

**December 10, 2007**

Regular Meeting of Board of Trustees  
Called to order 8:00 PM

Present: Mayor John Fitzpatrick  
Trustee Steve Ecklund  
Trustee Clare Gorman  
Trustee Ernest Zocchi

Absent: Trustee Luigi Marcoccia

The meeting opened with the salute to the flag and Pledge of Allegiance.

**SWEARING IN CEREMONY – DETECTIVE POLICE OFFICER ANDREA PINTO**

Mayor Fitzpatrick officiated the swearing in of Police Officer Andrea Pinto to Detective Andrea Pinto. Chief Costanzo presented Detective Pinto with her new Gold Shield. Detective Andrea Pinto thanked Chief Costanzo, Mayor Fitzpatrick, board members, her family and friends for their support and said she was looking forward to the new challenges of this new position and it was an honor to be a member of this department.

Members of the Board offered congratulations and said she came highly recommended. Mayor Fitzpatrick added that although there were eight other very qualified applicants, Detective Pinto ranked as a highly qualified officer and was confident in her abilities.

**Mayor Fitzpatrick offered a Resolution** to appoint Andrea R. Pinto to the position of Detective (Police Officer) effective January 7, 2008. Trustee Ecklund motioned to approve this resolution, motion seconded by Trustee Gorman and upon roll call was carried by a vote of 4 – 0.

**8:09 Trustee Ecklund** motioned for a brief recess; motion was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.

**8:16 Meeting resumed Trustee Ecklund** motioned to re-open the meeting; motion was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.

**SPECIAL PRESENTATION(S)**

**Presentation by Bennett Kielson, independent auditors for the Village of Tuckahoe, on the Village's audited financial statements for fiscal year 6/1/06 to 5/31/07.**

Dominic Consoli of Bennet Kielson summarized the financial standings of the Village for the fiscal year ending 5/31/07. He focused on pg. 38 of the General

Fund. He noted that the expenditures exceeded revenue by \$450,000. Being that the Village has a balanced budget requirement; the funds were taken from the surplus fund. Mr. Kielson also noted that in May 31, 2007, \$350,000 was used from the surplus fund to balance last year's budget. He noted that the Board could have increased property taxes to cover the expenditures, but used the funds in the surplus fund instead. In summary, Mr. Kielson stated that the Village of Tuckahoe is in a good financial standing and is very well managed.

Mayor Fitzpatrick noted that some of the recommendations made, such as the Gazby 45, have already been initiated.

Trustee Ecklund thanked the Village Treasurer, Steve Porpora, for a fine job.

**LOCAL LAW NO.14 OF 2007**

**A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING THE REGULATION OF SIGNS AND AWINGS**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 10, 2007.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning whether certain sections of the Code of the Village of Tuckahoe and the Zoning Ordinance of the Village of Tuckahoe shall be repealed. These sections include Article II of Chapter 3 of the Village Code, Article V of Chapter 19 of the Village Code, Section 19-62 of the Village Code, Section 4-6 of the Zoning Ordinance of the Village of Tuckahoe governing signs, Section 4-7.7 of the Zoning Ordinance of the Village of Tuckahoe, Article VIII of the Zoning Ordinance of the Village of Tuckahoe as it pertains to the Planning Board having jurisdiction over the approval of signs and awnings and those other certain provisions of the Zoning Ordinance of the Village of Tuckahoe governing signs and awnings. In addition, at said

public hearing it would be determined by the said Board of Trustees whether a new, comprehensive chapter or article of the Village Code of the Village of Tuckahoe would be enacted that would govern and regulate signs and awnings; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 16th day of September 2007; and

WHEREAS, said public hearing was duly held on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and continued on October 22, 2007, November 5, 2007 and November 26, 2007 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that the adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a negative declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

Be it enacted by the Village Board of Trustees of the Village of Tuckahoe as follows:

*Section 1. Repeal of Article II*

Article II of Chapter 3 of the Code of the Village of Tuckahoe, inclusive of Section 3-16 through and including Section 3-30, entitled "Signs", is hereby repealed in its entirety.

*Section 2. Restatement of Article II*

Article II of Chapter 3 of the Village Code of the Village of Tuckahoe, entitled “Signs” is hereby re-stated, amended and supplemented as follows:

## **Article II. Signs and Awnings**

### **Purpose and Intent**

The purpose of this Article is to promote and protect the general health, safety and welfare of the Village of Tuckahoe by regulating the design, construction, installation and maintenance of existing and proposed exterior signs and awnings and interior signs to be viewed externally. This Article is intended to: protect property values and create an attractive and harmonious economic climate; to permit effective identification of businesses to encourage economic prosperity; to protect and enhance the aesthetic environment by ensuring signage appropriate to the character of the Village; to reduce sign distractions and obstructions that may contribute to traffic accidents; to reduce hazards which may be created by signs projecting over or standing on sidewalks and streets; and to regulate signs and awnings in a manner consistent with the legislative intent and purposes set forth herein.

### 3-16. Definitions

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

1. **Sign** – Any material, structure or device which is composed of letters, pictures, engravings or symbols; designed or used for the purpose of attracting, or which does attract, the attention of the public to the subject matter thereof; and either located out of doors on the exterior of a building or located inside a building within five (5) feet of the window or in a manner to be viewed principally by passersby.
2. Other Definitions
  - a. **Awning** - A roof-like shelter over a door or window of durable waterproof fabric or material attached to a rigid frame and supported entirely from a wall of a building.
    - a. Retractable Awning – Any awning supported solely by the wall of a building which can be raised to position flat against the building when not in use.
    - b. Stationary Awning – Any awning that is not moveable.
  - b. **Awning Sign** - Any awning with a visual message.
  - c. **Banner**- A sign or decoration composed of cloth or lightweight material and is typically hung over a street or an entrance.
  - d. **Barber Pole** - Any cylindrical, rectangular or polygonal upright column, either with or without a rotating core, and having no internal illumination which is customarily used for advertising a barber shop.
  - e. **Bill** - A public notice such as an advertising poster.

- f. **Billboard** – A sign which directs attention to a business, commodity, or service or entertainment conducted, sold, or offered elsewhere.
- g. Building Fascia – That portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.
- h. Building Inspector – the Building Inspector of the Village of Tuckahoe
- i. Business Establishment – Any premises, either separate or defined by permanent party walls within a building, with a common entrance or entrances for one (1) or more businesses conducted therein. Each business in a building shall be considered its own business establishment for purposes of this Article.
- j. Code Enforcement Officer – The Code Enforcement Officer of the Village of Tuckahoe.
- k. Directional Sign – A sign designed to provide direction to pedestrian or vehicular traffic.
- l. Display Window – The area in a storefront specifically designed to display an arrangement or visual representation of merchandise to attract buyers.
- m. **Erect** - When used with respect to signs, means to paint, build, construct, alter, display, relocate, attach, hang, place, suspend, or affix. Such term does not include the repainting or refinishing of a sign in a manner which changes the color or design of a sign or any of its components.
- n. **Free-Standing Sign** - A sign not permanently attached to or part of any building but separate and permanently affixed into or upon the ground, including but not limited to pole and pylon signs, and monument signs.  
Pole/Pylon - A freestanding sign with the base of the actual sign area at least six feet above the ground and supported by a vertical pole(s) or pylon(s).  
Monument Sign - A freestanding sign supported by a base or one or two posts, with the top edge of the sign no more than six feet above the grade.  
Post and Arm Sign/Blade Sign - A freestanding sign comprising a vertical post to which a perpendicular arm is attached and from which the sign hangs.
- o. Gasoline Filling Station Canopy - A roof-like structure covering fuel

dispensers at a gasoline filling station.

- p. **Illuminated Sign** - Any sign, including but not limited to neon, in or upon which an artificial light source is utilized in a manner to illuminate the information and graphics of the sign. There are four (4) types:

**Self-Illuminated:**

*Type A – Direct source wherein the light source itself is shaped and utilized to form the sign (e.g., neon or an array of individual lamps).*

*Type B - Internal-Illumination wherein a translucent, transparent or opaque material which forms the sign is back-lighted by the light source and the light source is enclosed from direct view.*

**Externally Illuminated:**

*Type C – Direct external illumination wherein the sign is illuminated by a light source placed in a manner to cast light upon the sign.*

*Type D - Indirect external illumination –wherein the sign, whether on an opaque, transparent or translucent panel, or applied to the window of the business establishment, is illuminated by ambient light.*

- q. **Informational Sign** – Signs permanently affixed to doors or windows advertising hours of operation, accepted credit cards, national or regional brands, menus.
- r. **Logo/Logotype** - A distinctly styled representation of the business, building or trademark for the specific business or building it serves.
- s. **Off-Premises Sign** - A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- t. **Painted Sign** - Any sign which is painted or otherwise inscribed directly on any wall of a building or structure.
- u. **Parapet Wall** – The part of any wall entirely above the roof line.
- v. **Plaque** - A professional or commemorative, flat, thin, sign affixed directly to a building facade (e.g., professional name plates, historical plaques, directory plaques, etc.).
- w. **Portable Sign** - A sign designed to be moveable and not

structurally attached to the ground, a building, a structure or another sign, including, but not limited to banners, balloons, and sandwich boards.

- x. **Principal Sign** – **The establishment's primary sign identifying the business to passersby, whether on a wall, awning or window.**
- y. **Professional Name Plate** - **A plaque limited to the name of the professional.**
- z. **Representational Sign** – A three-dimensional sign built so as to physically represent the object advertised.
- aa. **Right of way** – A public path or route over private property that may lawfully be used by pedestrians.
- bb. **Shopping Center**- A group of stores, restaurants, and/or businesses within a single architectural plan. For the purposes of this Article, the compilation of businesses commonly known as Depot Mall at the corner of Columbus Avenue and Main Street.
- cc. **Sidewalk** – A paved walk way along the side of the street for pedestrian use.
- dd. **Sidewalk Partition** – **A barrier or separator that divides or encloses the business and is located outside of the business on the sidewalk.**
- ee. **Sign Directory** - **A listing of two or more business enterprises.**
- ff. **Sign Structure** - **The supports, uprights, bracing and framework for a sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or projections thereof exceeds 30 degrees, each side shall be considered a separate sign.**
- gg. **Sign Surface Area** - **The entire area within a single, continuous perimeter enclosing all elements which form an integral part of a sign. The structure supporting a sign shall be excluded unless the structure is designed in a way so as to form an integral background for the display.**
- hh. **Street** – Means any public or private way, street, avenue or road.
- ii. **Temporary Sign** - **Any sign that is displayed for thirty (30) days or less, herein, including but not limited to signs for construction projects, political campaigns, real estate sales, grand openings, seasonal sales, anniversaries, or any other special event.**
- jj. **Wall Mounted Sign** - **A sign which is mounted directly on and**

**parallel to the building wall.**

**kk. Window – The entire glassed area within the frame.**

**II. Window Sign**

- a. **(Exterior)** - A sign visible from a sidewalk, street, or other public place which is permanently painted or etched on a window.
- b. **(Interior)** - A sign visible from a sidewalk, street, or other public place which is supported on an easel, mounted on a wall, affixed to a window or suspended from a ceiling, located inside and primarily intended to be viewed from the exterior and is located five (5) feet or less from the window.

3-17. Prohibited Signs.

- a. All signs not specifically permitted are prohibited.
- b. Exterior signs containing product or service advertising or trade names separate from the name of the business.
- c. Neon signs, but LED signs shall be deemed permitted.
- d. Non-street level window signs, except in industrially zoned areas.
- e. Off-premises signs and billboards, except as expressly permitted herein.
- f. Painted signs.
- g. Permanent interior window signs.
- h. Pole/pylon signs.
- i. Portable signs; except as expressly permitted herein.
- j. Representational signs.
- k. Self-illuminated signs.
- l. Signs or sign supports placed on the roof of a building and signs on parapets of buildings with more than one (1) story. For the purpose of this local law, a mansard fascia shall be considered a parapet.
- m. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resembles traffic control devices.
- n. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except traditional barber pole made of non-reflective materials.
- o. Signs constructed of or containing mirrors or other reflective materials.
- p. Signs that emit smoke, vapors, particles, or sounds.
- q. Signs that, by dimension, placement or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists or motorists, traveling on or entering buildings, public streets, sidewalks or rights-of-way.



- r. Signs or exterior displays consisting of pennants, flags, (except for one American Standard) ribbons, streamers, spinners, or similar moving, fluttering, or revolving devices, except as expressly permitted herein.
- s. Signs that are painted, pasted, or printed on any wall, façade, roof, door mansard, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers and traffic control signs.
- t. Signs placed upon any covered way, fencing or barricades other than those of the owner, tenant or occupant of the premises or the contractor engaged in the construction of the building in front of which such covered way, barricade or fence is located.
- u. Signs placed upon benches or waste receptacles, except for a plaque not in excess of thirty-six (36) square inches in area identifying the donor of the bench or the receptacle.
- v. Signs and bills placed upon fences or barriers around construction sites.
- w. Signs or sign structures that interfere in any way with free use of any fire escape or emergency exit.
- x. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
- y. Signs with the optical illusion of movement, changing copy or holograms.
- z. Temporary signs except as expressly permitted herein.

### 3-18. Exemptions

#### 3-18.1. Temporary Banners

1. Temporary banners which are not in excess of twenty-five (25) square feet and are intended to be posted for a period less than thirty (30) days are exempt from review by the Sign and Awning Review Board as required herein. However, they must receive written permission from the Village Clerk before being posted. In order to receive written permission one must present the following to the Village Clerk:
  - a. A written request stating the dates the temporary banner will be posted and removed; and
  - b. A drawing or sample of the proposed temporary banner.
  - c. Upon receiving the written request and drawing or sample, the Village Clerk may give written permission noting the date that the banner may be posted and the date the banner must be removed. This period shall not exceed thirty (30) days.
2. Limitations of Temporary Banners
  - a. Once the business removes the temporary banner after the specified time, the

business will be required to wait a period of sixty (60) days before again requesting written permission from the Village Clerk for another temporary banner.

3. Temporary Banners by Not-For-Profit Organizations

- a. Notwithstanding the foregoing, temporary banners that are installed, maintained, draped or hung by Not-For-Profit Organizations shall be subject to the approval of the Village Board of Trustees upon terms and conditions as determined by the Village Board of Trustees.

3-18.2 Temporary Signs

1. Temporary signs which are not in excess of two (2) feet by two (2) feet and are intended to be posted for less than thirty (30) days do not need a permit and are exempt from approval of the Sign and Awning Review Board. The following are considered temporary signs for the purposes of this Article:
  - a. Commercial special event signs such as those used to announce grand openings or other similar events;
  - b. Signs used to announce or advertise such temporary uses as fairs, carnivals, seasonal events, agricultural events, circuses, revivals, sporting events, flea markets, or any public, cultural, charitable, educational or religious event or function, including messages of congratulations or commemoration.
  - c. Advertising display panels, posters and similar graphic material relating to general sales information, special offerings, sales promotions and events may be displayed without a permit as long as:
    - i. They are in an orderly, clean condition and are neatly displayed and are mounted on solid, sturdy material. Metallic, iridescent and bright colors are prohibited.
    - ii. That if affixed to a window, such signs shall not, individually or cumulatively, cover greater than one-third (1/3) of the outside door glass or street-level window space of any store, office or place of business.
    - iii. That if not affixed to a window, such signs are individually supported on easels, mounted on a wall or suspended from the ceiling in a true and square manner and are located at least five (5) feet back of the window glass.

3-18.3 Other Exempt Signs

1. Informational signs as defined herein, not exceeding a total gross area of one (1) square foot per door or window. No informational sign shall be illuminated.
2. Holiday lights and decorations displayed in season, including temporary seasonal paintings on windows, and special contest events by local schools, etc; provided they are removed within fourteen (14) days after the holiday or event.

3. Signs incorporated into machinery or equipment by a manufacturer or distributor which identifies or advertises only the product or services dispensed by the machine or equipment, such as signs integrated into the design of vending machines, newspaper racks, telephone booths and gasoline pumps.
4. Warning signs to indicate the dangers of trespassing, swimming, and/or similar hazards, not exceeding one square foot in area, or as deemed adequate by the Building Inspector when special conditions apply.
5. Alarm or security signs, no more than one square foot in area.
6. Interior directory signs on commercial or multi-family residential properties which are not visible from any public street.
7. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs. Business names shall be allowed, excluding advertising messages.
8. Identification numbers on buildings, which shall be at least three (3) inches in height, but no greater than eight (8) inches in height and are displayed in numeric value and shall be placed on the front of the building in such manner as to be plainly legible from the center of the street and said number shall be placed near a source of illumination so that it may be readily seen at night.
9. Professional name plates provided, however, that such professional name plates shall not exceed one square foot in area and in no case exceed 18 inches in length, and provided they are placed flat against the exterior wall or door of the occupied premises. Name plates at buildings with multiple business establishments shall be of a uniform design.
10. Political signs, not exceeding twenty (20) square feet in area, including signs promoting, advertising or identifying a political party, candidate or issue, shall be limited to one such sign per candidate (or per party or issue) per storefront or lot except that two such signs shall be permitted on a premises located at a corner property at the intersection of two public streets. Political signs relating to elections shall not be erected prior to 45 calendar days before the election, and must be removed no later than five (5) calendar days after the election.
11. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or non-advertising signs as may be approved by the Building Inspector, Superintendent of Highways and/or Chief of Police.
12. One parking and/or towing sign per seventy-five (75) parking spaces, which is located inside a private lot and is no greater than five (5) square feet in area and is either black and white or red and white.

13. Real estate “For Sale” or “For Rent” signs for commercial properties in the non-residential zoning districts as defined by the Village of Tuckahoe zoning code shall be permitted provided that there is not more than one sign, no greater than two feet by two feet, and it is installed only in the interior window of the subject property. The sign is limited to stating “for sale/lease/rent” and phone number of owner or owner’s agent and must be on a black background with red lettering.
14. Construction signs for commercial or multifamily properties: A single temporary construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired, shall be permitted. Such temporary sign shall be no more than twenty-five (25) square feet and may be erected only upon the private property and not on the town right of way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of construction or renovation.
15. The Village of Tuckahoe, its agents, departments or officials shall not be subject to the requirements of this Article.

### 3-19 Standards/General Provisions

#### 3-19.1 Dimensions and Placement

##### 1. Wall Mounted Signs

- a. The maximum vertical dimension or height of each sign shall be **twenty-four (24) inches** and the maximum horizontal dimension or length of each sign shall not exceed **seventy-five (75) percent** of the building housing the business which is the subject of the sign and has street frontage. In any case, the maximum horizontal dimension or length of each such sign shall not exceed **thirty (30) feet** on any street frontage for the same business establishment.
- b. The lower edge of a sign shall not be located above the level of the floor of the second story of the building upon which the sign is placed or maintained. On a one-story building, such sign may be located on the face of a parapet wall.
- c. Where the design of an existing building façade incorporates a specific area for signs, the height and length of the signs shall be restricted to the dimensions of this location.
- d. The maximum overall height of letter groups (including upper and lower case letters) and graphic symbol (including logo) shall be **eighteen (18) inches**. Where there is more than one (1) line of letters and symbols, the **combined height of letters and symbols shall not exceed eighteen (18) inches**, including span between lines. No individual letter mounted directly on the wall shall exceed eighteen (18) inches in height.

- e. The minimum thickness of letter forms and graphic symbols, other than those painted on the surface, shall be **three-eighths (3/8) inch**.
  - f. Signs shall be placed parallel to the façade of the building and, except for those on awnings, no part of a sign shall project more than **two (2) inches** beyond the face of the surface to which it is applied nor extend beyond the building in any direction.
2. Monument Signs
- a. Monument signs shall be limited to the private property of the business unless the Village first consents to the sign being placed on public property.
  - b. Monument signs shall not obstruct drivers' sight lines.
  - c. Monument signs shall not be more than **six (6) feet** in height, measured from the grade to the top edge of the sign, and shall have an area no greater than twenty-four (24) square feet.
  - d. Letters shall not exceed eight (8) inches in height.
  - e. Monument Signs may be used as secondary signs.
3. Window Signs
- a. Applicants may use exterior window signs as a secondary sign (to be included in the total number of signs) with business name and description.
  - b. Phone numbers, email addresses, fax numbers, etc. may be displayed as part of the exterior window sign, however the same shall be limited to three (3) in total as part of the exterior window display.
  - c. Window signs may not exceed one-third (1/3) of the total window area.
  - d. Lettering shall not exceed **three (3) inches** in height.
  - e. Vinyl letters may be used on windows.
  - f. When the applicant uses a display window, the applicant may have window signs that do not exceed ten (10) percent of the total window area.
4. Banners
- a. Banners not in excess of twenty-five (25) square feet in area shall follow the provisions set forth for temporary banners in section 3-18.1.
  - b. Banners greater than twenty-five (25) square feet in area shall be required to meet these additional requirements:
    - i. Apply for a permit from the Sign and Awning Review Board;
    - ii. If such permit is granted it shall be limited to thirty (30) days unless a greater amount of time is specifically requested by applicant and reasons for an extension are given and approved by the Sign and Awning Review Board.
  - c. Such banners shall be made of durable waterproof material and shall be securely affixed to the building façade or other approved surface.
  - d. Each business shall be limited to one (1) banner displayed at a time.
  - e. Banners shall at no time be hung from awnings.
  - f. Any banner which shall be displayed over any sidewalk, street or highway, shall be subject to approval from both the Building Inspector and the Superintendent of Highways, and New York State and Westchester County Departments of Transportation, if required.
5. Illuminated Signs
- a. Self-illuminated signs (Types A and B) and product and brand name

advertising signs are prohibited on the building exterior, in the window or within the interior arranged in a manner intended to be seen by passersby.

- b. One (1) externally illuminated sign (Types C or D) identifying the name of the business and/or the principal business activity or service provided will be permitted per street façade whether on the exterior of the building, located on the window, or within the interior arranged in a manner intended to be seen by passersby. On buildings located on two (2) or more streets, a maximum of two (2) illuminated signs, with no more than one (1) per street, is permitted.
  - c. The light sources providing the illumination for Type C signs shall be one (1) of two (2) types:
    - i. Ornamental incandescent fixture mounted to the façade of the building with a maximum projection of fifteen (15) inches.
    - ii. Concealed continuous strip with LED lighting, fluorescent lamps or incandescent lighting and mounted immediately adjacent to the plane of the building façade and enclosed, with minimum projection (four (4) inches).
  - d. The design and appearance of light fixtures shall be fitting and appropriately integrated with the architectural character of the building façade and that of its neighbors.
  - e. Light sources shall be:
    - i. Shielded or screened in a manner not to be seen by passersby from a normal viewing angle. Intense or glaring light is to be avoided.
    - ii. Limited to LED lighting, fluorescent lamps or natural white incandescent lighting.
    - iii. Designed to cause a reasonable uniform distribution of light upon the full extent of the sign.
  - f. Illumination generally:
    - i. No exterior signs on any building or premises shall be illuminated after 12:00 midnight, except those places of business which shall remain open after 12:00 midnight, and they shall be extinguished at the time of closing of such business.
    - ii. Illuminated signs shall employ only lights emitting an essentially white light. No intermittent flashing or revolving illumination shall be employed nor shall any sources of illumination be exposed except as herein provided.
    - iii. No illuminated sign employing any red, green or amber light source shall be located as to be in the direct line of vision to and beyond a traffic light from any point in the street served by such traffic light.
6. Portable Signs and Additional Signs
- a. Sandwich Board Signs
    - i. Sign dimensions shall not exceed 36 inches in height and 25 inches in width;
    - ii. Limit of one sign per business establishment; this is in addition to the principal and secondary business signs;

- iii. Signs shall be located so as to maintain pedestrian accessibility and not obstruct drivers' sight lines;
- iv. Sandwich board signs may be displayed only during the operating hours for the business with which it is associated;
- v. Signs must be placed directly in front of the business;
- vi. Signs must be constructed of durable weatherproof materials; plastic is not permitted;
- vii. Moveable type is not permitted on sandwich board signs;
- viii. The Village reserves the right to require the removal of any sandwich board sign that does not comply with the above restrictions;
- ix. Signs shall not be displayed during periods of high winds or during snow storms;
- x. Whenever possible, signs shall be located on private property;
- xi. If it is not feasible to locate the sign on private property, the sign may be permitted within the Village right-of-way provided the applicant provides a certificate of insurance and proof of endorsement naming the Village of Tuckahoe as an additional insured in an amount no less than \$1,000,000.00 prior to the issuance of a permit. The owner, or majority shareholder if a corporation, shall sign a statement assuming sole responsibility for the maintenance and control of said sign and shall indemnify and hold harmless the Village of Tuckahoe.**

**b. Sidewalk Partitions**

- i. Partitions are permitted to be placed on the sidewalk outside of the business as long as they are on private property and do not interfere with the public right of way.
- ii. The business name may be written one (1) time on each partition in lettering no greater than three inches in height. This is in addition to the principal and secondary signs.
- iii. Partitions shall be constructed of durable waterproof materials.
- iv. Partitions may only be outside during business hours.

**c. Post and Arm Signs/Blade Signs**

- i. Businesses are limited to one (1) post and arm sign in addition to their principal and secondary signs.
- ii. The bottom edge of any such sign extending over a walkway must be a minimum of seven (7) feet high.
- iii. The maximum area of any post and arm sign shall be five (5) square feet.
- iv. Letters shall not exceed three (3) inches in height.

## 7. Style

- a. Signs shall be in keeping with the architectural design of the building upon which they are placed, the design of neighboring properties and adjoining signs and the character of the Village of Tuckahoe and its commercial district as a residential village.
- b. Signs shall be limited to three colors. A color used for the return edge of letter forms or for graphic symbols on carved signs shall be deemed a separate color. Black, white, natural finish and tints of the same color shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Use of natural bronze, aluminum and stainless steel metals, and genuine gold or silver leaf, is permitted. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of designated colors.
- c. Except as provided in 3-19.1(a), signs shall consist of individual letters and symbols painted on or separately mounted to the appropriate area of the building façade.
- d. Signs may contain one (1) of the following: one (1) trademark, one (1) logo or one (1) graphic so long as they are within the guidelines above as to the height, width, and color requirements.
- e. No streamers, pennants or similar advertising devices shall be displayed.
- f. No advertising sign shall have any reflective material, such as mirror, glass, shiny metal or plastic, which is moveable or moving.
- g. The signs for each business establishment in a building shall be coordinated in material, shape, lettering, color and/or decorative elements.

## 8. Awnings

- a. General Regulations:
  - i. Awnings shall be fabricated to conform to the shape and dimensions of window and doorway openings.
  - ii. Awnings extending beyond the private property line shall be stationary and extend no more than eighteen (18) inches over the public way.
  - iii. Awnings that remain over private property may be retractable and extend a maximum of eighteen (18) inches over the public way.
  - iv. Arms and braces shall be fully concealed from end view of the awning.
  - v. Awning material, including any lettering or signs, shall be limited to three (3) colors. Black, white and tints of the same color shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of the designated colors and materials.
  - vi. The awning support and finish structure, mechanism and enclosure housing shall be of a neutral color, harmonious with the materials of the building façade and awning fabric.



- vii. All awnings on the same building shall compliment those of any other awning on the building in terms of color, style, and material.
- viii. Awning material shall be of fabric. The use of metal, plastic or other rigid materials is prohibited. Fabric shall be canvass duck or vinyl-coated canvass or vinyl-coated polyester fabric. Solid vinyl fabric is prohibited. [Minimum weight of fabric shall be ten (10) ounces per square yard for canvass and twelve (12) ounces per square yard for vinyl-coated canvass. The Sign and Awning Review Board will have samples of the acceptable materials.
- ix. The minimum height from the sidewalk to any part of the awning covering or its supporting frame shall be seven (7) feet.
- x. The awning shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Awnings shall be fitted and mounted within the interior or exterior of the architectural frame of the window and door openings. Any overlap of the awning onto the building façade where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches. Awning enclosure housings should be integrated and recessed within the window head construction.
- xi. Every owner or occupant of any building shall at all times keep the awning in front of such building free of ice, snow, dirt or other obstructions. Merchandise or other obstructions shall not be suspended from any awning over any sidewalk.

9. Awning Signs

- a. Signs on awnings shall be restricted to the name and description of the business. Product or service advertising is prohibited.
- b. A trademark, logo or graphic may be represented on awning signs so long as they satisfy the designated height and color requirements set forth in this Article and are in congruence with the rest of the sign.
- c. All lettering on awning signs shall be a maximum of six (6) inches in height.
- d. Awnings shall not be illuminated so as to permit the illumination to show through the awning or any part of the awning.

10. Number

- a. Each business establishment shall be limited to:
  - i. One (1) principal sign per façade identifying the name and type of business;
  - ii. One (1) secondary sign identifying the name and type of business located either on an awning, on the front door, on a monument sign or an exterior window sign;
  - iii. One (1) portable or additional sign (sandwich board sign, sidewalk partitions, or post and arm sign); and
  - iv. If the business establishment is located on the corner of a public right-of-way the business may place one additional sign each additional façade.
  - v. Each business that takes up multiple storefronts is permitted to apply for signage on each storefront.

1. Shopping Centers

- a. In shopping centers, in addition to the signs herein permitted, one (1) monument sign is permitted, provided that:
  - i. The entire sign shall not exceed four feet by six feet in size;
  - ii. No lettering on such sign shall be more than twelve inches in height or width;
  - iii. Such sign identifies the name and/address of the shopping center and the individual store names within the shopping center only;
  - iv. Such sign shall be located entirely within the property line of the premises;
  - v. Such sign shall only be illuminated from an exterior light source;
  - vi. Such sign shall be suitably landscaped and such landscaping shall be periodically updated and suitably maintained.

2. Gasoline Filling Stations

- a. At a gasoline filling station, in addition to the signs permitted herein, one monument sign is permitted, provided that:
  - i. The entire sign shall not exceed four feet by six feet in size;
  - ii. No lettering on such sign shall be more than twelve inches in height or width;
  - iii. Such sign shall identify the name and/or address of the gasoline filling station only;
  - iv. Such sign shall be located entirely within the property line of the premises;
  - v. Such sign shall only be illuminated from an exterior light source;
  - vi. Such sign shall be suitably landscaped and such landscaping shall be suitably maintained.
- b. No signs are permitted on canopies which cover fuel pumps.
- c. Price information shall be limited to fuel pump mounts with numbers and letters not exceeding four inches in height or width
- d. Light sources on gasoline filling station canopies must be recessed or shrouded so light is directed onto fuel pumps only.

3. Signs in Residential Districts or Upon Residential Uses

- a. The following signs are exempt from sign requirements under this Article:
  - i. Identification signs not exceeding one square foot in area and used solely for indicating the name and address of the occupant(s) of a residence affixed to the structure for a one-family, two-family or multifamily residence, memorial or historic structure.
  - ii. Identification signs that are freestanding monument signs or post-and-arm signs and are for a one-family or two-family residence.
  - iii. Real estate "For Sale" or "For Rent" signs for one-family, two-family and multifamily properties, shall be permitted provided that not more than one sign, no greater than four (4) square feet, is

installed only on the subject property and that the sign is placed at least fifteen (15) feet from the curb where possible.

- iv. Construction signs for one and two family properties: A single temporary construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired, shall be permitted. Such temporary sign shall not exceed **ten (10) square feet**, may be erected only upon the property and not on the Village right-of-way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of construction or renovation.
  - v. One bulletin board or other announcement sign for educational or religious institutions with an area of not over twelve (12) square feet, provided that such sign is located on or adjacent to the wall of a building or, if freestanding, then not nearer than fifteen (15) feet to any street or property line.
- b. A temporary sign shall be permitted to announce an individual or neighborhood tag or garage sale provided that the following conditions are met:
- i. A permit is obtained from the Village Clerk's Office.
  - ii. Any such sign may be displayed only during the hours of the sale event.
  - iii. Only one such sign may be posted on the site of the proposed sale. No signs may be posted on telephone poles, street signs, or anywhere in the Village right-of-way.
  - iv. Such sign shall be no larger than two (2) feet by two (2) feet in size.
- c. The following signs must be approved by the Sign and Awning Review Board and must have a sign permit from the Building Inspector:
- i. Identification sign that is a freestanding monument sign or post-and-arm sign for multifamily residence, memorial or historic structure or nonconforming use.
  - ii. Identification sign affixed to structure for nonconforming use.
- d. The following signs are prohibited:
- i. All signs not expressly exempted or permitted are prohibited
  - ii. Wall signs
  - iii. Window signs
  - iv. Temporary signs

### 3-21 Sign Application and Approval

#### 1. Permit required

- a. It shall be unlawful for any person to erect, alter, relocate, reconstruct or maintain or cause to be erected, altered, relocated, reconstructed or maintained within the village any sign or signs (including awnings) without having obtained approval of the Sign and Awning Review Board and if approved having obtained and paid for and having in force and effect a permit therefore

from the Building Inspector.

## 2. Permit Applications

- a. An application for a sign or awning permit shall comply with the following requirements. Such application shall be made to the Building Department by submitting six (6) copies thereof upon forms prescribed by the Sign and Awning Review Board and provided by the Building Inspector and shall be accompanied by the following documents:
  - i. A drawing of the sign or awning, accurately depicting and dimensioning it (including its thickness), with a scale of not less than one (1) inch equals one (1) foot;
  - ii. A drawing of the sign or awning illustrating the façade and accurately depicting and dimensioning the sign on the façade with a scale of one-quarter inch (1/4) equals one (1) foot; or in lieu thereof a photograph of the sign or awning digitally imposed on the façade;
  - iii. The size and layout of letter forms and graphic symbols and materials, colors and thickness shall be indicated;
  - iv. Samples of each material and color to be used in the sign or awning;
  - v. Photographs clearly showing the building façade in its entirety and that of the immediately adjoining buildings. One (1) photograph should be a close-up showing the area where the proposed sign or awning will be placed;
  - vi. A description of the construction details of the sign or awning and structure;
  - vii. A location plan showing the position of the sign or awning on the building or premises;
  - viii. The location of any lighting or landscaping, if appropriate;
  - ix. The method of attachment;
  - x. If the applicant is the owner, the applicant shall provide sufficient proof of ownership. If the applicant is not the owner of the premises, then the applicant shall provide a sworn statement signed by the owner of the premises consenting to the application for a sign, in addition to the sufficient proof of ownership;
  - xi. Proof of insurance for the sign or awning with an indemnification clause for the Village; and
  - xii. Building permit filing fee.

## 3. Permit and Fee

- a. Upon the filing of the application and consent as required in this Article and upon its approval by the Sign and Awning Review Board and the Building

Inspector, the Building Inspector shall issue a sign or awning construction and maintenance permit. The fee schedule for such permits shall be posted by the Building Department.

- b. Proof of insurance shall also be provided upon every permit filing and an indemnification clause to be signed by the Village of Tuckahoe.
  - c. All permits shall expire and must be **renewed three (3) years** from the date they were originally issued.
  - d. A permit shall expire and cease to exist upon the change of ownership of the business or other commercial enterprise which the sign is used to advertise.
  - e. No refund shall be made or allowed for the abandonment of a permit.
4. Revocation of permit
- a. The Building Inspector may, at any time for a violation of this Article, revoke any existing permit. Notice of such revocation and the reason or reasons therefore in writing shall be served by him upon the person named as the licensee in the application by mailing the same to the address given in the application and by filing a copy thereof immediately in his office.

### 3-22 Condition and Maintenance

1. Every sign shall be inspected by the Building Inspector at least once a year and he shall keep a record of such inspections.
2. Signs and awnings shall be maintained in good and complete condition, with panels, letter forms and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted where applicable.
3. The Building Inspector will notify the property owner of the failure to properly maintain signs, including, but not limited to, torn awnings, faded colors, missing letters and worn material. Failure to comply with the Building Instructor's order to repair or refurbish a sign in the allotted time is a violation of this Article.
  - a. Property owners shall not be required to obtain a permit to repair an existing sign or awning as long as it is in its originally approved state and will not be altered in any way.
4. The applicant shall be responsible for any necessary cleaning and repair of the building façade prior to the installation of the sign.
5. All signs shall be properly secured, supported and braced and shall be kept in perfect structural condition and clean and well painted at all times. Every sign, its framework, braces, anchors and other supports, shall be constructed of such material and in such workmanlike manner as shall make them safe and satisfactory to the Building Inspector.
6. The Building Inspector may, at any time for a violation of this Article, revoke any existing permit. Notice of such revocation and the reason or reasons therefore in writing shall be served by him upon the person named as the licensee in the application by mailing the same to the address given in the

application and by filing a copy thereof immediately in his office.

#### 7. Safety Provisions

- a. All signs and associated lighting shall be erected in compliance with all applicable provisions of the Village of Tuckahoe Building Code, the National Electrical Code and all applicable New York State codes and shall be approved and inspected by the Building Inspector and Electrical Inspector and certified by the New York State Board of Underwriters or other approving testing agent as required.
- b. Whenever it shall appear to the Building Inspector or the Code Enforcement Officer that any sign has been constructed or erected or is being maintained in violation of any of the terms or provisions of this Article or is unsafe or insecure, or is in such condition as to be a menace to the safety of the public, he shall thereupon issue or cause to be issued a notice in writing to the licensee informing such person of the violation of this Article and the dangerous condition of this sign and directing him to make such alterations or repair thereto or to do such things or acts as are necessary or advisable to place such a structure in a safe, substantial and secure, condition and to make the same comply with the requirements of this Article within such reasonable time as shall be stated in such notice. If such licensee cannot be found or his whereabouts cannot be ascertained with reasonable diligence, the Building Inspector shall attach or cause to be attached to such structure a notice of the same import as that required to be sent to the licensee. Upon failure to comply with such notice within the time stated therein, the Sign and Awning Review Board shall cause such sign or such part thereof as is constructed or maintained in violation of this Article to be torn down and removed and shall charge the expense of such tearing down and removing to the person so notified; provided, however, that nothing herein contained shall prevent the Building Inspector from adopting such precautionary measures as may be necessary or advisable, in case of imminent danger, to place such sign in a safe condition, the expense of which shall be charged to and paid by the licensee.

#### 3-23 Non-conforming Signs

##### 1. Amortization

- a. All interior window signs shall be removed within sixty (60) days of the effective date of this law.
- b. All non-conforming signs or awnings under this Article or any sign or awning that shall become non-conforming as a result of the enactment of any future amendment to this Article shall be removed no later than **two (2) years** from the effective date of this Article or such amendment, except as may otherwise be provided in such amendment.
- c. A non-conforming sign shall not be structurally repaired or enlarged and shall be removed if the Building Inspector declares it unsafe; a non-conforming sign shall not be re-lettered, painted or decorated.

## 2. Approval of non-conforming signs

- a. The Sign and Awning Review Board may, subject to the provisions below, grant exceptions and approve a sign that does not meet the requirements of this Article under the following circumstances:
  - i. The proposed sign has more than two colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted;
  - ii. The sign includes lighting or is of a size that, while not in conformance with the requirements of this Article, is compatible with the architectural or design elements of the building or property where the sign is to be located;
  - iii. Such other circumstances which the Sign and Awning Review Board in its sole reasonable discretion shall consider, including, but not limited to:
    1. Economic hardship based on competent financial proof;
    2. Aesthetic and architectural characteristics;
    3. Relationship to adjoining signs, adjoining neighborhood and adjacent properties;
    4. Public safety, general welfare and security;
    5. Minimum signage that can be designed to satisfy the needs of applicant;
    6. Topography or other circumstances of that particular property which may affect its placement and/or size and which may differentiate it from any adjoining properties;
    7. The aggregate signage as proposed by the applicant in addition to any of those signs already in existence.
- b. All applications for approvals of exceptions pursuant to this 3-23.2(a) shall specifically indicate the sections of this Article which the proposed or existing sign does not conform to, state the reason such approval is requested and state why it is appropriate.
- c. The Sign and Awning Review Board may grant an exception to a new sign that does not conform to all of the requirements of this Article through a unanimous vote under circumstances as stated above in Section 3-23.2

## 3-24 Removal of Certain Signs

1. A sign which no longer advertises a business or activity other than one being conducted on the premises on which such sign is located, or which does not comply with the regulations established for the issuance of a permit pursuant to this Local Law shall be deemed prohibited and shall be brought into compliance with this Local Law.

2. If necessary, the Village of Tuckahoe may remove such sign(s) and the expense may be recovered by the Village in an action on this Local Law, which shall be instituted in the Village court which shall have jurisdiction over this matter.

### 3-25 Violations, Penalties, and Enforcement

1. Any person, who himself or by his agent or employee shall construct, erect, relocate, alter, repair, maintain or use a sign or awning without a permit or shall violate any of the provisions of this Article or who, having had his permit revoked, shall continue to construct, erect, relocate, alter, repair, maintain or use a sign or awning shall, upon conviction thereof be subject to a penalty as prescribed in Section 1-7, and each day on which such violation continues shall constitute a separate offense. In addition to any penalty imposed, the permit of the person violating same shall be canceled or revoked.
2. Any person who has received notification of a violation of this Article by the Code Enforcement Officer must file an application for a compliant sign or awning with the Sign and Awning Review Board within thirty (30) days of such notification. Such applicant must then procure within ninety (90) days of said notification by the Sign and Awning Review Board. During this one hundred twenty (120) day period, there will be a stay of enforcement of penalty fees. Upon expiration of said one hundred twenty (120) days, a fine will be applied for each day he/she remains in violation as stated above in Section 3-25.1.

### 3-26 Sign and Awning Review Board

#### 1. Establishment

- a. There shall be a Sign and Awning Review Board of three (3) members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this Article. One of the three (3) members of the Sign and Awning Review Board shall be the Chairperson of the Planning Board, or the Chairperson's appointed designee. In the event that the Chairperson of the Planning Board changes, there shall be an automatic change to the Sign and Awning Review Board so at all times the Planning Board Chairperson is on the Sign and Awning Review Board.
- b. The Mayor shall designate one member of the Sign and Awning Review Board to serve as Chairperson of such Board for a period of one (1) official year.
- c. The first Sign and Awning Review Board shall be composed of:
  - i. One member who shall be appointed for a term of three (3) years;
  - ii. A second member who shall be appointed for a term of two (2) years; and
  - iii. The third member, who shall be the Chairperson of the Planning Board, shall be appointed for a term of one year.
- d. After the first Sign and Awning Review Board is constituted, each future appointee shall serve a term of three (3) years to such Board.



- e. In addition to the three (3) regular members of such Board, the Board of Trustees may appoint one (1) ad hoc member to the Sign and Awning Review Board to serve a one (1) year term. Such ad hoc member shall serve on the Sign and Awning Review Board whenever absences or conflicts of interest of regular members prevent three regular members from hearing an application or applications.
- f. The powers and duties of the Sign and Awning Review Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Sign and Awning Review Board.

## 2. Powers and Duties

- a. The Sign and Awning Review Board shall review each permit application and shall approve, disapprove, or approve subject to modifications or conditions being guided by the purpose and intent of this local law of the Village of Tuckahoe. The Building Inspector shall within five (5) business days of approval by the Sign and Awning Review Board or such period of time as he shall determine, or within five (5) working days of compliance with any modifications or conditions required for approval as the case may be, issue a permit for the erection of the proposed sign or awning, provided all fees and insurance requirements have been met.
- b. In instances where a construction project is in its approval stages in front of the Planning Board, the Sign and Awning Review Board will take into consideration the recommendations of the Planning Board in terms of sign placement and other issues concerning signage when deciding whether to grant approval of the sign(s) in question.
- c. The Sign and Awning Review Board shall meet once per month pursuant to a schedule of meetings available in the Office of the Village Clerk.

## 3. Rules and Regulations

- a. The Sign and Awning Review Board may adopt such rules and regulations as are necessary or proper to the performance of its powers and duties hereunder and may amend or repeal the same.

## 4. Quorum and Decision

- a. The presence of a majority of the members of the Sign and Awning Review Board shall be necessary for a quorum. The concurring vote of a majority of the total members of the Sign and Awning Review Board shall be necessary to decide any matter before it.

## 5. Comprehensive Plan/Master Plan

- a. The Sign and Awning Review Board shall recommend revisions to the Village Comprehensive Plan to the Village Board of Trustees.

## 6. Sign and Awning Review Board Approval

- a. Signs and awnings requiring a sign permit shall be erected, constructed,

reconstructed or altered only after there has been compliance with the following conditions:

- i. Approval by the Sign and Awning Review Board as to design, colors, materials, illumination, location and size; and
- ii. When granted a sign permit from the Building Inspector; and
- iii. Upon payment of the required fees and the required proof of insurance.

### 3-27 Amendments

1. The Village Board may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the Village, after public notice and hearing, amend, supplement, repeal or change the regulations and districts established under this Local Law. Amendments shall be permitted as provided in the Village Law.

### 3-28 Severability

1. Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

### 3-29 Earlier Ordinances Repealed

1. Upon the effective date of this Local Law, the previous Sign Law of the Village of Tuckahoe and any amendments thereto is hereby repealed.

### 3-30 Effective Date

1. This Local Law shall take effect on January 1, 2008.

### 3-31

1. Nothing in this Article shall relieve the owner of a vicious dog from the requirements of Section 5-32 of the Village Code. However, any sign posted in connection with Section 5-32 shall be compliant in all respects with this Article.

### Section 3. Repeal of other inconsistent local laws

In furtherance of this Local Law, the following articles, local laws, ordinances and/or resolutions are hereby repealed in their entirety: (i) Article V of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of Section 19-94 through and including Section 19-98; (ii) Section 19-62 of the Code of the Village of Tuckahoe; (iii) Section 4-6.1.8(a)-(g) of the Zoning Ordinance of the Village of Tuckahoe governing signs; and (iv) Section 4-7.7 of the Zoning Ordinance of the Village of Tuckahoe governing signs.

*Section 4. Planning Board.*

Subject to Article II of Chapter 3 of the Code of the Village of Tuckahoe, as above re-stated and amended, the Planning Board, as created under Article VIII of the Zoning Ordinance of the Village of Tuckahoe is divested of its authority to approve signs and/or awnings and such authority shall be vested in the Sign and Awning Review Board as created and set forth in Article II of Chapter 3 of the Code of the Village of Tuckahoe, as above re-stated and amended.

*Section 5. Negative Declaration.*

The Village Board of Trustees in finding that the enactment of this Local Law will not produce significant adverse impacts on the environment hereby adopts a negative declaration pursuant to SEQRA and its implementing regulations.

*Section 6. Separability.*

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

*Section 7. Controlling Provisions.*

To the extent this Local Law conflicts with any other chapters, articles, sections, resolutions, ordinances or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

*Section 8. Effective Date*

This Local Law shall take effect on November 1, 2007.

*Section 9. Notice of Adoption*

The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**Mayor Fitzpatrick** announced that although the Board was ready to vote on this tonight, there was one topic, pertaining to the LED signs, which need to be fine tuned. He noted that this will now be tabled until next meeting, January 14, 2008.

John Cavallaro, Village Attorney, stated that the Section 3-17c, should read- 'Neon signs and LED signs.'

**OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

Mr. Shirley asked the Board once again to abolish the Housing Review Board, which was approved in Resolution #1 of 1983.

John Cavallaro, Village Attorney, noted that if the Board decides to abolish the Housing Review Board, and consider adoption of the ETPA, a public hearing would be required. Mayor Fitzpatrick mentioned that more research needs to be done; however, a public hearing will be schedule for Jan. 14, 2008 to discuss the pros and cons of the adoption of the ETPA. John Cavallaro, Village Attorney, stated that the Housing Review Board has not met for many years and since the board in question is not taking any action there is no harm, as the action would be the problem, not the board itself.

Mr. Shirley stated that he has read the ETPA law twice and it applies to apartment buildings built before 1974 with 6 or more units.

Mayor Fitzpatrick mentioned that other communities have adopted a version of the ETPA. John Cavallaro, Village Attorney, indicated that this is an issue of compliance if changed from 6 units to a different number. He will research if that is legal or not. If so, this could be an option for the Village to consider.

Mr. Shirley asked to be informed of the progress periodically. He noted that if 20 buildings in Tuckahoe meet the standards and requirements, that would be 200 apartments. He noted that the vacancy rate is approximately 1% or 2%. This vacancy rate is well below the 5%, which will become potential price gauging by landlords. This law is designed to protect the low to middle income renters. Mayor Fitzpatrick agreed to keep Mr. Shirley apprised of the progress with the research.

**RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a Resolution authorizing to sign the following agreement:**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of December 2007, between the Village of Tuckahoe, with offices at 65 Main Street, Tuckahoe, New York, (the "Village"), a municipal subdivision of the State of New York in Westchester County, party of the first part, and Allan Rotto Consultants, Inc., with offices at \_\_\_\_\_(the "Consultant") party of the second part,

WITNESSETH:

WHEREAS, the Village Board of Trustees of the Village seeks to audit its telephone expenses in an effort to reduce and/or eliminate certain Village expenditures, and

WHEREAS, Consultant has offered to assist the Village Board of Trustees and/or the Village's officers, officials, employees and/or agents in auditing the Village's telephone bills and expenses as described in Consultant's proposal dated \_\_\_\_ attached hereto as Exhibit A.

NOW, THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter expressed, it is hereby agreed by and between the parties hereto as follows:

1. The Village hereby enters into an agreement with the Consultant whereby the Consultant shall perform the services more particularly set forth on Exhibit A.

2. For the above services as stated, the Consultant will receive the fees set forth on Exhibit B upon the submittal of appropriate vouchers to the Village for audit and payment.

3. No rules, requirements or customs of any society or association of grant researchers and/or writers or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Village.

4. No Assignment: In accordance with the provisions of section 109 of the General Municipal Law, the Consultant is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this Agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Village.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon application of either party, this agreement shall be physically amended forthwith to make such insertion.

6. The Consultant, in accordance with its status as an independent contractor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold herself out as, nor claim to be, an officer or employee of the Village by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Village, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

7. Waiver: No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

8. Authority for execution on behalf of the Village: The Mayor has executed this Agreement pursuant to a Resolution adopted by the Village Board of Trustees of the Village of Tuckahoe. The Mayor, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Village. This instrument shall be executed in duplicate. At least one copy shall be permanently filed, after execution thereof, in the office of the Village Clerk of Tuckahoe.

9. Indemnification:

A. Except to the extent caused by the gross negligence or willful misconduct of the Village or its officials, officers, agents and employees, the Consultant agrees that it shall indemnify and hold harmless the Village from all liability, actions, damages, claims, demands, judgments, losses, costs, expenses and fees, including reasonable attorneys' fees, imposed upon the Village for:

(i) Injury or death to persons or for losses of or damage to property as a result of any act or omission occurring in connection with its performance under this Agreement.

(ii) Any litigation commenced against the Village by reason of entering into this Agreement, including but not limited to any litigation commenced against the Village arising, directly or indirectly, from the Consultant's performance under this Agreement.

10. The Village shall have the right to cancel this Agreement upon thirty (30) days prior written notice to Consultant. In the event of such cancellation, the Consultant shall be paid in accordance with the terms herein, through and including the date of issuance by the Village of its intent to cancel this Agreement. Following the Consultant's receipt of the Village's written notice of termination and payment by the Village to the Consultant as herein stated, the Consultant shall have no other right or claim against the Village.

11. Consultant must maintain the following types of insurance during the course of the performance of the work:

- a. Workmen's Compensation Insurance & Disability Insurance for all employees, if any, engaged in the performance of the Agreement;
- b. Public Liability & Property Damage Insurance including contingent liability of the Village for the acts or omissions of the Consultant covering claims arising under the Consultant's performance of this Agreement with a combined single limit of \$1,000,000.00, per occurrence;
- c. Before commencing the work, the Contractor shall submit copies of the Insurance Policies to the Village Attorney for approval. Such insurance shall be carried with financially responsible insurance companies, licensed in the State of New York and approved by the Village, and shall be kept in force until the Consultant's work is completed. Contracts of insurance (covering all operations under this contract) which expire before the Contractor's work is accepted by the Village, shall be renewed and evidence submitted to the Village for its approval;
- d. All insurance coverage shall provide the Village, its officers, officials, employees, agents and/or servants as additional insured;

- e. All Certificates of Issuance of Insurance Policies shall be delivered to the Village upon the execution and delivery of the Agreement and each such Certificate shall contain an agreement by the issuing Insurance Company stating that the policy or policies will not be modified or canceled without thirty (30) days prior written notice to the Village. Despite notification to the Village of the Consultant's insurance termination or expiration, the Village is under no obligation, and has no duty, to notify the Consultant of said insurance termination or expiration, irrespective of whether or not the Village is listed as an insured, or as an additional insured.

IN WITNESS WHEREOF, the Village of Tuckahoe has caused its corporate seal to be affixed hereto and these presents to be signed by the Mayor, duly authorized to do so, and to be attested to by the Village Clerk, and the said Consultant has hereunto set its hand and seal the day and year first above written.

John Cavallaro, Village Attorney, summarized this resolution as an agreement with Allen Rotto Consultants, Inc., to access the telephone lines and audit the usage to examine if there are any lines not being used by the Village, but for which the Village is still being charged.

**Trustee Gorman motioned to adopt Resolution #1, was seconded by Trustee Zocchi. Trustee Ecklund noted that this audit will not cost the Village any money as the consulting firm will only get paid a percentage of the savings. Upon roll call was carried with a vote of 4 – 0.**

**2. Mayor Fitzpatrick offered a Resolution** for payment of vouchers in the amount of \$416,628.85. Consisting of Abstract #22 for \$112,172.86; Abstract #23 for \$178,483.28 and Abstract 25 for \$125,972.71. Largest paid items: \$108,008.70 to Vernon Hills Contracting – final billing for Circuit Avenue playground improvements; \$89,934.89 health insurance premium for December; \$55,195.01 to Core Contracting of NY for paving project; \$22,950 to O'Connor Davies Munns – independent audit of Village financials for fiscal year ending 5/31/07.

**Trustee Gorman motioned to adopt Resolution #2, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

**3. Mayor Fitzpatrick offered a Resolution** authorizing Susan Ciamarra, Village Clerk, to sign off on purchases and other related matters for the Department of Public Works as of November 5, 2007.

**Trustee Gorman motioned to adopt Resolution #3 was seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**4. Mayor Fitzpatrick offered a Resolution** authorizing the Mayor to sign a service agreement with K.E.B. Pest Control of Yonkers, NY for Exterior Rodent Control Program for the areas of: Tuckahoe Train Station, Crestwood Train Station and Dept. of Public Works at a cost of \$225 per month.

**Trustee Gorman motioned to adopt Resolution #4, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

**5. Mayor Fitzpatrick offered a Resolution** authorizing to sell for scrap the following pieces of Department of Public Works Vehicles and Equipment: (1) 1991 Chevrolet Pickup Truck with no rear body VIN#1GCEK14HME136646; (2) 1974 American Roads Leaf Collector C160 VIN#AC04138; (3) Giant Vac Leaf Collector VIN#265016.

**Trustee Ecklund motioned to adopt Resolution #5 was seconded by Trustee Gorman. Mayor Fitzpatrick stated that it is cost effective for the Village to sell this as scrap metal than to try to sell as is. Upon roll call was carried with a vote of 4 – 0.**

**6. Mayor Fitzpatrick offered a Resolution** to accept proposal of National Construction Rentals in the amount not to exceed \$2,500 for the installation of a temporary fence to be installed around the perimeter of the DPW property upon he removal of the existing storage building.

**Trustee Ecklund motioned to adopt Resolution #6, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

**7. Mayor Fitzpatrick offered a Resolution** authorizing the Mayor to execute an agreement with e-Nable Business Solutions for the purpose of conducting an inventory of the Village's computer network for a sum of \$750. The project includes taking a full inventory of the Village of Tuckahoe's computer network consisting of the collection of data for servers, routers, switches, wide-area network, desktops, printers, faxes and copiers and will provide a network diagram and recommendations document based on industry best practices. Four proposals were solicited and received. Three were for fixed amounts ranging from \$750 to \$1,000 and one was for an amount based on a cost per unit which would have calculated to well over \$1,000.

**Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Zocchi. Mayor Fitzpatrick noted that an inventory must be done in order to update equipment as some pieces are outdated. The Tech support, a state contract, charges \$125/hr to fix equipment. Replacing some of this equipment may be less costly than fixing the equipment. Upon roll call was approved with a vote of 4 – 0.**

**8. Mayor Fitzpatrick offered a Resolution** authorizing the purchase of a HP computer network server and associated services provide by DYNTEK Services Inc in an amount not to exceed \$24,000.00 for the Police Department.

All purchases will be made using New York State Office of General Services Procurement Contracts

**Trustee Ecklund motioned to adopt Resolution #8, was seconded by Trustee Gorman and upon roll call was approved with a vote of 4 – 0.**

**9. Mayor Fitzpatrick offered a Resolution** to approve 2 temporary vinyl banner signs for Thomas Stone Restaurant for a period of 30 days beginning December 11<sup>th</sup> and ending January 9<sup>th</sup>.

**Trustee Gorman motioned to adopt Resolution #9, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**



**10. Mayor Fitzpatrick offered a Resolution** authorizing the hire of seasonal help to conduct an inventory of the Treasurer's office for a period of 1-2 weeks.

**Trustee Ecklund motioned to adopt Resolution #10, was seconded by Trustee Gorman. Mayor Fitzpatrick noted that the Treasurer's office was filled with files, some relevant and some irrelevant. A temporary employee will sort through the files and make room for new files. Upon roll call was approved with a vote of 4 – 0.**

**11. Mayor Fitzpatrick offered a Resolution** to accept proposal of Peter Landi Inc. to replace a decorative light pole and fixture at Sagamore Road with labor/ materials as necessary. This light pole was damaged due an accident that occurred at the location and needs to be replaced. A check to cover the replacement was received from the insured insurance company. Three proposals were received ranging from \$5800 to \$6500.

**Trustee Ecklund motioned to adopt Resolution #11, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

**12. Mayor Fitzpatrick offered a Resolution** to accept donation by the Generoso Pope Foundation in the amount of \$55,000. This donation is to pay expenses associated with the Winterfest event held on Saturday, Dec. 8 and Sun. Dec. 9 and Crestwood Holidayfest event for Saturday, Dec. 15<sup>th</sup> as well as to pay for the holiday decorations and police barricades.

**Trustee Gorman motioned to adopt Resolution #12, was seconded by Trustee Zocchi. Trustee Gorman thanked the Generoso Pope Foundation for their generosity. Upon roll call was approved with a vote of 4 – 0.**

**13. Mayor Fitzpatrick offered for a Resolution** in support of the Town Board on the applications of the Town of Eastchester and the Village of Bronxville and Tuckahoe for the State of New York Department of State Share Services Municipal Incentive Grant (SMSI) Program for the purchase of:

- Anti – Icing Salt Brine Mixing System and Application Vehicles – cost: salt brine equipment \$40,000; Application Vehicles (3) - \$60,000 per vehicle – 180,000 – Grant request \$198,000.
- Front End Loader – total cost \$160,000 – Grant requested \$144,000

By grant requirements, the Town and Villages will share the 10% match, each municipally paying 3.33%.

**Trustee Ecklund motioned to adopt Resolution #11, was seconded by Trustee Gorman and upon roll call was approved with a vote of 4 – 0.**

**14. Mayor Fitzpatrick offered a Resolution** to approve one temporary vinyl banner sign for SYNLawn of 73 Main Street for a period of 30 days beginning December 11 and ending January 9.

**Trustee Ecklund motioned to approve this Resolution, seconded by Trustee Gorman. Mayor Fitzpatrick asked if the Board would consider a**

request from the SYNLaw business. They requested placing their product, synthetic lawn, in the tree pit in front of their storefront. The Board will take this under consideration. **Upon roll call, was carried with a vote of 4 – 0.**

#### **APPROVAL OF MINUTES –**

**Trustee Ecklund motioned for the approval of the minutes of the Regular meeting November 5, 2007; motion was seconded by Trustee Gorman and carried with a vote of 4 – 0.**

**Trustee Gorman motioned for the approval of the minutes of the Regular meeting November 26, 2007; motion was seconded by Trustee Zocchi and carried with a vote of 4 – 0.**

#### **REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –**

Chief Costanzo reminded residents the Winter Parking rules will now be in effect. The alternate side of the street parking will be suspended for the winter months. He thanked the Board for the appointment of Detective Pinto. Chief Costanzo also thanked Detective Suarez for 32 years of service to the Village. December 14 will be the annual Christmas party sponsored by the Police Dept. at the Tuckahoe Community Center. Chief Costanzo reminded the residents that the Tuckahoe Police Dept. will strictly enforce the DWI rules.

Mayor Fitzpatrick announced that the owners of private parking lots have been notified about not depositing snow from their lots onto Village streets.

**16. Mayor Fitzpatrick offered a Resolution** authorizing the Police Department to waive the parking meter fees in the business districts in Crestwood and Tuckahoe during the Christmas holiday – from Thursday Dec. 20 – Dec. 25, 2007. **Trustee Ecklund motioned to approve the resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

Chief Costanzo noted that although the parking will be free, the police will enforce the time limits.

#### **MISCELLANEOUS BUSINESS –**

**Mayor Fitzpatrick announced** the Crestwood Holidayfest is scheduled for Saturday, December 15<sup>th</sup> from 11 am to 3 pm. Village offices will close at noon on December 24<sup>th</sup> in observance of the Christmas holiday and will re-open on December 26<sup>th</sup>. Village Offices will also be closed on Tuesday, January 1<sup>st</sup> in observance of the New Year holiday.

#### **BOARD OF TRUSTEES MEMBER REPORTS:**

- **TRUSTEE ECKLOND** thanked Assemblywoman Amy Paulin for the \$100,000 in grant money for an emergency natural gas generator and enclosure to be installed in the community center.

If this is not a state contract, it will go out to bid next month. Mayor Fitzpatrick added that the community center will now be an official heating and air-conditioning emergency center. It will provide residents shelter during an emergency. Trustee Ecklund noted that he will research if a shower can be installed at the community center.

- **TRUSTEE ZOCCHI** announced that three interviews were conducted for a new DPW Superintendent. An appointment will be announced soon. The DPW has extended the leaf pickup. The Planning Board will hold its next meeting December 17 and Zoning Board on December 12, both at 8:00pm.
- **TRUSTEE GORMAN** announced that the Library's Giving Tree program has been a huge success and there are still more books to buy. To register for the Library programs, please call 961-2121. Trustee Gorman welcomed Irina Matveevskii as the new Executive Director of the THA. Next meeting for the THA will be on December 18. Senior Luncheon, December 18, at the Davenport. Trustee Gorman also noted that an enormous amount of donations were to be shipped out to Camp Bucca. She thanked Senator Klein for paying for the shipping costs for last month's shipment and this month's shipment. Trustee Gorman thanked all for their generosity for this very worthwhile cause. She read a letter from a resident of Eastchester whose child decided to forego birthday presents in lieu of donating goods for Camp Bucca. Trustee Gorman acknowledged the Tuckahoe High School program in honor of Pearl Harbor Day and noted that this was a great way for the youth to remember what has transpired in our history.
- **MAYOR FITZPATRICK** thanked Sue Ciamarra, Village Clerk, DPW and the Generoso Pope Foundation for their hard work and generosity and all other volunteers who played a part for the success of the Tuckahoe's Winterfest held in Depot Square on December 8<sup>th</sup> and 9<sup>th</sup>. Sue Ciamarra, Village Clerk, thanked the Beautification Committee for their help at the event.

## **SECOND OPPORTUNITY TO ADDRESS THE BOARD**

Lorretta Dawlton, Eastchester resident, asked the Board to consider passing legislature to adopt preservation of any and all Tuckahoe marble found during future building projects. She asked if this could be part of the Zoning Code, as Eastchester is currently enforcing. She noted that many foundations of homes were made with Tuckahoe marble and when re-modeling, should be preserved or recycled back into the project. Ms. Dawlton stated that a young man preparing for his Eagle Scout status, has volunteered his time and talents to assist with this project. She noted that Eastchester is involved in taking inventory and pictures to keep records of marble found in the town.

Trustee Zocchi stated that he will work on writing a resolution for this worthy cause.

Steve Porpora, Village Treasurer, thanked all Board members and employees for their help during his first 7 months as Treasurer. He thanked his Deputy Treasurer for all her assistance.

Mayor Fitzpatrick wished all a Merry Christmas and a Happy Healthy New Year! All Board members offered their well wishes.

There being no further business the Board unanimously voted to adjourn the meeting at 9:46 PM.

**9:47 Meeting was re-opened.**

**Trustee Gorman motioned to reopen the meeting, seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE EMERGENCY TENANT PROTECTION ACT**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 10, 2007.

WHEREAS, the Village Board of Trustees wishes to conduct a public hearing concerning the Emergency Tenant Protection Act.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 14th day of January 2008, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether the Emergency Tenant Protection Act should be considered for adoption by the Village of Tuckahoe.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately.

**Trustee Gorman motioned to adopt this Resolution, seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 -0.**

There being no further business the Board unanimously voted to adjourn the meeting at 9:48 PM.

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Susan Ciamarra, Village Clerk