

Dr. Sternberg made a motion to approve the projecting sign at 51 Pioneer Street as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Mr. Olson stated that he would also like a directional sign for the Village directional sign board on the corner of Main and Pioneer Streets. He provided the board with a print out of the proposed sign. He explained that the sign would be black and white with a border the color required by the Village.

Mr. Berman asked if a border alone meets the statute of the law for this type of sign.

Mr. Blabey stated that the law used to require that the background of the sign be the prescribed color but he believes this may have been changed when the sign law was last amended, due in part to the fact that not all signs conformed with the law and the border would allow some uniformity while also allowing for an individual businesses' branding.

The board discussed the required color as taupe and the possibility of the sign holders being changed as part of the Main Street project.

Ms. Truax stated that signage is part of the second phase of the Main Street project which will begin in 2016. She continued to state that the Trustees have agreed that new signage may be placed on the existing directional signs as long as the applicant is aware that these signs may be removed and their sign deemed unusable depending on the new signage plan. She continued to state that any cost incurred is the responsibility of the business owner and no reimbursement of expenses will be made by the Village.

Dr. Sternberg made a motion to approve the directional sign for 51 Pioneer Street as submitted. The applicant is advised that the law regarding this type of sign may change with the development of the Main Street Sign plan and that the Village is not responsible for cost or loss incurred from said changes. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

8 Doubleday Court (Mott) – proposed Village directional sign on Chestnut Street

Mr. Berman asked that the record show that based on information from Mr. Austin via a text to Ms. Truax, the applicant has withdrawn the application for the directional signage.

1 Atwell Road (MIBH) – trustee referral – special use permit for hospital connector

Mr. Berman stated that no new information has been provided for this application. He further stated that the BOT will hold a public hearing at their regular meeting on July 27th and if an affirmative decision is made a final site plan review will be necessary.

19 Fair Street (Viek) – proposed freestanding signage for a home occupation and tourist accommodation continued from the June 19, 2015 meeting

Mr. Berman stated that he spoke with Mr. Tillapaugh, Village Attorney and Mr. Austin regarding the sign being of the same design as DEC signage. He explained that they concurred that it is not the Village's responsibility to determine if the proposed sign is an infringement. He continued to state that Mr. Tillapaugh advised that should the board feel that it would like some assurance it could require Mr. Viek to provide correspondence from DEC that they are not concerned with his use of the design.

Otherwise, the board could ask Mr. Viek to change the sign design. He further stated that the sign is larger the law allows.

Mr. Blabey stated that he spent time reviewing the law concerning this type of signage over the last month. He stated that the sign law is written in a way that signs are only allowed if they are specifically permitted and since there is no provision for a combined sign, it would not be allowed.

Mr. Berman stated that this application would not be appropriate for a variance as applicant created the situation.

Mr. Blabey again explained that the law does not allow for the requested signage.

Mr. Berman referred the board to the law allowing multiple signs for offices and studios. He added that there is no corresponding permission concerning home occupations or tourist accommodations.

The board reviewed this section of the law and the type and size of the signs permitted in a residential district. The board further reviewed home occupations and discussed scenarios where multiple home occupations might co-exist in the same residence.

Dr. Sternberg read the definition of a home occupation and asked if a consultant fell into this category as well.

The board discussed Dr. Sternberg's hypothetical consultant, who reviews and writes reports, but does not meet with clients, in the residence. Mr. Blabey stated that in that circumstance, the consultant could preform the work anywhere, for example, in a coffee shop, and the use of the home was not required.

Mr. Berman agreed with Mr. Blabey. He added that since the consulting work that Dr. Sternberg described could be performed anywhere, he believed that it would be merely incidental that the consultant happened to be a home while working and that the residence would not be a professional office.

Mr. Berman stated that the proposed sign is 48" by 27" which would be 9 square feet.

Mr. Blabey stated that the largest sign allowed in a residential district is 6 square feet. Mr. Blabey asked if a motion to deny would be appropriate as the sign is not permitted by law.

Mr. Kuhn stated that in his experience when an item is denied an affirmative motion is made and not carried.

Mr. Berman stated that he feels a motion to deny is appropriate in this situation as the board is setting forth reasons for the denial.

Mr. Blabey made a motion to deny the proposed freestanding sign at 19 Fair Street as the requested sign exceeds the square footage allowed by the Village sign law. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Dr. Sternberg asked if the copyright of the DEC sign needs to be addressed.

Mr. Berman stated that if the applicant submits an application where the size of the sign meets the requirements of the law the content of the sign will be reviewed. He further stated that the applicant has had correspondence with DEC.

