

Village of Canton Zoning Board of Appeals

Meeting Minutes

October 3, 2023

Boardroom, Canton Municipal Building

7:00pm

Members Present

Chairperson Conrad Stuntz; Caitlin Gollinger; Mike Snow; Pete Beekman; Andy Whittier (alternate)

Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Tim Nolan; Emma Slate (Applicant - Jreck Subs); Reverend Mike Catanzaro (Applicant - Presbyterian Church)

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 7:00 pm by Chairperson Conrad Stuntz.

Agenda Items

1. Discussion of Use Variance Application for 82 Main Street, Canton

- Chairperson Conrad Stuntz reminded the ZBA members of the application for two separate roof signs; both of which will require a use variance. As such, this is one application, which will be discussed as two separate issues or independent entities.
- Mr. Stuntz also reminded the board of the process for approving a use variance: specifically that there are four tests that must be addressed, and that conditions may be placed if the variance is approved but concerns remain about implementation.
- Discussion began regarding the sign to be placed on the front of the building:
 - Test #1 - The applicant must prove that the property is unable to achieve a reasonable return for any use allowed in that zoning district.
 - The applicant has indicated that the current sign and its orientation is lost to passing traffic due to lack of visibility; they intend to place the new sign perpendicular to the roof to improve visibility and encourage an increase in business. No definitive numbers were available to define the lack of return, and a good comparison is not available due to lack of a similar store location.
 - It was noted that on the surface, the issue as presented makes sense, and it is felt they are not asking a lot to request the reconfiguration of the sign.
 - Ultimately, the board agreed that the applicant would be unable to obtain a reasonable return without the change to the sign.

- Test #2 - The applicant must prove that unique circumstances apply to the property for which the variance is requested.
 - The collective memory of the board did not find any other rooftop signs within the historic district or visible from the street.
 - The board agreed that unique circumstances apply to the property.
- Test #3 - The applicant must prove that the hardship is not self-created.
 - Several questions were asked to attempt to answer this question, which came down to whether the problem was inherited or created by the applicant.
- Test #4 - The applicant must prove that the essential character of the neighborhood will not be altered if the use variance is granted.
 - It was noted that a sign already exists on the roof, and that there are other properties which have perpendicular signs, including the gas station and the movie theater.
 - After discussion, it was determined that the sign would not create a change to the character of the neighborhood.
- Based on the review of the four tests and the following voting results, Chairperson Stuntz concluded that a use variance could be granted in this case.
 - Pete Beekman - Aye
 - Caitlin Gollinger - Aye
 - Mike Snow - Aye
 - Conrad Stuntz - Aye
- Discussion continued to address the sign to be placed on the rear of the building:
 - The following general notes were discussed regarding this proposed sign:
 - The front sign is 11 square feet in size; for reference, the 7-11 sign is 6x5, and the wall mounted Community Bank sign is 31 square feet.
 - It was generally agreed that the current lack of signage prevents potential customers from being aware of the location.
 - The building is located below the parking lot level which contraindicates a wall mounted sign - if this building were 2 or 3 stories a wall mounted sign would be appropriate. For reference, a wall mounted sign may be 32 square feet in the Main Street district.
 - Test #1 - The applicant must prove that the property is unable to achieve a reasonable return for any use allowed in that zoning district.
 - This seemed straightforward to the board as there is currently no signage or branding on the rear of the building, and approving the sign would allow the building to realize a return.
 - Test #2 - The applicant must prove that unique circumstances apply to the property for which the variance is requested.
 - It was agreed among the board that the single story building among exclusively two-plus story buildings with a grade issue in the rear of the building presents a unique challenge for this property.
 - Test #3 - The applicant must prove that the hardship is not self-created.
 - It was agreed that as there is currently no signage on the back of the building, this hardship is not self-created.
 - It was discussed whether a different approach could accomplish the same thing as the use variance requested; the board ultimately agreed that it could not.
 - Test #4 - The applicant must prove that the essential character of the neighborhood will not be altered if the use variance is granted.

- It was noted that there are no other lit signs facing the rear parking lot other than the one at Community Bank. The board agreed that the addition of this sign would improve wayfinding in the parking lot.
- The board considered whether a wall mounted sign would be more appropriate; however it was agreed that the rooftop sign would be more visible, and improve the aesthetics of the property.
- Based on the review of the four tests and the following voting results, Chairperson Stuntz concluded that a use variance could be granted in this case.
 - Mike Snow - Aye
 - Caitlin Gollinger - Aye
 - Pete Beekman - Aye
 - Conrad Stuntz - Nay
- Once the use variances were approved for both signs, the following conditions were placed by the board:
 - The rear sign should be no more than 12 square feet in size, consistent with the requirement for projecting signs in the Main Street district. This sign should also not extend past the roofline of the building or be visible from the front of the building. All lighting should also follow the illumination guidelines for the Main Street district.
 - The front sign should not be allowed to extend over the front eave of the building, and the rear edge should be placed as close as possible to the roofline. All colors must match the historic district palette requirements, and lighting must follow the illumination guidelines for the Main Street district.

2. Discussion of design related to Use Variance for 17 Park Street, Canton

- The board was reminded that a use variance to allow an Electronic Messaging Center (EMC) type sign at 17 Park Street was approved at the last ZBA meeting on September 20, 2023, and this discussion is meant to put in place any conditions that the board will require.
- A print copy of the planned sign was provided to the board members by the applicant, and it was noted that they would also like to add a flower box or something similar to the base of the sign to help prevent people from getting too close and potentially damaging it.
- There was some discussion regarding the color palette for the historic district, noting specifically that the Benjamin Moore historical colors palette is approximately 200 colors, but the book only provides 30-40. So there are some questions regarding colors and consistency.
- The following conditions were discussed and put in place for the new sign:
 - The size of the sign must not exceed the maximum standards in the Neighborhood Mixed Use (NMU) district; as such, the height must be 9 feet or less to the top of the finials, and no more than 6 feet in width.
 - It was noted that the current sign is pre-existing non-conforming and as such the replacement sign could be up to the height of the current sign.
 - The display on the EMC must meet the standards for any EMC as established by the Village Zoning Code, section 325-66 E 3.

Other Items

No other items were addressed at this time.

Adjournment

The meeting was adjourned by Chairperson Conrad Stuntz at 8:42 pm.

Respectfully Submitted,
February 13, 2024
Recording Secretary Jeni Reed