

**MINUTES OF THE REGULAR MEETING  
TOWN OF NEW HARTFORD PLANNING BOARD  
MONDAY, MAY 12, 2008**

The Regular Meeting was called to order by Chairman Hans Arnold at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Peggy Rotton, Jerome Donovan, Bob Wood, Ellen Rayhill and Bob Imobersteg. Board Member absent: Rodger Reynolds. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; Codes Enforcement Officer Joseph Booth; Zoning Advisory Committee member Tim Tallman; and Dory Shaw, Secretary.

Minutes of the April 14, 2008 meeting were reviewed by the Board Members. Motion was made by Board Member Peggy Rotton to approve as written with the Police Chief's comments as an attachment; seconded by Board Member Jerome Donovan. All in favor.

Minutes of the April 22, 2008 meeting were reviewed by the Board Members. Motion was made by Board Member Peggy Rotton to approve as written and to include storm water management comments from the Highway Superintendent; seconded by Jerome Donovan. All in favor.

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**PUBLIC COMMENTS**

There was no one was in attendance to address any public comments.

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Recommendation to the Town Board regarding the proposed Sign Ordinance. Chairman Arnold explained how the amendments to the sign regulations occurred in the Town. He explained that Codes Enforcement Officer Joseph Booth and the Zoning Advisory Committee has been working on the update of this Ordinance. Board Member Jerome Donovan is this Board's representative on this committee. A moratorium was placed on signs for a period of sixty (60) days. The Town Board has asked the Planning Board for our recommendation on these revisions (each Board Member was sent a copy of the proposed Sign Ordinance).

Codes Officer Joseph Booth stated that a committee was formed to address some of the specific deficiencies, and also identified several items:

- Submitted a way of regulating wall building signs per zone
- Size and height of free standing signs by zone
- Minimum setback from side and front property lines for signs
- Provided a method of measuring the sign – height and square footage
- Regulated four (4) different classes of changeable copy signs
- Provided for detailed regulations on those signs
- Attached regulations to those with brightness, dimmer controls
- Use of these signs in a zone specific area, which is the RB1 zone (which is the highest commercial district, i.e., Middle Settlement Road, Commercial Drive, Seneca Turnpike area and that these signs be issued permits only after the Planning Board provides a Special Permit for these signs
- Prohibited signs from public rights-of-way
- Limiting political signs – overall size
- New definitions for signs and LED signs

Codes Officer Booth also received input from professional sign people and he would like to add some additional recommendations.

Tim Tallman, Zoning Advisory Committee member, addressed the Board stating that he has concerns regarding temporary signage. He feels that banners/flags, temporary signs should be allowed, at least on a temporary basis as new businesses coming into the Town need exposure and it is important that these businesses be noticed. He and Codes Officer Booth surveyed the Town for these types of signs/banners, and it is an ongoing problem. Codes Officer Booth explained that this is difficult to enforce. This is addressed under General Regulations for temporary signs/banners, etc. where a permit is allowed each time for 3 times per year for periods of up to 2 weeks

Chairman Arnold asked Codes Officer Booth for the time period for the non-conforming signs under the proposal – Mr. Booth said it is addressed in Section E which grants ten (10) years to comply. He also stated there is a provision in our Code regarding notification.

Chairman Arnold asked for the Board Members' input. Board Member Rotton felt the proposed changes are good, however, from an environmental standpoint, she would like to see lights reflect downward, i.e., floodlights from the ground up. She had done research on this and found this is damaging to the environment. Codes Officer Booth stated it is mentioned under C12 and Board Member Donovan stated this Board addresses it under Site Plan Review. Chairman Arnold asked Board Member Rotton to contact NYSDEC for a possible code for us to review.

Board Member Imobersteg referred to those who don't want to comply – who enforces it. Codes Officer Booth said it would be from the effective date of this new Ordinance. Those would be non-conforming signs – there was no provision for it previously. The replacement of a sign would trigger it, i.e., with a Building Permit. Board Member Imobersteg also asked about the time frame for a sign to come down after this becomes law (he mentioned a particular sign) – Codes Officer Booth said after the enactment of this Code, that particular sign would come down and that use it is no longer a use.

Board Member Rayhill referred to an LED sign that can change messages daily – what is the difference, i.e., off site advertising which is now not allowed – LED's allow whatever advertising they want while other businesses can't have a temporary banner - she would also like to find a way to make temporary signs possible. She feels there needs to be some balance there and not have LED signs all over.

Codes Officer Booth said there is a provision in the Code to prohibit off site advertising at any site. However, he explained that our Ordinance does allow for special events, they aren't prohibitive but need a Building Permit. Further, LED signs are just allowed in an RB1 zone only.

Tim Tallman said that no one has complained about the banners and he wouldn't encourage taking the wording out, but he would like to see something done to address it.

Board Member Donovan compared signs in Wal-Mart and how they aren't offensive compared to signs on the highway. Codes Officer Booth stated that he has seen inflatable signs, flags on roofs – and if it isn't controlled, it becomes pollution. Discussion ensued regarding establishing verbiage for new businesses, perhaps 2 weeks to 30 days for a grand opening.

Board Member Rayhill also stated that it is a mistake to have an Ordinance we don't intend to enforce – you have to make an attempt to enforce it. It was stated that it is the Town Board's responsibility. Chairman Arnold felt that there are only three (3) people in the Codes Department and if the Town Board approves this Ordinance, they should staff the that department to be able to enforce it.

Board Member Wood felt we can't eliminate an Ordinance that is going to be in contradiction to the rest of the Ordinance. He also referred to the "people" who are walking advertisements and the cluster of little signs along the road. Codes Officer Booth said we are trying to limit them by being off the right-of-way and mobile or portable signs or attracting devices are prohibited.

Board Member Donovan referred to an article in the Town Crier regarding Garage Sale signs and who is removing them – he feels it is littering that takes place with these signs. He referred to political signs, realtor signs and not for profit – the committee didn't want to attempt to shut down any of these. The public right-of-way in terms of aesthetics was also addressed. Board Member Donovan addressed temporary signs not requiring a permit by limiting size to 32 square feet and put up on private property and also addressed setbacks/rights-of-way. Board Member Donovan feels there has to be an education-type presentation by the Town Board by holding special meetings, legal notices or the Town Crier to make the public aware of these changes.

Board Member Donovan also talked about enforcement and adding another responsibility to the Codes Office. He feels the Codes Office needs help. He further talked about other departments in the Town helping to remove signs in the right-of-way, i.e., the Highway and Police Departments. He provided additional language for Section F7 of the proposed Ordinance that addresses this.

Chairman Arnold said that perhaps in a year or two the number of illegal signs would drop down if the path is followed. Codes Officer Booth stated that placing fines might help. Chairman Arnold also asked about maintenance of signs and mentioned a particular sign that has been deteriorating for years. Codes Officer Booth said this is addressed in the new Ordinance.

Board Member Imobersteg addressed the concerns he had regarding collection of signs, storage and disposal.

Chairman Arnold referred back to the temporary signs/banners, duration, residential vs. commercial and the possibility of increasing the additional times a year that they are allowed – especially during holiday seasons. He understands why this needs a limit and the enforcement of it is an issue, also.

Board Member Donovan suggested that this item of banners, temporary signs (as described in C2), should go back to the committee for further review. It was the consensus of the Board Members that the Zoning Advisory Committee review this section again.

Codes Officer Booth mentioned that the time frame for the moratorium is due. Board Member Donovan said we need to get a recommendation to the Town Board or they could extend the moratorium for another sixty (60) days. After it is law, it can be amended after a Public Hearing.

The Board further discussed wall mounted signs, regulations, panels, etc. Codes Officer Booth stated most panels aren't building mounted.

At this time, motion made by Board Member Jerome Donovan that the Planning Board recommend to the Town Board the adoption of the Zoning Advisory Committee's recommendation of the proposed Sign Ordinance with the following amendments:

- 1) Section C1: add the word, foam;
- 2) Section C6: change 6" to 8";
- 3) Section C11: change language to read a minimum of 5' from the front property line measured from the leading edge of the sign;
- 4) Section D1: under brightness, change 5000 nits to 6500 nits;
- 5) Section F7: add: Signs posted in the right-of-way shall be removed, without prior notice, by the Codes Department, the Police Department or the Highway Department. Signs removed from the public right-of-way shall be retained by the Codes Officer for no more than ten (10) business days and disposed of thereafter;
- 6) Request the Town Board to ask the Zoning Advisory Committee to reexamine Section C2 pertaining to temporary signage and make subsequent recommendations.

Motion seconded by Board Member Ellen Rayhill. Vote taken:

Chairman Hans Arnold - yes	Board Member Bob Imobersteg - yes
Board Member Jerome Donovan - yes	Board Member Ellen Rayhill - yes
Board Member Bob Wood - yes	Board Member Peggy Rotton - yes

Motion **passed** by a vote of 6 - 0.

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Town Planner Kurt Schwenzfeier advised the Board that he has been in contact with peter j. smith, consultants, advising them of the GEIS work session scheduled for May 27<sup>th</sup>. They are working on the changes to our requests and wants this Board to review them prior to appearing, and they will have these to us prior to our meeting on May 27<sup>th</sup> (the consultants will not be appearing at that time).

Also, Town Planner Schwenzfeier stated that peter j. smith has done some work on the review of the previous GEIS study areas. They would want a Planning Board recommendation, and Chairman Arnold will be talking to them for review of that report.

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There being no further business, the meeting adjourned at 7:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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