

**Village of Cazenovia  
Zoning Board of Appeals  
Meeting Minutes  
January 30, 2018**

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

Absent: Jane Nicholson-Dourdas.

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Others Present: James Stokes, Village Attorney; Louis Muraco; Bonnie Gannon; Bari Nardella; Michael Mammano, Patricia Smith; Matt Smith; and Tim McCay.

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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 November 20, 2017. There were none noted. P. Byrnes made the motion to approve the minutes as drafted. S. Ryan seconded. The motion carried with 4 in favor, 0 opposed.

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**Dollar Tree Sign, Second Sign, Area Variance**

P. Byrnes read the public notice. This is for an area variance to erect a second building mounted business identification sign to the Dollar Tree retail store within the Town & Country Plaza. The applicant seeks relief from the zoning regulations applicable to the Village Edge North (VEN) zoning district, which under Code Section 180-117(F)(1) permits only one business identification sign for a business establishment. The applicant also seeks relief from the 75-square foot maximum sign area of Code Section 180-117(F)(1)(c). As proposed, the applicant would have two business identification signs of approximately 40 square feet each.

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Michael Mammano from Clinton Signs, Webster, NY, came forward and gave a presentation: This particular location is built in such a way that it is a double-sided cupola. The request is to get signage on the second side. The reason being that coming out of Tops, which is a huge draw for this business, you cannot identify the store when coming out of Tops, or from the side plaza, or from the residences in the back where many senior citizens live. There is no identification on the side of the building. People are coming to Tops. The handicapped parking spaces are in front of Tops where the senior citizens park. They would not be able to identify Dollar Tree from that side. Initially, there were four independent businesses within the space using four independent signs. Only two signs are now being requested—meaning less square footage of signage. There is one tenant in the 10,000-square foot space. Mathematically, that would be less square footage and less signage. This is a national chain and they want as much signage as they can possibly get. There is a signage panel on the directory sign, which is the same size as all the other tenant panels. It is indirectly lit with gooseneck lights at the top. It is effective, but not really prominent. The business is trying to get recognition from the side elevation. The cupola is designed in such a way that it allows for two signs. The clocks are on both sides. This is not out of character for the plaza. This is a retail space.

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50 Its line of sight from the road is a greater distance. The signs are typical, same as Tops, internally lit LED and not excessive square footage.

P. Byrnes: The Code only allows one business identification sign.

55 Michael Mammano: I can understand you do not want to set a precedent and allow two signs, but this is a unique situation because of the location of this tenant space within the plaza. The draw from Tops is huge.

60 P. Byrnes: Most people shopping at Tops are local residents and knew Dollar Tree was coming for some time because it has been published in the paper and talked about. The fact that in the VEN district you can also use window space for advertising or signage and the ability to use sidewalk signs, leaves me a little hesitant to think the second sign is warranted on the building when you have other options.

65 C. Bell: Your sign from Route 20 is big and bold. If you are in Tops and you are going to your car, you know you are walking by the Dollar Tree. You also have all those nice windows that you can be utilizing. Why aren't you using the windows? That would be more in compliance. Going back to what you said, previously, the old tenants had four signs and more square footage?

70 Louis Muraco: I'm Louis Muraco with New Plan East and Empire Management. We are the owners of the shopping center. Historically, my family has owned this for many years. There were four tenants along where the Dollar Tree is. The last one was Zoom Tan. Now we have one tenant occupying where two tenants most recently were in about 10,000 square feet. The majority of the rest of these businesses are quite small aside from Tops and Rite Aid, which are directly fronted toward Route 20 with no entry to the business on the side. The entryway to Dollar Tree is on the  
75 side. The sign is on the front. It would be nice to have a sign on the side where the entryway is. We own the Carriage Garden Apartments down here. There are other seniors living in another development. There are plenty of people living on that end of town that are not driving down and coming up from Route 20. They are coming from Carriage Lane. It is for the function and identification of the business. This is how this retailer chooses to function and how they have had  
80 success over the years across the nation. As an owner and doing this every day and being in this business, that's how businesses need to function. They need to get as much as they possibly can to identify themselves and for the advertisement and success of their business. We personally invested a lot into the renovation of the space and we decreased the overall signage in this portion of the plaza greatly. We could have four people in here with four signs at the maximum level. All we are asking  
85 for is two signs at a location that is built to have another sign on it. There are two clocks and one sign on the other. It actually flows quite nicely. You have an entry way on the side and no sign. People walking out of the Tops don't walk past the Dollar Tree because they can't see that it's there. If you are coming here from outside of the Village, you don't necessarily know that business is there. Studies prove that people are coming to this location from other areas. They are not coming  
90 just from this immediate area. All the handicapped parking spaces are in front of Tops. They are likely leaving out of this drive that we own and pay taxes and insurance on. Out of decency, we are asking for the second sign for the functionality of a business that has made a significant investment in the community. Sears was there and they didn't have a second sign and didn't do well and closed. That space sat vacant for almost five years. Curves was in there. A dry cleaner was in there. There  
95 was Zoom Tan, which was taken out to make this deal happen. So we eliminated a tenant. There

would have been another sign here. I know it's for a different business, but the overall signage on the building is reduced.

100 Bonnie Gannon: I'm the store manager for Dollar Tree. I want to keep business in this town. I trained in the Manlius store. I know a lot of people from Cazenovia were shopping in Manlius. I would like to see those people stay here. A lot of people don't know we are here yet. A lot of people have different ideas about the Dollar Tree. I overheard somebody say, "They have nothing but junk in there." We have name brand items. Everything is a dollar or less. We don't have junk.

105 Louis Muraco: I go there for Colgate toothpaste.

Bonnie Gannon: We don't sell beer. We don't sell cigarettes. It's a nice, clean store.

110 P. Byrnes: That sounds more like an advertising issue for you than putting up a second sign. Just the words Dollar Tree on the building doesn't tell what it is.

Louis Muraco: But it certainly helps.

115 C. Bell: No it doesn't.

S. Ryan: No it doesn't. It doesn't explain that I can get my Colgate toothpaste there. I think it is an advertising issue.

120 P. Byrnes: *The Republican* did carry articles on the Dollar Tree. Maybe you would want to have Jason Emerson do an article about the grand opening and tell your story. Don't think the sign is going to be a magnet and draw people in that are already in the parking lot.

125 Bonnie Gannon: There was an article in *The Republican*. One of the people I hired for the store put in a negative comment and she never showed up for work.

C. Bell: Why aren't you doing sidewalk placards?

Bonnie Gannon: Because of the weather.

130 C. Bell: You should because that could get people in there. Signs on the window would get more people in there, probably more than the big sign. How many signs does the Manlius store have?

135 Bonnie Gannon: Just one because they face the road. This building is at an angle. The sign only faces Route 20. I do have some signs in the window.

Louis Muraco: It is tough to see. The entry to the business is on the side.

C. Bell: The sign now is quite effective. It is gigantic.

140 Louis Muraco: But people are driving in from Carriage Lane.

C. Bell: I get your point. But by then you are looking for a parking spot. It is not a road where you are looking for businesses. You are going to find it. It is right there. For the first time in a long time, the building is lit up again and occupied.

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Louis Muraco: We want to keep them here and give them the best possible ability to do so.

C. Bell: Can you do their article for *The Republican*? I think that's a great idea. I think you should do that.

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Louis Muraco: The sign would be very helpful for the business.

Michael Mammano: Is the problem two signs? Square footage is not an issue.

155 P. Byrnes: Square footage becomes an issue if you have two signs. The limit is 75 square feet.

Louis Muraco: Is there possibly an area that you would rather see it even smaller someplace? We are not accommodating customers coming from Carriage Lane.

160 C. Bell: How do people coming from Carriage Lane know to go to Tops?

Louis Muraco: We are just trying to give our tenant the best possible ability to succeed here.

165 Bari Nardella: A lot of people are not just from Cazenovia. I manage the apartments. We have people coming in from everywhere. We have 48 apartments. You have Fennaway Green. People use that back road. When I lived in Cazenovia, people were coming off of Burton Street, coming from school, and coming up that back road, which Mr. Muraco pays for. You do not see the sign from that road. You do not see it's a Dollar Tree. Not everybody lives in Cazenovia.

170 P. Byrnes: Currently, in the window space now, there is nothing. You have your green Dollar Tree signs "Coming Soon," but why not Dollar Tree in that window?

Michael Mammano: What is the code for that? Are we allowed to do that?

175 P. Byrnes: You are allowed up to 50% of the window, but not lit signs.

C. Bell: Is that overhang lit? Between where the door is and the curb line?

180 Louis Muraco: Yes. There is lighting. The sidewalk is lit up.

C. Bell: So they would see signs in the window.

185 Michael Mammano: That is quite a compromise from a sign on the cupola. What about a neon sign in the window?

P. Byrnes: Neon is not allowed in that zone. You are allowed to have an internally illuminated sign up above.

Louis Muraco: The majority of businesses downtown have a double sided sign.

- 190 P. Byrnes: There are provisions in those districts that allow that signage.
- C. Bell: Why did you pick the Route 20 side to put the sign on?
- 195 Michael Mammano: When I got the first permit, we were we were only allowed to put the sign on the Route 20 side.
- Mr. Stokes: You were told you could only have one sign. Nobody told you where you had to put it. You got to choose which side. You applied for that side.
- 200 Matt Smith: I came to speak against this. I was on the Zoning Board for 20 years. I was Chair of the Zoning Board. I am very passionate about signs. We have done an awful lot in this community to make sure it doesn't get out of control. We are seeing some growth in retail and that type of thing. Let me just tell you a story. Kinney was adamant that they wanted to have their white and neon orange sign. Of course, the neighbors came in. We negotiated for this nice sign. I look back now. Kinney was a good citizen and they put up a very nice sign and they have a good business. They are a brand, much like yourself. The biggest worry I have is precedent. You can't set precedents when you have a history of decades of trying to maintain a certain thing in this village. The other thing I would point out is that it is incumbent on the developers to know this ahead of time. One of the things I remember from the Zoning Board is: Your hardship cannot be created by yourself. If you studied this in advance and you thought it was that important, you might not have done the job. But now you are trying to get permission after you have invested the money.
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- Michael Mammano: We do a lot of work for Dollar Tree and Family Dollar and such places, which seem to be pretty much the biggest boom in the sign industry. We do a lot of McDonald's work. They are changing all over. Dollar Tree and Family Dollar are pretty much the next biggest thing. When they go to a town and they apply for signage in the town, if the town will not grant them what they want, they go to another town.
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- 220 Matt Smith: That's why Walmart is not here. So we have a precedent issue. We have an issue of the law. We are standing here today after it was put in place. I want to say very adamantly that we should not be setting any precedents when it comes to signs in this community.
- Tim McCay: The Cazenovia Preservation Foundation (CPF) discussed this at a recent board meeting and wanted to provide some comments. I would like to read them.
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- The Cazenovia Preservation Foundation (CPF) provides these comments on the appeal for relief from zoning regulations by Clinton Signs on behalf of New Plan East, LLC, regarding signage on the Dollar Tree Store. Our understanding is that the applicant is asking to be allowed to erect two signs and to exceed the total permitted signage area.*
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- We believe that limits on commercialization are particularly important on the eastern edge of the village, as it makes a strong impression on visitors and 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 gateway to the village.*
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- We encourage the board to adhere as closely as possible to existing zoning regulations, which*

240 *were the product of much thoughtful deliberation. In this particular case, we understand the*  
*applicant's desire to mark the store entrance on the northwestern side of the building. However,*  
*it seems to us that a smaller sign than proposed would suffice, given that potential customers*  
*would likely be viewing that sign from a short distance (the parking lot, rather than the street).*  
*The use of a large sign facing into the parking lot on that side of the building might create a*  
245 *commercialized atmosphere contrary to that which village officials sought to preserve with our*  
*zoning laws. The existing sign that faces the southwest, toward Route 20, conspicuously*  
*advertises the identity of this business to passers by. So, in our view, the Dollar Tree Store would*  
*not be likely hurt by a rejection of this application or constraints placed upon the size of a second*  
*sign at the store entrance.*

250 *CPF appreciates the opportunity to provide these comments and your careful consideration of this*  
*matter. Thank you for your service to the community.*

*CPF Board of Directors*

255 S. Ryan: I appreciate them bringing Dollar Tree to town. I have been a resident for quite a few  
years. I always did come up the back way. People will know it is there. If you live in the  
apartments in back, you will still be coming up there. It's a small town. I think part of the positivity  
of you wanting to do business in this town is the appearance and general look of the town. I think it  
is important to keep it like that so it doesn't turn into tinsel town. As Phil mentioned about the  
advertising, I think that is an excellent point. People do read the local newspapers. I don't know  
260 who would be involved in putting something in the paper: "what's on sale this week," "we are  
here," "we are great," "come see us." People know what is going on in town. Having a second sign  
will not make a lot of difference. We are afraid of precedents that would change the appearance of  
our town. It might make people not want to come and build here or open up stores. It is my feeling  
that we protect what comes in for the people who are bringing stuff in as well as for ourselves.

265 L. Hart: I agree. Well said. This would set a precedent.

270 P. Byrnes: You have available avenues to present on the front of the store without having the sign  
on the top. You still have the ability to advertise in the windows and with sidewalk signs. You have  
ample opportunity to let people know you are there without having that second sign. I was a  
member of the Board when Sears approached us for a second sign on the tower and we denied that  
request basically for the same reasons that you are hearing tonight. Yes, the Sears store failed, but I  
don't think the sign had anything to do with Sears failing. The store concept itself just didn't fit a  
business model for Cazenovia. You could get some stuff here, but the bulk of the stuff had to be  
275 ordered. It was not a good business model for the Village. I think that Dollar Tree has something to  
offer. I don't want to beat a dead horse, but the mere fact that you say people don't know about it or  
what you are about is a matter of advertising and getting your story out to the public as to what you  
have to offer. That sign doesn't mean a thing to the average Joe if he doesn't know what Dollar Tree  
is by now. Your story needs to be told and the sign is not going to do that for you. So whether  
280 corporate or somebody has to make that decision whether they want to do some advertising, that's  
up to them. I can't dictate that. This Board is charged with looking at the Code and granting or  
denying variances on the basis of what we deem is best for the community, the health and safety of  
the community. We will go through the litmus test, which is the criteria we have to talk about as to  
whether it is good, bad, or indifferent. It helps us to determine our decision. Are there any other  
285 comments from the public?

Louis Muraco: Would there be any consideration from the Board for a smaller sign over the peak or any area of that elevation?

290 P. Byrnes: I think at this point, probably not. I'm speaking for myself, but I don't know that the Board would be in favor of that. I think we prefer that you explore the opportunities that are available, given what the Code does allow.

295 Patti Smith: I just want to say that I have been in the store several times. It is clean and bright and they have really great stuff. I really don't think they need another sign. Once people find out it is there, they will shop there. I think it is a great addition to the Village.

P. Byrnes: I agree. I have been in there a couple of times and found what I was looking for. I think it points back to that you just need to tell your story about it.

300 P. Byrnes: I have a letter to the ZBA from a resident who is unable to attend tonight. I will read the letter from Barbara and Tom Clarke.

305 *We applaud your thorough and thoughtful consideration on November 7 of Sphere Cazenovia LLC's appeal for relief of zoning regulations applicable for the VES-MU zoning district for two building mounted business identification signs. The Village signage regulations were carefully written to ensure that signage would be consistent and compatible with the Village's character, allowing for adequate visibility but minimizing a glut of signage which can be a distraction to drivers and negatively alter the visual landscape. Your respectful decision on the matter was warranted. With one building mounted sign, the Aldi store is clearly visible and identifiable.*

310 *We noted with interest the legal notice for a public hearing on January 30 to hear the appeal of Clinton Signs, on behalf of New Plan East, LLC, for area variances to erect a second building mounted business identification sign for the Dollar Tree store as well as relief from the 75 square feet maximum sign area. The proposal is for two business identification signs of approximately 40 square feet each. The Clinton Sign (Dollar Tree) appeal is unacceptable for reasons similar to the Sphere Cazenovia (Aldi) proposals. The current Dollar Tree sign is visible from many perspectives and it sufficiently large to attract attention. In our opinion, current Village regulations are sufficient and should be enforced. Any latitude would provide momentum for other commercial establishments to submit similar appeals. We see no harm to Dollar Tree in rejecting the appeal. Rather, it would protect and enforce reasonable Village regulations that maintain the community's visual and historic character and compatibility with the neighborhood and surrounding area.*

325 *We will be out of town on January 30 but trust that the ZBA will continue to provide objectivity and sensitivity to the issues that come before it. Your service is very much appreciated.*

*Barbara and Tom Clarke*

330 P. Byrnes: As required, we had to submit the application to the Madison County Planning Department for their recommendation. We have received their comments, which I will read for the record:

335 *The applicant proposes (2) business identification signs to be placed on the south and west face of their building (as well as a ground sign as part of an existing shopping/business center sign). Village Code 180-117F(1) allows for one business identification sign within the VEN district: “one business identification sign, affixed to the exterior portion of the building owned or leased by the business operator, or, as permitted under Subjection F(1)(a) below, a ground sign, but not both, subject to the following limitations...” (note that the ground sign proposed is part of an existing*  
340 *shopping/business center sign and per the Village’s definition a shopping/business center sign is exclusive of permitted individual business identification signs).*

345 *While allowing a second business identification sign will have no county-wide or intermunicipal impact, the Board should consider the precedent being set by allowing a particular business a second business identification sign in that it could open the door for every business to request a second sign. If the Board does grant the variance it should state what makes this request unique to prevent binding their hands with sign requests in the future.*

350 P. Byrnes: Are there any other comments? Hearing none, I make a motion to close the public hearing.

C. Bell: I second the motion.

355 S. Ryan: Aye.

L. Hart: Aye.

C. Bell: Aye.

360 The motion carried with 4 in favor, 0 opposed.

P. Byrnes: Based on what we have heard and the conversations we have had, does the Board feel that we have enough information to go through the five criteria that we are required to do for a variance? (All members nodded in agreement.) We need to consider the following factors:

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1. *In making such determination, the Board shall also consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

370 P. Byrnes: In my opinion, adding a second sign is not required. It would add to sign pollution. Is it a detriment?

S. Ryan: Sign pollution is a detriment.

375 C. Bell: It would change the character. It would set a precedent. We do not want to set a precedent.

2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.*

380 P. Byrnes: I would say yes. There are other alternatives that can be used—windows and sidewalk sign, which are allowed.

3. *Whether the requested area variance is substantial.*

385 P. Byrnes: It is substantial in that the Code only allows one sign. So two signs are double the  
impact. Square footage allowed is 75 square feet. The application is for 40 square feet each, so two  
signs would be 80 square feet. The additional square footage would require another variance. In my  
opinion, the request is substantial.

390 4. *Whether the proposed variance will have an adverse effect or impact on the physical or  
environmental conditions in the neighborhood or district.*

C. Bell: Yes.

395 S. Ryan: Yes. For me, it's sign pollution. To me, sign pollution is a lot of signs. This is what the  
zoning rules and regulations have been set up to prevent in order to keep the character of the Village.  
We are here to enforce the rules. So far, it has worked.

400 P. Byrnes: We look at Cazenovia as a unique village. The reason we are unique is because we have  
zoning and codes that were designed by the village fathers to look at what we had and what we  
wanted to keep. Sure, we love the growth. We need growth. But I think we can do it in a manner  
that accommodates the developers as well as the residents in the Village and still keep that  
uniqueness about the Village. I think that is why people are attracted to live here and want to live  
here.

405 S. Ryan: And hopefully shop here.

P. Byrnes: The opportunity is starting to avail itself. We have more ability for shopping.

5. *Whether the alleged difficulty was self-created.*

410 C. Bell: Again, the Code says one sign. They came in and said they have a cupola. I get the point  
of the two signs given the squareness of the cupola. We just went down that road with another  
building. I would say, yes, it is self-created.

415 P. Byrnes: When the building was built, you had two storefronts—one that faced west and one that  
faced south. Now this one store encompasses both corners. This is a self-created issue.

S. Ryan: Were you privy to the fact you were only going to be allowed one sign when you entered  
into this?

420 Louis Muraco: Dollar Tree knew it.

C. Bell: Cazenovia is a small community and word of mouth travels really fast. If you are doing a  
good job, you will get more and more people coming in without any sign. Word of mouth will help.

425 P. Byrnes: Most Dollar Trees typically only have one sign. This is unique because of the building.  
This does not have any merit in our decision. They had to fill out a form for State Environmental  
Quality Review (SEQR).

430 Mr. Stokes: If the Board is going to grant the variance, you need to make SEQR findings. If you are going to deny the variance, you don't need SEQR findings.

435 Mr. Stokes: As noted, I was the attorney for the Board when the Sears application was denied. This is a similar situation. What I am hearing from the Board is that you are leaning toward denial. I would note that you did consider the individual factors as required under the Village law. The ultimate determination you need to make is whether the benefit sought by the applicant is  
440 outweighed by the detriment to the health, safety, and welfare of the community. That is the critical finding you need to make if you are going to deny the request. Whether the benefit sought by the applicant outweighs the detriment to the health, safety, and welfare of the community if the variance were to be granted. In going through the criteria, you have noted that you do believe there would be an undesirable change in the neighborhood because a second sign would add to sign proliferation and sign pollution. This Board characterized it as such and finds it to be a detriment to the character of the community. In its discussion, the Board noted there are feasible alternatives available to the applicant other than the granting of this variance. Specifically, the Board noted the availability of window signs and sidewalk signs. The Board is also finding that the request is substantial in that the  
445 request is for double the number of signs allowed under the Code. The Board also finds that there is an adverse impact on environmental conditions in the neighborhood, again citing the sign proliferation and sign pollution and noting that limiting the number of signs helps preserve the unique character of the Village. The Board also noted a finding that the difficulty is self-created. Based upon those individual findings, the resolution would be: RESOLVED that the  
450 Board votes to deny the area variance. In so doing the Board finds that the benefit to the applicant in this instance is outweighed by the detriment to the health, safety, and welfare of the community if the variance were to be granted. In making this determination, the Board finds that there would be an undesirable change in the neighborhood because a second sign would add to sign proliferation and sign pollution, that there are feasible alternatives available to the applicant other than the granting of this variance, that the request is substantial in that the request is for double the number of signs  
455 allowed under the Code, that there is an adverse impact on environmental conditions in the neighborhood, and that that limiting the number of signs helps preserve the unique character of the Village, and that the Applicant's difficulty is self-created. Additionally, the Board finds that the Applicant's existing building mounted business identification sign, which is located on the building front facing Nelson Street (also known as Route 20) provides adequate notice to the public to allow customers and potential customers to see and locate the business from Route 20. The second requested building mounted sign, which would face west and be visible generally only to persons already in the plaza would not enhance the applicant's ability to draw customers and would create a cluttered look on the building façade that the zoning Code sign regulations are intended to  
460 minimize. In making these findings, the Board also notes that the applicant has a ground sign as part of the plaza identification sign near Route 20 and that the applicant has other options to help identify its building entrance such as window signs and sidewalk signs, which are permitted in the VEN district.

470 Mr. Stokes: The Board can modify, reject, or supplement any of those findings.

P. Byrnes: I think that captures exactly what we are thinking. I put forth the motion to accept the resolution as read by Mr. Stokes.

475 S. Ryan: I second that motion.

P. Byrnes: A vote of aye will be to deny the variance by accepting the resolution. I will call for a vote.

480 S. Ryan: Aye.

L. Hart: Aye.

C. Bell: Aye.

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P. Byrnes: Aye. The motion carries to adopt the resolution with 4 in favor, 0 opposed. I suggest that you look at some advertising and use what is available to you, such as the window signs and sidewalk sign.

490 C. Bell: I think the sidewalk sign will be useful. A lot of people park and walk.

P. Byrnes: I make a motion to adjourn the meeting.

C. Bell: I second.

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The motion carried with 4 in favor, 0 opposed. The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary