

## STONY POINT TOWN BOARD MEETING – JULY 10, 2012

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, July 10, 2012 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoffrey Finn called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk, Joan Skinner, called the following roll:

PRESENT:	Mr. Karl Javenes	Councilman
	Mr. James McDonnell	Councilman (arrived at 7:21pm)
	Mr. James White	Councilman
	Ms. Luanne Konopko	Councilwoman
	Mr. Geoffrey Finn	Supervisor

### PUBLIC INPUT

Gene Kraese, Hunter Place spoke regarding the resolution passed at the June 26<sup>th</sup> Town Board meeting regarding the National Development Council and urged that the board be fully informed well in advance when decisions such as these are made.

George Potanovic, Old Gate Hill Rd. spoke regarding proposed Local Law No. 3-Signs and what he believes to be freedom of speech issues.

Frank Collyer, Knapp Rd. spoke about the recent EPA workshops, the National Development Council, and public input only after a SEQRA determination is made.

Susan Filgueras, Mott Farm Rd. spoke against the Champlain Hudson Power Express project.

### PURCHASE ORDERS

It was moved by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve the following Purchase Orders:

Police			
	PO#2422	Innocorp, Ltd.	\$1,060.00 + S&H
Highway			
	PO#2437	H.O. Penn Machinery	\$40,400.00
	PO#2438	H. Biehle	\$3,400.00

### AUDIT OF BILLS

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to approve the bills as presented for payment:

#### Contractual General – June

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	677-715	\$ 216,916.71	\$ 216,916.71
<u>Highway</u>	209-213	\$ 18,871.47	\$ 18,871.47
<u>Sewer</u>	200-210	\$ 11,861.15	\$ 11,861.15
<u>Special Districts</u>			
Enterprise	243-251	\$ 24,041.25	\$ 24,041.25
Street Lighting	7-7	\$ 19,788.26	\$ 19,788.26
<u>General – July</u>			
<u>General</u>	716-802		\$ 120,752.62
<u>Highway</u>	214-237		\$ 65,207.48
<u>Sewer</u>	211-234		\$ 34,956.23

<u>Special Districts</u>			
Ambulance	15-15	\$	26,679.10
Enterprise Fund	252-289	\$	40,308.42
Solid Waste	15-17	\$	21,930.25

**REPORTS**

**Police Department**

Chief Moore presented the Board with the following report:

Police Department Report for the Month of June, 2012

Number of calls for service:	670
Number of reported accidents:	29
Number of arrests:	46
Fuel usage:	1355.5 gallons
Sum total of all traffic enforcement action:	163
Number of Youth Officer sponsored events:	10
Number of child safety seat installations:	5
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	6
Number of training hours:	80:00hrs
Total fees collected:	\$81.75
	(\$6.75 for foils; \$20.00 for prints; \$55.00 for reports)

Miscellaneous:

Youth sponsored events: 2 Youth Court, 2 Community Service Day, Community Involvement Day at NRHS, Father's Day Fishing Derby, 2 lectures on the Danger of Texting & Driving, 1 Cub Scout Tour of the PD and the first meeting of the new Stony Point PAL.

**POLICE BUSINESS:**

- **CHIEF MOORE'S TIME RECORD**

A motion was made by Councilman White, seconded by Supervisor Finn and **unanimously carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of June 2012 as presented.

- **OVERTIME & SICK LEAVE REPORTS**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to approve the overtime and sick leave reports for the month of June 2012 as presented.

- **PURCHASE ORDER – FATAL VISION GOGGLES**

Chief Moore explained the request to buy a pair of fatal vision goggles to be used by the Youth Officer and to be paid for from the DARE Gifts & Donations Account.

**ECONOMIC DEVELOPMENT REPORT:**

Councilwoman Konopko reported as follows:

1. Next Meeting:
  - o The next meeting of the Stony Point Economic Development Committee will be held on Monday, July 16th at 7pm at the RHO Building.
2. EPA Sustainable Communities Workshop:
  - o The EPA has already received the consultants' recommendations and will be forwarding them to the Town after review.
  - o Copies of the slide presentations have been received and Day 1 is ready for posting on the Town's website. Day 2 is missing information, however, and needs to be corrected by the consultants.
  - o Tom Ossa obtained the public access permit for televising the June 21st workshop and will deliver it to the Town. Once scheduled, a

broadcast notice will be posted on the Town's website along with links to any internet sites featuring the video.

- Since not everyone has internet access, one of the audience's recommendations was to keep residents informed of what's going on in the Town by sending a newsletter to all Stony Point households. I've asked First Niagara Bank if they could sponsor a regular mailing and am awaiting their response.
  - A subcommittee of the Economic Development Committee is being formed to follow-up on the consultants' recommendations, and will be meeting informally July 16th.
3. Beautification Subcommittee:
- At the subcommittee's request, Supervisor Finn drafted a letter on behalf of the Town Board to solicit sponsors for the benches. The letter will be reviewed by the subcommittee at the July 16th meeting.

### **SUPERVISOR'S REPORT:**

Supervisor Finn reported as follows:

- Supporting Wayne Hose Fire Co. by attending Wayne Day festivities July 11-14, 2012.
- Stony Point's parks and pools are opened and operating well.
- Band concerts will begin on July 18<sup>th</sup> and will be held every Wednesday night at 6:30 pm at River Front Park.
- Flat Five will perform at the town pool on Friday, July 27<sup>th</sup> from 7-9 pm and the pool will be opened until 10 pm that night.
- Heating and electrical work at Kirkbride has been completed and paid for through a \$39,000 grant.
- Working to alleviate the senior's concerns regarding the lack of parking at Rho on meeting days.

### **AMBULANCE REPORT**

Cheryl Huber presented the Board with the following report:

#### **STONY POINT AMBULANCE CORPS** **CALL STATISTICS**

The following is a breakdown for the Month of June:

Total recorded request for service:	100 apprx.
Average "Response Time"	2.56 min.
Average "On Scene Time"	6.18 min.

Misc: First floor completion date for the new ambulance building is July 27<sup>th</sup>.

**CORRESPONDENCE** - None

### **DEPARTMENTAL REPORTS**

Joan Skinner, Town Clerk, offered the following reports for the record:

#### **Golf Course Report**

• Green Fees	\$ 261,394.44
• ID Cards	\$ 2,100.00
• Merchandise	\$ 14,851.45
• Range Fees	\$ 9,990.50
• Club Rental	\$ 678.09
• Misc. Golf	\$ 1,980.00
Total	\$ 290,994.48

#### **Architectural Review Board**

From: 6/1/2012 To: 6/30/2012

Applications Received	0	
Applications Approved	1	
Applications Pending	0	
Fees Collected:	\$	0.00
Money in Lieu of Land	\$	0.00

**Building & Zoning Department - June**

Applications Received	18
Applications Returned/Withdrawn	0
Applications Denied	1
Building & Blasting Permits Issued	16
Applications Pending	21
Certificate of Occupancy	12
Certificate of Compliance	3
Fees Collected	\$ 5,700.00

**Dog Control Officer - June**

Dogs seized and sheltered	3
Dogs returned to owner	2
Number of complaints received	9
Miles traveled patrolling the Town and transporting dogs	613

**Fire Inspector - June**

	Month	Total
Number Buildings Inspected	26	111
Number Buildings Re-Inspected	4	42
Field Correction Issued	0	2
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	0
Requests by Police Dept.	1	1
Requests by Fire Dept.	2	14
Fires Investigated	0	2
Miscellaneous:		

**Planning Board**

From:	6/1/2012	To:	6/30/2012
Applications Received			
Site Plan	1		
Applications Approved	0		
Applications Pending			
Site Plan	1		
Subdivision-Major	2		
Subdivision-Minor	2		
Fees Collected:	\$7,450.00		
Money in Lieu of Land	\$ 0.00		

**Sewer Department - June**

Total Overtime Hours	52 hrs
Sundays	16 hrs
Saturdays	8 hrs
Call In	9 hrs
Generator	11 hrs
Mondays	8 hrs
Monthly Flow	
Plant	29,029,900 gallons
Kay Fries	4,609,900 gallons
Fuel Usage	208.7 gallons
Heating Oil	0 gallons
Total to Sludge Compost Facility	24 Cu. Yds.

Solids	20.9%
Screenings	72.96 Cu. Ft.
Septage	4100 gallons

**Zoning Board Of Appeals**

From:	6/1/2012	To:	6/30/2012
Applications Received			
Area Variance	1		
Applications Closed			
Area Variance	1		
Applications Pending			
Area Variance	2		
Fees Collected:	\$300.00		

**Town Clerk - June**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 38.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 225.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 1,075.93
Amount Paid To Supervisor	\$ 2,856.71
TOTAL AMOUNT REMITTED	\$ 4,195.64

**PENGUIN REPORATORY**

A motion was made by Councilwoman Konopko, seconded by Supervisor Finn and **unanimously carried** by a voice vote of all board members present to declare July 23, 2012 as Penguin Reparatory Theater Day in honor of their 35 years of service to the community and entertainment to Rockland County and beyond.

**NATIONAL DEVELOPMENT COUNCIL**

Dennis Lynch from Feerick Lynch MacCartney as Special Counsel to the Town, outlined the background of NDC with its work in helping lessen the burden of government as a non-profit entity. Mr. Lynch reviewed the history of professionals working to assist in municipal economic development and how NDC has worked previously with Mr. Lynch in other municipalities. He remarked that Supervisor Finn directed that efforts be made from everyone to help lessen the tax burden on Stony Point taxpayers. Supervisor Finn reported at a recent meeting of economic professionals how a recreational and family use commercial ratable would help the Golf Course if located there. Mr. Lynch noted that economic professionals followed up on this as requested by the Supervisor and that a potential commercial ratable is identified and efforts are being made to attract this ratable to make an application for land use approvals in Stony Point. Mr. Lynch noted that this potential ratable has not agreed to make any application to Stony Point, but that having NDC involved as well as the professionals NDC works with would give Stony Point the best opportunity to attract this commercial ratable that would not add to the School District costs and attract traffic mostly off the Palisades Interstate Parkway. Mr. Lynch observed that if this commercial ratable is induced to make application to Stony Point, that the entire public hearing and comment process would be followed as well as all environmental review of any application with full public participation. He then introduced Joe Abate of Rockland County Community Development who advised that his Office will have NDC under a new contract as of July 1, 2012 and that NDC can provide some work for Stony Point without any cost to Stony Point as part of the Rockland County Community Development agreement with NDC as Stony Point is a member of the County Consortium in that regard. Joe Abate indicated that the County's willingness to assist with NDC will not have any adverse impact on his Office's work with Stony Point on other issues. Joe Abate indicated that NDC services under contract with the County is what NDC can do without charge to Stony Point. Supervisor Finn thanked Mr. Abate for his assistance and indicated that the entire Town Board will be working to help lessen the tax burden on Stony Point residents by attracting good commercial ratables to the Town of Stony Point.

### **SALT STORAGE SHED**

Supervisor Finn stated that at the June 26<sup>th</sup> Town Board meeting a resolution was passed to accept the bid for a new salt shed at our highway department and that there is no SEQRA required for this Type II action, as construction of the new salt shed will be in the footprint of the old shed.

### **LOCAL LAW NO. 3 OF 2012 – SIGN LAW**

Supervisor Finn explained the changes to the proposed law and a motion was made by Supervisor Finn and seconded by Councilman McDonnell to adopt Local Law No., 3 of 2012 – Sign Law as follows:

### **TOWN OF STONY POINT LOCAL LAW NO. 3 OF 2012 TO AMEND TOWN CODE REGARDING SIGNS**

A LOCAL LAW TO AMEND the Code of the Town of Stony Point by amending Article IX entitled "Signs" pursuant to Municipal Home Rule Law Section 10 et. seq. This to amend Chapter 215 of the Town Code – Zoning – Article IX – Signs.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STONY POINT AS FOLLOWS:

#### **Article IX. Signs**

**[Amended 5-8-1990; 8-13-1996 by L.L. No. 11-1996]**

##### **§ 215-43. General requirements.**

All signs permitted in the Town of Stony Point shall comply with the requirements and procedures as set forth in this article. The installation of signs is important for advertising, direction, identification and warnings; however, such signs should not impede the aesthetics of the Town of Stony Point. Thus, the following regulations provide guidance as to the requirements and procedures for the installation of signs.

##### **§ 215-44. Title.**

This article shall be known and may be cited hereinafter as the "Signs Law of the Town of Stony Point."

##### **§ 215-45. Purpose and intent.**

It is the intention of the Town Board of the Town of Stony Point, by the adoption of this article, to regulate the posting and display of signs on property within the Town of Stony Point in pursuance of and for the purpose of securing and protecting the public health, comfort, convenience, safety and welfare and preserving the peace, good order and physical appearance of the Town of Stony Point and its inhabitants. The Town Board finds that the streets, highways and other areas of the Town are becoming increasingly cluttered with signs that are interfering with the natural beauty and traffic safety of the Town. The substantial possibility exists of a proliferation of such signs in the Town over extended periods of time with the attendant pedestrian, vehicular traffic safety, litter, structural and other hazards as well as loss of meaning of the message conveyed by said signs. It is the purpose of this article to protect the general public from the hazards of flying paper or cloth, general debris and litter and the destruction of or injury to property and property rights.

##### **§ 215-46. Permit required.**

Except as specifically exempted in this article, no sign shall hereinafter be erected, reerected, constructed, enlarged or altered without a sign permit. No sign permit shall be issued except as shown on an approved site development plan or sign plan. Where only the sign-display portion of a validly erected sign is being changed, no sign permit is required.

##### **§ 215-47. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

### **PUBLIC PROPERTY**

Any Town, county, state or federal property, road or right-of-way located in the Town of Stony Point.

**SIGN**

Any material structure or device or part thereof composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or indoors as a window sign, displaying an advertisement, announcement, notice or name and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

**SIGN, ANNOUNCEMENT**

Any sign used to announce the use of the lot or direction or location of buildings and structures on the lot for an office, home occupation, religious, charitable or other institutional use.

**SIGN AREA**

Each side of a sign shall be counted separately for square footage determinations.

**SIGN, AWNING**

Any visual message incorporated into an awning attached to a building.

**SIGN, BUSINESS IDENTIFICATION**

A sign containing the name of the establishment and information on the business conducted therewith but specifically excluding phrases directing an action (i.e., "stop," "buy," "eat").

**SIGN, DIRECTORY**

A listing of two or more business enterprises, consisting of a matrix and sign components.

**SIGN, DISPLAY**

A display or legend, including but not limited to letters, words, logos and insignia, that is used as or presented as an announcement or identification.

**SIGN, FLASHING**

Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**SIGN, FREESTANDING**

Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the grounds; included are pole signs, pylon signs and masonry wall-type signs.

**SIGN, ILLUMINATED**

Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

**SIGN, MONUMENT-TYPE**

A freestanding sign constructed on ground level, not more than four feet above average finished grade, set back a minimum of 10 feet from the designated street line. Signs shall only identify the occupant or use of the property. It may identify a retail center by name but shall not list individual businesses.

**SIGN PLAN**

A plan depicting the size, location, materials and content of a sign, which plan shall be the sole permitted display for any sign subject to the Site Development Plan Rules and Regulations *Editor's Note: See Ch. A220.* and this chapter.

**SIGN, PROJECTING**

A sign that is attached to the building wall or structure and which extends horizontally more than 15 inches from the plane of such wall or a sign that is perpendicular to the face of such wall or structure.

**SIGN, SHOPPING CENTER IDENTIFICATION**

For a permitted shopping center, a sign containing the name of the shopping center and the names of tenants, each of which comprises more than 1/3 of the total floor space of the center, but no other business, and for which no other business signs are visible on the same frontage.

**SIGN SURFACE AREA**

The entire area within a single, continuous perimeter enclosing all elements that form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral

background for the display. Both faces of a double-faced sign shall be included as surface area of such a sign.

**SIGN STRUCTURE**

The supports, uprights, bracing and framework for the sign. In the case of the sign structure consisting of two or more sides where the angle formed between any two of the sides of the projections thereof exceeds 30°, each side shall be considered a separate sign structure.

**SIGN, TEMPORARY**

A sign related to a single activity or event having a duration of no more than 30 days or a political sign posted for the permissible durations set forth herein.

**SIGN, WALL**

A sign that is painted on or attached to the outside wall of a building, with the face of the sign in the plan parallel to such wall and not extending more than 15 inches from the face of each wall.

**SIGN WALL AREA**

The area of a building wall (not exceeding 20 feet above ground level in residential districts and 30 feet in all other districts) measured in the plane of the street frontage, including windows and doors.

**SIGN, WINDOW**

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

**§ 215-48. Exempt signs.**

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this article and other conditions specifically imposed by the regulations:

A. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies or religious or nonprofit organizations, not exceeding four square feet.

B. Flags and insignia of any government, except when displayed in connection with commercial promotion.

C. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, and similar signs, as shown on an approved site development plan or installed pursuant to order of traffic control agencies and conforming to the Manual of Uniform Traffic Control Devices, New York State Department of Transportation.

D. Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face and not more than one sign per 100 feet of street frontage.

E. One on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for an approved home professional office or home occupation, not exceeding four square feet and set back at least 10 feet from the designated street line. Such sign may state name and vocation only.

F. Numbers and nameplates identifying residents, mounted on house or mailbox, not exceeding one square foot in area.

G. Private-owner merchandise sale sign for garage sale or auction, not exceeding four square feet on the owner's property only for a period not exceeding seven days.

H. Not more than one temporary nonilluminated "for sale" or "for rent" real estate sign concerning the premises upon which the sign is located; in a residential zone, one sign not exceeding 15 feet and, in a nonresidential zone, one sign not exceeding 30 square feet in area total of all sides; and set back at least 10 feet from designated street lines. All such signs shall be removed within three days after the sale, lease or rental of the premises.

I. Real estate signs advertising an open house for the resale of residential property upon the condition that the signs are not put up until the morning of the open house and are removed within two hours after the open house ends. A temporary permit is necessary to display an "open house" sign for new homes in

a subdivision when the "open house" sign will remain for more than one day, and the sections of this article relating to temporary signs will apply.

J. Temporary window signs and posters not exceeding 50% of the total area of glass fronting a street.

K. At gasoline service stations:

(1) Integral graphics or attached price signs on gasoline pumps.

(2) Two auxiliary per station, each not exceeding two square feet.

L. Directional signs for meetings, conventions and other assemblies.

M. One sign, not exceeding six square feet in residential districts nor 16 square feet in the commercial districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.

N. Painting, cleaning, change of lettering and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

O. One indirectly illuminated bulletin board or other announcement or identification sign for education or religious institutions, with an area of not over 12 square feet, provided that such sign is located on the institution's property and not nearer than 20 feet to any street or property line or is attached to the building if closer.

P. Not more than one identification sign for each tenant on the premises on each wall fronting on a street, provided that:

(1) The area, in square feet, of any signs on any wall shall not be greater than two times the width, in feet, of the storefront or commercial establishment to which the sign refers.

(2) Such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than 12 inches beyond the face of the wall to which applied nor any distance beyond or above the building in any other direction.

(3) Such sign or signs shall be placed so as not to obliterate, conceal or destroy architectural and decorative trim and cornices immediately above first-floor storefronts or on above stories, including at parapets and rooflines.

#### **§ 215-49. Prohibited signs.**

The following signs are prohibited:

A. Signs illuminated by or containing flashing, intermittent, rotating or moving lights except to show time and temperature.

B. Exterior advertising signs and billboards.

C. Signs representing or depicting to any degree official traffic signs or signals.

D. Signs of a prurient nature or advertising businesses, commodities or service of a prurient nature or any unlawful business or undertaking.

E. Exterior signs made of cardboard, paper, canvas or similar impermanent material.

F. Signs mounted on parked vehicles or trailers or other similar mobile advertising media.

G. A sign attached to a building extending more than three feet from the building wall, and no sign or sign support shall be placed upon the roof of any building. A sign must not encroach or extend over another's property.

H. Signs that emit noise, sound or smoke.

I. Animated signs, whether by mechanical or electrical processes, including signs with banners, streamers, spinners or other paraphernalia attached to or associated with such signs.

J. Signs which project over the street or on public properties. **[Amended 7-10-2012 by L.L. No. 3-2012].**

K. Illuminated signs on residentially zoned properties.

L. Signs that compete for attention with or may be mistaken for a traffic signal.

M. Signs placed by agencies of the government erected on any public property unless consent is first obtained from the Town Board of the Town of Stony Point.

N. Signs placed or painted on any tree, rock or natural features or utility poles, bridges, culverts, towers or similar structures; and signs placed on any utility pole except for utility identification or similar purposes.

#### **§ 215-50. Special permits.**

The following may be permitted by a special permit of the Town Board:

A. The outlining by direct illumination of all or any part of a building, such as a gable, roof, side wall or corner.

B. Direct illumination, provided that no glare is visible on adjoining residential property and provided that the lighting does not create a distraction for motor vehicle drivers.

**§ 215-51. Temporary signs.**

A. Permits required.

(1) Any candidate desiring to post or display political signs shall file an application for a temporary sign permit on forms prescribed by the Building Inspector, which shall be accompanied by the security deposit in accordance with § 215-58A of this article.

(2) Any person desiring to post or display temporary signs that are not exempt shall file an application for a temporary sign permit on forms prescribed by the Building Inspector, which shall be accompanied by the security deposit in accordance with § 215-58B of this article.

(3) Political and other temporary signs posted or displayed within the Town of Stony Point shall be in accordance with this section and all requirements of this chapter.

(4) All temporary signs may be granted a permit in accordance with this section, provided that such signs are not attached to fences, trees, utility poles, traffic signs, on public properties or the like within the Town of Stony Point and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. **[Amended 7-10-2012 by L.L. No. 3-2012].**

B. Political signs.

(1) Political signs shall be removed promptly within one week immediately following the nomination, primary, election or referendum to which it pertains.

(2) If such removal is not made within the specified time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray cost of removal of such signs and for general Town purposes.

(3) No political sign subject to this article may be posted or displayed within the Town of Stony Point more than 60 days prior to the nomination, primary, election or referendum to which it pertains.

(4) In the event that a candidate for a primary election succeeds in said primary election, then and only then shall the removal of such candidate's signs be removed within one week immediately following the general election wherein said person is a candidate.

(5) Not more than one sign per candidate or candidate party or referendum shall be permitted on a lot, except that a corner lot may have one sign on each street frontage and that each 500 feet of frontage may be counted as an additional frontage.

(6) No political sign may exceed 32 square feet.

C. Other temporary signs.

(1) Other temporary signs shall be signs erected for a relatively short period of time, which may include posters, announcements of grand openings, banners and pennants and other similar objects. Signs shall be removed immediately following the cessation of the event or activity mentioned in the permit.

(2) If such sign is not removed within the specific time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray the cost of removal of such signs and for general Town purposes.

(3) Signs for charitable purposes or where the applicant is a charitable, nonprofit or philanthropic organization shall be exempt from the security deposit provisions but from no other provision hereof.

(4) Temporary signs shall not exceed 16 square feet in any commercial district and be not more than eight square feet in any residential district.

(5) No temporary sign subject to this section may be posted or displayed for more than 30 days or placed on public properties. **[Amended 7-10-2012 by L.L. No. 3-2012].**

(6) Signs erected to advertise and/or identify a subdivision and/or development shall be permitted on the condition that the signs may only be placed at the

entrance of the subdivision and/or development and the size and number of these signs must conform with this article.

**§ 215-52. Permanent signs.**

**A. Permit required.**

(1) No sign permit will be used except in accordance with a sign approval or a site development plan approval. After such approval, an application for a sign permit shall be made to the Building Inspector on forms prescribed by the Building Inspector and shall be accompanied by the required fee in accordance with the schedule of fees provided in the building permit fee schedule.

(2) The Building Inspector, upon receipt of an application for a sign permit, shall review the same. If the sign requested has been approved on a site developmental plan or a sign plan, the Building Inspector shall issue a sign permit. Signs shall not show message until the certificate of compliance is issued. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(3) Upon a tenant's application for a sign permit and in addition to the application, the tenant must submit a notarized letter of consent from the owner of the premises.

(4) If there is neither a sign plan approval nor site plan approval, the applicant must submit an application to the Planning Board for either site development plan approval or a sign plan approval, whichever is applicable. In the case of a sign that is not submitted as part of a site development plan, a sign plan for such sign shall be subject to review and approval by the Planning Board with input from the Architectural Review Board. Upon the granting of a site development plan or a sign plan approval, a copy of the approved plan shall be transmitted to the Building Inspector, except those signs exempted by this article.

(5) The Planning Board, in promulgating a site development plan, shall provide for a limitation on the size of signs, type and characteristics of illumination, number and location, taking into consideration the uses on the site and the reasonable requirement for communicating information to the vehicular or pedestrian public. The Planning Board shall consider the following supplemental use criteria in granting any approvals for signs:

(a) Signs must be clearly accessory to the use or uses upon the same lot, and such signs and lighting must be shown to be essential to the conduct of the principal use upon the lot.

(b) The size and content of the sign shall be the minimum essential for legibility and for the provision of information to patrons seeking the particular use described on such sign.

(c) The sign content shall not hawk or peddle and must clearly provide only the information necessary to identify the use upon the lot.

(d) The sign shall not be confused with any traffic sign or other safety device nor be composed of elements depicting in exaggerated size or grotesque style the use upon the lot.

(6) All signs, together with their supportings, braces, guys, anchors, etc., shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly maintained at all times.

**B. Business identification signs (nonresidential districts).**

(1) In the case of a building devoted to entirely one use or establishment, one indirectly illuminated sign may be located on the building facade, facing the frontage street or streets, as directed by the Planning Board and/or the Architectural Review Board, with a total sign area of each such sign not to exceed 10% of the sign wall area of each building facade but in no event more than 60 square feet.

(2) In the case of a building devoted to more than one use or establishment, one indirectly illuminated sign for each such use or establishment may be located on the building facade facing the frontage street or streets, as directed by the Planning Board and/or Architectural Review Board, with a total sign area of each sign not to exceed 10% of the sign wall area of each building facade but in no event more than 40 square feet.

(3) The vertical dimension of all business identification signs shall not exceed 2 1/2 feet.

(4) A sign attached to a building shall not extend more than three feet from the building wall and shall not extend above the roof level of the building except where signs are mounted on overhangs or porch roofs.

(5) One freestanding business identification sign may be located on a lot facing each frontage street, as directed by the Planning Board and/or the Architectural Review Board, with a total sign area of such sign not to exceed 80 square feet, and provided that such sign shall be set back a minimum of 10 feet from any designated street line. Such signs shall not be illuminated by exposed tubes, bulbs or similar exposed light sources, and there shall be no exterior spotlighting or other illumination of such sign that will cause any glare.

C. Business identification signs (residential district).

(1) One sign affixed to the front facade of the principle building may be provided and shall not exceed 5% of said building facade sign wall area but in no event more than 50 square feet. Such sign may be indirectly illuminated by a constant light integral in the sign.

(2) The vertical dimension of all business identification signs in a residential district shall not exceed four feet.

(3) A sign attached to a building shall not extend more than three feet from the building wall and shall not exceed above the roof level of the building.

(4) One freestanding (monument-type) business identification sign may be located on a lot facing each frontage street, as directed by the Planning Board and/or the Architectural Review Board, with a total sign area of 20 square feet in area, located at least 10 feet from any designated street line. Such signs may be indirectly illuminated by a constant light integral to the sign.

D. Place of worship, libraries, museums and social clubs.

(1) One sign or bulletin board, customarily incidental to such uses, may be erected on the premises of such institutions for each entrance on a different street or highway.

(2) Such sign may not exceed 32 square feet and shall be set back a minimum of 10 feet from the designated street lines.

#### **§ 215-53. Nonconforming signs.**

A. Any sign legally in existence prior to the effective date of this article, or any amendment thereto, but which does not conform to the applicable provisions of this article, shall be deemed nonconforming, and the display of such sign shall be permitted to continue. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance or repair of a nonconforming sign shall not cost more than 50% of the current depreciated value of the sign as of the date of repair. Once a sign is removed for a purpose other than maintenance or a change of lettering of sign display, said sign shall be deemed permanently removed and may be replaced only in accordance with the provision of this article.

#### **§ 215-54. Removal of signs.**

A. Any sign, including all structural supports and frame, now or hereinafter existing which no longer identifies a use on the subject premises or is not being maintained shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Building Inspector; and upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign.

B. Dangerous signs. Should a sign be or become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Inspector, the owner thereof or person maintaining the same shall, upon receipt of written notice from the Building Inspector and in any case within five days thereafter, secure the same in a manner to be approved by the Building Inspector. If such order is not complied with, the Building Inspector is hereby authorized to cause removal of such dangerous sign; and any expense incident thereto shall be paid by the owner of the building, structure or premises on which such sign is located. If such payment is not made, such expenses shall be assessed against the owner of the property to be levied against such property. Such amount shall be a lien on the property and collected at the same time and in the same manner as Town taxes. When

any sign is in such dangerous condition as to be immediately dangerous to the safety of the public, the Building Inspector is hereby authorized to take such actions as, in his opinion, shall be necessary to protect the public or property, including but not limited to the removal of such sign; and any expense incident thereto shall be paid by the owner of the sign.

C. Removal of temporary signs on public properties. Where temporary signs are posted on public properties, the Town Building Inspector, Code Enforcement Officer, Stony Point Police Officers, the Town Superintendent of Highways, may direct that such signs to be removed by notifying the Town Parks Department (or other Town employees as the Town Board may determine) and such employees may remove such temporary signs, without prior notice, including all structural supports and frame, and may, dispose of or destroy such temporary signs after a reasonable period of time. However, if the owner/poster of such signs requests return of the signs prior to disposal/ destruction, such signs may be returned to the owner/poster. **[Added 7-10-2012 by L.L. No. 3-2012].**

**§ 215-55. Enforcement.**

Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, reerect, construct or structurally alter any sign without first applying for and obtaining the necessary permit or who in any other way violates any provision of this article shall be liable to penalties as imposed in § [215-58](#) of this article.

**§ 215-56. Adjustment of regulations.**

Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary difficulties may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the regulations so adjusted.

**§ 215-57. Applications for permits; issuance.**

A. Application for a sign permit shall be made on a form provided by the Building Inspector, which application shall include:

- (1) The name, address and telephone number of the applicant.
- (2) The name, address, telephone number and insurance coverage of the sign maker.
- (3) The location of the building, structure or land to which or upon which the sign is to be erected.
- (4) A color photo of the building upon which the sign is to be erected.
- (5) The size of the sign.
- (6) A description of the construction details of the sign, showing the lettering and/or pictorial matter composing the sign and the position of lighting or other extraneous devices.
- (7) A rendering, drawn to scale, and supporting information indicating the location of the sign, colors, size and types of lettering or other graphic representation and materials to be used, electrical or other mechanical equipment and details of its attachment and hanging. Samples of materials should accompany the application, where required by the Building Inspector.
- (8) The written consent of the owner of the property upon which sign or signs is or are to be erected and maintained. In addition, such sign application shall be accompanied by a fee as set forth in § 215-58 of this article.
- (9) Such other pertinent information as the Building Inspector may require to ensure compliance with this article.

B. Following formal submission to the Building Inspector, the Building Inspector shall refer those applications for signs that necessitate referral to the Planning Board and/or the Architectural Review Board. The Planning Board or Architectural Review Board shall approve, disapprove or approve with conditions, within 62 days of receipt of the application, except where a sign application is part of a site plan or special permit application, in which case the sign shall be reviewed as part of that application.

C. The Building Inspector shall issue a permit for a sign within 30 calendar days of receipt of the Board's decision.

**§ 215-58. Security deposits; enforcement; fees and penalties; supersession.**

A. Political signs. Accompanying the application for a permit shall be the payment of a security deposit in the amount of \$250, as a guaranty that each and every such sign subject to this article will be removed promptly within one week immediately following the nomination, primary, election or referendum to which it pertains. If such removal is not made within the specified time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray the cost of removal of such signs and for general Town purposes.

B. Other temporary signs. Accompanying the application for a permit shall be the payment of a security deposit in the amount of \$100, as a guaranty that each and every such sign subject to this article will be removed promptly within one week immediately following the cessation of the event or activity mentioned in the permit. If such removal is not made within the specified time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray the cost of removal of such signs and for general Town purposes.

C. The fee for any other sign permits, besides § 215-58A and B above, shall be in accordance with the building permit fee schedule.

D. Enforcement. The Police Department of the Town of Stony Point or any other Police Department then servicing the Town of Stony Point and/or the Building Inspector or Code Enforcement Officer for the Town of Stony Point shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this article.

E. Penalties for offenses.

(1) In addition to any other penalties or remedies prescribed herein or otherwise available to the Town of Stony Point, any person, corporation, firm or other entity that shall violate any provision of this chapter shall be guilty of a misdemeanor subject to a fine of up to \$350 or imprisonment up to 15 days, or both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense and shall be punishable as such. **[Amended 7-10-2012 by L.L. No. 3-2012].**

(2) In the case of continuing violation of this article, each day that such violation exists and each sign posted in violation of this article shall constitute a separate and distinct violation.

(3) In addition to the above-provided penalties and punishment, the Board may also maintain an action in the name of Stony Point in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

(4) The remedies contained within this article shall, further, not be exclusive but shall be in addition to any other remedy provided by law, so long as it is not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this article preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

F. Supersession of other laws. This article supersedes any other regulation and/or law regarding signs in the Town of Stony Point.

The following roll call vote was recorded and the motion was **carried**:

AYES: Mr. Javenes, Mr. McDonnell, Mr. White, Supervisor Finn

NAYS: Mrs. Konopko

ABSTAIN: None

ABSENT: None

**CHAPTER 165 RESIDENCY REQUIREMENTS**

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to adopt the following resolution:

**RESOLUTION RENUMBERING TOWN CODE CHAPTER 165 (RESIDENCY)  
TO TOWN CODE CHAPTER 40 (RESIDENCY)**

**WHEREAS**, on **May 8, 2012**, following a duly noticed public hearing, the Town Board of Stony Point duly adopted Chapter 165 the Town Code (Residency); and

**WHEREAS**, General Code, the entity responsible for organizing, updating and maintaining the Town of Stony Point Code, recommended that Chapter 165 be renumbered to Chapter 40 of the Town Code for the purpose of Code Organization; and

**WHEREAS**, such renumbering of the Code shall have no effect on the substantive provisions of the Town Code that were adopted by the Town Board on May 8, 2012 and where such renumbering is ministerial only;

**NOW, THEREFORE**, it is resolved as follows:

1. The Town hereby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein; and
2. Town Board hereby determines that Chapter 165 of the Town Code (Residency) shall be renumbered, without any change to any substantive provision is, to Chapter 40 of the Town Code; and
3. The Town Board hereby authorizes the Supervisor and the Town Clerk to take any and all necessary actions to implement the renumbering of such Chapter.

This shall take effect immediately.

#### **BID – ELM AVENUE DRAINAGE PROJECT**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk to advertise for bids for the drainage project on Elm Avenue in Tomkins Cove.

#### **AUTHORIZE ATTENDANCE/PAYMENT FOR THE ANNUAL MAGISTRATE /COURT CLERK**

This matter was tabled for the July 24<sup>th</sup> agenda.

#### **AMBULANCE AUDIT**

This matter was tabled for the July 24<sup>th</sup> agenda.

#### **INTERFUND TRANSFERS**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to authorize interfund transfers as deemed necessary.

#### **EXECUTIVE SESSION**

At 8:07 pm a motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss police department personnel matters, concerns of the town engineer and discussion regarding ORPS.

#### **ADJOURN**

The July 10, 2012 Stony Point Town Board meeting was adjourned at 8:56 pm on a motion made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present.

Respectfully submitted,

Joan Skinner.  
Town Clerk