

LAKE GEORGE VILLAGE ZONING BOARD OF APPEALS

AGENDA

AUGUST 1, 2007

VILLAGE ADMINISTRATION BUILDING – OLD POST ROAD

TAX MAP: 251.14-2-37

APPLICANT: BOB LEOMBRUNO

AREA VARIANCE APPLICATION FOR SIGN 0744

CHOICE INN AND MOHAWK MOTEL

ZONE: CR

- Applicant’s sign application was reviewed at the 6/20/07 Planning Board meeting – rejected. See minutes below.
- Applicant’s variance application was reviewed at the 7/18/07 Planning Board meeting – negative recommendation. See minutes below.

LGV SIGN CODE APPEARS AT END OF MINUTES.

JULY 18, 2007 PLANNING BOARD MEETING MINUTES

TAX MAP: 251.14-2-37

APPLICANT: BOB LEOMBRUNO

VARIANCE APPLICATION FOR SIGN 0744

CHOICE INN AND MOHAWK MOTEL

ZONE: CR

- 435 Canada St.
- Variance for freestanding sign at southern end of property. Sign = 25 square feet. Reader Board = Approx. 45 square feet. Code allows for a maximum size of 50 square feet.
- Robert Leombruno mentioned there is one change from what is stated in the application. The Choice Inn and Suites sign will be the exact size as the Mohawk sign, 3 feet by 8 feet (north end of property) it is replacing. The application indicates the Choice Inn & Suites panel would be the same size as it currently is.
- Robert Mastrantoni asked if he understood correctly that for both signs the only thing changing is the panel (wording) and Robert Leombruno indicated that is correct.
- Robert Leombruno indicated the exact footage of the sign with the reader board is 70 square feet.
- The sign on the north end will remain 3 feet by 8 feet and will be Choice Inn & Suites.
- Margi Mannix asked about having two different names and whether or not it is confusing to the customers. Bob Leombruno responded that he has not encountered any problem.
- Patricia Dow asked what the footage is on the front of the property between the two signs. Robert Leombruno responded 153 feet.
- Dan Courtney mentioned the intent of the Code is to reduce the size of all the signs and reduce lighting, as well.

MOTION: Dan Courtney made a negative recommendation to the Zoning Board of Appeals based on:

- The use of two freestanding signs on Canada St. with two different names for one property is confusing. Having these two signs so close to the bordering neighbors is confusing to the public.
- Oversized signs and their lighting have a negative impact on the aesthetics of the community.
- The community should move away from the “older” signs that are large and brightly lit.
- Having two signs on this property, even if they are 153 feet apart, is a lot of signage for one property.

2ND: Patricia Dow.

Robert Mastrantoni	Dan Courtney	Margy Mannix	Patricia Dow	Dolores Marinelli
Aye	Aye	Aye	Aye	Aye

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JUNE 20, 2007 PLANNING BOARD MEETING MINUTES.

TAX MAP: 251.14-2-37

APPLICANT: BOB LEOMBRUNO

SIGN APPLICATION

CHOICE INN AND MOHAWK MOTEL

ZONE: CR

- Sign
- Bob explained to the Board he is “franchising” to America’s Best Value and therefore, needs to change the sign at the southern end of the property. Bob explained he has two freestanding signs on Canada St. – one at the northern end of the property and the other at the southern end.
- He is proposing to change the face of the southern sign (closest to Marios) to the new name. The sign on the northern side (closest to Econolodge) which states Mohawk Motel and Cottages will be removed and the current sign on the southern side (Choice Inn & Suites) will replace the northern Mohawk Motel and Cottages sign. He is only changing the panels on each sign.
- The America’s Best Value sign will be 5’ x 5’. This is the same size as the Choice Inn & Suites sign that is presently in place.
- Dan Courtney pointed out that the current Code only allows for one freestanding sign. Patricia pointed out that the current Code states “if the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter”.
- Dan Courtney mentioned that the sign at the southern end of the property, the sign that is becoming America’s Best Value, is more than 50 square feet because the reader board is approximately 40 square feet. The overall square footage of the new sign, America’s Best Value and the reader board, will be approximately 65 square feet.
- A discussion ensued regarding the change of the signs. Freestanding signs are grandfathered if they are not changed. Since Bob is proposing a change he should be required to conform to the Code.
- Patricia questioned whether or not the sign on the back street (Ottawa) which is also a freestanding sign (Mohawk) will remain. Bob explained he is not doing anything to that sign.
- Bob explained because he is franchising he needs to have the franchise name, America’s Best Value, as the major sign. So he’s changing “Choice Inn & Suites” to “America’s Best Value” on the southern sign (the sign that contains the reader board). He needs to retain the Choice Inn & Suites sign, the name he’s been using and Mohawk is just a business/corporation name. Bob further explained he had a problem with Choice Hotels International, not to confuse it with his current name. He mentioned that he made the Choice Inn & Suites name up. Choice Hotels International (which includes Econolodge, Quality, Comfort Suites) has about 9 franchise flags. They sued Bob because of the similarity in the name. Bob explained he won because he made the name up before Choice Hotels International trademarked the name. Choice Hotel International feels the name Choice Inn & Suites conflicts with their name even though they do not currently have a flag for Choice Inn & Suites. Bob indicated someday they will want to have a flag for Choice Inn & Suites and they will have to buy him out. If he removes the Choice Inn & Suites sign he feels he will no longer have control, will no longer be grandfathered and therefore, because he hasn’t maintained the name and sign Choice Inn & Suites there will be nothing to buy out.
- Jerry Devoe explained that the Planning Board, because of the way the Code is written, cannot massage the language; they have no room to move. He further explained to Bob that he has a right to go for a variance. Bob explained he will have to pursue a variance because he has already paid for the franchise. Jerry explained the variance process, the Planning Board will “listen” and then he (Bob) can go before the Zoning Board of Appeals.
- Robert Mastrantoni pointed out because of the current Code he feels the Planning Board has no room for movement and the only thing they could recommend would be applying for a variance.
- Bob indicated he felt he was getting different interpretations of the law tonight and he felt he was “grandfathered in” before the law was changed. The Board explained that his signs are grandfathered as long as they are not changed.

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- Robert Mastrantoni indicated Bob should start the variance process and Jerry pointed out Bob will have to come back before the Planning Board as it is the first step in the process.
- Patricia suggested having a “special meeting” when the application is ready in an effort to move the process along more quickly. Jerry pointed out the application will have to go before the Warren County Planning Board and therefore there is only about a week between the Warren County Planning Board meeting and the Village’s Planning Board meeting.

SIGN CODE

2/26/07

§ 220-24. Sign standards.

A. General regulations.

- (1) Signs are a permitted accessory use.
- (2) Except as otherwise provided below, a sign permit from the Village is required prior to the erection or relocation of any sign.
- (3) Signs are not permitted as principal uses.
- (4) No off-premises signs are allowed.
- (5) No sign shall be attached to any roof or mansard facade.
- (6) No sign may extend more than four feet over the street, right-of-way or property line.
- (7) No sign or part thereof shall contain or consist of banners, pinwheels, posters, pennants, ribbons, streamers or other similar moving, fluttering or revolving devices. Such devices, as well as strings of light, shall not be used for the purposes of advertising or attracting attention when not part of a sign except as provided below.
- (8) No signs containing luminous material, sequin-studded lettering or lettering with fluorescent paint shall be allowed.
- (9) Signs shall not be allowed on a lot unless such signs carry advertising strictly incidental to a lawful use of the premises, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, and the name of the business, or person, occupying said premises.
- (10) No A-frame-type signs, portable signs, signs on rocks, trees and other parts of the natural landscape or signs on a public street shall be allowed, except as provided herein.
- (11) Signs designating credit cards accepted may be displayed, but such signs shall not occupy more than two square feet of the building facade. If located in a window, said signs shall be computed as part of allowable interior sign area as described in Subsection B(4), Interior signs, below.
- (12) No freestanding sign, projecting building sign, marquee sign, or any other sign or lighting device shall be erected or maintained on any municipal property or right-of-way unless erected by the proper municipal authorities, except as provided herein.
- (13) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies shall be exempt from sign fees, if such signs or bulletin boards do not exceed 10 square feet and are located on the premises.

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- (14) Only one face of a double-faced sign shall be included in computation of display area.
- (15) The structure supporting a sign is not included in determining the display area unless the structure forms an integral background for the display.
- B. The following signs are permitted, subject to the limitations provided below, in any use district, but require a permit as provided herein:
- (1) Illuminated signs.
- (a) Any illuminated sign or lighting device shall employ only lights of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent or moving light or lights. The provisions of this section shall not be applied so as to prohibit a sign changing to show time, temperature, or event or tour schedules.
- (b) In no event shall an illuminated sign or lighting device be placed or directed as to illuminate a public street, highway, sidewalk or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (c) Internal lighting.
- [1] No neon or rope lights shall frame or highlight a window.
- [2] Internally lit signs with a transparent or light background color are prohibited. Dark background internally lit signs are permitted.
- [3] Only lettering, graphics, or logos shall be illuminated with the background areas darkened and sufficiently opaque so as to prevent light spillage.
- (2) Projecting signs.
- (a) Size. The maximum size of any projecting sign shall be five square feet.
- (b) Material. Projecting signs shall be wood-carved and nonilluminated, with an ornamental hanger.
- (c) Attachment. Signs shall be perpendicular to and attached to the building face of the premises which they advertise.
- (d) Projection. Signs shall have a minimum projection of six inches and a maximum projection of three feet six inches from the building face.
- (e) Clearance. Signs shall have a minimum clearance of eight feet and a maximum clearance of 10 feet from the ground. All measurements of clearance are from the ground to the bottom of the sign.
- (f) Encroachment. If any part of any sign encroaches into any air space over Village property, and if such encroachment is permitted by the Village Board, the owner of such sign shall execute a hold-harmless agreement upon such forms as provided by the Village and shall also provide to the Village a complete copy of a policy of liability insurance in which the Village is named as an additional insured in the minimum sum of \$500,000 per occurrence.
- (3) Freestanding signs.
- (a) Freestanding signs shall not be permitted where the building is set less than 10 feet back from the property line.
- (b) Freestanding signs larger than eight square feet are subject to the setback and required yard provisions herein.
- (c) No freestanding sign shall be erected or maintained where any part of the sign is closer than five feet to any existing building.
- (d) No freestanding sign shall have a display area exceeding 50 square feet with a maximum dimension of 10 linear feet on any one side, height or width.
- (e) No freestanding sign or its support shall exceed a height of 25 feet.
- (f) Freestanding signs are prohibited in the Residential and the Residential Mixed-Use Districts.
- (4) Interior signs. No sign, or combination of signs, erected or maintained in the window of a building and visible from any public or private street or highway shall occupy more than 35% of the window area, except as provided herein.
- (5) Wall signs. Total wall signage shall not exceed 1.5 square feet per linear foot of building frontage, 10% of the total area of the building facade, or 25 square feet, whichever is less.

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- (6) Awning, ~~and~~ canopy **(and umbrella)** signs.
- (a) Lettering may be placed on the front and/or side panels of the awning, but not on the slope.
- (b) Awning lettering may contain names, numbers, and graphics limited to the business name or building name upon which the awning is located.
- (c) **Umbrellas shall not contain any signage.**
- (7) Temporary signs. No temporary sign shall be erected except as hereinafter provided.
- (a) The following temporary signs are permitted without a permit, provided that such signs comply with the general regulations of this chapter:
- [1] Temporary signs in the form of window signs or **(11/2006) banners in windows**, provided that they do not occupy more than 35% of the window area they are displayed in and that they are not displayed for more than 14 consecutive days.
- [2] Signs posted by governmental agencies or required by governmental law, order or regulations.
- [3] Signs required by the legal process.
- [4] Historical tablets, memorial plaques or emblems installed by governmental agencies or religious or legally recognized not-for-profit not to exceed six square feet.
- [5] Transportation signs, including but not limited to bus stops, not to exceed two square feet.
- [6] Signs necessary for the identification, operation or production of a public utility.
- [7] "Warning," "Private Drive," "Posted" or "No Trespassing" signs, not to exceed two square feet.
- [8] Noncommercial flags or emblems, including but not limited to religious, educational, social or governmental organizations, not to exceed 15 square feet with no single dimension greater than five feet, not to exceed three flags per 50 feet of frontage, flown from supports of the buildings or grounds being occupied by the organization or by an individual.
- [9] Signs advertising the sale, lease or rental of a premises upon which the sign is located:
- [a] Residential zones: one sign, not to exceed six square feet.
- [b] Commercial zones: one sign, not to exceed nine square feet with no single dimension greater than five feet.
- [c] Signs shall be removed no later than three days after the transfer of title, lease or rental of the premises.
- [d] Off-premises "Open House" directional signs permitted on day of event only.
- [e] Nonilluminated project signs denoting the developer, architect, engineer, subcontractors or contractor on the premises where construction, repair or renovation is in progress. Each project shall be permitted one sign not to exceed six square feet in area, to be removed upon completion of the project but not to be in place longer than two years. Setbacks from all property lines shall be a minimum of 15 feet.
- [10] Private-owner merchandise sale signs for garage sales and auctions, not to exceed four square feet, for a period not to exceed seven consecutive days.
- [11] Price signs required on gasoline pumps by New York State or federal law, not to exceed the minimum requirements established by law.
- [12] Commercial signs, for example, "Grand Opening," "End of Season," "Closeout," and "Going Out of Business" or signs with similar messages, provided that they are no more than 15 square feet with no single dimension greater than five feet, shall be permitted for no more than 14 consecutive days.
- (b) All other temporary signs require a permit **(chg'd 2/2007) are subject to a fee and deposit (if applicable) as determined by the Village Board of Trustees**, and must comply with the following regulations:
- [1] A permit may be granted for such signs twice per season (twice between October 1 and May 1 and twice between May 1 and October 1).
- [2] The sign shall be no more than 15 square feet with no single dimension greater than five feet.
- [3] Each permit shall not exceed 15 days.
- [4] Such signs shall not project more than 15 inches from the face of the building wall nor extend beyond the outer edge of the wall to which it is attached.
- [5] Such signs shall not attach to fences, trees, utility poles or the like, or be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- [6] Placement of temporary signs shall not hinder pedestrian traffic.

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- [7] Each business property site is allowed only one such sign at a time. Each such sign shall be affixed to the business property site of the property owner designated in the permit application.
- [8] A-frame signs seasonal permits. Permits may be issued from September 15 until May 24, provided that the sign(s) conform to the following: [Amended 4-17-2006 by L.L. No. 6-2006]
- [a] Display area no greater than three feet by three feet per side;
- [b] One per storefront;
- [c] Signs shall be located on a sidewalk;
- [d] Only displayed during open hours of business.
- [e] **Subject to Planning Board approval. (chg'd 2/2007)**

(Chg'd 11/2006 - #9 – Banners was added)

- [9] **Banners shall be those made of vinyl, cloth or other flexible material designed to be hung or attached to a building temporarily, and shall conform to the following:**
- [a] **The banner shall be no more than 15 sq. ft. with no single dimension greater than five feet.**
- [b] **There shall be no more than one banner attached to a single building or storefront.**
- [c] **The banner may contain commercial advertising. Such commercial advertising cannot be more than 33 1/3% of the banner. The remaining percentage shall be devoted to a message specifically welcoming a group, promoting a special event, entertainment, or an event specific to the location of the banner.**
- [d] **Any wholesaler supplying banners must be authorized to do so by the State Liquor Authority. Proof of such authorization will be required prior to obtaining a permit.**
- [e] **A permit for a banner may be obtained on a yearly basis. The fee for a banner permit is \$100.00. Banner permits may be purchased after June 1, 2007. Permit holders will be permitted to change banners at their discretion so long as they conform to all sections of this chapter.**
- [f] **Special convention, group or association banners that are designed to specifically welcome their members, and contain no commercial advertising do not count as the one permitted banner. They may be placed on a building for a period of no longer than 14 days. They shall be made of vinyl, cloth or other flexible material designed to be hung or attached to a building temporarily. The banner shall be no more than 15 square feet with no single dimension greater than five feet.**

C. Placement, number and height limitation of permitted signs unless otherwise provided.

(1) Placement and number. Commercial Resort and Commercial Mixed-Use Zones.

(a) Businesses may be granted a permit for two signs, one freestanding double-faced sign and one sign attached to a building, or two signs attached to a building (wall or projecting).

(b) Businesses where the principal building is located with frontage on more than one street or public highway will be permitted one wall sign or one projecting sign or one freestanding sign facing each street, regardless of frontage.

(c) A permit may be granted for the erection of directional signs, provided that each individual sign does not exceed three square feet in area and is limited to the text "entrance" or "exit." One directional sign shall be allowed for each curb cut or driveway associated with the business or parcel.

(d) In addition to the above, a permit may be granted for an externally lit identification sign on the lakeshore, provided that such sign does not exceed 15 square feet in area and the sign shall state only the name of the business or property.

D. Restrictions.

(1) Only one wall sign per business is permitted.

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- (2) Businesses are not entitled to any additional freestanding signs due to any of the following circumstances:
- (a) A business being situated on two or more lots, regardless of whether such multiple lots were created as two or more parcels in one deed, multiple deeds, separate Tax Map parcels, or otherwise.
 - (b) A business owned by a person or entity other than the owner(s) of the real property on which it is situated.
 - (c) If a business is located upon one or more contiguous lots or parcels, only one freestanding sign is permitted, regardless of whether the ownership of such lots or parcels is the same.
 - (d) If two or more businesses are located upon one or more contiguous lots or parcels, only one freestanding sign is permitted. The owner of such real property or business may elect which business to advertise or how the allowable signage is allocated among the various businesses.
- E. Sign removal.
- (1) Any new sign which does not comply with the regulations established for the issuance of a permit pursuant to this chapter or which permit is revoked or which is deemed to be an abandoned sign; or which is not maintained in good and complete condition with lettering and graphics clean, legible, in true alignment and finishes in good repair, is prohibited and shall be brought into compliance.
 - (2) The business, property and/or sign owner of any noncomplying sign shall be in violation until such sign(s) is removed or repaired. The Village may, with 30 days' prior written notice to the property and/or sign owner(s), remove such sign without further notice or further proceedings at the expense of the property and/or sign owner. The expense may be recovered by the Village in an action instituted in a court having competent jurisdiction.
- F. Amortization of nonconforming signs. Nonconforming signs, except as herein provided, existing either by variance previously granted or by conformance with the regulations existing when the original permit was granted, shall be removed or brought into compliance with the provisions herein no later than five years after the adoption of this chapter. **If said sign is changed in any way then said sign shall be required to conform with this chapter.**
- G. Nonconforming freestanding signs.
- (1) Freestanding signs in existence prior to adoption of this chapter may remain as a nonconforming accessory use except those signs existing in the RMU District. Such signs shall be deemed grandfathered nonconforming uses.
 - (2) If the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter.