



REGULAR MEETING OF THE ZONING BOARD OF APPEALS  
VILLAGE OF WATKINS GLEN HELD MONDAY, SEPTEMBER 30, 2019

### PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:00pm by Stacy Gray who led the assembled in the pledge of allegiance. Present were Stacy Gray, David Hertel, Colleen Chavchavadze, Roger Hugo, Sue Olevnik, Deputy Clerk Barbara Peterson, Code Enforcement Officer Darrin Stocum and Treasurer Rhonda Slater. There were five other persons in attendance.

### APPROVAL OF MINUTES

Roger Hugo made the motion to approve the minutes for the May 20, 2019 meeting of the Zoning Board of Appeals. Colleen Chavchavadze seconded the motion. The Board then voted on the motion with four in favor and Sue Olevnik abstaining. Motion Carried.

### APPLICATION FOR AREA VARIANCE

#### Keith Hanlon – 107 South Ave Deck Construction

Keith Hanlon was present to request an area variance for his proposed deck construction at 107 South Ave. The proposed deck construction is in violation of the zoning law section 5.2, subsection 5.1 that requires a 30' setback by 4'. Although the alleged hardship would be self-created as the deck could be shortened by the four feet, the Board determined that there would be no detriment to nearby properties as the back of the property abuts the Tops parking lot. The Board also stated that there would not be any adverse impact on the physical or environmental conditions by granting the variance. The Board further resolved that the requested variance is not substantial as it would still allow for a 26' setback. For these reasons, David Hertel made the motion to approve the requested use variance. Colleen Chavchavadze seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

#### Cristina Caceres-Kassis Signs on behalf of 7-Eleven – Use Variance for Illuminated Sign

There were no representatives present on behalf of the 7-Eleven variance request. The variance request was submitted as a use variance for a proposed sign box face changing from A-Plus to 7-Eleven with the shape of the sign changing from an arc to a box per the 7-Eleven logo. The applicant is looking to keep the sign internally illuminated which is in violation of the current zoning law section 9, subsection.7. The variance was submitted as a use variance, however, there were some among the Board that felt that it should possibly be an area variance. An area variance would remain in effect only with the current owner of the property, whereas, a use variance would be a permanent variance for the property and not change with the change in ownership. The Board also considered if the real question before the Board was whether the sign could be classified as an “in-kind” replacement or if it should be classified as a new replacement because the shape is changing from a semi-circle to a square. Colleen Chavchavadze made the motion to table the request and to reach out to Chris Eastman with the NYSDOS for clarification. David Hertel seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

### BOARD CONCERNS/NEW BUSINESS

The Board held a moment of silence for former Board member Robert Lee who passed away.

The Board then discussed the matter of address fraud and the misuse of the designation of a cottage industry which requires that it be operated by a resident of the dwelling unit. The Board discussed various ways a person can prove their legal address and options to prove address fraud. It was suggested that when a fire inspection is completed by the Village a confirmation is also made that the building owners are following all rules and regulations to operate as a cottage industry.

Colleen Chavchavaze made the motion to nominate Stacy Gray as chairperson for the Zoning Board of Appeals. David Hertel seconded the motion. Stacy Gray accepted the nomination. The Board then voted on the motion and all were in favor. Motion Carried.

#### ADJOURNMENT

With no further business to come before the Board, David Hertel made the motion to adjourn the meeting at 6:58pm. Sue Olevnik seconded the motion. The Board then voted on the motion and all were in favor. Motion Carried.

Meeting Adjourned.

Respectively Submitted,

Rhonda E Slater