

A Public Hearing was held on February 5, 2002, in the Village Hall at 5:30 p.m.

Present: Glenn Weyant, Mayor
 Paul Morra, Trustee
 Daniel Powell, Trustee
 William Simon, Village Attorney
 Jill Dodds, Clerk

Also present: Jeff Budrow and Paulette Barlette of Fraser & Associates, Roger & Maura Dugan, Dan Breck, Michael Trani, John Hraska, Richard Norarevian, James Wiltse, Pat Crilley, Joe Meyers and Chris Hack.

The Mayor opened the meeting with the Pledge of Allegiance

The first item for this Public Hearing is the proposed **Property Maintenance Law**.

Copies were distributed and the Mayor went through it line by line. He asked that if anyone had any comments or suggestions, they should feel free to interrupt and should identify themselves for the record.

Section 133-4: It was agreed that the fine of "not less than \$25.00" should read "not less than \$50.00" but that the \$100.00 maximum should remain. The section shall be altered to reflect the greater minimum fine.

Section 133-5: It was suggested that pictures should be taken to validate the written report. However, Attorney Simon advised against imposing additional restraints against us in prosecuting the law. It was decided that the Building Inspector should be instructed to carry a camera along with him and take such pictures as may be relevant; requiring it as a law adds an unnecessary burden on the prosecution; a case could be thrown out if the pictures were not valid or not available. The section remained unchanged.

Section 133-6: Attorney Simon was asked to explain this in layman's terms. This is a dual-track law; this gives the Village, notwithstanding the fact that they can issue an appearance ticket to the violator to appear in Court, they have the right to go onto the property and correct the problem. If the Village intends to do that, it has to give due process of law to the property owner. If you notice the last paragraph states "...Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this chapter". What that means is that you can go out and give them the summons to appear in court for the fine but if you want to send a representative from the Village to clean up the mess, then you have to give them this notice and the opportunity to be heard. Regardless of what happens at that public hearing, you may decide that it is not a public nuisance and you are not going to send your own agents to clean it up, that has no effect whatsoever on the fact that the Building Inspector may have given them an appearance ticket to appear in court and be fined \$100 a day until they clean it up. Basically, this is the model law proposed by the State and they propose that you have these provisions in there so that in a situation perhaps where you have rats running around garbage, if you think it is something fairly urgent, they want to make sure that you can get to clean up regardless of the public hearing. The section remain unchanged.

Section 133.11: Attorney Simon pointed out that the six month grace period was just a figure he had plugged in but it was agreed that this would be an appropriate amount of time. It was suggested that in instances where there are blatant violations already in existence, it would be prudent to inform these violators officially of the grace period. We have been working with people to help them clean up and even used Village employees to help them out. The Mayor stressed that as long as people are taking the initiative and doing the right thing and trying the clean up their property, we are not going to go out and issue them with a violation. However, if they completely ignore the process, we have to have some teeth to back us up. The section remained unchanged.

Section 133.13: There was some discussion on the variances which would apply to this section. Attorney Simon said that the State law pertained to motor vehicles, including snowmobiles and all terrain vehicles but he had struck out the latter two. The variance was limited, however, to economic hardship such as, for example, if you had an antique vehicle and did not have a garage for it, you could apply to the Village for a variance. Your economic hardship would be the expense of a garage which you would have to prove you could not afford. However, the issuance of a variance in this kind of instance would also hinge on whether the antique car had a negative impact on your neighbors and/or was visible from the street. If you were not able to prove all three of these, then the Board would have no power to grant a variance. The section remained unchanged.

There being no further questions, it was agreed to make the one alteration to section 133-4, and move on to the next item.

The second item on the agenda was the proposed revision to the **Sign Law**.

The Mayor explained that it was suggested that all highlighted areas be deleted.

II DEFINITIONS

SHOPPING CENTER: Point (a) was deleted since Tannersville does not have the kind of shopping center with an identifiable theme and part (b) was sufficient for the definition of a shopping center. (The reason that shopping center is defined is that it allows for a large common sign identifying all the businesses therein).

So, part (b) would become part (a).

III SIGN PERMIT PROCEDURES

B. APPLICATION: Reference to the Planning Board is out (throughout the law) since we have abolished same. The paragraph shall read "shall then be submitted to the Village Cler or Mayor for review and approval by the Village Board."

Point 4: "or lease" was added.

Point 5: It was agreed that new signs would be \$50 and \$25 renewal each year thereafter. Trustee Powell went on record that he is opposed to any renewal fee. This point needs rewording.

Point 6: Will read " ...Village Clerk will notify...".

C. ISSUANCE OF PERMIT: This will now read: "All signs must be approved by the Village Board relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Board, as a condition of (added) approval, may recommend changes in such feature, including size, that are more resgtricitve than permitted by this law. The Board may approve, approve with conditions that must be met, or disapprove signs provided that the Board finds that the sign for which the permit was applied would, if erected or painted, be detrimental to the desirability, property values or harmonious development of the surrounding area. Approval is based on consistency with the design criteria listed in this law. The Village Board shall issue the permit provided that all requirements of this law have been complied with, the application has been approved by the Board and structural features of the sign have been approved.

D. **BI**ANNUAL RENEWALS: This paragraph will reflect only annual renewal.

IV. EXEMPT SIGNS (REQUIRING NO PERMIT)

F. "One(1)" is deleted.

V. PROHIBITED SIGNS

I. This paragraph will be moved to the Exempt category and the last sentence will read: "Neon signs are only permitted in the windows of commercial establishments".

VI. TEMPORARY SIGNS

Can only be in place for one week and, in conjunction with neon sign, they must not occupy more than 50% of the window area and only inside the window, not outside. It was decided that more work was needed on this point.

VIII. SIGN REQUIREMENTS

- A. It was decided to stay with one sign only, not two.
- F. Point 1 is deleted. Point 2 remains.
- G. Gasoline Service Stations - deleted in its entirety.

IX. VARIANCES

- A. This stands with the deletion of the word "Planning".
- B. "Planning" is deleted, as is the sentence "Village Board within THIRTY DAYS of The date of the original denial to the..."
- C. The fee for an appeal of \$100 is deleted.

B. VIOLATIONS: The Village Attorney wanted to divide this into two areas providing for either a civil penalty or the appearance ticket. So violators MAY be notified of a violation, in which case they are given the opportunity to correct it, or we may proceed to court or we may do both. He will put in the violation part that they can come to court and plea bargain into a civil matter.

C. NON-CONFORMING SIGNS: This was deleted in its entirety.

Another public hearing would be scheduled to go over both proposed laws again.

ADDRESS BY FRASER ENGINEERING:

Fraser Engineering gave a presentation on their grant application for 2002 Governor's Office Small Cities Grant for the Village's water supply improvements project.