

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: JANUARY 11, 2010
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday January 11, 2010 at 7 P.M. at the Cicero Town Hall, 8236 South Main Street, Cicero, New York 13039.

Members Present:	Gary Natali:	Board Chairman
	Charles Stanton	Board Member
	Gary Palladino:	Board Member
	John Winters:	Board Member
	Mark Rabbia:	Board Member
Absent:	Robert Bach:	Board Member, AdHoc
Others Present:	Wayne Dean:	Dir. of Planning and Development
	Terry Kirwan Jr:	Attorney
	Nancy G. Morgan:	Secretary

In as much as there was a quorum present, the meeting opened at 7:00 P.M.

Mr. Natali pointed out the fire exits and requested that pagers and cell phones be turned off. He then read the following statement: The Cicero Town Board acknowledges the importance of full participation in public meetings, and therefore, urges all that wish to address those in attendance to utilize the microphones in the front of the room.

Motion was made by Mr. Rabbia, seconded by Mr. Stanton, to approve the minutes of the December 7, 2009 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Abstain
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made by Mr. Natali, seconded by Mr. Rabbia, that all actions taken tonight are Type II Unlisted Actions and have a negative impact on the environment, unless otherwise indicated.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

We have Proof of Posting for all cases on tonight's agenda.

Mr. Natali made the following announcement: Any action taken tonight will not be official until the minutes are filed with the Town Clerk, which has a deadline, by law, of two calendar weeks.

AREA VARIANCE , DEFERRED FROM 12/7/2009, FOR JOHN & KATHLEEN HICKS, 9555 CHESTNUT ST., TO CONSTRUCT A HOUSE ON A NON-CONFORMING LOT. THE .3 ACRE LOT IS ZONED AGRICULTURAL, WHICH REQUIRES A 1 ACRE MINIMUM.

Representative: John Hicks, future Owner.

Mr. Hicks: We would like to build a 2 story home at 9555 Chestnut St. on .3 acres, which is zoned Agricultural and requires a 1 acre minimum. We discussed my survey last month. One thing that was brought up was that we might possibly need a new survey before we even bought the property. I talked with our lawyer, Mr. Walczyk, and he said the one we have is fine. We were hoping the one he submitted was sufficient.

Mr. Natali asked Mr. Dean to comment about the acceptability of the survey.

Mr. Dean: As we discussed at the last meeting, I don't have a problem with the survey. It shows the setbacks we require. I wouldn't scale the survey anyway. I would go with the dimensions on the survey, as it is, rather than have it a scalable survey.

Mr. Stanton to Mr. Dean: Would we be concerned with the offset from the rear of the garage to the rear property line ? I understand it's an existing structure but if we're bringing this in--really what we wanted was something that was to scale because not all dimensions were on here. When I try to work my way around what the equivalent scale is, I get about 24 1/2 ft. from the garage to the rear property line, where 35 ft. would be required in an Agricultural District, that we have for residential use.

Mr. Hicks: So, we're worried about the existing garage?

Mr. Stanton: Do we not have to bring everything in, if we're giving a Variance to do the house , don't we address everything that's part of it ?

Mr. Natali: We absolutely should.

Mr. Dean: I was not concerned with the garage because it was existing. I'm trying to add up the figures but I don't have the dimensions for the house.

Mr. Hicks: I didn't realize the garage was involved in this.

Mr. Natali: In the Agriculture District, the rear setback is 35 ft. and you're coming up short based on improvising, based on the drawing.

Mr. Hicks: I didn't know the garage was involved in the questions here. I thought it was just the house. I contacted the surveyor. He wanted another \$350 to do this part of the survey. I already have several hundred dollars invested for what we have here--the garage wasn't mentioned. I thought it was just about the house.

Mr. Dean: I agree with you Chuck, if the 96.2 ft. is the front setback to the garage, then you add the 34 ft., you come up with 130 ft., so that leaves you about 26 ft. behind the garage.

Mr. Natali: We'll give him a Variance based on what he needs.

Mr. Rabbia: And where the current structure is located.

Mr. Stanton: We'd rather be exact than give you something that's not correct and find out the setback is actually 2 ft. into your garage or something.

Mr. Natali opened the Public Hearing at 7:09 P.M.

FOR: NONE
AGAINST: NONE

Hearing was closed at 7:10 P.M.

The Board adjourned for a couple of minutes for 3 Board Members to have their pictures taken for their Town ID badges, then reopened the meeting immediately.

Hicks' case continued:

Mr. Stanton reviewed the 5 factors used when granting a Variance:

- 1- Will an undesirable change be produced in the neighborhood or a detriment to nearby properties ? Answer: No, the proposal is to build a residence in a residential neighborhood. I don't feel it will cause a negative impact.
- 2- Can the benefits sought by the applicant be achieved by another means ? Answer: No, the lot is of such a size and configuration that a Variance is necessary to construct a house.
- 3- Whether the Area Variance is substantial ? Answer: No, the house is of an appropriate size for the lot in question.
- 4- Whether the proposed house will have an adverse effect or impact on the physical or environmental conditions of the neighborhood ? Answer: No, anytime we can add a house to a lot , with only a garage on it, is a betterment and we should encourage it.
- 5- Whether the alleged difficulty was self-created ? Answer: Yes, however, this is not necessarily a deciding factor. The Hicks' purchased the non-conforming lot with the desire to build a house on it, therefore, they created the need for this Variance.

Mr. Stanton made a motion to approve the Area Variance to construct a house on a non-conforming lot. The lot width is 82.70 ft. where 100 ft. is required. The minimum lot depth is 155.78 ft. where 200 ft. is required. The rear setback to the garage is approximately 24.5 ft. where 35 ft. is required. All other setbacks are proposed to be within the bulk regulations for a Residential Use Agricultural District.

Motion was seconded by Mr. Palladino.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR CICERO LODGING, LLC (ACTION COMPANIES), 5860 CARMENICA DRIVE, TO INCREASE THE SQUARE FOOTAGE OF SIGNS ON THE HOLIDAY INN EXPRESS TO MORE THAN THE CODE ALLOWS.

Representative: Eric Ridley, representing Holiday Inn Express.

Mr. Ridley: We are requesting an Area Variance to increase the signage to 500 Sq. ft. , adding to the south and north elevations of the building so they become more visible from Route 81.

Mr. Rabbia: When you went before the Planning Board, what did you ask for as far as signage ?

Mr. Riley: We asked for 256 sq. ft. I wasn't there at that meeting because I wasn't involved at that time.

Mr. Rabbia to Mr. Dean: Were you at that Planning Board meeting when the signage was requested ?

Mr. Dean: Yes, I was but I don't have my proper file here with me. I believe it was around 250 ft. Basically, what is shown on the reduced sketches here, the signage that was there was approved. Now, they're requesting additional signage that is drawn in.

Mr. Stanton: So, the approved was the east elevation and the south elevation. Is that what was approved ?

Mr. Palladino: It was the east and west elevations.

Mr. Rabbia: You're right--east and west.

Mr. Stanton: So, we've got signs facing Gander Mountain and Rt. 81. Then they're asking for 2 more signs--one on the wing that points towards north and south on Rt. 81

Mr. Palladino: What's the length of the front of the building ?

Mr. Dean: I scaled it out on the site drawing I have here. The address for the building is Carmenica Dr. It's the narrow end of the building that counts in our calculation. To be generous, I've included the overhang entry area. It's about 120 ft. That's a rough measurement.

Mr. Palladino: What about the long way, Pardee Rd. side ?

Mr. Dean: That's about 250. ft.

Mr. Rabbia: So, that's how they got to the 250 ft. They gave them the benefit of the doubt.

Mr. Dean: I believe they looked at it and it looked reasonable so they approved it. I'm sure there was some discussion--there usually is about signage. I guess they just didn't include the two ends.

Mr. Stanton: I drove up Carmenica Dr. on my way to this meeting and you really can't see that sign until you're almost on top of it or see the building itself until you're right there.

Mr. Rabbia: A 122 sq ft. sign--it's south elevation--can you even see it before you get to the Cicero Exit ?

Mr. Ridley: Not from the south. You can see it once you begin to exit off Rt. 81 Exit 30, toward Rt. 31.

Mr. Rabbia: But you can't see it as you're on Rt. 81 ?

Mr. Ridley: I believe, in the wintertime, when the leaves are off the trees, you might be able to see it.

Mr. Dean: You can see the Crackerbarrel sign but that's 140 ft. tall. The hotel isn't nearly that tall.

Mr. Palladino: Other than the square footage, do you know the height of the signs ?

Mr. Stanton: I'm looking at the north elevation. The only thing I'm trying to do here is avoid having a Variance that's so far outside of what we would normally do. Usually we go about 2 sq. ft. per foot of frontage. If you look at the north elevation, it says 122 sq.ft.. Is that the full area of the sign or is it just counting the letters ? Aren't we just allowed to count the letters when it's just letters ?

Mr. Rabbia: That's correct. What kind of a sign is it ?

Mr. Ridley: Individual letters.

Mr. Stanton: Not knowing that, that might cut down on Page 5 of the attachment. So, is the south elevation, now that I look at it. Do you know if that was calculated on the area of the letters or just the total area that it's occupying ?

Mr. Ridley: Just the total (rest of the answer was not audible.)

Mr. Stanton: Those are just attached letters and the "H" is separate ?

Mr. Ridley: That's correct.

Mr. Rabbia: The " Holiday Inn Express " looks like it's about 12 ft. wide by 4 ft. tall, when you include everything.

Mr. Dean: On the east elevation, if you take the 18 ft. by 7 ft., it comes up 126 ft. That's roughly what you get. So, it's just the aggregate amount of the sign, not just the letters.

Mr. Rabbia: It's not a bad looking sign, I just question what good the south elevation is going to do. It's not going to get anyone off Rt. 81. It might direct them to the hotel.

Mr. Natali: They'll recognize the colors maybe.

Mr. Rabbia: But you'll be able to see it from the west side.

Mr. Natali: I agree. I'm a little concerned about the west side. The reason we're going to need the dimensions is because we have a limit of 60 ft. and you're at 52 ft, so you're above the building. I assume that's where you're going to put it. It's above the roof line.

Mr. Dean: No it isn't. The signs are all on the sides of the building.

Mr. Natali opened the Public Hearing at 7:23 P.M.

FOR: Jim Williams, representing Syracuse Signage, Inc.

Mr. Williams: I bid on this project but I turned it down because the west elevation is so high, we wouldn't have the right equipment to do it. Probably they'll put a D.O.T. sign prior to the exit, which will help them. I would say the south side would be a reaffirmation. Each of the signs seems to function independently. It's confusing because of its position on the property. The farther you are away, the smaller the signs look.

AGAINST: NONE

The Hearing was closed at 7: 25 P.M.

Mr. Rabbia: I think when you look at the calculation Chuck and I were doing, those signs end up being about 75 sq. ft. I don't think it's going to be bad.

Mr. Natali: Are you sure that's all you want--you're not going to be back here next month ?

Mr. Ridley: I hope not.

Motion was made by Mr. Rabbia, to approve the Area Variance for Cicero Lodging,LLC (Action Companies) at 5860 Carmenica Dr., to increase the square footage of the signs on the Holiday Inn Express to more than the Code allows. They are currently at 256 sq. ft. of signage and they're looking for another 244 sq.ft. of signage.

Mr. Rabbia continued:

He then reviewed the 5 factors considered when granting a Variance:

- 1- Whether an undesirable change would be produced in the neighborhood or detriment to nearby property would be created ? Answer: No, I don't believe so. If you look at what they're trying to do, the type of signage it is and once the signs go up , they'll look kind of small and blend into the sides of the building.
- 2- Whether the applicant can achieve their goals via a reasonable alternative ? Answer: No. I think the alternative could get a little ugly with free standing signs.
- 3-Is the Variance substantial ? Answer: Yes, in this case. It's a pretty significant overage from the Code, however, when you look at the signs and the actual square footage of the letters, I think the signs are actually quite a bit smaller if you calculate the letters and the outline of the letters versus just drawing a box around the whole sign and calling it 122 sq. ft.
- 4- Whether the Variance will have an adverse impact on the physical and environmental conditions in the neighborhood ? Answer: No. I think the way the building looks and the way the signs will be on the building, I think it will be a benefit to the community.
- 5- Whether it is a self-created difficulty ? Answer: Yes, maybe. We knew they were putting up a building and they needed signage. Not sure that it would be a NO vote for me.

Mr. Natali: I would like to add that because this is on an Interstate highway, it was referred to Onondaga County Planning Board. Their answer was that there is no significant adverse implications.

Motion was seconded by Mr. Stanton.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR BELIEVER'S CHAPEL (SYRACUSE SIGNAGE), 7912 THOMPSON RD., TO REPLACE AN EXISTING PYLON SIGN WITH ANOTHER AT A NEW LOCATION AT THE PROPERTY LINES WITH ZERO SETBACK.

Representatives: Pastor Steve Roberts, Believer's Chapel
Jim Williams, Syracuse Signage, Inc.

Mr. Williams: The County Planning Board gave a negative recommendation and I'd like some clarification from the Board. On my site plan it has a reputed water easement. I don't know that there's actually a water line in that area. Currently, the sign as it exists-- we're not making a new sign. We're proposing to move the sign primarily because we will be going to the Planning Board so we can change to colored LED lights so you can change the message electronically. We understand you can't change it very fast. What the Planning Board has outlined that we get (not audible). People can only absorb so much. If we're moving it, what we want to do is get a "zero" setback on Island Rd. and Thompson Rd. I looked up about zoning setbacks in the Town of Cicero Code, and it says here a ground sign should be set back 20 ft. from the street line, at least 10 ft. from any other lot line I don't know if the Board considers the street line the edge of the pavement.

Mr. Stanton: We consider that the actual right-of-way of the highway. So, where you see apparent road boundary, that's what we consider to be the road line. To speak to your question, "reputed" is surveyor speak for : " I've tried to do my due diligence to research something and this is what I believe it is.". There may not be water there but the fact that it's a water easement means there could potentially be something there in the future.

Mr. Williams: I understand. I would like the Water Department to show me where the line is if it was put in. If it's there, I'd have to revise my application for Thompson Rd. On Island Rd., the actual property line is 20 ft. from the edge of the road. Even with the D.O.T. doing something in the future with that part , I don't think it would be a problem. I would also ask the D.O.T. to give me approval before I could place it. That's what they ask for and I think that's reasonable. I don't know if they'll do a traffic light or a circle. What we're doing is taking the sign as it is and reducing the size. A picture of the sign that's currently there was shown to the Board. This sign is coming out. Measurement turns out to be 90 sq. ft.

Mr. Rabbia: You're not going 10 ft. on the LED sign ?

Mr. Williams: No, we're going to 8 ft. We're going 8 ft. wide by 42 in. high. The current sign is 46 in. high by 8 ft. wide. Again, that's one of the reasons we wanted to have it relatively close to the road. When we looked at, " is it substantial" , it would move it either 20 ft. from the property line or 15 ft. from the property line, taking the water line into consideration. That would put it farther away. We want it to be clear so it doesn't distract people in their vehicles. On the other hand , I understand we need to try to accommodate the (words not audible) that exist. I don't think it's a significant variation from what we have right now. It looks to me , where the current sign is at, it must be sitting right over the easement.

Mr. Stanton: The survey shows it's basically straddling the easement.

Mr. Williams: So, we would take care of that. We would also put an anchor bolt so if there was any future need to move it, it could easily be moved. Right now, Thompson Rd. has 4 lanes of traffic and Island Rd. has 2. I don't anticipate Island Rd. having 4 lanes.

Mr. Williams continued:

I know you can't predict the future. I don't think there will be more lanes than there is on Thompson Rd. The only thing is , what they do to control the traffic--a stop light -- there's a stop sign. Those are just things we would consider. If people were coming from the north or south, with the new location, we have poles, trees, speed limit signs.

Pastor Roberts: The visibility is --I've driven by many times. If it's set way back, it's hard to see.

Mr. Rabbia: When you say way back, do you mean to the north ?

Pastor Roberts: Towards the building. It really does get lost there.

Mr. Rabbia: Do you think it would get lost if you came south a little bit , not necessarily to the lot line? Toward Island Rd. You have that open green space there between your driveway and Island Rd.-- not necessarily on the lot line.

Pastor Roberts: I think part of the challenge there is, being closer to Thompson Rd. than Island Rd. You have the majority of traffic on Thompson Rd. If we were given approval for a zero setback on Island Rd. , it would still be 28 ft. --9 ft. to the white line-- then you've got the traffic. Just in the nature of where the lot line actually is, the D.O.T. took some of our property, what you're seeing was a revised survey that was done when all this took place. I don't see any problem with Island Rd. unless the D.O.T. has some ideas. I've dealt with a lot of traffic patterns.

Mr. Rabbia: I'm just exploring a "happy medium". On your plan, where the word PRESENT is, let's say you slid the sign south to get it out of the water easement and put the sign about where the PRES is , to get it off the lot line, maybe a little bit of a setback. I don't know what that number would be off the top of my head.

Pastor Roberts: We have to be 10 ft. back from the water easement.

Mr. Dean: Can I make a clarification there ? You can go up to the easement line. You don't have to stay 10 ft. back of the easement. The sign ordinance requires 20 ft. setback. If you give a Variance for that that's fine. But the 20 ft. would still be measured from the property line whether there's an easement there or not. You don't have to stay 20 ft. from the easement line. Then , as far as the property line to the south, because this is a corner lot, you still have two street setbacks. You still have to stay 20 ft. back from that, also.

Mr. Stanton: So, that puts it on the diagonal from where it was.

Pastor Roberts: Now we have two Variances we're asking for ? one on Island Rd. and one on Thompson Rd. ?

Mr. Stanton: I have 3 concerns. Wayne, because of the LED message board, does the Planning Board have to approve this first before we can touch it ?

Mr. Dean: They're going to want to see the Variance before they even look at it. That's why I did the Variance first. Any LED sign has to go to the Planning Board.

Mr. Stanton: The second one--reviewing the resolution from the Onondaga County Planning Board, the 2nd to last "Whereas" - definitely indicates that there is a water line in that easement that is leased from the Town to the County, so I definitely would be opposed to just blindly putting any foundation that would be 4 ft. deep, where you might be 4 or 5 ft. down with the water line. The last "Whereas" -an important one- from the Onondaga County D.O.T. They say " the potential for future road work at the intersection is likely to require additional R.O.W. encompassing the proposed sign location." I think if any of us look back maybe 8 years ago when I think they did the right turn lane there, I don't think many people expected they would have done the "fly off " like they did for that right turn lane. Just anticipating--if the County Planning Board took the time to go talk to the County D.O.T. and they come back with this response, I can pretty much bet that if they do come back, they will take that. I just want you to be aware of that.

Mr. Williams: Before we proceed with anything, I would call the County D.O.T. to come out.

Mr. Dean: My understanding of this project on Thompson Rd. is that this year they want to proceed with the stretch from Rt. 31 to South Bay Rd. and then they want to roll from South Bay Rd. to Island Rd. in the next year's project. They'd like to combine it as one project. So this is going to happen sooner or later.

Mr. Winters: Could you describe what an LED sign is for me ? Is it just letters or multi media ?

Mr. Williams: It's full color, in reality because of the way the configuration of the LED's . LED's are just small lights.

Mr. Winters: So, it's a multi media thing ?

Mr. Rabbia: Is it like the Driver's Village sign ?

Mr. Dean: Or like Barone's sign ?

Mr. Winters: Bright , flashing images ?

Mr. Williams: I don't know that they'll be bright flashing. Something like Driver's Village.

Pastor Roberts: No, not like Driver's Village. The words that are on it will be made up with lights.

Mr. Dean: It's not just a "reader board" --just the letters.

Mr. Winters: Are there studies of the impact of that type of sign ?

Mr. Dean: There's studies. I read them. There's differing opinions on them, whether it impacts traffic and causes more accidents. It depends on which one you read.

Mr. Stanton: I believe that's why the Planning Board has the final say on this because they do prescribe what you can put there and the timing.

Mr. Williams: We know that. Whether we get this LED or not, I think the current sign should have been positioned on that corner initially. Now we're taking the opportunity to clean it up, make sure all the electrical parts work properly and move on with what the Planning Board allows us to do.

Mr. Palladino: What about the other signs ?

Pastor Roberts: Those are just a temporary thing. When we get the sign refurbished and the new sign, those other signs will be gone.

Mr. Palladino: Is that approximately where you're looking at putting this new sign, where you have the "Walk Ins Welcome" ?

Pastor Roberts: No, because the property line actually---(he went forward and discussed this with the Board) . The main entrance sign is 1/2 and 1/2--half on the property and half off the property line.

Mr. Palladino: But that sign is going to be moved ?

Pastor Roberts: That would be moved.

Mr. Rabbia: Locate 20 ft. back on either side, if you will .
(BOARD DISCUSSION)

Mr. Natali: I've seen this Church grow over the years and it has a magnificent reputation but when I look at a religious institution and I think of identification, people who are on their way there would recognize what it is. The sign and the location would really be secondary. Your structure is your "sign". It's not like you're on a crowded street like Erie Blvd. or Rt.11 where you're got to fight for the attention of the driver. It's not like there's a lot of competition for you to have space. You want to have a message and that's fine. You have to realize that because the County has made a recommendation, that if we go against it, we now have to have a " super majority" (a majority plus one). So you have to convince 4 out of 5 of us. I have never seen in my 15 years on the Board , anybody asking for a "zero" setback. I have to admit that's pretty aggressive when you put that together. So, that is an excessive Variance. That's where we're at. Based on that, it might be to your interest to consider another spot, rather than have us go to a vote.

Mr. Natali continued:

When we look at the factors in considering a Variance--"is there some alternative to making this happen? " Are you dead set on this is it or nothing ?

Mr. Williams: The sign itself is their logo--the shape of the sign. Essentially, the reason the sign is need is to communicate the different programs that are evolving.

Pastor Roberts: You said your structure is your sign. I have to disagree with you. Because , if I want to go to the Flu Shot Clinic that we have every year, it's the sign that gives the date and time. It's a Polling Place--every one should vote. Those are the things we try to communicate. And because we're a Non-Denominational Church, we're kind of non-descript, so we try to communicate to the community what's going on for the kids, etc. So, it's a bit more than that. To answer your question, if it's on the line, could we pull it 5 ft. back, would that work ? We're just trying to get it as visible to the community as we can, in the best possible spot. Clearly, after looking at it many times, it needs to be up there somewhere to be visible and not blocked by the trees.

Mr. Natali: So, you're flexible, that's good.

Mr. Natali opened the Public Hearing at 7:57 P.M.

FOR:	NONE
AGAINST:	NONE

The Hearing was closed at 7:58 P.M.

Mr. Rabbia: I really don't want to go against the County recommendations. However, I would entertain a 20 ft. setback off Island Rd. and Thompson Rd. They'd have to be inclined to support something like that.

Mr. Stanton: One fine point is...that if we knowingly put this in an area where the State is going to come and do R.O.W. acquisition, the People of the State of New York are now on the hook for actually compensating any damages to the sign or moving the sign.

Mr. Rabbia: But it wouldn't be in a R.O.W. 20 ft. off.

Mr. Stanton: Correct.

Mr. Rabbia: The State would have to compensate them for taking their land.

Mr. Stanton: Then add the sign on to it and it would be even more expense.

Mr. Natali: Wayne, is there any way we can get some kind of proposal--I'm sure the Engineers are working on something for there ?

Mr. Dean: They're working on it but I doubt very much--the last time I talked to them, they weren't sure what they're going to do there. I can ask them again and try to get a better feeling. Maybe they're further along the line. I haven't talked to them in a couple of months on this. I doubt that they've made a decision yet.

Mr. Natali: How would you feel about having to move it again ? Have they talked to you about their plans ?

Pastor Roberts: I went to the meetings about the road construction and they were talking about a round-about instead of a traffic circle. The last I heard they were steering clear of the round-about. Certainly, if down the road, it had to be moved then it would be moved.

Mr. Williams: In anticipation of that meeting , that's why we'll put the foundation in with anchor bolts. Right now it's in what's called a direct pour. If we do it with anchor bolts, within a 1/2 hour, you could lift the sign off of the foundation. It wouldn't damage the sign. Essentially, these colored LED's are very expensive. It's a big investment. That's my recommendation. I haven't had a conversation with the County D.O.T. I would say try for a 15 ft. setback on Thompson Rd. We prefer to have the sign closer to Thompson Rd.

Mr. Rabbia: I said 20 ft. off of both Thompson and Island Rd. Chuck, you mentioned the D.O.T. coming in to do road work. 20 ft. off either would put them well into their property line.

Mr. Stanton: From the road boundary , yes.

Pastor Roberts: I asked the Engineer at one of the meetings, if they thought they would have to move into our property. He said, "I don't foresee that for what we are doing".

Mr. Rabbia: I'm not sure what we're doing. If we said 20 ft. off Island Rd. and 20 ft. off Thompson Rd. , would you say that's a "happy medium" between the County and what we require at the Town.

Pastor Roberts: That's pretty far back.

The Pastor and the Board discussed dimensions.

Mr. Dean: Are you talking about property lines or the pavement edges ?

Pastor Roberts: I'm talking about property lines.

Mr. Natali asked Mr. Dean for his input.

Mr. Dean: The day I was out there, I don't believe we had the property marked so it was difficult for me to see anything. I really don't have any input one way or the other.

Mr. Natali: Steve, you're lucky. We have 2 Engineers on the Board. His feeling is that they would square that road of which would cut into your property. To make that right hand turn, when you look at the aerial view, the first thing they'd do is square up that road. Do you want to sign a waiver that you'll handle the cost of moving the sign ? I don't know if that's in our jurisdiction.

Pastor Roberts: You know what, if it's not in your jurisdiction , yes, we would pay for it. We don't want to put a burden on the Town. We're trying to communicate with the folks going by.

Mr. Natali: So, that would be a condition.

Mr. Rabbia: I think if you went with 20 ft. , nobody would touch that sign.

Mr. Natali: Would 20 ft. off of both Thompson & Island work for you, Steve ?

Pastor Roberts: We had that thought. We walked it and drove it. There's a big difference in the line of site.

Mr. Dean: I'm not trying to slow this down. But , it may help the Board if they stake it out 20 ft. from each property line so we could see where it is and make a decision based on that.

Mr. Natali: Would that work for you guys ?

Mr. Stanton: How's this ? You can stake as much as you want to as long as we can see what the 20 ft. offset from each one is.

Pastor Roberts: I think that's more than fair.

Mr. Rabbia: One part of me says you're probably right when you look at from the road. But if the D.O.T. comes in , they may gobble up a majority of that space.

Mr. Dean: If we put this off until the next meeting, I'll try to contact the D.O.T. to see if they've planned anything.

Motion was made by Mr. Natali, seconded by Mr. Stanton, to defer this matter until the February 1, 2010 meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made and unanimously approved to adjourn the meeting at 8:11 P.M.

I, Nancy G. Morgan, stenographer for the Zoning Board of Appeals of the Town of Cicero, Onondaga County, State of New York, and the person who attended a meeting of said Board of Appeals held January 11, 2010 and took minutes of said meeting , do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

January 22, 2010

