

A workshop was held by the Town Board of the Town of Moreau on June 7, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of discussing the Sign Law for the Town of Moreau.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

|                 |              |
|-----------------|--------------|
| Tom Cumm        | Councilman   |
| Gina LeClair    | Councilwoman |
| Todd Kusnierz   | Councilman   |
| Preston Jenkins | Supervisor   |

**Town Board Members Absent**

|                 |            |
|-----------------|------------|
| Bob Prendergast | Councilman |
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**Also Present:** Jeanne Fleury, Town Clerk; David Smith, Assistant Building Inspector/Code Enforcement Officer; Lydia Wheeler, Post Star Reporter; and the following town residents and business owners in Moreau: Richard Hughes, Deb Piro, Sam Wahnnon, Jamie Lemnotis, Brian Bearor, Rich Morris, David Rogge, Craig McDonald

Supervisor Jenkins welcomed everyone to the workshop and asked that everyone present turn off all electronic communication devices. He explained the format of the workshop. He also gave a brief opening statement about the sign law and how not-for profit organizations can apply for a special use permit to allow signs on their property. He also stated that he was forming a Sign Law Committee on which Councilwoman LeClair and Councilman Kusnierz would serve to work on revising the sign law.

Councilman Cumm obtained copies of sign laws from several communities around the area, and the laws are pretty similar to the sign law in the Town of Moreau, but in some cases more restrictive and more extensive. He stated that he was open to discussion on the town's sign law.

Sam Wahnnon from Glens Falls Modular Homes on Route 9 in Moreau said he has been in business for 20 plus years and he has always been able to put signs on his property promoting his business and all of a sudden he has been told to stop. He would like to see Moreau ignore the sign law and allow businesses to put signs on their properties. He didn't understand why the Town of Moreau would want to stop businesses from marketing their businesses or why the Town of Moreau would want to stop tourism.

Councilwoman LeClair stated she grew up on a 40 acre tree farm and has owned a business in the Town for 25 plus years and she understands the importance of signage. She would like to see everyone work together to come up with a new sign law that would work for businesses and small farmers and at the same time be aesthetically pleasing.

Councilman Kusnierz added that he would like to see the sign law fashioned so it was more business friendly and yet still allow for some regulation of signs. The town is unique in that there is a commercial zone where there are a myriad of businesses and also an agricultural district where seasonal products are grown and sold. He would like to see board members serve on the Sign Law Committee along with members of the community to make the current statute better.

Supervisor Jenkins read the following letter from Kathleen and Roger Brown of Meadow Lark Farms on William Street in the Town of Moreau:

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June 6, 2011

To Moreau Town Board Members and Members of the Community:

In the Town of Moreau we have about 20 or more farms, some I probably don't know about. We have three tree farms. Bakers, Candy Cane, Thistle Hill, Theresa's Garden Patch, Amadons, Haven Oaks, John Bolesh, Jack Dixon, Jacobie, Arnold Ayer, Meadowlark Farms (mine), and a dozen or so horse farms. Ed Smith and the Killian Farm. So you see we just don't grow houses in the Town of Moreau. On the town website, the right to farm law, adopted by the Town of Moreau states in one paragraph, all activities, conducted on a farm, necessary to conduct and promote the successful operation of the farm are allowed, If I can't promote what I picked today, as soon as I pick it, the whole concept of buy local, ready for the consumer is lost, we don't have the luxury or money to run an ad and change it daily, as our farm products are ready for the consumer. Our customers enjoy our little sign, telling them, when the tomatoes or beans are ready, picked fresh that day for them. Our farm was established in 1932, The Ireland FARM, we took over in 1989, and sell, veggies, flowers, perennials and baked goods, as well as Christmas wreaths. Change is needed to help the Moms and Pops Businesses, and farms. When hay or trees are ready, people need to know.

Thank you, Kathleen and Roger Brown, One of your local farms.

Craig McDonald asked what happened to stir things up. He has lived in the Village of South Glens Falls since 1991 and has owned a business on Route 9 since 2006 and he has put up seasonal signs to promote programs and the signs have been up for a few weeks at a time. He recently put up a banner promoting a fundraiser for the "World Awareness Children's Museum" and helped to raise \$16,000.00 for this cause and he said that a "very nice gentleman" came along and told him it wasn't legal and he needed a permit.

Supervisor Jenkins stated that temporary signs can stay up for 60 days or 5 days after the close of the event, but a permit is needed. He said there may have been one complaint, but there was a time period when there was only one person working in the building department. The assistant was out on disability and when he returned he quit. It took a while to replace him. The new assistant was told to go out and enforce the sign law and he did. It wasn't created from a certain problem. The few people who called him said the assistant handled it nicely and was very polite, but they weren't happy about it.

Councilman Cumm stated that he didn't have a problem with temporary signs and all the copies of laws he obtained do allow temporary signs with a permit. However, we don't have the means to track temporary signs and temporary signs sometimes become permanent signs. He has seen a sign up on a cemetery fence that has been there for four or five weeks and it should have been taken down. Some of the laws he obtained copies of require a \$25.00 deposit, which is returned once the sign is taken down.

Councilman Kusnierz stated that consideration should be given to the different zones in the town. Sign regulations in a commercial zone shouldn't be the same as in a residential zone. They should work into the sign law different applications and situations.

Sam Wahnnon said they were losing track of why businesses are here. He asked why does there have to be regulations on promotional signs. He asked if they realized how many modular homes he promotes throughout the year. It would be difficult for him to have to come to Town Hall each time and obtain a permit. He said the sign law has never been enforced in the past and he wanted to know why now.

Supervisor Jenkins agreed that promotional signs do not fit under the category of temporary signs and that should be addressed.

Sam Wahnnon said that competition among businesses is important and they have to be able to market their business.

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Supervisor Jenkins stated that there has to be some control over signs so that they don't get out of control.

David Rogge stated that he wasn't for regulations. He said that if a business puts up too many signs then it is not good for the business as it looks "junky". The town should be able to step in and say, "Dave your signs look junky, take them down or you will be fined". He mentioned the banner that was up for about six months promoting the new YMCA on Route 9 and how no one complained about that sign, because everyone wanted the YMCA. He asked why the regulations were being enforced if no one complained.

Rich Morris stated that if they were going to regulate signs in a commercial zone then he could point out that on weekends the telephone poles are covered with garage/yard sale signs and there are "For Sale" signs that are tipped over on the ground and offensive to the eye. He asked why they were focusing on the commercial zone. He said it is difficult to get people driving by at 45 to 50 mph to stop and shop. He has been a business owner for 20 years and he wants to be able to tell people driving by about specials his business is running. He thinks that if the town is going to regulate signs in the commercial zone then signs through the town in every zoning district should be regulated. He said the board should let businesses do what they have to do to stay in business and step out of the way. Every time they turn around there is another regulation to deal with. Things are difficult enough today. Less regulation is better.

Supervisor Jenkins stated that he agreed with Rich Morris in that the other temporary signs he mentioned, i.e., garage sale signs and realtor signs, have very little strings attached to them. He stated that political signs will be all over the place in another three months.

Rich Morris mentioned that Carriage Traders has two sandwich boards out in the village and yet Vittengl can't put up any on his car dealership lot in the town. It is preventing one business in the Town of Moreau from being competitive with one in the Village of South Glens Falls.

Supervisor Jenkins said he wasn't disagreeing and that was the purpose of this workshop. However, right now that is how the law reads. He said the board will probably talk with the building inspector/code enforcement officer to see how to proceed and what we will allow until the law is changed.

Councilman Cumm stated that the language in the laws from other communities is almost identical to ours.

Sam Wahnnon replied that those communities are ignoring their laws too. He said that business owners in Moreau need instant relief so they can operate their businesses.

Another gentleman present stated that he doesn't own a business in Moreau, but has owned a business in Glens Falls for 35 years, and he does live in Moreau. He mentioned how there may be a sign outside a florist shop that reads "Don't forget Mother's Day" or how Luisa's Restaurant had a sign outside that read "We now sell pizza". He asked what harm there was in this. He mentioned the banner at Tae Kwon Do on Route 9 and how they raised \$16,000.00 for the kids and how we want kids to be proud of themselves and how we want to be proud of kids, yet the town made them remove the banner. He said that common sense will tell everyone that we need some regulation, but at the same time people are pretty smart and they are tired of government regulations that there isn't money to enforce. He said people need to use their common sense. He mentioned two huge banners in front of Bluebird Terrace and how they don't hurt anyone.

Supervisor Jenkins stated that he doesn't think that any of the board members currently serving were present back in 2002 to vote on the current sign law.

Councilman Kusnierz stated that he was on the board back then and voted on an amendment to the sign law to allow larger promotional signs, but he wasn't on the board when the original sign law was enacted.

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Supervisor Jenkins stated that businesses generate sales tax revenues. He stated that the YMCA is a great asset to the community. He thinks, in general, Route 9 looks pretty good with a few exceptions. The first thing the sign committee has to do is hold a meeting and find a way to allow signage until the sign law can be amended. He may put it on the agenda for the next meeting of the Town Board to figure out a way for the building department to handle the current law until it can be amended. He would need an analysis from the attorney for the town also.

Councilwoman LeClair stated that she would like to see things go back to the way they were before this all transpired until they could come up with a new law. She doesn't want to see the businesses unhappy.

Supervisor Jenkins asked the board if they would be comfortable with a resolution asking the building department/code enforcement officer to freeze that portion of the sign law for now.

Councilman Kusnierz replied yes, but he didn't know if the board could legally do that. He stated that there would have to be some direction from the board to the building inspector. He stated that the building department has worked on the premise of voluntary compliance. If the building inspector/code enforcement officer received a complaint he would go out and enforce the code, but he didn't go out looking for violations. This was his understanding of how the building inspector/code enforcement officer has operated in the past. As the population in the town has increased and as the commercial area has grown it may be that some people are not happy and they have called the building department and asked them to enforce the code and that is probably why they were encountering a little more enforcement. This doesn't change the fact that there is a current code for these types of signs and some signs may be in violation. That is why forming a committee of board members and community members would make for a better law.

Councilman Cumm stated that there is one not-for-profit in the Village of South Glens Falls that has had a sign up for 8 or 10 months that probably should have been removed, but it is their life blood to survive and he doesn't have a problem with that. However, the town has to be able to track what signs are up on a temporary basis. Just about every town has a permitting process for temporary signs. Glens Falls is very restrictive on temporary signs.

Supervisor Jenkins asked the Town Clerk to run an ad in the newspaper seeking people to serve on the committee.

Brian Bearor the CEO of the YMCA stated that temporary signs are the life blood for their organization. He suggested that the definition of "temporary" concentrate more on the nature of the sign and not the amount of time the sign can remain up. There should be some ability to regulate the condition of a sign. He stated that some regulation is not bad, but the town has to be able to regulate the condition of signs.

Sam Wahnnon stated that the town should not try and regulate promotions by businesses and the regulation of temporary signs won't make businesses happy. If signs become unsavory then the town can step in.

David Smith, Assistant Building Inspector/Code Enforcement Officer, stated that there seems to be some confusion between what is a temporary and portable sign. Real estate signs on properties being sold are temporary signs and they can't exceed 32 square feet. A portable sign is a sign that is not permanently attached to the ground. He used the example of a flashing, illuminated sign on a trailer like you would see in a construction area, banner, and pennant. If there is a banner that is tied to the side of a mobile home then it is a portable sign. It is not permanently fixed.

Supervisor Jenkins stated that is what the code says, but the board doesn't want to say that in the future. They want to say that there are a lot of similarities between portable and temporary and they want to clarify that in the future. He stated that if the Moreau Emergency Squad wants to put out a sign to try and sell roses or try and get new members they should be able to. Under the current code they can apply for a

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special use permit through the Planning Board for a permit, but that is only for not-for-profits. The board is going to take a look at the law for everyone in the community that needs a sign for a business. He mentioned that in the current law a temporary sign is defined as for a "special event". What is a "special event"? There is a lack of clarification there. He wasn't saying that what David Smith did was wrong. He followed the code and that is his job. They want to fix the law so everyone can work together and be successful.

Councilman Kusnierz stated that they have to take into consideration the tax parcel i.d. number. The current law as written reads that it applies to a tax parcel. You could have a 50 acre parcel in the agricultural district and only be allowed to put up a 32 square foot sign and that doesn't make sense. Also, if a person has a sign on the side of their building that reads "Office" then that sign shouldn't cut into the overall promotional sign size allotment. He also stated that there should be representation on the committee from all zoning districts in the town so all parties interests are represented.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the workshop at 7:46 p.m.

Roll call vote resulted as follows:

|                        |        |
|------------------------|--------|
| Councilman Cumm        | Yes    |
| Councilwoman LeClair   | Yes    |
| Councilman Kusnierz    | Yes    |
| Councilman Prendergast | Absent |
| Supervisor Jenkins     | Yes    |

Workshop adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk