. Stokes: Correct me if I'm wrong. I would say it is a joint application between you and the other developer.

Mr. Widrick: Yes.

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C. Bell: What is on that sign?

P. Byrnes: It would be similar to what you see at Tops if it's a plaza identification sign.

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Mr. Widrick: It's not as large as that one.

Mr. Stokes: It's just a multi-tenant sign. It is within the limits for a plaza identification sign.

P. Byrnes: But that would, in fact, give them another sign.

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Mr. Alweis: It serves a different function. It just tells you once you enter what is there. It does not have the same purpose as when you are driving by. It would have been one of the functions if we had continued to ask for the monument sign. Lower down on the ground you would see a monument sign. Like if you are driving out in DeWitt, you see there is a monument sign right out at the road.

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That is not allowed and we didn't ask for it.

L. Hart: Where exactly would this be? Right by the road?

Mr. Widrick: No. It is back in the driveway. When you pull in the driveway there.

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C. Bell: A little island.

Mr. Widrick: Yes.

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Judy Gianforte: Is it being requested? Is it still planned?

Mr. Stokes: Yes. It has been proposed. The location of it was on the site plan that was approved by the Planning Board. The drawing that I just passed around was presented to the Planning Board last month for review.

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C. Bell: Let's go back to size. Does Aldi have an alternate sign size at all? I get that it's for the façade. If you are in a village setting where somebody is going 30 miles per hour and you are doing a road sign, it is not as big as the 55 miles per hour sign because you are going slower. Does Aldi's have any village setting grocery stores? DeWitt is a hard comparison because you are going 45 with about 100 other cars.

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Mr. Widrick: All I can tell you is they have roughly 900 locations. Most of them are suburban locations or rural. They don't do downtown type village settings just because of the size.

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S. Ryan: We are a small community.

Mr. Widrick: They do a lot of small communities.

480 C. Bell: But they don't go right into the village? Just outskirts?

S. Ryan: There is one in Canastota now that is on Route 5. Do they ever have an Aldi in a small downtown?

485 Mr. Widrick: No.

L. Hart: So this is a unique situation.

490 Mr. Widrick: It is more prototypical that they would go on the edge or somewhere where there is more land for parking. There is nothing prototypical about this building.

P. Byrnes: The sign that faces to the west, on the west side of the building, is it there just to balance the sign to the north? Or is part of the reasoning for that second sign to alert people where Aldi's is?

495 Mr. Widrick: To alert because you are coming up Route 20 from the west.

P. Byrnes: Again, here we go with small town talk, but there is probably not a person in this village who doesn't know where Aldi's will be.

500 Mr. Widrick: I know. But it is going to draw from much greater distances than people in this village.

S. Ryan: If they come once, they will know where it is. If you build it, they will come.

505 Mr. Widrick: That's risky. That is not true. A lot of people say that.

Mr. Alweis: People coming who haven't been here, by definition, it is a building identification sign. It is so people can find the building. The speed limit is 45. We all know if it is 45, people drive at 55.

510 P. Byrnes: Maybe we should request that the speed limit be changed.

Mr. Widrick: By the way, we have and were denied. I know the mayor is trying to do something about that.

515 P. Byrnes: Actually, that is going to be a dangerous situation there.

520 Mr. Widrick: We agreed. We had a meeting with DOT (Department of Transportation) and the mayor and they said there is not a big chance of that being reduced. Believe me, I agree. I am not here to say that your Code is wrong or right. When we originally designed this building, we designed it with one sign. That's the issue. The issue was during our process, we were told to change it to two fronts, signs mirroring both sides, balanced. So now we are here. You are raising excellent points, but that's not why we are here. I'm not here to argue the Code. I'm here to just say we were accommodating that in our first proposals and submissions.

525 Mr. Alweis: In reality, they are entitled to one sign. Really what we are talking about is a variance for one sign.

C. Bell: What if you were only allowed to do one sign, where would you put it?

530 Mr. Widrick: I have no idea. It's not an angled storefront.

Mr. Alweis: That's the problem.

C. Bell: Has that discussion ever been had in the Aldi circle?

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Mr. Widrick: If they have only one sign, it is an angled storefront.

Mr. Alweis: If you are coming the other way, you don't know even where to go in. The sign serves two purposes: 1) To identify the building. 2) It directs people where they are supposed to go into the building. So it has two functions.

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P. Byrnes: There is actually going to be two entrances to the building. There will be a Village street to the east side of the building. Then you will have your entrance, your curb cut. Any questions from the Board before I open it up to the public? (None were heard.)

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Bob Ridler: I am Chairman of the Town Planning Board. I had a couple of questions and those questions were answered. I'm sitting here listening to all of the conversation about development of the store. I think it is ironic that you are sitting underneath a sign which says Cazenovia Village Historic Preservation. It is the map to the extreme right, to your left. I have heard the discussion about the sign, which is what this is all about tonight. I know, on our board, we consider the character of the community and try to blend things into the character of the community at the same time moving forward with development and so forth. That is the key that we try to do as we hold our meetings. Listening to the playing for the need for this rather large sign, at least in my opinion. If you look, there is a neighbor across the street, McDonald's. They don't have golden arches and they seem to be doing a pretty decent job. The community certainly knows where the McDonald's is. I don't think you need a 9-foot sign, or however big this sign is, bigger than the 2-foot sign. I think once you have driven past this one time, you are going to know where Aldi's is. So I would ask you to consider the historical element in preserving the character of the community. Thank you.

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Anne Ferguson: For those of you that weren't around when they did go through the presentation of the various designs in the Planning Board process, it did take a long time because of trying to get the Aldi's look to be more consistent with the Village downtown. Like you, I have grown up in communities that have Burger Kings and McDonald's that have adapted their designs to fit along Main Street. Aldi's is one of the most rigid in my mind. I have even written to the CEO of Aldi's.

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They really feel, and rightly so, that their store design is their brand. We accommodate a lot. We changed the angle so it would not be so modern looking, so that it would have a straight face. I don't know if you recall, we had to modify and interpret that Route 20 is not a highway. It is a Village street so that we could fit and accommodate Aldi's into this spot. I don't quite understand how you say it is only a 1.5 feet taller, this is a 9.5-foot sign. The one in DeWitt is 6 feet. This is 9.5. And you are saying it is not setting a precedent? What if Fauth's dental practice wants a 9.5-foot sign? Are we going to say that's okay? It is in the same Village Edge South. It is setting a precedent. Even with the Hampton Inn, they were somewhat rigid too. They would not accommodate it. How strong are the Planning Board and the Zoning Board? Get some spine and say no to the developers. This is what we want the community to look like. We don't have to have

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575 it look like that. It is a 9.5-foot sign that you are requesting. Now you are getting it down to where
it is only a 1.5-foot difference because of the land. We deliberately know that the land went down.
It was to diminish the size and scale of that building. That was the intent. If your building is your
brand, people are going to recognize your building. We have GPS these days. People traveling from
out of town can get here by GPS. They don't need to have a big sign. I really would like the Zoning
580 Board to consider a sign that is more consistent with our community, doesn't look like Oneida and
Canastota. Right opposite of their building is the oldest structure in Cazenovia, which people don't
even realize. That Enders building is one of the first houses built. To me, it is just so jarring. In
terms of lighting, you are talking about external lighting at night. If they close at 8:00, will the lights
go off at 8:00 as well? It is too big. They can do it if they really want a sign.

585 Tim McCay: I'm President of the Cazenovia Preservation Foundation (CPF). The CPF board
adopted a position regarding this variance request. If it's okay, I'll just read it.

590 *TO: Members of the Village of Cazenovia Zoning Board of Appeals*
FROM: The Cazenovia Preservation Foundation (CPF) Inc.
DATE: 7 November 2017

595 *The Cazenovia Preservation Foundation encourages the Village of Cazenovia Zoning Board of*
Appeals to reject the appeal of Sphere Cazenovia LLC for a variance in regards to zoning
regulations in the Village Edge South - Mixed Use (VES-MU) Zoning District.

600 *It is our understanding that the current proposed signage exceeds limits on both the maximum*
height, number of signs, and sign height allowed by the Village Code. In all of these ways, the
variance would lead to commercial signage that would be a more conspicuous and dominant
element of the visual landscape than that envisioned by Village leaders in construction of the current
zoning regulations.

Our position was based on the following considerations:

- 605 1. *Development at the eastern edge of the village makes a disproportionately strong impression on*
visitors to and residents of Cazenovia. It sets the tone for the character and atmosphere of the
village. The residents of Cazenovia have long taken a protective interest in the visual landscape
of this eastern gateway to Cazenovia.
- 610 2. *The benefit of the variance to the applicant would seem marginal, given that the character of the*
building and the location near Route 20 make the identity of the business clear to passers-by.
- 3. *Granting of this variance would decrease the historical value of nearby properties on the*
National Historic Register, including the Maples and the Zephnia Comstock Farmhouse (the
Enders building), and would decrease the value of undeveloped property across the road on
which CPF has an easement interest.
- 615 4. *The granting of a variance for signage on this portion of the overall site development project*
seems premature without more details regarding the desired signage on other components of the
project. For example, will it be later requested that there be installed a shopping/business-
center sign, which would add to the total number of signs for this business?
and
- 620 5. *We acknowledge that businesses compete for the attention of shoppers, and that the granting of*
this variance would likely set a precedent that would affect future requests in the VES-MU
Zoning District.

625 *In sum, the CPF supports adherence to the current regulations for signage that resulted from a long process with much community involvement. Strict adherence to development guidelines is particularly important in this eastern gateway to our village.*

Thank you for considering this input.

630 *Presented by:
Timothy McCay, President
Cazenovia Preservation Foundation, Inc.
Board of Directors*

635 Mr. Alweis: I am sensitive to the concerns mentioned about the historic qualities and the environmental issues that have been raised. I respect those views. I have to say, many of the things they have addressed and raised were the same issues that were raised and addressed in front of the Planning Board. The HPC, again I will quote from their recommendation: The HPC strongly recommends that the pair of Aldi signs, as proposed, is most appropriate with the smaller food market signs alongside. What is being proposed here is the same as was considered by the HPC. I appreciate that these folks disagree with them, but their arguments were presented once before and were considered once before and the HPC came back with a recommendation that these are the right signs. These aren't any different than what they considered. Go back again to the criteria, which is what you do as a Zoning Board.

645 Anne Ferguson: Did they know the size?

650 Mr. Alweis: They did. They are right on the elevations. These are the same plans. The issues of considering it in terms of the Code, which this is a permitted use. It's not like they are asking to do something that is not a permitted use. The impact on the environmental and quality of the neighborhood, the characteristics of the neighborhood. Characteristics of the neighborhood are defined by the Code and this is a permitted use. Plus you have County Planning saying this is not going to affect the environmental or the characteristics of the neighborhood. Granted, that is their opinion. When you consider it in how this building looks, it's a brick building, it's a nice looking building. It's a brick building. It's not vinyl siding or something like that. It's a nice looking building. When you consider how we got here in the first place, that they are asking for, really, one sign that if you calculate in terms of how you read the Code, it says 75 feet. This is 75 feet. And look at the way they have it proposed, frankly, looks a lot better than a 2 x 37.5-foot horizontal sign across the side of this building, which would be much more intrusive than what they are looking for.

660 The height difference they are asking for, again, I appreciate that the measurements are from ground level up, but, yes, the building was placed lower for a certain purpose. But with that comes the lower canopy plus the ability to have a sign that is visible and somebody is going to be able to identify the building. When you look at all of the criteria and the analysis that has been done and all the different committees who have looked at it and their recommendations, you take those into consideration in terms of what you are looking at also and those criteria. We think that this is the least amount possible for them to ask for for these variances.

670 Mr. Widrick: Let's go back to if 75 feet is acceptable under the Code, we are just asking for that on the same side of visibility. It's not like you are going to see these two at the same time. People I have heard throwing out because it's to the advantage to say it's 9.5 feet tall, 9.5 feet tall. But you

have to put that in relative terms how tall that parapet is that it's going on. A 9.5-foot tall person would be huge to me, but standing against that high of a parapet would make it look . . .

675 P. Byrnes: It is 8% of the whole front of the building.

S. Ryan: How big is the sign sitting on this thing?

680 Mr. Widrick: You mean the parapet behind it? The structure itself? It is 24 feet high or 28 feet high. So when you take 9 feet, you are putting it in relative terms against the whole side of the building.

C. Bell: So it's about a 14-foot height on that one tower from the lower awning? The first roofline shows it at about 12 feet, maybe. Then the second one is shown about 28 or 29 feet. This one here is at 12 feet. So it is about 17 feet. And you are doing a 9-foot sign on a 17-foot high wall. That's more than half of it.

685 Mr. Widrick: That rendering actually has a much larger than a 9-foot sign.

S. Ryan: Would it be centered or up higher?

690 Mr. Widrick: That's exactly the point. It is staying centered. That causes the height variance of 1-2 feet or 4 feet. We are just trying to keep things in proportion.

P. Byrnes: I appreciate everything you have said. But the issue this Board has, unfortunately, is we have to look at the Code.

695 Mr. Widrick: I agree with that because we are under 75 feet.

700 P. Byrnes: You are under 75 feet. Understood. But the Code only allows one sign. If you look at the Village per se, look at Tops and they have one sign. Look at the Hampton Inn and they have one sign. Kinney Drugs downtown has one sign. I don't think anybody has not been able to find one of those places. The HPC is an advisory board. The Planning Board can take their advice. We have to look at the minimum that will adequately satisfy you people, whether it be one or two signs. In my opinion, as I drive up from the west side going east, I don't even see that parapet until I'm literally almost in front of the store. You have Cowherd's building. You have trees. You are going to have more trees. Again, unless I'm a dead stranger, I know where that building is. I know if, in fact, there is going to be a business identification sign that will have some illumination to allow people to know where that driveway is. I'm basically looking at three signs. Even though this one is a much smaller sign, it is still an Aldi sign. That Aldi sign (pointing) does not have the corporate logo.

710 Mr. Widrick: They were not using it as a building or business identification sign. They are using it as a directional sign mainly. A different objective.

715 S. Ryan: Once again, it would be interesting to know if there were just the one sign, where would it be? Have they ever talked about it?

Mr. Widrick: Yes, we did originally.

S. Ryan: And where was that facing?

720 Mr. Alweis: It was on an angle so you could see it from the road.

P. Byrnes: This was one of the original sketches (pointing) and it was angled slightly to the northwest.

725 Mr. Alweis: Is the concern primarily on the size of the sign? Is that what is bothering you the most?

P. Byrnes: My concern for myself is the two signs. You look at it in one respect. I'm thinking in the future. Where do I go from there? If we give you two signs and then a tenant builds a drugstore. Well, how many signs do the next businesses want? If I give you two, then I have to give him two because his reasoning could be the same. Or does he want three? Does he want one to the east, the north, and the west? I have to look not only what you are asking for, but what does that do to the rest of that site? You say we are not setting a precedent, but in a sense we are.

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Mr. Widrick: I would argue that maybe HPC would be more in concert.

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P. Byrnes: I can't speak for HPC.

Mr. Widrick: I know and that's the ambiguity and the nebulism here.

740 C. Bell: They are looking at it for different reasons. They are looking at it for historic preservation.

Mr. Alweis: In essence they are looking at some of the criteria, but not all the criteria. You are looking at it in terms of the characteristics of the neighborhood, the environmental quality. They are looking at it for the same reasons you are. Not all of them. They are not looking at whether or not it is self-created. They are not looking at if there is a feasible alternative. The reality is if you don't have two signs for this building—I can't speak about what other people are going to do because we are doing it on speculation entirely. We don't know what they are going to ask you for. We don't have any control over what they are going to ask you for. Maybe you will go through the same analysis with them as you are doing with us. But the reality is, in this situation, two signs work. One sign doesn't work. What are you going to do about the front of the building sign? You're going to have a blank building. It doesn't work. You need a sign for the front of the building. The multi-tenant sign is simply for purposes of identifying who is in that area. This is not a big sign. We would have loved to have a monument sign. It is not allowed. A nice monument sign on the road would have looked nice. You would be able to find it easily. But we are not allowed to have that so we are not asking for it. Here, through the whole process, they got to the point where they needed two signs. It is not self-created. They are in a situation where they need the two signs. They would have loved to not have to ask for two signs. But they do.

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Sharye Skinner: What seems absurd to me, and you were talking about the building being recognizable as an Aldi's. If the need for two signs is going to make or break your business, then you are not running a very good business. To me, the precedent that you are setting of two signs is huge. Who knows what is coming down the pike. We are becoming more and more like Manlius. Let's face it.

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765 Mr. Alweis: I have to disagree that you are becoming more like Manlius. The difference is this is a permitted use. What they determined to be a permitted use and what you determine to be a

permitted use is also dictated by your Code. And your Code dictates that this is a permitted use. It is not an issue of whether or not you can have what they have in Manlius and have a plaza like they have out there with gas pumps and all that kind of stuff. That's not what we are talking about. We
770 are talking about a building that is a permitted use. The issue is the signage on a building that's being built in accordance with what was asked of them and in a way that was asked of them. The signage is what at least one committee recommended. While we are sensitive to your concerns that you don't want to look like Manlius, you are not going to look like Manlius unless you change what your Code allows to be built in the area in the first place. It's apples and oranges.

775 Sharye Skinner: When you start granting variances, you are on a slippery slope.

Mr. Alweis: I beg to differ. You have a Board that is obviously conscientious. You have a Board Attorney. You have a Code that dictates certain things. And variances follow certain criteria. I
780 don't agree that you are on a slippery slope.

C. Bell: So nobody has ever discussed what if there is only one sign? Nowhere was there discussion about what if this does get turned down? Nowhere was there a back-up plan? I'm just wondering.

785 Mr. Alweis: It certainly was discussed. That is why it is specifically discussed in that recommendation from the HPC and the Planning Board adopted it.

Mr. Widrick: No one told us in the Planning Board review that "you have two signs on the building and you need to get a variance or two signs aren't going to work" back when we could have altered
790 the design. I have been in development for 17 years. I have never seen such scrutiny over an 18,000-square foot building in my entire 17-year career. And I have built in New England. The amount of scrutiny—right down to the type of materials were are putting on. Is it going to be real brick or brick veneer? We hate black glass. DeWitt's board wanted black glass. The amount of opinions we got. Everything was extremely scrutinized. It was a 26-page resolution. Again,
795 unheard of. So every point was detailed and not one of those points said "no two signs." I know the Code requires one sign, which we adhered to in the beginning of the process. We are just here today. I don't want to have to go through the site plan approval process again. We were approved. That was a long, very expensive process. We are at the finish line. We cut things down. We got rid of the food market signs. We gave up on the monument sign. We are just asking for another sign.
800 That was our biggest adherence to wanting to do the two signs. But Code says you get one building sign. We cannot do two storefronts with one building sign. That's what they wanted was that dual storefront to look like a corner in a downtown village area.

C. Bell: I get what you are saying about everything. I agree with Phil. It is going to change it. For
805 people coming to us in the future, it is going to change it. Like Phil mentioned, every business in Cazenovia Village has one sign and that's it. They don't have two signs. I get what you are saying. I totally hear it. But they don't have it. You have given in a lot and I understand that. But you also gained. Some people would say wow, you are actually building an Aldi's. Some people are probably still surprised over that because that is Cazenovia too. But you are and it is going to be up
810 there. We are all going to have to go check it out, which I hope everybody does and give it a fair shot once you're there. We are here for one purpose and one purpose only and that is to review your variance request for the two signs.

815 Mr. Widrick: It is a very rudimentary process. No doubt about that. Ken has listed the five criteria.
I have been involved in them before. Again, this one, in my 17 years, is unique. This usually
happens before the building starts getting under construction. Why is it taking this long? We are
here and we can disagree and tell you why we are here and why this took so long. We are just
asking from a reasonable basis. We have given in and pulled back on signs. We are just asking for
820 this other sign because of our two-sided storefront. I appreciate a pull-back view of 50,000 feet high
view of marketing and sales projections, but it is very important. If you want to guarantee a certain
level of sales, then I would say run with one sign. But in their history and their experience, that
exposure is value. And there is a very particular value to that. And that's why they fight so hard for
it. It isn't just to have their way or to bully a community. It is for the overall business. They agreed
to that because they thought they would get the exposure with having the two signs because we
825 requested it. Otherwise, we would have stayed with the angled storefront.

Mr. Alweis: If you are coming through the Village, you have to remember, too, all of those stores
face the road. The entrances are facing the road. On this one, the entrance is not facing the road—
Route 20. And that is a big difference too. It is a problem to have one sign.

830 Mr. Widrick: I know it is different zoning directly across the street. I beg to differ on the signage.
McDonald's does not have golden arches, but it has very large illuminated signs and it has a massive
monument sign that is illuminated. It also has the directional In and Out signs. It is very
illuminated. But those across the street also have a pylon type sign at Tops plaza and those are
835 massive structures.

Mr. Alweis: By definition, a tenant sign is not a business identification sign.

840 P. Byrnes: Jim, on the 2 feet was that specifically for the lettering of the sign? I know the Code says
2 feet in height. For example, Tops 3 feet because they are more than 250 feet from the road. Same
thing for the Hampton Inn.

845 Mr. Stokes: It is the actual sign height. (He read Code 180-117F(c)): *A business identification sign
affixed to a building which is within 250 feet of the street line, shall not exceed two feet in height,
and the total area of the sign shall not exceed 8% of the front building face area owned or leased by
the business operator, or 75 square feet, whichever is less.*

850 P. Byrnes: Jim, the way the variance is requested, can we change it? They are asking for two signs.
We have a height limitation. If the Board decides we only want one sign, can we modify it? Could
we grant less than what they are asking for?

Mr. Stokes: Yes, you could grant less than what they are asking for.

855 C. Bell: Do we have to close the hearing before we talk about it?

Mr. Stokes: At some point you need to close the public hearing.

P. Byrnes: Is there anything else from the public? (Nothing heard.)

860 Mr. Stokes: I have a question for the record. Have we established the distance from ground level to
the top of the sign?

P. Byrnes: Wasn't that 24 feet? It would be a variance of 4 feet from the 20 feet above ground.

865 C. Bell: And it is almost 29 feet to the top of the roof.

Mr. Widrick: I hate to keep reciting what I have already recited, but with the angled storefront and the canopy that had the carts was off to the side, and now that it wraps all around, it created that. We did a visual study of that before and had it at the Planning Board meeting. The angle would block the bottom of the sign with a 20-foot sign. We also had a study of the height of the parapet walls to block the solar panels that are going to be on the roof.

Judy Gianforte: Where was the viewer in your study, looking from where?

875 Mr. Widrick: It was done by an architect from many different locations; there was road, parking lot, across the street, from Village Street D. Keeping all things considered, we are trying to center it and see it down or up.

P. Byrnes: The Board has five factors to consider. We can go through those step by step.

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C. Bell: We have two items on the table.

Mr. Stokes: There is the number of signs, the height of each individual sign, and the height above 20 feet. So there are three.

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L. Hart: Are we going to do them separately?

Mr. Stokes: The County suggested that because there are two signs of 75 square feet, you are also over the square footage. I think it is all part of the same analysis, but to be complete and not leave out any issues, I would include that as well.

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P. Byrnes: We received a couple of letters from the public. And the County did comment. I will read those aloud for the record.

895 *I am writing to ask you to please uphold the existing zoning regarding signage in the village. My reasons are as follows:*

1. *The existing zoning was put in place to protect our village character.*
2. *We are a small village with limited businesses and therefore large signs are unnecessary—businesses are not competing for customer notice like they need to do in strip mall developments.*
3. *Because we are a small village, the main customer base knows where the business that they want to patronize is located.*
4. *Google maps and smart phones can direct anyone who is not familiar with a business's location directly to their front door.*
5. *Allowing bigger signs for one establishment will result in everyone wanting larger signage, which will negatively impact the character of our village.*
6. *In the case of Aldi's, they agreed to the zoning restrictions when they did their permit applications. With the location of the store close to Route 20, the signature style of the store*

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910 *and the lack of space for significant plantings that would impede the view of the store, there is NO need for larger signage.*

*Thank you for your service to our community,
Julia Shotzberger*

915 P. Byrnes: That last bullet may or may not be accurate. There will be some screenings between you and Route 20. Her statement about the zoning restrictions and the permit applications, based on what you have told us, may or may not necessarily all be true.

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920 *November 3, 2017*

TO: Members of the Village of Cazenovia Zoning Board of Appeals

925 *The legal notice in the November 1, 2017 edition of the Cazenovia Republican indicates that a public hearing will be held at 7 PM on Tuesday, November 7 to consider the appeal of Sphere Cazenovia LLC seeking relief from zoning regulations applicable for the VES-MU zoning district - Code sections 180-117 (F) (1) and 180-117 (F) (1) (c). According to the legal notice, Sphere proposes to erect two building mounted business identification signs at the Aldi store on Route 20 E (one is currently permitted) with heights of 9.5 feet (2 feet are currently allowed). The proposed two signs will be mounted on a building whose tops are 24 feet above ground level, which is four feet*
930 *higher than the 20 feet the Code allows.*

Since November 7 is election night, we will not be able to attend the hearing because we will be working for election campaigns. In our absence, please enter into the public record this letter of objection to both requests.

935 *Several years ago, the Village began a lengthy process of reworking its regulations for signage. A number of public hearings were held with much community attention to signage types and size. At the time the revised regulations were approved, public concern was expressed that, under pressure from developers, the regulations would be amended to dismantle the carefully considered and*
940 *accepted regulations. Assurances were given by village officials that the regulations would not be easily modified. Please refer to the public record on those discussions.*

945 *The Sphere Cazenovia request is unacceptable. The proposed heights of the building mounted signs far surpass the current two foot limitation and two signs exceed the one sign limit. Since the building is close to Route 20 it will be obvious that it is an Aldi store. Current regulations will suffice.*

950 *Codes and regulations are written and approved for good reason. Allowing the variances would severely and negatively alter the visual landscape along Route 20, something which the community has long valued and planned and worked to protect. Further, it would provide justifiable momentum for other commercial establishments to appeal for variances, several of which have been wisely denied since the new regulations were put in place.*

955 *We urge you to reject the proposed Sphere Cazenovia LLC variances. Sphere knew the rules before developing the parcel and it needs to respect and adhere to the will of the community now. Our Village regulations need to be enforced or they will lose their viability.*

Thank you for your service.

960 *Barbara and Tom Clarke
5 S. Village Drive
Cazenovia, NY 13035*

965 P. Byrnes: If there is nothing more from the public, do we feel we have gathered enough data to close the public hearing?

S. Ryan: I make a motion to close the public hearing.

L. Hart: I second that.

970 P. Byrnes: All in favor?

S. Ryan: Aye. L. Hart: Aye. C. Bell: Aye. P. Byrnes: Aye. The motion carried with 4 in favor, 0 opposed.

975 P. Byrnes read aloud the County Planning Department GML:

980 *The applicant proposes (2) 9.5 ft x 8 ft business identification signs, one more permitted over the Village code. Our understanding from the materials submitted is that these are the only two signs being proposed for this use and that the applicant has dropped its request for additional signs such as those described as “food market signs” and “monument sign” (however, please see comments below regarding how the Board should get clarification on the applicant's full intended signage request). The amount, type, and placement of signs can certainly have an impact on village character, but the placement of one additional business identification sign at this location has no adverse county wide impact and is being returned for local determination; however please see comments below to avoid potential issues and implications that could arise from a piecemeal approach and future requested signage.*

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990 *The applicant is also proposing the signs with a height of 24 ft from the ground and requests a height variance of 4 feet per 180-117 C (14) which states that “in no case shall any building mounted sign extend more than 20 feet above the ground...” (note it says from “the ground” and has nothing to do with adjacent road levels.). In terms of the height variance, as we stated for similar projects such as the proposed signage at the nearby Hampton Inn Hotel, the Board should consider precedent that could be set for future development in this area, now largely vacant, as these decisions will set and shape the tone for future signage in this area. Of course, when determining whether relief will be granted the Board is required to only grant the minimum variance that it deems necessary and adequate.*

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1000 *While these are the only two variances mentioned in the application submitted, the Board should also consider the proposed height of the signs in relation to Village law 180-117F.1(c) which states for signs in the VES-MU district “A business identification sign affixed to a building which is within 250 feet of the street line, shall not exceed two feet in height, and the total area of the sign shall not exceed 8% of the front building face area owned or leased by the business*

1005 operator, or 75 square feet, whichever is less.” (Note even if it were more than 250 ft from a
street line the maximum height is 3 feet per 180-117F.1 (d)). These proposed signs are 9.5 feet
1010 in height. This would require another area variance by the Board. An area variance to increase
the size of a sign by 7.5 feet from the 2 ft allowed is not insignificant and the Board should again
consider the criteria for granting an area variance such as the requirement to grant only the
minimum variance that it is necessary, as well as future precedent the Board could be setting by
allowing such a deviation from the village law for sign size.

1015 We also think the Board should consider future sign implications as this project is further built
out. For example, we note ordinance 180-117F.4, which allows larger ground mount signs “for
buildings, or a group of buildings under common management containing more than two
1020 businesses.” The Board may want to consider this ordinance in relation to the applicant's future
plans once the other proposed businesses (pharmacy, bank) go in. What is to prevent the
applicant from being granted these area variances for these two business identification signs
for Aldi now and then later request a “shopping/business center ground sign” through the
pharmacy and/or bank project, resulting in a third sign or even more for the Aldi project? It is
1025 foreseeable how additional signage could be applied for in a piecemeal approach, and the Board
could end up feeling compelled to grant them when strung out and submitted one at a time.
What appears now to just be one request for one additional sign over what the code allows still
leaves the door open for future requests for even more additional signs. In the letter from the
Code Enforcement Officer dated September 18, 2017 it states that the applicant sought 5
1030 business identification signs. (Also included in our application materials was a rendering of
another ground sign that doesn't appear to have made it in this application making it appear
that more could be planned). The Board should clarify this with the applicant and the Board
should be clear with the applicant to avoid a piecemeal approach where these signs trickle in
under different requests. If the Board does permit these proposed area variances to go forward,
1035 the Board may want to consider putting conditions on these to ensure that even more additional
signage won't be added through future requests.

1035 *Scott Ingmire, Director*
Madison County Planning Department

P. Byrnes: You see where our dilemma leaves us. We have to look beyond just Aldi. We have to
look at where we go in the future.

1040 Mr. Widrick: Is there some way you could limit that in the resolution or anything? Aldi has no
plans to add signs, believe me. We have had enough expense of resources. There is going to be no
need for any other signage.

Mr. Alweis: You can place any conditions you want on any decision you make.

1045 Mr. Stokes: If the question is: Can you limit the other signs in the remainder of the development? I
would say you would have to look at those applications individually when they come. You could
put a restriction on Aldi. But you are not in a position to bind the other property owner at this point.

Mr. Widrick: But you don't have to give it to them.

1050

Mr. Alweis: If and when somebody else does come, you can place conditions on them as well. That is within your power.

1055 Mr. Stokes: You don't have to act tonight if you and the Board members want to have some time to think about this and schedule another meeting to come back to deliberate further. Just throwing that out as an option.

Mr. Alweis: By the same token, we can go back to Aldi and see if they have a different size sign.

1060 P. Byrnes: That would be appreciated.

C. Bell: Can you talk to them and see if you can get just one sign?

1065 Mr. Widrick: It's not a matter of wanting to do it.

Mr. Alweis: We are happy to do whatever you like. I'm not the designer and I have got to be honest, I don't know where you would put one sign. That's the whole point. This is a different situation than the other properties we talked about. McDonald's—they may not have golden arches, but they have all kinds of other signs.

1070 P. Byrnes: But the zoning is different on that side of the road. You have to keep that in mind.

Mr. Widrick: In practicality, it is right across the street.

1075 P. Byrnes: By the same token, look at CAVAC, they have a sign on the building and they wanted a monument sign and we wouldn't give them a monument sign. Fauth wanted a monument sign and we wouldn't give him a monument sign. We were adhering to the fact that we would only allow one sign.

1080 Mr. Widrick: Again, if Fauth came to me and said he wanted a 9-foot sign on his building, I would agree. It's not right. That's too big. You have to put this into proportion and relative size. Same thing with CAVAC if they wanted a 9-foot sign. I can't speak to the monument sign. I can't believe they don't have one. In any event, it is a different use. Even the hotel is a different use. This is retail sales. I would love to sit here and talk to you about how they create a regression analysis with
1085 many factors in it to generate a sales projection which determines whether they can go in or out of the market. One of those factors is what they call eyeball exposure. A lot of that is signage. They have greatly reduced the amount of signage they typically have, again probably on a lot of the factors you have brought up—in a small village, the speed limit, the recognition of the locals, and that kind of stuff. It is all factored in, believe it or not. These are patented formulas. I'm not
1090 making this stuff up. I'm just telling you what we are dealing with.

Mr. Alweis: Let us go back to Aldi and see what we can do about the sign. We will ask the question about having only one sign. We will come back to you and let you know what they tell us.

1095 P. Byrnes: We need a date. You anticipate opening December 15th?

Mr. Widrick: Right. As soon as possible would be good. They don't just make these signs in a day, unfortunately. That's not Aldi. That's sign manufacturers.

1100 Mr. Stokes: Monday the 20th?

Mr. Alweis: We will make it work.

The next meeting is scheduled for Monday, November 20, 2017.

1105

P. Byrnes: We closed the public hearing. Do we need to readvertise?

Mr. Stokes: Yes.

1110 C. Bell: I make a motion to adjourn the meeting. P. Byrnes: I second the motion.

The motion carried with 4 in favor, 0 opposed and the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

1115

Marlene A. Westcott
Recording Secretary