

**Zoning Board of Appeals**  
**215 North Tioga Street, Ithaca, NY 14850**  
**Monday, February 23, 2009**  
**7:00 PM**

**Present**

Board Members: Kirk Sigel (Chairperson), Harry Ellsworth, Ron Krantz, David Mountin.

Staff Members: Carrie Coates Whitmore, First Deputy Town Clerk; Susan Brock, Attorney for the Town; Bruce Bates, Director of Code Enforcement.

**Excused** James Niefer, Susan Mann (alternate).

**Others** Lou LoVecchio, Paul Levesque.

**Call to Order**

Chairperson Sigel called the meeting to order at 7:10 p.m. He welcomed everyone to the February meeting of the Town of Ithaca Zoning Board of Appeals and announced there was one appeal before the board.

**APPEAL of the Cayuga Medical Center, Owner/Appellant; Louis J. LoVecchio, Agent, requesting variances from the requirements of Chapter 221, Sections 221-4 (A)(2) and (9), 221-6 B(2)(b), 221-7 C(1), 221-7 C(4) and any other applicable sections of the Town of Ithaca Sign Law, to be permitted to maintain an existing off-premise sign and a second free standing sign at 101 Harris B. Dates Drive, Town of Ithaca Tax Parcel No. 24.-3-2.1, Office Park Commercial Zone (OPC).**

Lou LoVecchio and Paul Levesque appeared before the Board and Chairperson Sigel asked if they wanted to add anything to their packet information. The applicants did not have anything to add.

Chairperson Sigel noted that the cover letter to the Board says that the sign by Trumansburg Road may be off-premise. He asked staff for an opinion on the sign. Mr. Bates referenced a 1994 agreement between the Town, Tompkins County Hospital and Tompkins County granting an easement to the hospital allowing the sign to be on Town property. Chairperson Sigel stated that the Zoning Board needs to grant a variance for the sign even though there is an agreement for the sign.

Chairperson Sigel did not think anyone wanted to deny the hospital signs, but the main task was figuring out exactly what variances were needed. He then reviewed sign aspects that needed variances. Attorney Brock added that the signs might need another variance because there is a requirement that signs be placed no closer than 15 feet from the edge of pavement. The Code did not include further language defining "pavement". Attorney Brock stated that the Board needed to decide what it means. Chairperson Sigel thought the narrowest interpretation of pavement would mean road surface.

Board Member Ellsworth thought that the hospital was a special case. He did not consider the signs normal signs because people following the signs “are looking to come in for landing in a hurry”. It prevents people from hunting around for an entrance--especially at night. He felt that the Sign Law did not include sufficient language to make an exception of the hospital. Chairperson Sigel agreed and thought that the Sign Law needed improvements in many areas.

Chairperson Sigel asked if the current interior sign included reflective material and why it was needed. Mr. LoVecchio explained that the reflective lettering helps people see the sign when their headlights washout the sign lettering.

Chairperson Sigel opened the public hearing at 7:26 p.m. and noted that there was no one present to address the board. He closed the public hearing at 7:26 p.m. He then moved to make a negative determination of environmental significance for the reasons stated in the Part II environmental assessment form prepared by Town staff. Board Member Krantz seconded. Vote—carried unanimously.

**ZB RESOLUTION NO. 2009-004: ENVIRONMENTAL ASSESSMENT, Cayuga Medical Center, Sign Variances, 101 Harris B. Dates Dr, Tax Parcel No. 24.-3-2.1**

***MOTION*** made by Kirk Sigel, seconded by Ron Krantz.

***RESOLVED*** that this Board makes a negative determination of environmental significance in regard to the appeal of Cayuga Medical Center, for the reasons stated in the Short Environmental Assessment Form, Part II prepared by Town Staff.

*A vote on the motion resulted as follows:*

**AYES:** Sigel, Ellsworth, Mountin, Krantz.  
**NAYS:** None.

*Motion was carried unanimously.*

Chairperson Sigel then moved to grant the appeal with conditions on sign square footage and configuration, and finding that all requirements of a variance had been met, specifically listing how each criterion was met.

The Board then discussed the term “edge of pavement”. Chairperson Sigel asked the Board for their opinion and noted that the Code requires a freestanding sign to be 15 feet from pavement. He asked if they thought it meant a Town, County or State road, or any pavement including a driveway. Board Member Ellsworth and Board Member Krantz interpreted it as meaning any pavement. Attorney Brock stated that the Board may only need to grant the variance under Section 222-7(C)4 for a sign to be closer than 15 feet from the edge of the pavement for sign A because it is within 15 feet of Harris B. Dates Dr. She did not think that variance needed to be granted for sign B

because it was on a private drive if the Board determined the term pavement to mean a public road.

Board Member Mountin thought the term should only apply to public roads. Chairperson Sigel agreed with Board Member Krantz and Board Member Ellsworth. He thought pavement was a loose term and the motivation was to keep signage away from even an internal drive. He noted that internal drives on commercial lots are used as roads.

Board Member Mountin asked if the Sign Law also applied to residential districts; he did not have a concern if the regulations only applied to commercial or industrial districts. Attorney Brock read the Sign Law requirements in residential district and noted that the language was different. She then suggested further findings regarding sign location with respect to pavement and the determination of one freestanding non-exempt sign.

Chairperson Sigel added a final finding regarding the necessity of reflective material on sign B. Board Member Ellsworth seconded the motion. Vote—carried unanimously.

**ZB RESOLUTION NO. 2009-005: Sign Variances, Cayuga Medical Center, 101 Harris B. Dates Dr, Tax Parcel No. 24.-3-2.1**

***MOTION*** made by Kirk Sigel, seconded by Harry Ellsworth.

***RESOLVED***, that this board grants the appeal of Cayuga Medical Center, requesting variances from the requirements of Chapter 221, Sections 221-4(A)(2), 221-4(A)(9), 221-7(C)(1), and 221-7(C)(4) to be permitted to maintain an existing off premise sign and a second freestanding sign at 101 Harris B. Dates Dr, Town of Ithaca tax parcel number 24.-3-2.1, Office Park Commercial Zone, with the following:

***Conditions:***

1. *That the sign near Route 96 be no greater than 95 square feet,*
2. *That the interior sign, labeled “sign B” on the Zoning Board’s documents, be no greater than 40 square feet and be constructed as indicated on the plans submitted by the applicant, and*
3. *That “sign A” remain in its current location, current size, and current general configuration meaning the method of lighting, type of lettering, and general appearance.*

***Findings:***

*That the benefit the applicant wishes to achieve does outweigh any detriment to the healthy, safety, and welfare of the community. Specifically:*

1. *That the benefit cannot be achieved by any other means feasible given that a hospital must be well labeled with effective signage at the highway and effective signage within the facility to direct people to the appropriate department,*
2. *That there will not be an undesirable change in the neighborhood character or to nearby properties given that the sign by the highway has existed for many years without a problem and that there has been a sign similar to the proposed sign B within the facility, which has not caused a problem,*
3. *That while the request is substantial, nearly double the size allowed, but never-the-less it is justified by the applicant's use,*
4. *That there will not be any adverse physical or environmental effects,*
5. *That the alleged difficulty is self-created by the nature of the applicant being a hospital, but never-the-less the benefit to the applicant does outweigh any detriment to the health, safety, and welfare,*
6. *That the Board finds that sign A is an off-premises sign, that it is located on Town of Ithaca property pursuant to an easement agreement executed with the Town,*
7. *That because the signs are located within 15 feet of the edge of the pavement of Harris B. Dates Drive and the private hospital drive, both signs A and B need and receive the variance pursuant Town Code Section 221-7(C)(4),*
8. *That because the sign located by Trumansburg Road is off-premises, this Board finds that there is only one freestanding non-exempt sign on the hospital premises so there is no need to grant the variance pursuant Section 221-6(B)(2)(b), and*
9. *That the reflective material on sign B is necessary for safe navigation of the hospital grounds and that it is a matter of public safety that the public be able to quickly locate the emergency department and other appropriate entrances at night.*

*A vote on the motion resulted as follows:*

*AYES: Sigel, Ellsworth, Mountin, Krantz.  
NAYS: None.*

*Motion was carried unanimously.*

Attorney Brock suggested Zoning Board members send their comments regarding the Sign Law to the Town because the Codes and Ordinances Committee was looking at revising the law.

### **Adjournment**

With no further business, Chairperson Sigel adjourned the meeting at 7:39 p.m.

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Kirk Sigel, Chairperson

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Carrie Coates Whitmore,  
First Deputy Town Clerk