

Village of Canton Zoning Board of Appeals

Meeting Minutes

August 21, 2024

Courtroom, Canton Municipal Building

7:00pm

Members Present

Chairperson Conrad Stuntz; Mike Snow; Caitlin Gollinger (Zoom); Pete Beekman (Zoom)

Recording Secretary Jeni Reed

Members Absent

Andy Whittier (alternate)

Others Present

Code Enforcement Officer Tim Nolan (Zoom); Dorothy Derfler (Best Western - Applicant); Judy Taylor (resident)

Public Hearing

Chairperson Conrad Stuntz called the public hearing to order at 7:06 pm by explaining the process of the public hearing and introductions of the Board.

The Code Enforcement Officer Tim Nolan was invited to discuss the application and why it was denied: The Canton Best Western Hotel/County Seat Restaurant submitted an application to request the ability to utilize full color images on their planned Electronic Messaging Center type sign. Code Enforcement Officer Nolan denied the application on May 23, 2024 due to non conformance with code, which currently permits a maximum color display of 2 colors per message.

The applicant, Best Western/County Seat Restaurant, located at 90 East Main Street, Canton, was called on to explain their application for the appeal of the Code Enforcement Officer's decision on their request to permit full color message displays on an Electronic Messaging Center sign: The applicant is requesting the ability to utilize full color images on their Electronic Messaging Center sign as they are currently experiencing difficulty advertising to the general public and ensuring that people are aware they can dine at the restaurant even if they are not guests at the hotel. They feel that the ability to add full color images of their specials and other advertising messages will increase their foot traffic and also improve their connection to the community by sharing events and other general information.

Chairperson Conrad Stuntz then presented the public the opportunity for open discussion of the request:

No questions or comments were offered. Chairperson Stuntz also confirmed that no written comments were received prior to the meeting.

As there were no additional questions or public comment, the public hearing was closed at 7:13 pm by Chairperson Stuntz.

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 7:13 pm by Chairperson Conrad Stuntz.

Agenda Items

1. Discussion of use variance application for proposed EMC sign at 90 E Main St, Canton
 - Discussion began regarding the use variance application to permit a full color message display on a proposed EMC sign as presented to the Zoning Board of Appeals and discussed during the public hearing; Chairperson Stuntz reminded the members of the ZBA that if any of the four tests are to fail, the variance can not pass.
 - The four tests for consideration of a use variance were reviewed and discussed as required by the State.
 - Based on the review of the four tests Chairperson Stuntz concluded that a use variance could not be granted in this case.

A vote of the board was taken, and results were as follows:

Caitlin Gollinger - Aye (agrees there was a failure to prove and the variance does not pass)

Mike Snow - Aye

Pete Beekman - Aye

Conrad Stuntz - Aye

Based on the results of the vote, the use variance was denied.

The final decision of the board will be written up by Chairperson Stuntz and delivered to Code Enforcement Officer Nolan for the file.

Other Items

No other items were addressed at this time.

Adjournment

The meeting was adjourned by Chairperson Conrad Stuntz at 7:36 pm.

Upcoming Meetings

The Village of Canton Zoning Board of Appeals will tentatively be meeting on the following dates:

- Wednesday, September 18, 2024
- Wednesday, October 23, 2024
- Wednesday, November 20, 2024
- Wednesday, December 18, 2024

Respectfully Submitted,

September 3, 2024

Recording Secretary Jeni Reed

Village of Canton Zoning Board of Appeals

Meeting Minutes

August 21, 2024

Courtroom, Canton Municipal Building

7:45pm

Members Present

Chairperson Conrad Stuntz; Mike Snow; Caitlin Gollinger (Zoom); Pete Beekman (Zoom)

Recording Secretary Jeni Reed

Members Absent

Andy Whittier (alternate)

Others Present

Code Enforcement Officer Tim Nolan (Zoom); Ariane Palmer (applicant); William Palmer (resident); Joe Siematowski (resident)

Public Hearing

Chairperson Conrad Stuntz called the public hearing to order at 7:45 pm by explaining the process of the public hearing and introductions of the Board.

The Code Enforcement Officer Tim Nolan was invited to discuss the application and why it was denied: Applicant Ariane Palmer of Palmer Realty submitted an application to install a “halo style” sign on the front of the building at 29 Main Street where the Palmer Realty office is located. Code Enforcement Officer Nolan denied the application on DATE due to non conformance with code, which does not permit internally lit signage in the Main Street District.

The applicant, Ariane Palmer of Palmer Realty, located at 29 Main Street, Canton, was called on to explain their application for the appeal of the Code Enforcement Officer’s decision on their request to permit their proposed sign: The applicant is requesting the ability to install a “halo style” sign on the front of their building to advertise the location of their business. The applicant noted that the sign is a new style concept that is not directly addressed by code, but should not be interpreted as “internally lit.” The applicant feels that the definition of “backlit” is more in line with the type of sign they are intending to install, and backlit signs are permitted in the Main Street District. The “halo style” of illumination will project light from the back side of a cut out metal sign, creating a shadow of the letters on the wall when lit at night. The applicant feels the style is classy and unassuming and will improve the look of the signage in the district by being as unobtrusive as possible.

Chairperson Conrad Stuntz then presented the public the opportunity for open discussion of the request:

One letter was received by email from Village Mayor Michael Dalton (see attached) - the letter was read aloud during the public hearing for the benefit of those in attendance.

Joe Siematowski

Mr. Siematowski commented that there are stores all down the Main Street corridor that have neon signs in the windows, asking what the difference between permitting these signs is and why they are permitted in the Historic District. It was noted by Chairperson Stuntz and Code Enforcement Officer Nolan that window displays and signs are regulated differently in the code.

No additional questions or comments were offered. As there were no additional questions or public comment, the public hearing was closed at 8:02 pm by Chairperson Stuntz.

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 8:02 pm by Chairperson Conrad Stuntz.

Agenda Items

1. Discussion of interpretation for proposed “halo style” sign at 29 Main St, Canton

- Chairperson Stuntz noted that this application had already been presented to the Village Planning Board, which had made the recommendation that the sign be lit by front mounted overcast lighting instead of the halo style proposed by the applicant.
- Discussion began regarding the interpretation of the code as presented to the Zoning Board of Appeals and discussed during the public hearing; Chairperson Stuntz noted that guidelines are minimal regarding the process behind an interpretation.
- Several points were discussed regarding the application and the definitions involved.
- Chairperson Stuntz recommended that the board take one of the following courses of action:
 - Table the discussion to pursue additional research (specifically on the definition of the term “backlit”) and return at the next meeting to finalize a decision.
 - Approve a “halo style” sign by determining that this style does not meet the definition of “internally lit.”
 - Deny a “halo style” sign by determining that this style does meet the definition of “internally lit”

Upon discussion among the members of the board, it was determined that they would pursue additional research into the definitions of “backlit” and “internally lit,” and return to the discussion at their next scheduled meeting on September 18, 2024 where a final decision would be made.

Other Items

No other items were addressed at this time.

Adjournment

The meeting was adjourned by Chairperson Conrad Stuntz at 8:45 pm.

Upcoming Meetings

The Village of Canton Zoning Board of Appeals will tentatively be meeting on the following dates:

- Wednesday, September 18, 2024
- Wednesday, October 23, 2024
- Wednesday, November 20, 2024
- Wednesday, December 18, 2024

Respectfully Submitted,
September 3, 2024
Recording Secretary Jeni Reed



Jeni Reed <jreed@cantonny.us>

Fwd: Public Comment - 29 Main St

Conrad Stuntz <villagezba@cantonny.us>

Fri, Aug 23, 2024 at 10:57 AM

To: Jeni Reed <jreed@cantonny.gov>

Please add this public comment to the public hearing minutes.

Thank you.

Conrad

----- Forwarded message -----

From: **Michael Dalton** <mdalton@cantonny.gov>

Date: Wed, Aug 21, 2024 at 10:31 AM

Subject: Public Comment - 29 Main St

To: Conrad Stuntz <villagezba@cantonny.us>

Cc: Tim Nolan <tnolan@cantonny.gov>

Conrad,

I would have attended the public hearing today about the sign for 29 Main Street but it conflicts with the scheduled Village Board meeting .

While the Legal Notice was a bit confusing, I do understand the issues and want to make the following comments. Code Section 325, Article IX, Section § 325-65, SubSection D (2) & (3) were used to deny the sign request. While the code sections refer to "internal illumination", the style of sign being proposed does not light the letters as one would think of "internal Illumination" as stated in both the subsections cited.

The Halo style of sign, illuminates the wall behind the letters and is much more subdued than several signs currently in existence today in the Main Street District (MS). The sign as it exists now at 29 Main street, meets all code for size and I personally support the addition of the halo lighting. I believe this lighting style is tastefully done and will be a nice addition to the MS District. I would support this as designed no matter the interpretation of "internal lighting".

Thank you and the ZBA for your consideration.

Mike

Michael E. Dalton

Mayor

Village of Canton

60 Main Street

Canton, NY 13617