

A workshop was held on December 1, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, by the Sign Law Committee for the Town, for the purpose of discussing the current Sign Law for the Town of Moreau and possible revisions to it.

The workshop commenced at 7:00 p.m.

**Present:**

Gina LeClair	Councilwoman & Town Board Liaison to the Sign Law Committee
Todd Kusnierz	Councilman & Town Board Liaison to the Sign Law Committee
Rick Kubis	Sign Law Committee Member
Bob Lefebvre	Sign Law Committee Member
Richard W. Morris	Sign Law Committee Member
David Rogge	Sign Law Committee Member
Kevin King	Sign Law Committee Member

**Absent:**

Celine Estes	Sign Law Committee Member
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Bob Lefebvre started out by stating that the definitions of portable and temporary are confusing and he asked if Councilman Kusnierz or Councilwoman LeClair could tell him the difference between the two.

Councilman Kusnierz said it was a good question and he had hoped that Joe Patricke the Building Inspector/Code Enforcement Officer would be at the meeting, but he wasn't so they would have to get back to him with an answer.

Bob Lefebvre stated that if in fact the two definitions are the same and if you read the definition of portable then technically election signs are illegal in the Town, because in Section 117-4 (C) (11) it reads "portable signs shall not be allowed in any zoning district". He said that election signs are portable signs, because they are not affixed to anything. He said the answer to this is going to be that they are temporary signs, because they will be taken down after the election. He said that unless he is misinterpreting the English language, it clearly states "not of a permanent nature, is a portable sign". He said where we get around this is under temporary signs in Sections 117-4 (C) (6), which reads in part, political signs, civic issue and other signs of similar nature. He said that in the definition of portable we should eliminate the sentence that reads "banners, pennants, flags, placards, posters and any other device not of a permanent nature.

Councilman Kusnierz stated that we know there are deficiencies in the Sign Law, but when it comes to political signs, nowhere in the law does it mention the Supreme Court Ruling that says you can't ban political signs. They are protected by Freedom of Speech.

Rick Kubis stated that it sounds like temporary signs are an allowed subset of portable signs. We have created a grand grouping that we call portable and we have decided that some of those need to be exempted from the rules as they pertain to portable, so we created the temporary subset.

Bob Lefebvre said we have saddled the Building Inspector/Code Enforcement Officer with the responsibility of having to be interpretive. If there are people complaining about a banner in front of somebody's business that is there because they are having a sale the Building Inspector/Code Enforcement calls it a portable sign and they have to take it down. He said there is a banner on one of Schermerhorn's apartment buildings off Bluebird Road that reads that he is renting. If you look at the definition of a temporary sign it does include rentals so it is illegal, because the Building Inspector/Code Enforcement Officer is going to say it is a temporary sign. Sherry who is trying to sell mobile homes, puts a banner on her mobile home that reads, we are offering this at \$87,000 a bargain, the Building Inspector/Code

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Enforcement is going to say take it down, because it is a portable sign. He said it could be the same banner, but with different wording and different kinds of businesses and that is the problem.

Rick Kubis stated that if they read the definition of temporary they will find what it has in common with all the things that are defined in temporary and that is that there is some sort of fixed event that will end the need for that sign. I.e.; when I rent the place then I will no longer need the sign, when the election is over I will no longer need the sign, when the property is sold I will no longer need the sign. If I am selling mobile homes it could be there forever. It could be a permanent portable sign.

Bob Lefebvre stated that if Toadflax wanted to put up a sign that reads "Halloween Special" he would take it down after Halloween, because he isn't selling pumpkins in the spring. However, he wouldn't be allowed to do that. They would say it is a banner. He said that the sign that Sherry put up on the mobile home read "\$87,000.00". It sold within 60 days so the home was no longer \$87,000, because it was sold. He said there should be a start and finish to an event when it comes to temporary signs, because he doesn't think they want to have banners all over the place. However, that is how businesses make their money, by offering specials. He mentioned another business that advertised in the Post Star last year and spent \$2,000 and they didn't get one account. They put out a little A frame sandwich board in front of the business and in one month they lined up thirteen people. People come off exit 17 and on their way to Glens Falls and they say, oh, that is that place they are talking about.

Rich Morris stated that Moreau is not a shopping community. People don't come here to shop. They pass through on their way to Vermont or Glens Falls. He has difficulty getting people to stop at his business when they are driving by at 55 mph. He has to be able to communicate to the people to get them to stop. He said businesses have to be able to promote their business. It creates sales tax revenue for the Town. He wants people to be considerate and tasteful with their advertising and he doesn't want to see the community strewn with signs.

Councilman Kusnierz asked Rich Morris if he has any recommendations on how we can meet that goal.

Rich Morris replied that businesses need to be allowed to put up temporary sales event signs. You have to give people a reason to stop and you have to tell them fast and quickly and bold enough so they see it driving by at 55 mph.

Councilman Kusnierz asked him, if in his business, would he consider signs he puts up temporary or seasonal.

Rich Morris replied both. In the springtime he sells bedding plants and in the summertime he sells vegetables or mums or pumpkins. It could be a special in the springtime. He referred to Mr. Bill's who got approval to sell sheds. He will want to be able to communicate to people that they are for sale. He has an advantage where cars are slowing down for a traffic light, but farther south on Route 9 they are driving by at 45 mph and 55 mph.

Bob Lefebvre read the definition of temporary from the Sign Law and in the definition it refers to "special event". He said that a fall sale would be a special event. He said the law even defines what temporary basis is and that is 60 days. He said if they read the law as it is now then Rich Morris is illegal. What makes him illegal is the definition of portable in the law and the wording that he suggests they strike. He said that he thinks that the intent behind this definition was that a portable sign is one that is portable that has the same meaning no matter where it is. Then they threw in the wording "banners, pennants, flags, placards, posters and any other device not of a permanent nature". He said he doesn't think we

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mean that. He thinks what they meant was they didn't want this big portable thing that is trucked around on a truck that reads "clearance sale". He said to remove the wording "banners, pennants, flags, placards, posters and any other device not of a permanent nature" from the definition of portable. He said once we remove that wording then we should go back and read each of the references that refer to what is allowed in a commercial zone under temporary signs. He said there are size limitations, time limitations, etc. He thought they would all agree that they don't want signs that are too large.

Kevin King said that the YMCA has tried the traditional medium for advertising membership promotions for their Town of Moreau site and they aren't getting the response they get normally for their Glens Falls facility and other facilities. People are driving by their location on Route 9 and they see the sign, but they are on their way somewhere. If they could put up a banner and have the ability to promote their services to people driving by it may help. They aren't getting the hits on traditional marketing tactics and they work everywhere else.

Rick Kubis stated that he wanted to play devil's advocate. He said Toadflax always has some kind of special going on and what is to prevent him from putting up a big sign that reads "Sale" and it stays there forever.

Rich Morris replied that it has to come down after 60 days and it wouldn't communicate anything.

Bob Lefebvre stated that they could figure out all kinds of ways to skirt the system and no matter what the law says there will be somebody who will try to skirt the system. He is a systems analyst by trade and he was taught to build a system based on the norm and not the exception or you won't ever get anything done. He said if they sat here and tried to figure out how to prevent crooks they will never leave the room, because they are smarter than we are. He said they should figure out a way that satisfies the normal, honest business man in the Town of Moreau.

Councilwoman LeClair said that each of them present has a different type of business and she would like each of them to tell the board what they think will help their individual business and what they feel this law doesn't cover for their business. It would give them something to think about other than just the fact that the law is worded wrong. They should tell them what type of signage would help their business.

Bob Lefebvre said this was an excellent suggestion. He said he has a business on Warren Street, Glens Falls, but he has friends that have businesses on Route 9.

Rich Morris stated that some of the products he buys come with promotional banners for those products. These banners are not legal. He said that he has all kinds of signage within his nursery for the shoppers and technically they are illegal. He said that at Ace Hardware has wreathes outside for sale and a sign up that reads \$24.99. That isn't a legal sign.

Bob Lefebvre stated that he wouldn't like to drive by Toadflax and see banners up all over the place, because it will look cluttered. He said a sign that reads "It is Spring your fertilizer needs available at 20% off" would be okay.

Councilman Kusnierz said it is not their intent to control the content of a sign and they couldn't do that anyway.

Rich Morris stated that in his business he is outdoors a lot and if you come into the nursery you will see bagged goods and if he puts up a banner that comes with Moo Doo that reads "Moo Doo" then he is technically in violation.

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Councilman Kusnierz stated that this was a good point, because he runs a seasonal business that operates at certain times of the year. When he puts up temporary parking signs directing people where to park and a sign he hangs off the office he meets the maximum square footage allowed for signage, because he also has a sign that meets the maximum signage. He would be out of compliance if he had those signs out there, because he would be out of compliance.

Bob Lefebvre stated that he would only be allowed a temporary sign that doesn't exceed 32 square feet, but his permanent sign can be up to 40 square feet according to the current law. The way he reads it he could have a permanent sign up to 40 square feet and a temporary sign up to 32 square feet as a temporary sign.

Councilman Kusnierz said he was not permitted to do that.

Bob Lefebvre said he realizes that, because they qualified him under portable sign. He said that is the confusing part of this law.

Councilman Kusnierz said that he tried to put out temporary pedestrian crossing signs on the state right-of-way and there was an attempt by the Town to cite us. They weren't advertising anything, they were saying, slow down people there are pedestrians crossing. It was a safety sign and they were out of compliance with the local ordinance.

Bob Lefebvre stated that if they removed the sentence about portable then they couldn't have done that. The law does read that traffic control signs are temporary signs that are legal, but unfortunately it is also covered under the description of portable signs and under #11 it reads that portable signs are not allowed. The traffic control sign he tried to put out was part of that disqualification and that is the problem.

Councilman Kusnierz asked him how he would get around the issue that they offer trees for sale for landscaping in the spring and another sign that reads "Colorado Blue Spruce" with a price on it.

Rich Morris asked Councilman Kusnierz why he should be regulated to not advertise the product you are selling. He should be able to communicate to the public a product that he is growing on his property without being constantly overregulated and having the Building Inspector trying to determine which signs are allowed and not allowed. He asked if Joe really needs that headache. He said they should also discuss billboards. He doesn't think the billboard regulations are being enforced. He said that he hopes that a person will conduct their business tastefully, but he doesn't have the right to tell them what they can or can't do on their property when they grow the products they sell on their property. It isn't like you are getting paid to advertise for a business located someplace else.

Councilman Kusnierz stated that he thinks that everybody here will agree that it is the intent to make the sign law business friendly.

Kevin King stated that the YMCA would like to be able to hang a banner, whatever size restrictions the Town deems necessary, to promote a membership drive. Their membership drives are temporary for a period of 60 days for three or four times a year. The current law specifically excludes banners.

Rich Morris said that in downtown Saratoga Springs businesses are allowed to put out sandwich boards on which they creatively write their specials for the day. It is part of the city's ambiance. We need to be able to do this and promote what is in the Town. Let us do business and create good practices that bring shoppers to our community.

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Councilwoman LeClair asked Rich Morris if his concern was banners and if he wanted any other type of signage. She then asked him to explain again about the banners over his displays.

Rich Morris said his products are unique. A lot of his products are outdoors. He may have an apple tree and a sign by it that tells customers how much it is. There may be a sign or banner that reads "Perennials This Way".

Councilwoman LeClair stated that this is done everywhere all over the country. You aren't asking for anything that isn't standard in the industry.

David Rogge said that the signs at Toadflax are on Toadflax property and even if they are facing Route 9 they aren't road signs to him. They are no different than the signs in Wal-Mart that are on every product. They are your personal signs describing your product.

Councilwoman LeClair said they are a kind of label and Dave Rogge said "exactly".

Dave Rogge said that he remembers back in the late 70's and 80's when his brother ran the mobile home sales. Three out of seven homes had a banner on them and it was tastefully done. Is it tastefully done now on some of these sales lots? Some yes and some no. He asked how we could regulate that, except for complaints. He asked how many car lots are along Route 9. Do we want them to string all those things up? Then Rich Morris may want to put up a banner advertising a big celebration. It isn't just cut and dry. We have to come to a conclusion that works for everybody. When his sign got knocked down he had three lines to copy "Homes for Rent". He used to get three people a week who walked into his office, because they saw the sign. When the sign went down that stopped. When the temporary sign went up people started walking in again. He has a new sign up now. He has done the advertising in the paper, but signage is the key. Drawing people into the Town and getting them to stop at their businesses is going to make this Town grow.

Councilwoman LeClair asked Dave Rogge if he felt that banners are an aid to his business and Dave Rogge replied 100%.

Councilwoman LeClair asked Dave Rogge what type of banner usage was good or bad. What would he find objectionable.

Councilman Kusnierz asked if it should be size based.

Dave Rogge replied no. He could have had a sign that is 14 feet wide and 8 feet high that advertises a 16 foot wide mobile home. When the 16 foot wide mobile homes were made they put up a huge sign that read 16 wide. Everybody said, what is a 16 foot wide we have to stop and see this thing? He said that his mobile home isn't going to stay there forever. It may stay there a year, so 60 days from the business end won't work. He asked if they were going to hire someone to go around and tell businesses that they have to take down their signs, because it has been there 64 days.

Rich Morris stated that Aqua Pools has had a swimming pool banner up that blends in nicely. It is probably 2 feet high and 48 feet long. It has been up a long time. It isn't offensive. Should he take it down? No.

Dave Rogge said that when they were putting up the YMCA building the first thing that came to his mind was Warrensburg and the big mural on a wall. He wondered why they couldn't they put a nice mural on the YMCA building that shows people on treadmills or elliptical machines. What better advertising and rather than a plain building you have something to look at it.

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Dave Rogge stated that they should allow flashing signs that are tastefully done.

Councilwoman LeClair asked him to define tastefully done.

Dave Rogge said he doesn't want to see a flashing red arrow. He doesn't know how they would regulate this. He spoke about his new digital sign. He wants people to read it and say "nice".

Rich Morris asked how often the board goes back and reads the original documentation to find out what the intent was behind the laws.

Councilman Kusnierz stated that the problem with local laws versus state laws is that there isn't always a legislative intent. It was just the result of the discussion that took place whenever that law was enacted.

Rich Morris asked if wouldn't there be minutes.

Councilman Kusnierz replied yes, but the Town Clerk isn't required to specifically record every single comment, statement or word. It is at his/her discretion to generalize it if they want to. It is hard to say what the original intent was. We take a lot more detailed minutes now than we have in the past.

Rich Morris said that the billboard regulations need to be reviewed. It reads that billboards are only allowed within 1,000 feet of the interstate and he can't find in the law where it reads that existing billboards are grandfathered.

Bob Lefebvre said there is a section in the law that covers non-conforming uses prior to this law. Brief discussion followed on this and where it was located in the law.

Councilwoman LeClair asked those present if they allowed sandwich boards should they restrict the number allowed per property.

Bob Lefebvre replied yes.

Dave Rogge said he would restrict it to square footage or lineal footage of the front of the property. He said that Rich Morris's property has more than one entrance so he should be allowed maybe two or three. If there are too many then the people driving by won't be able to read all of them and it becomes cluttered.

Councilman Kusnierz stated for the record that the current sign law was adopted on 12/11/73 as Chapter 26 of the Town Code and prior to that date the Town didn't have a sign law. It was slightly amended in 2002.

Councilman Kusnierz asked for the following e-mail from Celine Estes to be entered into the record. She was unable to attend this workshop so she sent an e-mail.

"Thank you for including me in this process. Unfortunately I work Thursday eves @ my home business. Your clerk had suggested I email you any thoughts if I was unable to attend. I have had a salon @ my residence since June of last yr. We purchased the house specifically for its location and visibility for my home business. We were under the impression from the beginning stages of the permit process that I could have a small, freestanding sign in my yard comparable to the other businesses in the surrounding residentially zoned areas. It was not until preparing to apply for said sign that even those in office discovered I could not have a sign in my yard. My property is sandwiched between commercial properties, but my plot is strictly residential and I have been informed there is no way to even apply for a variance. I have no issue w/ the signs I am referring to. They are trying to do the same thing I am-make

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a living. I simply want the same thing. I am willing to abide by such rules as no illumination, keeping all the signs in residential areas w/in an allowable distance from the road or to a minimum square footage. I do however feel that the current allowable size is barely workable. Legibly fitting a business name and more importantly, a phone number in a total of 3 sq ft, seems impossible. Overall, my objective is to try to establish a consistent and most importantly, fair revision of the sign law. Doing away w/ it entirely or banning all signs outside of the commercial areas are options that I strongly oppose. I pay my taxes just like everyone else in this town-a town I chose specifically to continue to live and work in based on my own positive childhood experience. But I earn that money, from the home-based business it took me many years to build, one that is struggling to succeed w/out proper exposure. I use paid advertising whenever possible, but let's be realistic-what small business can repeatedly afford that? I've done what I can to "advertise" w/out being in defiance of the law. I'm a house hidden by 2 trees, on an unlit 45 mph road, just feet from a stoplight that holds any drivers' attention. A small, "decorative" pair of salon scissors mounted on my mailbox is simply that w/out a name or number to reference. In conclusion, I am hopeful that the proper changes can be made to assist business owners like myself as we are only an asset to this community. Thank you. Celine Estes"

Discussion followed on flashing signs and banners. Dave Rogge talked about his digital sign.

Bob Lefebvre said that the current law was trying to address the big red flashing arrows and when this law was written digital signs hadn't been thought of yet.

Rick Kubis stated that the logical way to formulate something like that would be to create a formula that says given a certain amount of road frontage you can have "x" number of square feet and "x" number of instances of temporary signs. If you have 500 feet of road frontage you can have up to three instances of signs up to a maximum of "x" number of square feet so that you are limiting both the number of times the sign can appear in a stretch of road frontage and the amount of square feet of space that can be involved in all of this and still allow the business to have the freedom of how to advertise. They would just have to remain within these parameters.

Councilwoman LeClair stated that banners seem to be something that everybody feels are helpful in their businesses. The objection to banners seems to be when they are strung one pole to another. It seems like they want banners that are attached to a building or a current sign or a fence, something permanent.

Rich Morris stated that should be left up to them. The Town can't babysit them. The building inspector should be able to stop at a business and tell them to pick up a banner that may have been lying on the ground for a week.

Kevin King stated that there will still be a permit process to have a banner and part of that application should be how you intend to display it. If someone wants to string a banner from a clothes line then the building inspector should be able to say that isn't going to work, because a gust of wind could cause the banner to fly into the highway and into traffic. If they say that they are going to attach it to a sturdy pole that is ten feet into the ground then that may be okay.

Rich Morris stated that if a business wants to put up a sign on a building or between two poles that are securely fixed then why does that business have to come into the Town Hall and apply for a permit for a temporary banner. We are trying to streamline it so businesses have the ability to communicate their products for sale without having to come to the Town Hall and pay a \$25.00 fee for a permit.

Rick Kubis replied that we need an enforceable law. If Joe Patricke stops at a business and says he doesn't like the way the sign looks the business owner is going to ask him to show them in the code where they aren't compliant. How would he enforce a law that allows a business to decide how they are going to hang

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their banner? The law should be designed to balance the needs of a business and the community and a positive atmosphere of the community. We need to give the code enforcement officer the tools to be able to tell the business owner why their sign isn't in compliance. He said the problem with banners is that they are left hanging up for years and they are left flapping in the wind, torn and shredded.

Kevin King stated that this is covered under Section 117-9 that reads in part that the sign must be kept clean, maintained and free of all hazards.

Councilman Kusnierz said it would be very helpful to the Town Board if each person present took the law home and compiled a list of what changes the board should focus on what those changes might be and then submit them to the Town Clerk and she will have them available for everybody the next time they meet.

Kevin King said in the meantime they would like clarity on the definition of temporary and portable signs.

Dave Rogge said advertising flags should be allowed too that read Open, For Sale or For Lease. He was in housing developments in Florida that had beautiful flags that read For Lease or For Purchase and they even had a price on some of them. He said it was tastefully done and it was a very upscale neighborhood. He said that he wanted to do this here, but was told he couldn't.

Councilwoman LeClair stated that agricultural businesses are a little different. She mentioned Kathy Brown on William Street, Toadflax and Todd's tree farm. They may have early spring plants for sale, such as, cauliflower and broccoli and then in a couple of weeks they may have bulbs for sale and then perennials and then spring trees. Their products are consistently changing. Maybe we should set up something in the law for agriculturally based businesses, because of how rapidly their product changes.

Rick Kubis said not only rapidly changing, but timely. If I am planting and you have them, then I want them.

Councilwoman LeClair asked if they thought there should be something in the law about agriculture that is separate from other businesses.

The comment was made that there is already a section on that in the law.

Councilwoman LeClair stated that Joe Patricke the Building Inspector thought it could be expanded upon.

Bob Lefebvre thought it would fit in nicely with temporary signs.

Councilman Kusnierz stated that if there was any change regarding agricultural businesses then it would be in Section 117-4 (A) (2) and that is on page 4. He said that is where their limitation is on square footage also.

Bob Lefebvre said he agrees with what they said about agriculture, but Rich Morris has an agricultural business, but not in an agricultural district. He said that is how it gets tricky with words.

Councilman Kusnierz said maybe they should say agricultural operations rather than agricultural district.

Rich Morris stated that Joe Patricke does not consider his operations as agricultural.

Councilwoman LeClair replied that Rich Morris may not be in an agricultural zone, but his products are agricultural and they change daily.



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Rich Morris stated that his business is in a C1 Zone and he grows agricultural products and also has a retail section.

Councilman Kusnierz said they could define agricultural operation and in the definition spell out the products.

Councilman Kusnierz asked those present to put their suggested changes on paper and then they can be used as a starting point for the next meeting.

This concluded the workshop at 8:25 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk