

## Town of Conklin Zoning Board of Appeals – April 4, 2017

**MEMBERS PRESENT:** William Northwood, Chairman; Art Boyle, Elizabeth Einstein  
Paul Schofield, Hal Cole, Tom Kelly, Norm Pritchard

**ABSENT:** Paul Schfield

**ATTORNEY:** Nathan Vanwhy,

**ALSO PRESENT:** Mary Plonski, Secretary  
Willie Platt, Town Board Liaison  
Nick Vascello, Code Enforcement Officer

**VISITORS:** none

**7:00 P.M.** Chairman Northwood called the meeting to order

**Agenda Item #1** Chairman Northwood called the meeting to order. It was explained that this was not an official meeting but that they were asked to get together to continue the discussion on signage and any changes that may need to be recommended.

Hal Cole stated that he went through it and didn't find any places that he felt needed to be changed. There were areas that were sometimes confusing.

Hal asked the board to turn to **Article XVII Section 140-100 General sign regulations.**

A. states that no sign shall be permitted which is animated by means of flashing, blinking, scintillating or traveling lights or any means not providing constant illumination. Public Service information signs such as time/weather information and other electronic message centers classified as changeable signs are permitted.

Hal felt that programmable electric message signs should be allowed but with restrictions on the time (seconds) in between the message changes. He stated that the Fire Dept., Bank and the school all had programmable electronic message signs. The schools being very hard to read because it changed so quickly. He suggested that the terminology should be updated for this type of sign and they should be permitted. If put under general sign regulations, it wouldn't need to be repeated.

Lis Einstein commented that in some areas of Conklin that the speed limit is higher (50) making it harder to read these signs.

The attorney Nathan VanWhy stated that DOT has a regulation on how frequently a digital sign changes its message. We could do a similar requirement. He believes it was 8-10 seconds.

Art Boyle stated that in his opinion there is nothing in the code that tells me that I can't do it, then I can.

Attorney Nathan VanWhy stated that Public service information signs such as time, weather and other electronic message centers classified as changeable copy signs. Does not cover digital signs. The code could say something like "Digital message signs are allowed and here are the types that we allow".

Chairman Northwood suggested that we not only review the laws for now but also anticipate the technology of the future. That new technology is constantly changing and improving.

Hale Cole asked that we turn to **Article XVII Section 140-100**

J. Banners, pennants, search lights, sandwich board signs, sidewalk or curb signs and balloons are prohibited. Banners, pennants, and sandwich boards signs shall be permitted at the opening of a new business in a C-N, C-G or I-L District for a total of 30 days, after which time they shall be removed. Mr. Cole felt that if we aren't going to enforce the rule, then it should be taken out of the code book.

Art Boyle asked if there are rules that the State requires us to go by. We need to know the state rulings before we get into all this.

Mr. Boyle also suggested that each district, C-N, C-G, I-L state very plainly in the code book exactly what is allowed.

Hale Cole felt that if the Code Enforcement Officer was making an interpretation of a rule, the zoning board should be able to review his interpretation before going forward with it. That way the zoning board could overturn his decision if they felt it necessary. Mr. VanWhy reminded the board that the Zoning Board of Appeals does not make the rules, they only make recommendations. Mr. Cole stated his interpretation was that the board was allowed to review the Code Officers interpretation and appeal it.

Chairman Northwood suggested that they get a recommendation down on paper for the first part of the discussion concerning programmable electronic message signs. Mr. Cole suggested they have a description of what a programmable electronic message sign is and then change the rule to allow the signs.

Tom Kelly asked where you would go to find out what is needed if a business was looking to put up a sign. Hale Cole stated that you would go to the Code Office. The Code Office should have an application and procedures that state exactly what is allowed and required for a sign.

Liz Einstein suggested that we adopt a description (definition) as to what type of sign this would be. She had a copy of the terminology the Town of Vestal uses. Electronic Message Sign: means an electrically activated changeable sign whose variable message capability can be electronically programmed. Liz questioned what the Fire Dept. has their sign set for. Hale Cole suggested that it be determined where these signs could be used. Nathan VanWhy commented that any current sign in town could be changed as an electronic message sign, He suggested that the code book needs to state which types of signs could be acceptable as an electronic sign. A discussion was had on the difference between a business sign and an advertising sign. It was also discussed if the sizes need to be changed if an electronic sign is being used.

Liz Einstein suggested another description (definition) of Changeable Letter Sign: A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations are changeable or temporary. Or Changeable signs mean a sign with the capability of content change by means of manual or remote input, including the following types:

1. Manually activated is a changeable sign whose message copy or content can be changed manually on a display surface.

2. Electronically activated is a changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic components arranged on a display surface.

Liz felt that we were going to see electronic sandwich signs in the future. There was a discussion concerning sandwich boards and marquee signs that are currently being used in a number of places along Conklin Rd. Willie Platt suggested that perhaps they could be allowed during business hours.

Hal Cole suggested that if there are areas that want to have sandwich boards or marquees they would need to come to the zoning board for a variance. We would then be able to say that they need to be used only during business hours or that they can only be used for a certain amount of time. Hale Cole suggested that we have a definition of a Banner. Liz also suggested we also define flags.

Hal Cole asked that the board turn to Article XVII Section 140-101

E. No sign or any part thereof shall be closer than eight feet to any lot line nor exceed a height of eight feet.  
He suggested a survey be done or have them petition the Zoning Board so he can get a variance for the sign. That way we wouldn't have to change anything in the code book.

Chairman Northwood suggested that the discussion be held over until the May 2nd meeting. Tom Kelly suggested we review what was discussed at this meeting before we proceed at the next meeting. All agreed.

**William Northwood motioned to adjourn the meeting and Art Boyle second.** All present board members approved.

**Next Zoning Board Meeting will be held on Tuesday, May 2, 2017.**

Northwood closed the meeting at 8:03 p.m.

*Respectfully Submitted,*

*Mary Plonski – Zoning Board Secretary*