February 2, 2011

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting to be held on Tuesday, February 8, 2011 at 6:30 PM in the first floor board room to discuss the Sign Ordinance and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor

Cc: Town Board
    Town Clerk
A Special Work Session of the Penfield Town Board was held on Tuesday, February 8, 2011 at 6:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor  
           Linda Kohl  Councilwoman  
           Paula Metzler  Councilwoman  
           Andrew Moore  Councilman  

Absent:  Robert Quinn  Councilman

Also
Present:  Amy Steklof  Town Clerk  
          Richard Horwitz  Town Attorney (6:40 PM)  
          Jim Costello  Dir. Of Developmental Services  
          Harold Morehouse  Bldg. and Zoning Administrator  
          Andy Suveges  Bldg. and Code Compliance Inspector.

Jim Costello distributed the attached draft Sign Ordinance. Discussion focused on document revisions particularly on signs placed in the right of way, “A” frame signs, non-profit signs, temporary signs and political signs. The number of signs allowed within the Town was also discussed.

Mr. Costello suggested the Ordinance will need modifications to include additional definitions and that it will be important to educate residents to make them aware of the regulations.

Councilwoman Metzler stated it is important to have an Ordinance that is enforceable.

The Town Board broke into an Executive Session at 6:45 PM and reconvened at 7:15 PM.

Mr. Costello stated that once the right of way issue is addressed the rest of the issues can be solved.

Councilwoman Metzler stated she is not comfortable with an Ordinance that allows signs in the right of way and that it contradicts New York State and County right of way provisions.

Concerns regarding temporary signs were discussed and not to allow temporary signs in the right of way was decided. The Board initially discussed the draft revision to allow (5) five temporary signs to be placed on properties to identify various events. However, once the issue of not allowing signs to be placed in the right of way was resolved, the Board noted that allowing only five signs would be too restrictive and inconsistent with the provisions of the Political Sign section of the Code. The Board and staff agreed that not placing a number on the signs permitted would be more appropriate since they would
be dispersed throughout the town and no longer placed within the Right of Way.

(Continued)

Supervisor LaFountain stated businesses may need to come in to discuss a variance to the provisions at a ZBA meeting and follow the normal Special Permit process.

Concerns regarding visual pollution and safety issues were discussed.

Dick Horwitz stated the issue is not the number of signs but the placement of signs. Mr. Horwitz also stated that signs placed on Town property can be pulled.

Councilman Quinn, unable to attend the meeting due to the birth of his son, submitted his concern addressing political signs and the time frame in which the signs are posted.

Supervisor LaFountain stated he will write letters to both political parties and attach the revised Ordinance, similar to what was done last year. He hopes it will set the tone for future campaigns.

Section 7-21 was discussed. It was determined that signs being used to sell or lease vacant commercial buildings as in plazas, that the Town should require an application for a permit since many such signs are currently always in place and never removed. A time limit of six months for signs placed on commercial and industrial sites was also suggested.

The Town Board reviewed letter “M” on page 5 of the Ordinance stating signs advertising that businesses are open will continue to be allowed, but “A” frame temporary signs on the property should have limited verbiage due to distractions and safety issues.

Supervisor LaFountain brought up concerns presented by Dave Woodward and Larry Grossman at the Public Hearing on December 7, 2010.

Mr. Woodward recommended the size of “A” frame signs should be increased from (6) feet to (10) feet for more visibility.

Mr. Woodward also referred to Section 7-20 and questioned the number of temporary signs allowed. He also had raised questions regarding parking and no parking signs.

Supervisor LaFountain stated that Mr. Grossman had questioned the number of signs allowed and that he also was concerned with the number of days allowed for signs to be erected for an event.
Supervisor LaFountain suggested if signs needed to be up longer than 20 days then would be necessary to apply for a special permit.

The Board determined that due to the significant changes proposed to the Sign Ordinance, including updates to the definition section, a Public Hearing will be held to allow the public an additional opportunity to comment on the revisions. (Continued)

Mr. Costello stated he will work on the proposed revisions and meet with Mr. Horwitz prior to the Town Board Work Session scheduled for February 23, 2011. The suggested time frame is to submit a Resolution to be placed on the March 2, 2011 Town Board Legislative Session Agenda requesting a Public Hearing for April 6, 2011 with possible adoption by April 20, 2011.

Adjournment - Meeting adjourned at 8:22 PM.

Amy Steklof
Town Clerk