

STATE OF NEW YORK  
ONONDAGA COUNTY  
ZONING BOARD OF APPEALS

MINUTES OF MEETING  
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: OCTOBER 1, 2012  
PLACE: CICERO TOWN HALL  
TIME: 7:00 P.M.

The regular meeting of the Zoning Board of Appeals of the Town of Cicero was held on Monday, October 1, 2012 at 7:00 p.m. at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039.

Members Present:	Gary Natali	Board Chairman
	Mark Rabbia	Board Member
	Donald Snyder	Board Member
	Donald Bloss	Board Member
	Charles Stanton	Board Member
Others Present:	Steve Procopio	Code Enforcement Officer
	Terry Kirwan	Attorney
	Tonia Mosley	Acting Secretary
Absent:	Nancy Morgan	Secretary

Chairman Natali called the meeting to order asking for a roll call of Board members present. He pointed out the emergency exits and asked those present to stand for the Pledge of Allegiance. He 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.

**Mr. Natali made a motion** that all actions taken tonight are Type II Unlisted under the New York State Environmental Quality Review Act with a negative impact on the environment unless

otherwise indicated. **Mr. Snyder seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia: Yes to the motion.  
Mr. Snyder: Yes  
Mr. Bloss: Yes to the motion.  
Mr. Stanton: Yes to the motion.  
Mr. Natali: Yes to the motion.

The Chairman noted that he had proof of posting for all items on the agenda.

**APPROVAL OF THE ZBA MEETING MINUTES FROM AUGUST 6, 2012**

**Mr. Stanton made a motion** to approve the Zoning Board of Appeals meeting minutes from August 6, 2012 with a few grammatical corrections which were given to the secretary. **Mr. Bloss seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia: Yes to the motion.  
Mr. Snyder: Yes  
Mr. Bloss: Yes to the motion.  
Mr. Stanton: Yes to the motion.  
Mr. Natali: Yes to the motion.

**8904 MICHIGAN AVENUE**

**MATTHEW KERWIN, HISCOCK & BARCLAY REPRESENTING JAMES STODDARD  
THE AREA VARIANCE IS FOR CONSTRUCTING A ONE FAMILY RESIDENCE IN AN R-10 ZONING  
DISTRICT. THE LOT DEPTH IS 110 FEET WHERE A 125 FOOT MINIMUM IS REQUIRED.  
THE PROPOSED REAR YARD SETBACK IS 19 FEET WHERE A 30 FOOT MINIMUM IS REQUIRED.**

Representative: Matthew Kerwin, Hiscock & Barclay

Mr. Matthew Kerwin introduced himself noting that Mr. Stoddard had applied for two variances, one for lot depth and the other for a rear setback. He is in the process of purchasing the property at 8904 Michigan Ave. The property is currently a non-conforming lot that was created years ago.

As noted in the application, the lot currently has a lot depth of 110' with a required depth of 125'. So, we are requesting an area variance of 15'. The second variance relates to the rear yard setback for the proposed house. Mr. Stoddard is proposing a house that is roughly 1700 square feet. It would be a ranch home with an attached garage. The garage would face Michigan Avenue with about a 31' long driveway.

The rear yard setback within an R-10 district is 30'. The way the house is positioned and given the fact that there is only a lot depth of 110', requires us to request a variance of 11' to make the setback 19'.

We looked at reconfiguring the house on the lot. That does not work. It creates other issues that we do not feel are feasible. We would have to cut approximately 175-200 square feet off of the house or swing the house 90 degrees. That would mean the driveway would come in at a right angle to the north. That would change the appearance of the house to the street as well as increase the length of the driveway almost double.

We feel this is a better alternative given the conditions of the surrounding properties. It would be more compatible with the neighborhood and adhere to the neighborhood's characteristics.

Mr. Stanton explained that he understood the reasons for not flipping the house 90 degrees. But, when looking at the amount of area that you have to build on--you have about 6750 square feet---you could build within code and not require any variances except for the lot depth of 110'. Did you consider possibly moving the garage completely on the side of the house? That would shrink the depth of the structure and widen it about 20'.

Mr. Matthew Kerwin responded my understanding from speaking with Mr. Stoddard is that the home was to be built through Ryan Homes. The layout of the home is not something that he could change. Mr. Stoddard is kind of stuck with this proposal under his agreement with that contractor.

Mr. Rabbia agreed that there were other alternatives. One of our jobs is to minimize the amount of variances.

Mr. Snyder felt, if you look at the neighborhood, the house as you laid it out would fit in. He believed that the people adjacent to this lot have a little less than the 19'. A lot of the homes here appear to have a structure almost on the property line, not 19' away. I don't see how it will negatively affect the neighborhood.

I see the need for two variances but I do not see a negative impact on the neighborhood.

Mr. Bloss stated he had visited the site. I like that the proposed home would blend in with the entire area. I specifically looked at the buildings along the back side. It would definitely be an improvement.

Mr. Snyder added it would be about the same size as the other houses.

Mr. Matthew Kerwin thought that was something that Mr. Stoddard took into consideration when he was looking at the property. He wants to build something that will blend into the neighborhood.

Unfortunately, Mr. Stoddard is currently out of town.

Mr. Procopio reminded the Board that it has not heard from the County yet about this application.

Because the Board had not received the County's response, the Chairman suggested deferring this application until the next meeting. He asked if Mr. Kerwin would like to consider re-doing the application so that only one variance was needed.

Mr. Matthew Kerwin responded that he would take the Board's comments back to Mr. Stoddard. If we are able to re-configure it, we will look into that.

Mr. Stanton explained because this was a ranch style it might be more amenable to adjustment without really altering its' look. It is only one story.

**Mr. Stanton made a motion** to defer this case until the ZBA's next meeting whereupon we will have the determination from Onondaga County. Mr. Natali added it will also give Mr. Stoddard

an opportunity to take another look at this. We might end up with only one variance. **Mr. Bloss seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia: Yes  
Mr. Snyder: Yes  
Mr. Bloss: Yes  
Mr. Stanton: Yes to the motion.  
Mr. Natali: Yes to the motion.

**AREA VARIANCE, 7141 TOTMAN DRIVE  
VINCE PETRALITO, MC CLURG REMODELING, REPRESENTING DONNA FROCIONE  
THE AREA VARIANCE IS FOR REBUILDING AND EXPANDING A NON-CONFORMING DECK IN AN  
R-10 ZONING DISTRICT. THE SIDEYARD SETBACK IS LESS THAN 1 FOOT WHERE A 6 FOOT  
MINIMUM IS REQUIRED.**

Representative: Vince Petralito, McClurg Remodeling

Mr. Petralito introduced himself. The existing deck comes out at one level from the house and drops down three steps to another level. The deck we are proposing comes out of the house at one level. But, it will cover the exact footprint of the existing deck.

We did go a little more to the side of the house, about 2 feet past what is there now. If necessary, we would modify that. I have pictures which show the proposed deck.

Mr. Rabbia asked how far the existing deck was from the break wall.

Mr. Bloss responded when you look at these pictures you come out about 20 feet to the seawall.

Mr. Snyder added the lake level is another 8 feet or so beyond the seawall. One edge is probably 15 feet beyond.

Mr. Bloss asked if the trees that are on either side of the house were going to be removed for better visibility.

Mr. Petralito responded correct.

Mr. Stanton explained that the Board would need some sort of County ruling on this request. Essentially, the County has deferred to the Office of General Services (OGS). They point out that there should be a joint New York State Department of Environmental Conservation (NYSDEC) and Army Corps of Engineers application filed. If we don't have the County's input we can not rule. There will not be a County ruling until we receive some kind of resolution from the State. Correct?

Mr. Kirwan responded ordinarily by a super majority vote the ZBA can disregard the County's recommendation. But, in this circumstance where you are dealing with the Army Corps of Engineers and the NYSDEC I don't think that would be a good idea.

Mr. Snyder asked for clarification.

Mr. Stanton offered an explanation responding regardless of riparian rights, the seawall and the wood deck sit on State lands. Because of that we have to defer to New York State as far as whether a permit for building would be allowable.

The gentleman from OGS said that the State regulates structures within mean high water. It is also compounded by the fact that the structure goes off the property line. If you look at the top of the survey you can see the property line. That is the end of the property. You can make the case by riparian rights that you do have access to the body of water. I think it is up to the State to make the decision.

Mr. Rabbia asked who owns that little portion of land.

Mr. Stanton stated that there was a note on the small scale survey given to us that it was New York State property. Again the email response from OGS seems to imply this.

The Chairman asked Mr. Petralito if he was aware that he should be talking to the Army Corps of Engineers and the NYSDEC.

Mr. Petralito responded this was a surprise. We are just replacing the deck. We did not

anticipate that there would be any need for that.

Mr. Natali explained since we are waiting for the County, it would be good for you to go ahead and check with them. Without their support there is no use in going any further.

Mr. Petralito: I am not sure how that information got through to me. Because the ZBA was ruling on the deck I thought that you could make that decision without us going any further with a NYSDEC ruling. I thought that you could make the decision to allow us to put the new deck back on in the same location where it presently sits. That is why we went ahead this way.

Mr. Stanton: Correct me if I am wrong, but the only thing that we could possibly rule on was that portion of the deck between the back of the house and the rear property line. For now anything else would be out of our jurisdiction without a response from the State or the County.

Mr. Kirwan responded or anywhere. You do not have any jurisdiction to approve a variance for someone to build on someone else's property. This is even more complicated because of the water, the NYSDEC and the Army Corps. The recommendation that Mr. Stanton referenced from Richard Bennett of OGS was that the applicant submit a joint application form to all of the involved agencies. Given the circumstances I believe that would be the prudent course to take here.

Mr. Snyder asked how this relates to the residents on either side that have decks closer to the water than this applicant does. Are we opening a can of worms?

Mr. Kirwan explained we're not. We did not make out the application.

Mr. Petralito stated that that he was trying to figure that out also. If you stand on the edge of the deck looking at the neighbor's deck it is the same distance. Again, all we are trying to do is replace this deck.

Mr. Stanton: I hear you and I don't dispute that. However, when Onondaga County referred this to OGS they opened up the can of worms---as far as encroachments onto State regulated

lands. Typically this joint application for a permit would look at what we are talking about here: what the mean high water level is, what the encroachment is and what the impacts of that are on the body of water/floodplain that you are working within. As my colleague Mr. Snyder said, you may be able to make the case that because you are so far up out of the water it does not have any impacts---or that there are existing structures.

I think the point is you have to go through that process first, before the County is going to give you a ruling.

Mr. Petralito: I'm trying to understand. There are seawalls there, existing seawalls that we are not changing at all. There is the seawall on the lake and the 8' seawall that the deck sits on. It's still there.

Mr. Stanton: I hear you. That makes sense. But, at this point, that is not our decision to make.

Mr. Kirwan: That may have been done without a permit. It's been there forever. But now, with the application, this Board is required to question it. If you were to disregard what the Onondaga County Planning Board (SOCPA) said, you would have to give them reasons for doing that. From sitting here I don't think that we could substantiate any reasons that would authorize that.

Mr. Snyder noted that Mr. Duke, the former owner, asked to do the same thing. It was initially turned down. After it was turned down it appears like the Chairman at that time said 6 feet on one side and 9 feet on the other was okay. It looks like back in 1999 it was never discussed who owns what either. As far as the records go, Mr. Duke may have done something that he shouldn't have.

Mr. Rabbia explained that was clear. Mr. Duke built a deck. Then he came in front of us saying that he wanted to build a deck. That is exactly what happened.

Mr. Snyder clarified noting supposedly Mr. Duke was going to change the deck. I have a feeling that he never did. But he was never cited for that, so maybe the Town dropped the ball.

Mr. Natali asked at this point why not make a motion to defer this until the November meeting?

That gives you the opportunity to check out the NYSDEC and the Army Corps. We will also have an answer from the County by then. I will open the public hearing. (The public hearing opened at 7:27 p.m.) Is there anyone who would like to speak for this? (There was no response.) Is there anyone who would like to speak against this or make comments?

Richard Conklin, 7139 Totman Drive: If you look at the lake I am on the left side of this property. What Mr. Duke built was changed. He lowered the outside 20 feet. 10 feet out was door height. Then it was dropped. That is why it is two tiered, he had to drop it. You lose your visibility.

Mr. Duke did build a big deck. He got chopped off on the last 20 feet because of height. If you go straight out from the sliding door to a bank that pitches down--to the seawall it is 6 feet high. I was there. I did go against it.

Mr. Snyder: He was made to change it?

Mr. Conklin replied Mr. Duke was made to drop the last 20 feet. It was supposed to be to ground level. It is a little above that. Back then we were told that 3 feet high and 30 feet from the lake was kind of satisfactory. That is what it is now.

I don't know what this structure brings in, but I would hope that it would be the same. As you go from the house to the wall, how high is it to the wall?

Mr. Petralito discussed the proposed deck with Mr. Conklin.

Mr. Conklin: I do want to see what the finished structure will be. I also want to know the ground height on the side.

Mr. Natali noted we will have all of that, but Mr. Petralito has a little bit of work to do before then.

Mark Billinson, 7145 Totman Drive: I'm located on the other side of this property and I'm trying to find out what it is. I would like to know what the structure was going to be, how it would be changed and what impact, if any, it would have on our property.

The Board showed Mr. Conklin and Mr. Billinson the renderings that were submitted with the application.

Mr. Snyder explained. The way this was presented to the Board is that the lower deck will be raised about a foot. The upper deck would be reduced down to that point. Stairs would still go down to the lower level. So, you would come out of the house and go down three steps.

Mr. Billinson: It appears like this goes out further than the current deck.

Mr. Petralito: It is the same footprint. It is over the wall about a foot.

Mr. Natali suggested the applicant would share a little more as the application proceeded. Would anyone else like to speak against this or make any other comments? (There was no response). Mr. Petralito would you like a chance for rebuttal?

Mr. Petralito replied no, just what I have all ready said.

Mr. Natali noted he would leave the public hearing open so that we can continue this next month. **I would like to make a motion** to defer this situation until November. **Mr. Stanton seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes
Mr. Snyder:	Yes
Mr. Bloss:	Yes
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

Mr. Stanton noted for the record that the Board did receive two renderings tonight. I have numbered them one and two. One is a rear elevation. The other is a side elevation. I will put them in the file.

Audience members asked if they would receive notice of the next meeting. The Board responded that they just did clarifying that the next meeting would be the first Monday in December at the same time and at the same location.

***At 7:35 p.m. Chairman Natali recused himself from the next portion of the meeting and left the podium. Mr. Stanton then directed the meeting as Acting Chairman.***

**AREA VARIANCE, SACRED HEART CHURCH, 8229 BREWERTON ROAD**

**REPRESENTATIVE: GARY NATALI**

**THE AREA VARIANCE IS FOR AN ELECTRONIC MESSAGE SIGN.**

**THE PROPOSED DISTANCE TO THE STREET LINE IS ONE FOOT WHERE 20 FEET IS REQUIRED.**

Mr. Stanton stated for the record that Mr. Natali is the Chairman of the Zoning Board of Appeals. Because we all have a working relationship with him, I feel that recusing ourselves would effectively remove everyone who could possibly decide on the case.

Mr. Natali introduced himself adding I am here tonight for Sacred Heart Church. I am a member of the Parish Council and was asked to present a new sign that would replace the current sign. I believe that you have been given an updated survey by Hal Romans of Ianuzi & Romans dated 9/28/12. The note states that this site plan was revised to show the existing sign's location and the new sign's location only. The new sign should be no closer than one foot from the highway boundary.

We are not exactly sure where we are going to place the new sign so what we are looking for today is to have a variance no closer than one foot to the boundary line where 20 feet is required.

Mr. Rabbia questioned the sign's placement noting you can only go so far south. You wouldn't hop the driveway. You would stay within that section of grass, correct?

Mr. Natali responded that is pretty close. We have many people involved so we are going to put up a mock sign. That would allow us to drive up and down Brewerton Road checking out visibility, etc.

Mr. Rabbia: But you will stay within that grass medium between the rectory driveway and the main driveway?

Mr. Natali: Correct. It will be north of the driveway. While applying for this variance I have

taken into consideration the five factors. The first one is whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. The answer is no. The proposed variance is for a replacement sign. The current sign is in the National Grid right-of-way. The character of the neighborhood will not change with this new lighted sign since many businesses on Brewerton Road have similar signs. The Church's property is in a Commercial General (GC) zone and partly within an Agricultural (AG) zone. The site is made up of four parcels. Therefore neighbors will be insulated from the sign's location.

The second factor is whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. The answer is no. The Church has a sizable investment in the new sign---approximately \$17,000. In order to have this cost be effective, the sign must be as close to the old sign's location as possible, or to help the visibility along the road. On September 13, 2012 I met with the Department of Transportation's (DOT) right-of-way (R.O.W.) specialist Joe Salin. He advised me that it would not be fruitful to pursue trying to get the DOT to approve putting the new sign in the exact same spot which is currently in the R.O.W.

The sign would not be similar to other electronic signs that have a lot of on-going movement. It would not have the time or temperature—that is not its purpose. Basically it would say the mass schedule, just like it does now. Every once in a while when we have something going on at the church, we would switch to that. For example, we just had a garage sale last weekend. We have a fall festival coming up on the 22<sup>nd</sup>. That type of thing would be displayed on the new sign. You would not see something with a lot of changes.

The third factor is whether the requested variance is substantial. The answer is no. the variance requested would normally be considered substantial--one foot where 20 feet is required. However, the size of the church's property and the location of the sign does not make the requested variance substantial. The current sign proves this point. As you can see from the survey we are not moving it very far.

Number four: Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood—no. No new excavation or drainage would be required. Nothing would change as far as the ground area. The lighted sign will not be on 24 hours a day, seven days per week. The sign will not affect traffic. It will not be noisy.

Number five: Was the alleged difficulty self-created---no. Per the DOT, when the church was built in 1964, 48 years ago, the sign was not located in the R.O.W. Brewerton Road was probably a two lane highway with a possible turning lane for the Town Hall and Sacred Heart. By the time the church's addition was built in 1991, 21 years ago, the R.O.W. had been moved. Per the DOT, during the last 21 years, Route 11 was widened to make a more rounded curve moving the R.O.W. west. Mr. Salin explained to me that the road boundary has to be 33 feet from the center line of the original road. The original road, Plank Road, was considerably more to the east of where it is now. Route 11 was nothing like it is today.

At this point I respectfully request that you approve a variance for one foot where 20 feet is required.

Before the Board took action, Mr. Kirwan clarified on the short environmental assessment form under number 6; it states that the new sign would be no closer than 10 feet from the R.O.W. That is supposed to be one foot?

Mr. Natali replied correct, one foot.

Mr. Kirwan asked Mr. Natali to modify that. He did so.

Mr. Natali explained that when he spoke with the applicant's surveyor, Hal Romans, Mr. Romans noted the large amount of room on the site and suggested asking for one foot. I attended a Planning Board work session. Mr. Romans spoke with the Chairman of the Planning Board, Bob Smith. Mr. Smith felt as long as the sign was out of the R.O.W., the Planning Board would not have a problem with it. The Planning Board is well aware of what we are trying to do here.

Mr. Snyder noted that he and Mr. Bloss had visited the site. We stood in the proposed location. It would not surprise me that when you are done, you would have ended up putting the sign off the R.O.W., but near its current location for two reasons. The first one is that there is a power pole in the way. There also seems to be some advantage to putting the sign back further.

I am concerned about the next applicant who wants to put a sign one foot off the R.O.W. Are

we prepared to accept that through out the Town, especially along Route 11? We would be setting a precedent for having it one foot off the line as opposed to 20 feet. Does the Board's saying yes to this application set a precedent?

Mr. Kirwan: Potentially, you are setting a precedent. But, you can distinguish this case from another potential case, whether it is site lines or whatever else. The Board can make whatever decision your factors justify. This application has a totally different set of facts and circumstances then any other site up or down Route 11. For example, Sacred Heart has a lot more land. I don't believe anyone has that much land, at least on the south side of Route 31.

Mr. Snyder: It seems to be a question of does the sign sit on the R.O.W., one foot off the R.O.W. or as the Code says, 20 feet off the R.O.W. If I was trying to put a sign up I certainly would not want to put it 20 feet off the R.O.W. I would want it as close to the R.O.W. as I could get it without it being a danger to people driving down the road. Some states have a safe zone where nothing can be within X number of feet from the center line. In some cases that is beyond the R.O.W. line. Is the State the only body that controls what is in the R.O.W?

Mr. Kirwan: We can't control them in the R.O.W.

Mr. Snyder asked if it were true that the Board could do anything beyond the R.O.W. There's no safe zone within New York that is outside of the boundaries of the R.O.W?

Mr. Kirwan responded not that I am aware of.

Mr. Stanton noted the ZBA could make it zero feet from the R.O.W.

Mr. Natali added that the State told him that they could not rule on private property. As long as the Church is not in the R.O.W., they are not involved in the decision.

As far as setting a precedent, no two properties are the same because of the uniqueness of each property.

We could still leave the existing sign where it is. But that is not my decision. We will address that when we go before the Planning Board.

More discussion occurred.

Mr. Stanton: The church's site lines are limited by the topography and structures of adjacent properties, causing limited visibility to its sign. Putting the sign back further would make it more difficult to see. Someone looking for the sign might not see it soon enough to make the turn into the property.

I think that the 42.2 square feet of the proposed signage is smaller than or close to the square footage of the existing sign. The Town allows applicants one square foot of signage for every foot of building frontage. Looking at the frontage of the new addition--not the church itself--the approximately 250 feet of frontage allows Sacred Heart 250 square feet of signage.

In my opinion, the size is extremely small for what they are allowed. Combined with the setback, it makes it a desirable position. It looks like the applicant is attempting to mitigate some of the impacts. Plus, like Mr. Natali said, the church could leave the existing sign where it is and not have to do anything.

More discussion occurred.

Mr. Stanton opened the public hearing. (The public hearing opened at 7:55 p.m.) Please note that there is no one in attendance, but I will ask if there is anyone who would speak for the project? (There was no response.) Is there anyone who would speak against the project? (There was no response.) I will close the public hearing. (The public hearing was closed at 7:56 p.m.)

Mr. Rabbia asked for clarification on the electronic sign's hours of operation.

Mr. Natali was not sure of the details but he did know that the sign would not be left on 24 hours a day.

**Mr. Snyder made a motion** approving the request by Sacred Heart Church to install a new sign on their property no closer than one foot from the boundary line to give the applicant some flexibility to move back and forth between 1 and 20 feet. The five factors in considering a variance are:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. Because of the amount of property that the Church owns, there are no real adjacent properties that will be impacted. So, the answer to this question is no, there will not be an undesirable change.
2. Whether the benefit sought by the applicant can be achieved by some other method. Not really. A sign for displaying their activities should be adjacent to the highway. It is felt that if it were back 20 feet from the right-of-way it would not be a viable location to get their message out.
3. Whether the requested variance is substantial. In this situation, we do not consider it substantial. It might be substantial in another individual case based upon the circumstances of that case.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? This will improve those conditions because the sign will be moved a little bit further back from the highway. If there were any concerns for site distances of drivers or bicyclers we are improving that by a number of feet. I don't see where that would be a problem.
5. Whether the alleged difficulty is self-created. It is only self-created in that they would like to have their sign change. They are making sure that the sign is out of the right-of-way with a minimum of at least one foot from that right-of-way. Even though this might be self-created it does not impact the situation in this variance request.

Therefore **I repeat my motion** that we approve this variance with the stipulation that it not be any closer than one foot to the right-of-way. They do have the option of being further away from the right-of-way than the one foot mark. **Mr. Rabbia seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia: Yes to the motion.  
Mr. Snyder: Yes  
Mr. Bloss: Yes to the motion.  
Mr. Stanton: Yes to the motion.

Mr. Stanton clarified that sign variances do not have to be reviewed by the County.

***Chairman Natali returned to the podium.***

**Mr. Stanton made a motion** to go into executive session to discuss a pending Article 78.

**Mr. Rabbia seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia: Yes to the motion.  
Mr. Snyder: Yes  
Mr. Bloss: Yes to the motion.  
Mr. Stanton: Yes to the motion.  
Mr. Natali: Yes to the motion.

*(The Board went into executive session at 7:59 p.m.)*

**Mr. Natali made a motion** to return from executive session. **Mr. Bloss seconded the motion.**

The motion was **approved** with the following vote:

Mr. Rabbia: Yes  
Mr. Snyder: Definitely  
Mr. Bloss: Yes  
Mr. Stanton: Yes to the motion.  
Mr. Natali: Yes

*(The Board went back into its regular session at 8:26 p.m.)*

Mr. Natali opened the regular session making the following statement: The Board went into executive session to discuss a pending Article 78. **Mr. Stanton made a motion** to adjourn. **Chairman Natali seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:27 P.M.

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Tonia Mosley, Acting Clerk