

VILLAGE OF WATKINS GLEN  
ZONING BOARD OF APPEALS  
MINUTES  
April 3, 2014

A meeting of the Watkins Glen Zoning Board of Appeals was held on Thursday, April 3, 2014. Present were: Chairperson Mark Stephany, members; Kathy Fragola, David Wyre and Walter Hollien. Also present was recording Secretary Naomi C. Kingsley.

Chairperson Stephany called the meeting to order at 7:01 pm.

Kathy made a motion to accept the December 19, 2013 meeting minutes. David seconded the motion. All were in favor, motion carried.

Application 2014-01 – Official Zoning Law Language Interpretation/Appeal of Zoning Administrator's Decision - James Guild, 418 N. Franklin St: Jamie Guild, James' son was present to request two backlit lit signs one on the front of the building and one on the side of the building. A sign on the side of the building would be very beneficial for traffic traveling North on Franklin Street, they would be able to see it and take advantage of the parking lot. The signs will be lit with LED lights. Kathy asked the colors of the sign. White, tan, brown for chocolate and vanilla ice cream. The sign sticks out 3-4 inches from the side of the building. The side sign 27" tall by 90" long. The front sign is 15" tall by 125" long.

Mark stated that he was unsure what the relief being sought is. Why did the code say no? Was it for no more than one lit sign per building? Secretary Kingsley sent a text to the code enforcement officer asking for what he had told the applicant. He responded that he told the applicant that he could only have one sign and it would be up to the board to decide if it could be internally lit or not because the code contradicts itself. Kathy asked if it would be lit all the time. Jamie stated yes it would be but he could make it so that it could be turned off after a certain time at night.

Walter asked if only one sign is allowed which one you would prefer. Jamie stated the one on the front. The signs are not a requirement of Ben & Jerry's. If it can't be back lit then possibly it could be indirectly lit?

Mark stated that Section 9.7.2. Subsection M, M2 and M5 contradict each other. Mark explained that M5 was added to keep out brightly lit, internally lit signs. The County sign exists because the County does not have to conform to the villages zoning requirements. This, however, is a sign that attaches to the side of the building. The letters CB should have been deleted from M2. The village wants to move away from internally lit signs. Also you are requesting two signs. The law may not have taken into consideration that you have a corner property. Section 9.7.4.4 – here the intent was that signs be more rustic, no light glaring out into the area or flashing lights. Mark commented that the sign is a very nice looking sign. None of the current zoning law was written with today's technology in minds. There are two issues here, first a request for an internally lit sign and second a request for two signs.

Jamie stated that for the front of the building, the back lit sign would be better because there isn't enough room to put in goose neck lights to light the sign externally. For the sign on the side of the building they would have room for that. The front sign would be 6" to 1' above the awning. Jim Guild is having the signs made, not Ben and Jerry's.

Mark again stated that there are just two issues to decide tonight, internally vs externally lit and two faces. Kathy commented that Jerlando's have signs on front and side and since the county put up there sign it has really made this boards job harder.

Mark stated that certain things were not thought of when this law was written, the fact of corner businesses wasn't addressed. Kathy asked if the sign needed to be that large. Jamie stated that they like the size and they do not exceed the requirements. The store will be open until Christmas. Kathy asked what would happen with the signs when the store was closed, will the lights be turned off? Jamie replied that he was unsure. Jamie also stated that the village had given him permission to remove the sidewalk and grass area along the Fifth Street side to put in some outdoor seating.

Mark reviewed the 5 questions to be answered relative to each request, first as to interior lighting and second as to two faces.

Walter made a motion to approve signs on both sides of the building and having them interior lit. David seconded the motion. A vote was taken for having signs on both sides of the building. There were 4 yes and 0 nay votes. A vote was taken for having the signs internally lit with the results as follows: David – yes, Walter – yes, Kathy – no, Mark – no. Mark commented that this is the second request since the county put up their sign and he is afraid there will just be a parade of others wanting lit signs. The board needs to stay within the requirements of the law. Jamie can run with the fact that he has two signs and can externally light them and reapply for the lighting when the mayor appoints a fifth member. Jamie stated that he is under time constraints; they want to open by mid May. He also stated that the signs are really quality signs and would not be a distraction. Mark responded that still internally lit signs are not allowed. Mark stated that there is a section at the end of the questionnaire relative to conditions to be applied and asked if either no vote would be willing to change their vote if certain conditions were met. Maybe a timer can be installed to shut off the lights so no one has to remember to turn them off?

Walter made a new motion to approve internal lighting as long as lights are turned off after hours of operation. David seconded the motion. All were in favor. Both signs will need to be turned off.

There being no further business Kathy made the motion to adjourn. David seconded the motion. All were in favor, motion carried. Meeting adjourned at 8:01 pm.

Respectfully submitted

Naomi C. Kingsley  
Acting secretary