

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 127/2015

RE: INTRODUCING LOCAL LAW NO. X OF 2015 AMENDING CHAPTER 98 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “ZONING ARTICLE IV SUPPLEMENTARY REGULATIONS CHAPTER 98-46 SIGNS”

WHEREAS, the Town Board of the Town of Pleasant Valley pursuant to a recommendation by the Zoning Administrator is considering the adoption of Local Law No. X of 2015 to amend the Code of the Town of Pleasant Valley entitled “Zoning Article IV Supplementary Regulations, Section 98-46 Signs; and

WHEREAS, for the purpose of Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”) and pursuant to Chapter 98 of the Town Code, the proposed action is adoption of the proposed Local Law is subject to SEQRA and is an Unlisted Action pursuant to SEQRA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration of its adoption proposed Local Law No. X of 2015 and hereby schedules a public hearing regarding proposed Local Law at 7:00 p.m. on the 12th of August, 2015 and the Town Clerk is hereby directed to post and publish as required by law; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to circulate this resolution, proposed Local Law No. X of 2015, supporting documentation and the public hearing notice to the Town Clerk of each abutting municipality, the Town of Pleasant Valley Planning Board for review and recommendation pursuant to Section 98-101 of the Zoning Law, the Dutchess County Department of Planning and Development for advisory review in accordance with Section 239 of General Municipal Law and the New York State Department of Transportation.

MOTIONED BY: _____

SECONDED BY: _____

DATED: June 10, 2015

ROLL CALL:

AYE

NAY

Councilman Albrecht

Councilman Figliozzi

Councilman Latino

Councilwoman Milicaj

Supervisor Campbell

TOWN OF PLEASANT VALLEY

LOCAL LAW NO. X OF THE YEAR 2015

Re: **A LOCAL LAW OF THE TOWN OF PLEASANT VALLEY, NEW YORK AMENDING CHAPTER 98 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “ZONING: ARTICLE IV - SUPPLEMENTARY REGULATIONS CHAPTER 98-46 SIGNS”**

BE IT ENACTED by the Town Board of the Town of Pleasant Valley as follows:

Section I: Title.

This Local Law shall be known and cited as Town of Pleasant Valley Local Law “Amending Chapter 98 of the Code of the Town of Pleasant Valley entitled “Zoning, Article IV Supplementary Regulations, Section 98-46 Signs,” amending Local Law No. 8 of 2009, as amended”.

Section II: Legislative Intent.

This Local Law is intended to address certain practical issues and concerns of the Zoning Administrator and Planning Board as they apply current sign regulations.

Section III: Amendment to the Code:

The following Sections to Chapter 98 “Zoning”, Section 98-46 entitled “Signs” shall be amended as follows:

“Section 98-46 B - Definitions

OPEN SIGN – A window sign which states “open”, and which can be internally illuminated.

GAS STATION PRICING SIGN – A sign for gas dispensing stations, service stations and gas market stations designed to allow for the display of the various sign pricing requirement’s pursuant to County and State laws. Such pricing numbering and lettering may be internally illuminated.

Section 98-46 F – Prohibited Signs

(7) Internally illuminated signs, including neon signs, except as permitted in Subsection I (1) and in Subsections I (1) (g) and in Subsection I (3).

Section 98-46 I (1) - Permanent signs within all other districts.

(g) Open sign. Commercial establishments may be allowed to have none sign which states “OPEN” provided the lettering does not exceed 10 inches in height by 7 inches in width and is placed only in the window of the establishment. Illumination shall be in accordance with subsection J (2) (e) [1]. The total size of the sign base and mounting shall not exceed 36 inches in length by 18 inches in width.

Section 98-46 I (1) (g) shall become Section 98-46 I (1) (h)

(h) For subdivisions, mobile home park, or condominium, townhouse, or apartment complexes, one nonilluminated monument sign containing an area of not more than eight square feet and located not more than five feet above ground level at its highest point, identifying the subdivision, mobile home park, or complex, may be displayed. Such sign shall be set back at least 10 feet from the edge of the pavement of any public road and shall not obstruct safe sight lines.

Section 98-46 I – Permanent signs within all other districts.

(3) Gas Station Pricing Sign.

- (a) The maximum height of this sign shall not exceed 15 ft., including the sign structure and the planter base.
- (b) The maximum width of this sign shall not exceed 7 ft. This width will include the full sign structure but would not include the planter base.
- (c) The maximum number of words for this sign, in accordance with the wording descriptions stated elsewhere in this Section, shall be limited of fifteen (15). This number does not include the pricing numbers.

- (d) The pricing numbers may be backlit or internally illuminated; shall not be flashing; and the numbers shall not exceed 10 inches in height x6 inches in width, maximum (with less in height and width being preferable).
- (e) The station top logo sign however may not be internally illuminated without specific approval by the planning board. Illumination shall be in accordance with Subpart J (2) (e) [1] through [5], as applicable.
- (f) The maximum size of the sign structure shall not exceed 90 sf.
- (g) The maximum size of the actual signage of the top logo shall not exceed 20 sf.
- (h) The maximum size of the actual signage for the price numbering and lettering shall not exceed 26 sf.
- (i) All gas station pricing signs shall be placed within a planter base which shall be constructed of field stone; brick; Belgian block; decorative concrete; or other such materials as may be approved by the town planning board. The minimum height of the planter base shall be 18 inches.
- (j) In the event of a request for gas station pricing sign of predeterminate corporate size, which sign is provided or constructed by a petroleum company, and the use of which would require a minor increase of any of the sizing and dimensions stated in this part, the planning board may grant this increase if desired by the planning board, provided that the increase(s) does/do not exceed 20% of any size permitted herein.

Section 98-46 J (2) (e) – Illumination of signs.

[1] Signs shall not be internally illuminated, with the exception of “open” signs as permitted elsewhere in this section, as follows:

[a] Such signs shall state one word – “OPEN”.

[b] Internal illumination shall be red in color; shall be stationary in appearance; and shall not be flashing or come on and off.

[c] Such signs shall be located only in the window of the establishment.

Section 98-46 J (3) - Specific design criteria by sign type.

(e) Window signs with the exception of open signs. Permanent window signs must be painted on or attached directly and permanently to the window.

Section 98-46 J (3) - Specific design criteria by sign type.

(g) Open signs, which shall be in accordance with the stated provisions contained elsewhere in this Section."

Section IV: Numbering for Codification

It is the intention of the Town of Pleasant Valley and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Pleasant Valley; that the sections and subsections of the Local Law may be re-numbered or re-lettered to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of the Local law or the provisions of the Code effected thereby.

Section V: Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Zoning Law of the Town of Pleasant Valley as adopted by Local Law No. 8 of 2009 and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section VI: Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the

clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VII: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.