

**Minutes for the Ticonderoga Planning Board Meeting held on
August 4, 2016 commencing at 7:00 p.m.**

Present: Chairman Stu Baker, Mike Powers, Scott Manning, Don Meserve, Doug McTyier, Walt Lender, Tonya M. Thompson

Absent: Ben Leerkes

Others: Code Enforcement Officer Bill Ball, Greg Moore, Joyce Cooper, Ken Engler, Victor Lavallie, Chris & Melissa O'Reilly

Mr. Baker opened the meeting with the Reciting of the Pledge of Allegiance and welcomed everyone to the meeting.

Approval of the minutes will need to wait until a quorum of those attending that meeting are present.

O'Reilly - 150.59-8-4.000 Addition (Screened Porch) - 19 Prince Taylor Path

- Square, screened in room on 600 square foot seasonal camp
- meets set backs - the house is actually on an angle so it cannot be closer to the water
- No fixed heat source, no water, just electricity
- Has Municipal Sewer

Mr. Baker would like to know if Lake George Park Commission was contacted.

Mr. Ball stated that it is not big enough to trigger anything.

Mr. Baker would like a letter to that effect.

Mr. Ball stated no, but we can get it. There is no trigger for them. The lay of the land goes away (slopes away) from the lake.

Resolution #19-2016 brought by Scott Manning, seconded by Doug McTyier to declare a complete application for O'Reilly - 150.59-8-4.000 Addition (Screened Porch) - 19 Prince Taylor Path. **6 - Ayes, 0-Nays. Carried.**

Mr. Lender asked to add a condition to the approval that we have a Non-Jurisdictional letter from the Lake George Park Commission for the file.

Mr. Ball will go over this process with Mr. O'Reilly.

Resolution #20-2016 brought by Scott Manning, seconded by Walt Lender to approve the complete application for O'Reilly - 150.59-8-4.000 Addition (Screened Porch) - 19 Prince Taylor Path with the condition of receiving a Non-Jurisdictional Letter from the Lake George Park Commission. **6 - Ayes, 0-Nays. Carried.**

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Glens Falls National Bank - 150.43-4-20.000 Sign (123 Montcalm Street)

Greg Moore - representing Glens Falls National Bank

Mr. Moore explained that currently they are doing a minor remodel at the Montcalm Street Bank, the reason is to incorporate the Upstate Insurance Agency Co. There is no signage on the building except for a small plaque, especially compared to other buildings down town. They are hoping to get a sign put on the front of the bank.

- Sign
- 2 1/2 feet x 5 1/2 feet (13.75 square feet)
- Back - Internally Lit
- Two sided

Mr. Baker inquired if Mr. Moore asked the Montcalm Street Partnership for their opinion regarding this sign. (The answer was no)

Mr. Ball explained that he discussed with Mr. Moore that the Town is looking for more Adirondack style signage, such as with the colors. The Burleigh Luncheonette sign was put in prior to this sign law. This sign being proposed is twice as big as the eight feet that are allowed.

Mr. Baker asked if this sign request has been in front of the Zoning Board.

Mr. Ball stated no, the way he understands this law is the Codes Office can ok any sign as long as it is covered by the current law, anything above and beyond that the Planning Board has to review.

Mr. Baker understands that the Planning Board can approve a sign up to and including the maximum dimensions in the sign code, but we cannot approve anything in excess of that size without a variance. Unless you can cite a section of Town Code that states otherwise, he believes that an area variance is needed.

The board agreed.

Mr. Ball spoke with the Town Attorney about this and he agreed with what Mr. Ball just explained. The Planning Board has done this before.

The board does not feel that it can approve this application. They did, however, go over a few items that they felt they can review.

- color - the board is comfortable with the proposed color
- lighting - not comfortable with it being internally lit
- would like Montcalm Street Partnership's opinion/historic building

The board did mention that GFNB has a great history of great designs here in town. The drive thru on Wicker Street is just outstanding. Mr. Baker would like to see similar design consideration given to the Montcalm Street branch.

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Mr. Moore asked if the board would consider the application if it was amended, we want to be good neighbors.

Glens Falls National Bank - 150.43-4-20.000 Sign (123 Montcalm Street) - amended

- 8 square foot - 2' x 4' - signage
- Material - mat (non-glossy)
- Double sided
- External soft down light - dusk to dawn
- Brackets to hang the sign

Resolution #21-2016 brought by Walt Lender, seconded by Scott Manning to declare a complete application as amended for Glens Falls National Bank - 150.43-4-20.000 Sign (123 Montcalm Street) **6 - Ayes, 0-Nays. Carried.**

Resolution #22-2016 brought by Walt Lender, seconded by Mike Powers to approve the complete application for Glens Falls National Bank - 150.43-4-20.000 Sign (123 Montcalm Street) **6 - Ayes, 0-Nays. Carried.**

Other Business

Signs

Mr. Ball wanted to mention that what the Codes Office has been doing is approving signs if they are covered under this one sheet of sign law. What would be the point of bringing it to the board if the board can't consider any signs larger than what is on the approved sheet that they approve in the office itself. It reads that the Planning Board in reviewing the sign requiring site plan review and assessing the impact upon the Town shall consider the reasonableness of the proposed sign, sign, height, type, illumination and proximately to the edge of the highway. If it wasn't the intention when they came up with this criteria, this is what we go by to issue a permit from the office.

Mr. Powers stated that this is the reason why we have spent the entire winter going over the sign law. So it can be one coherent section to work with.

Mr. Baker is not convinced that the section of Code that Mr. Ball is talking about says we can discuss signs above and beyond...

Mr. Ball stated that he is going to speak with the Town Attorney and get something in writing about this.

Mr. Baker agrees that a written interpretation from the Attorney would be helpful.

Mr. Power agrees and believes the intent of the current law was that if the sign was over the size it goes to ZBA, if it is this size it goes to the Planning Board.

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Mr. Baker continued on with the sign discussion, explaining that this board discussed the proposed revisions to the sign code back in May through some confusion the Town Board took this discussion and put it to a Public Hearing. At the Public Hearing the discussion was left open requesting a specific recommendation from this board in the form of a resolution for their consideration. What the Town Board had and what was published for the public hearing was the last revised version that the Clerk had sent out to all of us. At this point the Town Board is looking for a recommendation from us on that draft in the form of a resolution.

5.60 Sign Regulations

Signs may be erected and maintained only when in compliance with the following provisions:

(a) Within the Adirondack park pursuant to a written permit required by Section 3-0327 of the Conservation Law and issued by the Department of Environmental Conservation.

(b) Within the Lake George park pursuant to a written permit required by Section 847 of the Conservation Law and issued by the Lake George Park Commission.

Purpose. The purpose of these standards is to provide a coordinated, uniform and consistent approach for the review of signs proposed to be erected or maintained in the Town of Ticonderoga, taking into consideration the historic, cultural, scenic, aesthetic and natural resources sought to be protected by these regulations. The location, size, materials and graphic design of signs affect the appearance, character and quality of a community. Therefore, such signs shall convey their messages clearly and simply to enhance their surroundings. These standards are intended to:

- Promote and protect the public health, welfare and safety by regulating signs;
- Prevent sign or advertising distractions and obstructions that may contribute to traffic accidents;
- Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way;
- Enhance and protect the town's physical appearance, community character and natural beauty in order to provide a more enjoyable and pleasing environment for residents and visitors;
- Protect property values by creating a more attractive business and tourism climate; and
- Encourage use of well-designed signs that clearly present visual messages in a manner compatible with their surroundings.

Applicability. Site plan review by the Planning Board and issuance of a land use permit by the Code Enforcement Officer shall be required before the erection, construction, modification or replacement of any sign, except for signs that are specifically exempted as per Paragraph *3 of this section.

Application Requirements. All applicants shall submit drawings of the proposed and all existing signs showing dimensions, sign design, material, color, lighting (including light fixture type and intensity), mounting method and location.

Exemptions. No review or permit shall be required for the following signs. Exempt signs shall not be included in the calculation of the total sign area as per Paragraph *9 of this section.

- Signs erected by a government agency.
- Flags and banners intended solely for ornamental or non-advertising purposes. Official governmental flags shall be flown in accordance with applicable federal or state flag regulations.
- Temporary signs for auctions, lawn sales, garage sales or similar special events, which shall be removed immediately following the event.
- 1 temporary real estate sign per parcel not to exceed 6 square feet in area, which shall be removed immediately following closing.
- 1 sign per parcel not to exceed 6 square feet in area advertising any architect, engineer or contractor working or responsible for a project on the premises upon which the sign is located to be in place only while construction is ongoing.

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- Temporary election signs to be posted and removed in accordance with state law.
- Signs or bulletin boards incidental to places of worship, schools, libraries, government offices or similar civic facilities, not to exceed 1 per establishment and not to exceed 16 square feet in area and 6 feet in height above the ground.
- Temporary signs or banners advertising non-commercial civic events, which shall be removed immediately following the event.
- Signs, not to exceed 2 square feet in area, relating to trespassing or hunting, identifying the residents of a dwelling, warning of hazards, providing directions or information, or other similar non-advertising purpose.
- Historic markers, memorial signs or plaques, or names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
- Up to 2 temporary signs per business, each 10 square feet or less in area, placed on the premises of a business for the purpose of advertising sales or specials in accordance with all location and design requirements of this section for a period of not more than 14 consecutive days nor more than a total of 56 days in any calendar year.
- 1 portable sign per business in accordance with Paragraph *16 of this section.
- Non-illuminated signs not to exceed 2 square foot in area placed on the interior side of a window or glass door in accordance with Paragraph *6.14 of this section.

Signs Prohibited. The following types of signs shall be expressly prohibited in the Town of Ticonderoga:

- Signs illuminated by or containing flashing, intermittent, rotating or moving lights. Electronic message signs may be allowed to the extent that their display is static and the message is not changed more than three times per hour. Scrolling text, animation, video or other forms of continuously changing messages shall be prohibited.
- Signs consisting of or incorporating any pennant, ribbon, streamer, spinner, balloon or other similar moving, fluttering or revolving device, prohibited, except as a temporary sign.
- Banners, other than for use as a lawful temporary sign in accordance with Paragraph *3 of this section.
 - Roof signs that are mounted so that the sign is, or appears as viewed from the street, higher than the roof peak or deck.
 - Signs placed upon or supported by any water body, tree or other natural object rather than the ground, or signs mounted on utility poles.

Hazards. No sign shall be designed or located to impair public safety, traffic flow or road visibility, specifically:

- No sign shall impair the visibility of, or sight distance for, vehicles entering or exiting a road or driveway.
- No sign shall restrict clear vision between the sidewalk and road.
- No sign shall be designed so that it could be confused with any traffic sign or signal.
- No luminous sign, indirectly illuminated sign or lighting device shall be placed or aimed so as to direct beams of light upon any road, sidewalk or adjacent premises in a manner that may constitute a traffic hazard or nuisance.
- No sign shall in its construction employ any mirror or mirror-like surface, nor any reflective, day-glowing or other fluorescent paint or pigment.
- No sign shall prevent free access to any door, window or fire escape.
- Signs shall be constructed to withstand a wind pressure load of at least 30 pounds per square foot.

Setbacks. Front or road setback requirements shall not apply to signs. In districts other than the Downtown Business and Hamlet Mixed Use Districts, freestanding signs shall not be placed closer than 5 feet or the height of the sign, whichever is greater, of the right-of-way of a public or private road.

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Lighting. External lights shall be directed on the sign or wall surface, preferably from fixtures mounted above or as a halo with lighting behind the sign. Illuminance of the sign face by external light fixtures shall not exceed 50 foot-candles as measured on the sign face or wall behind the sign. An external light source shall be shielded and shall not be visible from adjacent properties or roads. Light fixtures used for signs, if visible, should be of a style compatible with the overall building façade. Externally illuminated signs are preferred over internally illuminated or electronic message signs.

- For the Downtown District, internally illuminated signs shall be designed so that only the sign copy is illuminated. The sign background or field shall be opaque and constructed of a non-reflective material. The light emitted from the non-opaque portions of such signs shall not exceed a maximum brightness of 500 nits.
- Electronic message signs shall not exceed a maximum brightness of 5,000 nits during the day and 500 nits at night. The brightness of such signs shall automatically adjust in response to changes in ambient light levels. Electronic message signs shall default to a black screen in the case of a malfunction.

Design Guidelines. Applicants are strongly encouraged to consider the following recommendations:

- When choosing a style for a sign, consider simple, classic designs that are easy to

read. Avoid using too many different fonts or using lettering that is difficult to decipher.

- Signs should use color to enhance the business image and building façade. Bright colors can be appropriate, but avoid using them simply to attract attention to the sign itself.
- Standardized corporate or franchise signs may not be compatible with the character of the building or of the area in which the sign will be located. Consider alternate designs that retain the essential elements of the corporate/franchise identity but that utilize alternate colors or materials to harmonize with the building and/or location.
- The sign housing, mounting and frame should be chosen to enhance the sign and the building façade. Avoid using materials that will detract from the sign itself.

Sign Area. The Planning Board shall not approve signage in excess of the standards specified in the table below and may further restrict the number, size and location of signs in accordance with the purposes of this section and the character of the area. The number of signs, including temporary signs, used on a building façade is an important consideration. In general, the largest or most prominent signs should advertise the business name, with smaller signs reserved for hours, sales, listing of services/products, or other ancillary information. Avoid repeating the same text or logo too many times on the same building façade.

Sign Number and Area by District Table

	DB	HM U	NM U	HR	SR	HR M	All Othe r
Wall Sign	1 sf per linear foot of façade on which sign will be mounted			16 sf	16 sf	16 sf	32 sf
Freestanding Sign (area)	16 sf	32 sf	40 sf	16 sf	16 sf	32 sf	32 sf
Freestanding Sign (height)	8 ft	12 ft	16 ft	8 ft	8 ft	12 ft	12 ft
Hanging Sign	8 sf	8 sf	16 sf	8 sf	8 sf	8 sf	8 sf
Portable Sign	8 sf	8 sf	16 sf	8 sf	8 sf	8 sf	16 sf
Wall Sign	2 per business			1 per business			
Freestanding Sign	1 per parcel						
Hanging Sign	1 per customer entrance						
Portable Sign	1 per business						

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Single Use on a Parcel	1 sf per linear ft of road frontage	32 sf	32 sf	48 sf	64 sf
Multiple Uses on a Parcel	1 sf per linear ft of road frontage or 32 sf + 16 sf per use	16 sf + 8 sf per use		32 sf + 8 sf per use	

Computation of Permissible Sign Area. When computing the total sign area for any use:

- Existing signs shall be included.
- Exempt and portable signs shall not be included.
- Hanging and free-standing signs shall not include the support structure if not an integral part of the design.
- Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them.
- Only one face of a double-faced sign shall be used. If the faces are not the same size, the larger face shall be used.
- In the case of three-dimensional signs, the calculated area shall be the total surface area of the three-dimensional sign visible as viewed from the public way.

Sign Design Standards Table

Freestanding Signs. Freestanding signs should be placed where they will not block the view of the building and should be oriented perpendicular to the road or sidewalk for maximum visibility.

- Within the Downtown Business, Hamlet Mixed Use and Neighborhood Mixed Use districts, signs should be located to enhance the pedestrian environment and use of monument signs rather than tall pole signs is preferred.

Wall Signs. Wall signs shall be placed in a manner that complements the architecture of buildings. A wall sign shall not extend above the eaves, nor block access to any window or door.

Signs should not be placed in locations where architectural details (e.g., window frames, cornices or other trim) will be obscured. Signs should be logically located on the building facades, such as within or just above storefront windows.

- No wall sign shall project more than 2 feet from the wall of any building.
- Signs on canopies or in windows shall be considered wall signs for the purposes of determining the number and size of signs permitted.

Hanging Signs. The lowest portion of a hanging sign or its support structure shall be at least 8 feet above the sidewalk or grade directly beneath it. No hanging sign or its support structure shall project more than 6 feet from the wall of any building or beyond 1 foot from the edge of the sidewalk, whichever is less.

Signs on Vehicles. No vehicle on which is placed or painted any advertising sign shall be regularly parked or stationed on a premises or in a parking space in a manner primarily intended to display the sign. Any of the following shall be considered evidence that such a vehicle is being used primarily as a sign:

- The vehicle involved is an inoperable or unregistered vehicle.
- The sign would interfere with or prevent the vehicle from being legally driven on the road.
- The vehicle is not being regularly driven.

Portable Signs. Portable signs may be placed on the premises or within 10 feet of the front door of the business or location of the activity being advertised, including on the public sidewalk, in accordance the standards below:

- No such sign shall be placed in a public parking space or public park, nor shall a portable sign be placed in a manner that would restrict public sidewalks to a width of less than 5 feet.
- Portable signs shall not be illuminated or embellished with devices as described in Paragraph *10 of this section.
- Portable signs shall only be placed out when the business being advertised is open.

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Nonconforming Signs. The following shall apply to lawful pre-existing signs that do not conform to the requirements of this section:

- A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.
- If a project is proposed for a property upon which an existing nonconforming sign is located or that involves a business that has an existing nonconforming sign, the Planning Board shall require that the nonconforming sign be brought into compliance with these standards or removed.

Removal and Repair of Signs. Any sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed within 90 days. All signs shall be made of durable materials and maintained in good condition. Materials, such as certain kinds of plastic or aluminum, which may fade in direct sunlight and cannot be re-painted or otherwise maintained should be avoided. Any sign that is abandoned, unsafe, insecure or a menace to the public may be removed by the town at the property owner's expense if the owner takes no action to repair or remove such a sign after a notice of violation as per Section 5.60 of this code.

Resolution #23-2016 brought by Walt Lender, seconded by Mike Powers to recommend to the Town Board the final draft as printed above of the reviewed Sign section of the Town Ordinance and as previously presented to the Town Board. (Discussion followed this resolution - but before the final vote). **6 - Ayes, 0-Nays. Carried.**

Mr. Baker wanted to discuss the section in this referred law regarding the Signs on Vehicles, he would really like Mr. Ball's opinion on this.

Mr. Ball explained the issue found with signs on vehicles, we have had box trucks with signs or banners and left out - we have to set limits or it will be pushed, this is actually how this temporary signage issue started. If it is a legal vehicle and is being driven and is parked in front of the actual store, then so be it.

Mr. Baker wants to be sure that we are not affecting the everyday business person.

Mr. Ball stated that this law has a lot of good intentions, but there is always someone that pushes the envelope.

Mr. Engler brought up a section - it prohibits off premises signs. (Note: Mr. Engler is not reviewing the recommended section, he has the first original Zoning verbage).

Mr. Baker noted that the recommended draft does not have under prohibited, off premises signs.

Mr. Ball mentioned that it was under Supervisor Dedrick's reign that the sandwich board issue came up and this is one of the problems that brought the sign section for review under Supervisor Grinnell's reign.

Mr. Baker again noted that this draft does not prohibit off premise signs.

Mr. Engler and Mrs. Cooper stated that this is scary and asked if this does this mean that we will see every business in town do their advertising at the entrance from Hague Road. Putting all those signs in the ground will be ok? The intersection of 9N & 74 will have more signs than we already have?

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Mr. Powers stated no. Regardless of what we have right here, it is who makes the stricter rules and the Park Agency says no off premises signs. They supersede us. Who ever makes the stricter rule, rules. They say no off premises signs. This kind of says that we are not specifically prohibiting them which hints that we are saying, 'Ok', but it was really taken out because someone else had jurisdiction over that.

Mr. Engler then stated if there is an issue with off premise signs, we would bring that to the APA?

The board answered yes.

More discussion was held on jurisdiction and signs around the area.

Mr. Lender reminded that we can recommend anything to the Town Board, but the Town in the end is who will amend this ordinance; whether added a few regulations or pulling a few regulations. Right now, at this point, we are just trying to keep the ball rolling as it had stalled.

Mr. Powers added that this had been proposed once and been picked apart and picked apart and picked apart and it was asked by the Town Board to review again and why should we re-invent the wheel. We have reviewed it.

The Board feels that this is ready to go to a Public Hearing and invites anyone to go to the Town Board's meeting, written comment can be submitted at any time.

Mr. Ball explained his impression that he received from the board, was that they objected to going from 3 pages to 7 pages.

Mrs. Thompson explained that the board opened the public hearing and immediately stated that they wanted a resolution from the Planning Board on their recommendation.

Mr. Ball explained that the had been contacted individually regarding this.

Mr. Baker noted that he has not received any comments from the Town Board.

Mr. Ball feels that they want it more stream-lined.

Mr. Baker repeated that he has not received any of those concerns or requests from the board.

Mr. Lender stated that we have passed our resolution, let the Town Board act on it.

Mr. LaVallie noted that he has not studied these revisions being recommended, he has one concern and would like to give credit to Mrs. Cooper for bringing the issue on the temporary sign up to the Planning Board at previous meetings (the flashing sign), there

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should be a temporary, informational sign up for the fraternal organizations, the schools, etc., this sign was great for organizations. Has this gone away?

Mrs. Cooper stated that this has gone away, it was not well received.

Mr. Ball felt that the digital sign had a lot of support.

Mr. Powers stated that it was not the sign itself, it was the logistics and organization of the sign that had issues.

(The Resolution was passed at this time after all this discussion)

Resolution #24-2016 brought by Walt Lender, seconded by Scott Manning to adjourned the meeting at 8:05 p.m. **6 - Ayes, 0 - Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk.