June 18, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting Work Session, to be held on Wednesday, June 23, 2010 at 6:30 PM in the first floor board room. This meeting will be an Executive Session to discuss a legal matter and any other business that may come before the Board. A Special Work Session will follow at 7:00 PM to discuss the Town Sign Ordinance and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor

Cc: Town Board
    Town Clerk
    Media
PENFIELD TOWN BOARD WORK SESSION

JUNE 23, 2010

7:00 PM

*Topic of Discussion: Sign Ordinance*

(And any other business that may come before the Board)
I. Call to Order:

Present:

Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:

James Costello
Katie Evans
Donna Masters
Harold Morehouse
Andy Suveges

TOPIC: SIGN ORDINANCE DISCUSSION

Supervisor LaFountain began the discussion by stating that a public information meeting had been held and some written comments came in. Michael Bloch sent a comment in, and the Building Department will have a copy of this for their file. Tonight we will look at temporary signs, garage sales, political and real estate signs and not-for-profit signs. After looking through the current ordinance, overall 75-80% of this document is in good shape.

J. Costello said the big issues are a-frames and temporary signs. Also, garage sale as well as not-for-profit signs are a problem due to the multitude of signs within the Town.

H. Morehouse said that there are businesses trying to put up signs in the Town that are located in other towns; one example is at Routes 441/250 and Penfield Road and Hogan Road.

Andy Suveges added information for the real estate signs from Section 7-21 of the Town Zoning Ordinance which reads that these signs may be installed on a weekend only on a subdivision site offering a site for sale. CW Kohl said that since Code Enforcement does not work weekends, this has been a problem. J. Costello said that a few years ago, we did allow weekend signs, now some parameters have to be met. There will be some education and rationale as to why we are doing this.

CW Metzler asked what situations are clearly not covered by the current Sign Ordinance.

J. Costello answered that each situation is covered, but not to every degree. When the Ordinance was written, nothing was clearly in black and white. The focus now will be what is a responsible number of signs, especially on weekends.

CW Metzler also asked about penalties for violations; how many of these per year?
H. Morehouse said that it is difficult to say, if they do not correct the violation, they do end up in court and will incur a penalty. They can avoid this by coming into compliance, and that is what we are seeking, compliance. If compliance occurs, the ticket that was issued is pulled.

Supervisor LaFountain said that 80% of the Ordinance is good information and we have to define how aggressively we want to do this, but it would occur over a period of time. Consistency will be key as well as shoring up some of the wording and talking with our Court Judges.

J. Costello said that the not-for-profit organization raise monies for charitable causes; our Ordinance does not regulate them. These signs can be installed for 12 months a year with an unlimited number of signs. He recommends regulating the number of signs, the amount of time they can be put up for, how these signs look and who is responsible for these signs. We should see when the signs will be taken down and have a registry as well. CW Metzler said that there are multiple plaza signs, one in the front of the plaza and one on the front of the business would work. We need to stay focused on the purpose of the Ordinance; the preamble is our charge. Supervisor LaFountain said this is going to be done within the next few months or repeal the whole thing; again, consistency is key. Not-for-profits should be allowed three (3) signs; one (1) on the property and two (2) some place within the Town. Real estate signs should be the same as not-for-profit signs.

H. Morehouse referred to the topic of garage sale signs. The construction of these particular signs do not warrant them to go out there since they are somewhat flimsy. If a good sign is put up, these people will come back for them since they are somewhat costly. They should be told to put some effort into the sign and have adequate letters (small letters are hard to read). H. Morehouse said he would have sign fees given to CW Metzler; generally these are $2.00 per square foot.

Supervisor LaFountain advised that the political signs should follow the foundation of the A-frame signs (April 9, 2010). Currently, the political signs go up every/any place. Years ago, we had to have the property owner’s permission, now these signs are usually located in the right-of-way. Both political parties will need to designate locations for signs, along with a letter of delegates and they (political party leaders and candidates) must be responsible for these signs and obtain written permission from property owners. The list of these sign locations will be sent to the Town’s Building Department so that we have a record. Then, if found in violation, it can be pursued further.

CM Moore said he has observed that most signs are placed in right-of-ways. We should have definitions for types of signs, homes and businesses.

J. Costello added the fact that people need to know where the signs will be located. We will have to go on PCTV 12 and educate people.

Supervisor LaFountain said that staff will go through this and given a responsible period of time, then the Board will see the draft form of this on August 4th. If the Board has any comments, please forward to H. Morehouse, Andy Suveges or Jim Costello.

Not on tonight’s agenda:

K. Evans said that the scoping period ended on July 18. We will stay on track and are reviewing scoping comments and a matrix; we have received only one (1) e-mail so that no matrix is necessary. We are now looking for the Town Board to read the scoping outline and we will then present a Resolution for the July 7, 2010 Legislative Meeting. The Town Board members indicated that they are fine with this.

J. Costello briefly reviewed two (2) upcoming Public Hearings; 805 Liberty Street, Mary Kay operation, they have made out their application and we plan on a Hearing sometime in August. The second Public Hearing is for the church (Crossbridge) located in the former Finney school. This is a big operation and a Special Permit will be required. We have received their application as well.
1670 Penfield Road – H. Morehouse said this is a flooring store (retail) selling hardwood flooring. They do not have a lot of stock and is a permitted use within this zoning district. Durand Rental was a retail operation previous to this. The recommendation of the PRC Committee was for landscaping and cleaning needed up along the right-of-way; their plan did include this. There are no structural changes needed and there is no outside storage. They will have display showroom products. Their signage has complied as well. This is a less intensive use than the previous business.

 Supervisor LaFountain adjourned the Work Session at 8:25 p.m.