

VILLAGE OF WATKINS GLEN
ZONING BOARD OF APPEALS
MINUTES
Dec. 19, 2013

A meeting of the Watkins Glen Zoning Board of Appeals was held Thursday, December 19, 2013. Present was Chairperson Mark Stephany, members: David Wyre, Kathy Fragola, Walter Hollien and Recording Secretary Naomi C. Kingsley. Member Roger Hugo was absent.

Chairperson Stephany called the meeting to order at 7:00 pm.

Kathy made a motion to accept the September 17, 2013 meeting minutes. David seconded the motion. All were in favor. Motion carried.

Application 2013-04 – Official Zoning Law Language Interpretation – Paul Marcellus, Colonial Motel, 701 N. Franklin Street

Paul is asking for clarification of Article 9.7 Sign Requirements, Section 9.7.2 General Requirements, Subsection M-2, which states “In the BT-II, CB and CL ZONING DISTRICTS a PRINCIPAL USE SIGN on a LOT containing a General, Business or INDUSTRIAL USE listed in 4.13, may be a DIRECTLY ILLUMINATED SIGN.”

Paul stated that he bought the business in April 1997 and over the last few years he has added a variety of other businesses. Three years ago he started selling pottery. One year ago he added an ice cream shop and more recently an observation hive of honey bees. He has plans to add a new venture, selling Buffalo Beef on a Kimmelweck Roll. He would like to be able to advertize these new ventures, as well as Vacancy/No Vacancy for the motel by adding a changeable electronic sign to his existing sign for the Colonial Inn & Motel. Code Enforcement Officer Greg Larnard told him it was not permissible. Paul also questioned whether it was even necessary to apply for a building permit to modify an existing sign. Kathy read section 9.7.2, signs require a building permit. Paul stated that NYS DOT also has regulations for changeable electronic signs which he would comply with and would be willing to sign a statement saying so. He would like to place the sign perpendicular to the road and believes it can be tastefully done. The round sign that is there now would come down.

There was a lot of discussion regarding M2 versus M5 and the County’s sign. The County is not subject to the villages planning regulations.

Paul stated that now with the tables out front the motel business is not as distinct and the walk in business has dropped off. Kathy asked if he would consider making one new sign with everything on it instead of adding another, he could become a model for other businesses. Paul stated that he is allowed 60 sq ft of signage and if he added the message board he would still not be using even half of that.

There was much more discussion regarding section 9.7.2 M2 and M5. Mark stated that M5 was an addition and there were specific discussions and intent when it was done. When M5 was added it should have led to a cross out of CBD in 2.

Paul stated that the state park draws a lot of visitors and he would like them to be able to look up and see his lit sign, which would not be flashing. Paul stated that statistics show that within a 1/4 mile stretch there are 4 feeders bringing visitors to the area and he would like to take advantage of that.

Mark commented that Paul is making arguments that would come under an area variance application. Paul wondered if after this meeting was done should he come back and apply for an area variance.

Mark asked if any of the board members had any comments or questions regarding M2 vs M5. M2 states that a sign may be directly or indirectly lit. M5 was added and intended to restrict directly lit signs in BD, but M2 was not edited. He recalls this subject being vigorously discussed at the time of the zoning update. There was a deliberate decision to add M5 and it stands on its own. The village has a very short, compact business district and the committee was worried about big box businesses coming in. Is there a way to achieve your goal and keep within the zoning regulations?

Walter stated that his view was that advertizing multiple businesses was not working.

There was still more discussion regarding M2 and M5 and which was more important than the other.

Dave asked if it would make a difference if the sign was mounted to the side of the building.

Any sign that the letters can be changed is ok as long as it is not internally lit, you cannot have an electronic sign without it being internally lit.

Paul asked about having a TV on inside a window, if it is inside is it considered a sign. Mark responded that he did not know and technology keeps changing, signs used to be neon but now other gasses are used also.

Mark Stephany made a motion that M5 was the last addition to the law and was intended to supersede section M2, that 9.7.1 states that signs do require a building permit and that the reader board signs referenced in section 9.7.1 subsection 9 were intended to address non interior lighted signs. Walter seconded the motion. Motion carried unanimously. Mr. Marcellus has the ability to request an area variance.

Mark suggested that the Code Enforcement Officer schedule a meeting with the Planning and Zoning Boards, maybe after a Planning Board meeting to discuss signage and enforcement.

There being no further business a motion to adjourn was made by Dave. The motion was seconded by Kathy. All were in favor, meeting adjourned at 8:19 pm.

Respectfully submitted,

Naomi C. Kingsley
Recording Secretary