

November 26, 2007

Regular Meeting of Board of Trustees

Called to order 8:00 PM

Present: Mayor John Fitzpatrick

Trustee Steve Ecklund

Trustee Luigi Marcoccia

Trustee Clare Gorman

Trustee Ernest Zocchi

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

PUBLIC HEARINGS

Public Hearing No. I - Continuation of public hearing Local Law #14 of the year 2007 (this local law was originally referred to as local law #13 of the year 2007) - A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING THE REGULATION OF SIGNS AND AWNINGS

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 September 24, 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certain sections of the Code of the Village of Tuckahoe and the Zoning Ordinance of the Village of Tuckahoe shall be repealed.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 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 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 - 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.
- ll. 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.
- 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.

3-18.2 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 six (6) 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 90 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 symbols (including logos) 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 three (3) 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.
 - c. Window signs may not exceed one-third (1/3) of the total window area.
 - d. Lettering shall not exceed five (5) 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 incandescent or fluorescent lamps 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 natural white incandescent or fluorescent lamps.
 - 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

- 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 two colors, with the option of a third color to only be used for the return edge of letter forms and graphic symbols on carved signs. 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 or separately mounted to the appropriate area of the building façade.
- d. Signs may contain trademarks, logos or graphics 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 two (2) 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. Trademarks, logos or graphics 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 each of the provisions for each additional storefront.

3-20

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

- 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 approval by the Sign and Awning Review Board as to design, colors, materials, illumination, location and size and:
 - i. When granted a sign permit from the Building Inspector; and
 - ii. 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 Section ___ of 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, 2007.

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 January 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.

Trustee Gorman motioned to open the public hearing, seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 – 0.

No Written Comments

Mayor Fitzpatrick stated that he received an enormous amount of comments from the public, Planning Board, Beautification Committee and business owners. The comments will be distributed to each Trustee for review. He suggested that the number of days for political signs to be displayed be reduced to 45 – under proposed it calls for 90 days - All board members agreed to decrease the time to 45 days. As for the trademarks and logos, the new proposed code states that a business owner may request more than one. Mayor Fitzpatrick asked the Board to consider limiting the logos. Discussion followed at length. Trustee Ecklund felt it was important for business owners to display their own logo as well as the logo of their product line.

John Cavallaro, Village Attorney, noted that there is a big difference between a logo of a company and the items a business is trying to sell. The product the business is trying to sell, if displayed, is advertising. This creates clutter. Some companies will go so far as to pay for the awning for the local business owner, if their product is displayed. Such advertising should be displayed at eyelevel, on the window, not the sign or awning.

Mr. James Vaughan, 6 Gifford St. and member of the Planning Board, thanked the Board members for all the work involved in updating the sign ordinance. He noted that he is strongly against any logos or graphics on signs and awnings saying the Village has an upscale look and more clutter will be a negative. Perhaps consideration could be given to nationally recognized logos using Chase bank as an example. John Cavallaro, Village Attorney, indicated that this is questionable, as a very strong Westchester company may apply for their logo and since they are not nationally recognized may cause a problem.

Mr. Vaughan also voiced his disagreement with the sandwich boards calling it a safety hazard and there is no need for these signs, as the sidewalks are very narrow.

Mayor Fitzpatrick noted that the code will allow the business owner to display the sandwich sign on his property, 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 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.

Mr. Vaughan felt this enforcement would be tough as more policing may be needed to check if the \$1,000,000 policy is in effect.

John Cavallaro, Village Attorney, noted that taste and subjectivity comes into play when the Board selects some logos and not others. The Board can possibly allow logos and graphics that are limited to trademarks.

Mr. Baez, owner of ABC Windows, noted that he requested a burgundy sign and was denied by the Planning Board and was told to make the sign green as the other signs on the building were green. He asked that the Board consider one logo on the awning or sign, and the other logos of their products to be placed on the window at eye level. He added that the procedure to trademark a logo is tedious and most small business owners will not trademark their logo.

Trustee Ecklund noted that this Board's job is to oversee the newly formed Sign and Awning Board, so that they do not discriminate against one business versus another. He noted that this Board must make sure they do their job properly.

Mayor Fitzpatrick noted that this law must be written to give clear instructions to the Board members.

Charles Cinquemani, 33 Warrant Ave., and member of the Environmental Committee, asked for clarification of this section of the new sign ordinance.

Trustee Gorman also voiced her concern regarding LED signs and neon signs. She noted that she is against LED and neon signs but was in favor of LED lighting illumination. Trustee Gorman also suggested that the term 'incandescent' be listed last, to encourage business owners to use florescent, LED and CFL.

Mayor Fitzpatrick asked the Board members to discuss colors. The current law allows two colors. The newly proposed law would allow three colors; the third color would be a border.

Mr. Vaughan noted that a business owner may choose a color from the palate of colors, which he originally compiled, to apply for their sign. If a color is already established on the building, the business owner must choose that color.

Mayor Fitzpatrick stated that this will no longer be the case. A business owner may choose any color from the palate to apply for their sign or awning.

Mayor Fitzpatrick also noted that if a non-for-profit receives a permit for a 30 day temporary sign and it goes beyond the 30 days; the Board will allow the few extra days. He stated that a business owner may choose only three of the following items to post on their window, telephone number, fax number, email address, hours of business etc.

Trustee Marcoccia asked the Board to consider an incentive for business owners to update their signage. The application fee may be waived for a period of 6 months. All members agreed to consider this suggestion.

John Cavallaro, Village Attorney, noted that he will incorporate the requested changes made by the Board this evening, distribute to the Board members so they may vote on the Law at the December 10, 2007 meeting. This will allow the Local Law to be in effective as of January 1, 2008.

Trustee Gorman motioned to close the public hearing, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.

PUBLIC HEARING NO. II – Concerning Local Law No. 1 of 1983 which was a consideration by the Village regarding the adoption of the Emergency Tenant Protection Act of 1974.

Mayor Fitzpatrick noted that this public hearing, requested by Mr. Gerald Shirley, concerns Local Law No. 1 of 1983 which was a consideration by the Village regarding the adoption of the Emergency Tenant Protection Act of 1974. Said Local Law No. 1 of 1983 was ultimately not adopted by the Village.

Trustee Gorman motioned to open the public hearing, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.

Mr. Gerald Shirley, 133 Sagamore Rd., requested that the Local Law #1, which established the Tuckahoe Housing Review Board, be repealed.

John Cavallaro, Village Attorney, noted that a Public Hearing on May 16, 1983 did not adopt the Local Law #1. On July 11, 1983 a Resolution was adopted to create the Tuckahoe Housing Review Board.

Mr. Shirley noted that this resolution became Local Law #1 in 1984. The resolution that created the Tuckahoe Housing Review Board was illegal. He noted that three attorneys have reviewed the material and agree with Mr. Shirley. The ETPA Law states that the rent guideline board cannot be created by a municipality.

John Cavallaro, Village Attorney, indicated that on Sept. 20, 1983, Rules of the Tuckahoe Housing Review Board were signed into effect and Mr. Shirley's signature was on these rules.

Ms. Ciamarra noted that the Tuckahoe Housing Review Board had their last meeting in the 1990's. At this time individuals inquiring about rent guidelines are referred to the county for rent guidelines.

Mayor Fitzpatrick noted that this Tuckahoe Housing Review Board is now defunct, it does not exist.

Mr. Shirley noted that the EPTA protects tenants from being price gauged by landlords. He again asked that the resolution be repealed.

John Cavallaro, Village Attorney, noted that much research needs to be done.

Mayor Fitzpatrick stated that the process has begun, research needs to be completed; a public hearing will be scheduled, and possibly a resolution will be drafted.

Trustee Ecklund motioned to close the public hearing, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

No Public Comments

RESOLUTIONS -

1. Mayor Fitzpatrick motioned for a Resolution approving the Eastchester Fire Dept. request to utilize the Community Center as a polling place for the Fire District's 2007 Annual Election on Tuesday, December 11th between the hours of 4pm and 9pm.

Trustee Gorman motioned to adopt Resolution #1, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

2. Mayor Fitzpatrick motioned for a Resolution to accept proposal of Fish Window Cleaning for \$1,575 for inside/outside window cleaning of the Tuckahoe Village Hall building. The second proposal received was in the amount of \$3,600.

Trustee Ecklund motioned to adopt Resolution #2, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

3. Mayor Fitzpatrick motioned for 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.

Trustee Gorman motioned to adopt Resolution #3, was seconded by Trustee Zocchi.

Discussion: Mayor Fitzpatrick noted that he spoke with Metro North which denied having a rodent problem. The K.E.B. Pest Control will take care of the rodent problem for \$75.00 per month, per location. After the Board members discussed this resolution, it was decided to postpone the vote.

Trustee Ecklund motioned to hold this resolution for a later date was seconded by Trustee Zocchi and carried unanimously.

4. Mayor Fitzpatrick motioned for a Resolution to accept proposal of Lucente Landscaping, Inc. of Tuckahoe, NY in the amount of \$900 for power-washing of the stone retaining wall along the front of Village Hall. The second proposal received was in the amount of \$7,900.

Trustee Ecklund motioned to adopt Resolution #4, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

5. Mayor Fitzpatrick motioned for a Resolution authorizing The Wheels of Time to hang a Grand Opening banner for 30 days from 11/26/07 to 12/26/07.

Trustee Gorman motioned to adopt Resolution #5 was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

6. Mayor Fitzpatrick motioned for a Resolution to enter into an intermunicipal agreement with other municipalities lead by the City of Peekskill, requesting proposals for actuarial servicing in connection with their GASB-45 (Governmental Accountant Standards Board Statement) compliance. As a group they will receive more favorable proposals than if they requested proposals individually. GASB 45 requires (governments) the utilization of actuarial services to quantify the current value of their post employment benefits other than pensions and have them reported on their financial statements.

Trustee Ecklund motioned to adopt Resolution #6, was seconded by Trustee Gorman and upon roll call was approved with a vote of 5 – 0.

7. Mayor Fitzpatrick motioned for a Resolution approving a temporary sign and awning for 30 days for The Tap House located at 16 Depot Square Tuckahoe, NY 10707.

Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Gorman and upon roll call was approved with a vote of 5 – 0.

APPOINTMENTS -

Mayor Fitzpatrick motioned to appoint April Maron as a member of the Environmental Committee.

Trustee Gorman motioned to adopt this appointment, was seconded by Trustee Zocchi and was carried with a vote of 5 – 0.

MISCELLANEOUS BUSINESS –

Mayor Fitzpatrick announced the dates for Winterfest as Saturday, December 8th from 2pm to 9pm with tree lighting at 6pm and Sunday, December 9th from noon to 7pm.

Mr. Charles Cinquemani, member of the Environmental Committee, reported that the Committee is hard at work trying to give suggestions as to how to make the village more energy efficient. Using Bio-diesel fuel for the Village's trucks and buses is a great start. It is non toxic, less combustibile and the decrease in all the toxins far outweighs the 1% increase in nitrous oxide. He recommends fully switching to bio-diesel and not to phase it in slowly.

BOARD OF TRUSTEES MEMBER REPORTS:

- TRUSTEE MARCOCCIA noted that the auditors will present the annual report at the next meeting.

TRUSTEE ECKLOND noted that he met with representatives from Westchester County to research new opportunities for CDGB grant money for sidewalks, parks, sewer repairs etc. The grant applications will be prepared after January 1, 2007. The Quarry Park sidewalk and fence are fully installed and completed. The signs for the fence will be posted shortly.

TRUSTEE ZOCCHI announced the next Planning Board meeting – Dec. 17, 2007 and the next Zoning Board meeting – Dec. 12, 2007. He reminded the residents that the Chamber of Commerce will host their dinner on Dec. 3, 2007 at the Old Stone Mill from 6:30 – 10:30, at \$60.00 per person. All merchants should attend.

Trustee Zocchi also announced that the Sunrise Rivervue has paid a \$5000.00 fine and added two additional trash containers and will have the trash picked up two additional days each week.

TRUSTEE GORMAN thanked Mike Seminar for a fine job working with the Riverview to solve the trash problem. She announced that the Fountains have started work on the generator this week. For Library programs please register – 961- 2121. The Giving Tree is a great way to give a gift by buying a new book for the Library in a person's honor.

Trustee Gorman announced the senior's Annual Christmas party- Dec. 18 at Davenport. The THA had two meetings, both televised, please view. The THA signed the voluntary compliance agreement. Section 8 offices have been moved to Eastchester.

Trustee Gorman regretfully announced that Camp Bucca sustained a mortar attack and thankfully, there were no fatalities. They appreciate all the packages. Please continue to donate the necessary items.

- MAYOR FITZPATRICK announced the shred mobile will be in Depot Square on Dec. 2, 2007. He noted that he was happy that the THA signed the voluntary compliance agreement and that the Section 8 offices have been moved. Mayor Fitzpatrick noted that the Village recently paid \$115,000 for new sidewalks on Jefferson, Union and Midland. If the THA would submit completed applications for CDGB grant money, they can get the necessary funds to upgrade the area. The 'Winterfest' dates are Dec. 8 and 9. Crestwood Holiday Festival – Dec. 16.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Margaret Coleman, 15 Wallace St., asked if the leaf truck could remove the wet leaves in front of her house as they are a hazard. She suggested a notice be placed on the parked cars, so they could be moved to allow the trucks to collect all the leaves along the curbs. She asked for an update with regards to the parking time limit on Wallace St.

Mayor Fitzpatrick noted that he is waiting to receive a petition signed by all the residents on Wallace St.

Ms. Coleman asked if the buildings on Washington and Midland were under the HUD control. Mayor Fitzpatrick noted that both buildings were the property of THA.

Ms. Coleman asked how appointments were made to the various committees in the Village. Mayor Fitzpatrick noted that a resident must fill out an application for the Board they are interested in joining. With regards to the expansion of the Planning Board, he has received applications from architects, urban planners etc.

Trustee Marcoccia requested to view the applications of the applicants.

Jeff Zuckerman, 24 Bronx St., stated that the Board was doing a fine job and thanked them for their service.

There being no further business the Board unanimously voted to adjourn the meeting at 10:25 PM.

Susan Ciamarra, Village Clerk