

Village of Kinderhook
Historic Preservation Commission
Regular Meeting on January 15, 2015

Present: R. Piwonka, Chairperson; R. Blackburn, R. Dawkins,
T. Husband
G. Smith, Code Enforcement Officer

Absent: K. Neilson, R. Puckett, Trustee Liaison

Workshop: None

R. Piwonka brought the meeting to order at: 7:03 pm

Minutes: R. Blackburn made the motion to approve the regular meeting minutes of November 25, 2014, seconded by R. Piwonka, all in favor.

Funds Available: \$1,196.50

Correspondence: None

OLD BUSINESS

- Village Sign Ordinance - R. Blackburn presented the Commission with his suggestions of possible changes and/or clarification to the current sign ordinance. See document language in "bold print" attached to these minutes. K. Neilson provided his suggestions, in particular to the matrix via email. Discussion of possible changes and/or clarification were heard and review of this document will be continued at the next meeting of the HPC. T. Husband offered to note and track changes prior to the next meeting.

NEW BUSINESS

- No new business

OTHER MATTERS OF DISCUSSION

- Historical Date Plaques - R. Piwonka forwarded, via email, two websites to the Commission members to review. It was suggested by R. Dawkins that the HPC standardized a historical date plaque for uniformity. T. Husband stated the HPC should be consulted by the property owner prior to their purchase of a historical date plaque and guidance could be provided at that time. The Village Sign Ordinance

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document refers to historical date plaques as "oval" and R. Piwonka suggested we revisit this subject as the Commission works through this document.

Motion to adjourn: Motion made by R. Piwonka, Seconded; R. Dawkins, all in favor.
8:28 pm

Jacqueline Bujanow
Secretary, Historic Preservation Commission

R. Blackburn's suggested changes and/or clarifications: (in bold)

RHB Sign law comments 2 (with RP changes)

Comments by Rod Blackburn 10/26/14 in brackets [] and in bold.

Section 2. ENACTMENT.

130-19. Sign regulations. [Amended 5-26-1977 by L.L. No. 3-1977; 2-14-1996 by L.L. No. 1-1996]

A. General Requirements. No sign shall be permitted in the Village of Kinderhook except in

accordance with this section. It shall be unlawful for any person to construct, erect, display, alter, or maintain any sign without having first obtained a permit from the CEO, except for temporary signs as allowed by this section. The CEO can approve sign applications that are in accordance with the provisions of this Chapter. The CEO shall refer applicants to the Historic Preservation Commission, Zoning Board of Appeals, or the Planning Board for approval prior to the issuance of any permit, if necessary, in accordance with Village laws and regulations.

(1) All permitted signs shall be in compliance with the attached table.

(2) No provision of this section proscribes the use of signs by the Trustees of the Village of Kinderhook, or any other governmental agency, in order to maintain the health, safety, and welfare of the public.

(3) All required signage dimensions are contained in attached table at the end of this chapter 130-19.

B. Signs in residential districts.

(1) Nonconforming uses and permitted nonresidential uses, except places of worship, libraries,

museums, social clubs or societies, and nonprofit day nurseries, may display signs pertaining to the use of the property and/or goods or services rendered thereupon.

(2) Dwellings for five or more families may display non-illuminated signs identifying the premises.

(3) Any dwelling unit in a detached or attached structure may display one nameplate or professional sign, provided such sign is fixed to the main wall of the residence building.

(4) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, and nonprofit day nurseries shall be located on the premises.

(5) Signs pursuant to this section shall be set back at least five feet from the lot line if not attached to the building. [here and elsewhere [def.] (for definition) are terms

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which need clarification in a definitions or glossary section. In this case "lot line." Does this include sidewalk, and grass strip between sidewalk and street?].

C. Signs in business districts.

(1) B-1 Business District. Signs applicable to goods or services rendered on the premises upon

which such sign is located are permitted.

(2) B-2 Business District. Signs applicable to goods or services rendered on the premises upon

which such sign is located are permitted.

D. Other provisions regulating signs.

(I) Representational signs. No representational signs shall be permitted in any district unless approved by the Planning Board and/or the Historic Review Commission. [Historic Preservation Commission is the proper title. The "and/or" needs to be clarified : under which circumstances does this go to the Planning Board and under which to the HPC otherwise applicants may think they can make the choice.]

(2) Advertising signs. Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed, are not permitted in any district.

(3) Projecting signs. Two-faced signs attached to the building and projecting over the public right-of-way **[def.]** maintained by the Village will be permitted.

(4) No sign may be located on the public right-of-way **[def]** , except as provided in Subsection D (II) below.

(5) Subdivision signs. Any persons offering lots for sale in a subdivision may erect non-illuminated directional signs within the limits of the subdivision or adjoining property in the same ownership. The permit for such signs shall be issued for a period of six months, renewal of the permit is allowed for additional periods of six months following a determination by the CEO that the signs have been repainted or are in good condition in each case.

(6) Real estate signs advertising the sale, rental, or lease of the premises upon which said signs are located-may be erected within any residential district or business district. Such sign shall not be nearer than five feet to the right-of-way **[def.]** line. No such sign shall be attached to a tree or utility pole. **[limit to one sign ?]**

(7) One professional or business nameplate may be erected for one

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professional or business establishment where such signs would not otherwise be a permitted use.

(8) One sign denoting the architect, engineer, and/or contractor may be erected on the premises of a work site during the course of construction on said premises. [also include landscaper, tree service, law

(9) Memorial signs, historical markers or tablets, names of buildings and dates of erection may be allowed subject to specifications and review by the Planning Board and/or [as before] Historic Preservation Commission.

(10) On buildings fifty (50) or more years old, one sign indicating the age and history of the building may be attached in addition to any other permitted signs. This sign shall be attached flush to the front of the building and shall conform to the specifications established by the Planning Board and/or [as before] Historic Preservation Commission.

[the text of such signs are to be based on fact and require the municipal historian's concurrence as to accuracy of evidence, research, dating, and description]

(11) Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Village Board may be erected.

(12) Illuminated signs. Signs shall be illuminated only with a steady indirect white light.

This light may not be intermittent or varying in intensity and may not produce direct glare

beyond the limits of the property line. All bare incandescent light sources and immediately

adjacent reflecting surfaces shall be shielded from view. This means no neon or other internally lit signs shall be allowed.

(13) Revolving devices These devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.

(14) Banners [def.]. Temporary, non-permanent promotional banners are allowed no more than 30 days prior to an event. Such promotional banners must be removed within 5 days after the event as described in the chart attached to this section. If the promotional banner is not associated with a specific event, it shall be limited to a period not to exceed 90 days. However, no other sign or part thereof shall contain or consist of banners, poster pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as strings of lights[RP1 see footnotes], shall not be used for the purposes of advertising or attracting attention when not part of a sign. [should there not be a limit on the number of banners per installation?]

(15) Posters **[def.]** . Temporary, nonpermanent posters promoting or otherwise relating to public events, including but not limited to political events, special events, sporting events, and shows shall not be displayed until four weeks prior to the event and must be removed within five days after the event. No such sign shall be attached to a tree or utility pole.

(16) Removal of certain signs. Any sign now or hereafter existing, which no longer advertises a business conducted or a product available for purchase by the public on **[RP2]** the premises, shall be taken down and removed by the owner, agent, or persons having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the CEO. Upon failure to comply with such notice within the time specified in such an order, the CEO is hereby authorized to cause removal of such sign(s). Any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

(17) Temporary signs **[def.]**. Temporary promotional signs for such purposes as sales in conjunction with a business, nonprofit organization functions, garage sales, seasonal sales and any other temporary functions shall be permitted for a period not to exceed-30 days maximum. No portion of the temporary sign shall remain in place except during the time period of use. Temporary signs shall not be allowed more than four times per year for any one business or function. **[why would you allow a temporary sign to be installed up to four times in a year if the function is a single event?]**

(18) Moveable sidewalk signs **[def.]**. Moveable sidewalk signs are not permitted in any district except for businesses uses in the business districts. They shall only be displayed during business hours and must be located to permit the safe and convenient flow of pedestrian traffic. Moveable sidewalk signs shall not exceed two per business. **[Why allow more than one?]**

(19) Billboards **[def]**. A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered, or existing upon such lot are prohibited in all Districts, except that the Village may establish special public information centers wherein approved directional signs for businesses may be located.

[Comment on the charts:

Banner: promotional.

[The dimensional criteria are confusing and would seem to allow some odd sizes depending on the size and configuration of the building. Better to stipulate that a banner can be no larger than a percentage of the front facade square footage, like 10%. Thus a 1 ½ story building 20 feet wide may have a total front facade square

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footage of about 240, of which 10% is 24sf or 4x6'. A large building, like the school, may have a facade of 2000sf or two banners each 10x10sf.]

Additional issues to clarify (whether for PB, ZBA or HPC)

Clarify the criteria the ZBA will use when considering a special use permit. Are business use criteria applied for special use permits applications in a residential area?

Clarify the criteria to be used by the CEO in deciding that an application for a sign permit is to be referred to the PB, the HPC and the ZBA.

RP comment here: It looks to me as though that “H” column in the accompanying matrix for signs might stand for Historic District Overlay ... if it does, a number of items in that list should be checked for HPC review. It looks to me as though the matrix was never completed. ???

Definitions. Add definitions to definitions section of sign law as indicated above. There are additional questions which need answers in the definitions section. For each type of sign, include in the definitions such criteria as 1) size (in feet and/or % of facade), 2) illuminations, 3) location, 4) design (refer to HPC), 5) duration, 6) number of times per year, 7) number of signs on a lot.

Appeal of a special use permit. Clarify the appeals procedure and criteria. A 60 day limit on bringing an appeal seems inappropriate. If someone has put up a sign, with or without a permit, it makes no sense to limit the period for appeal. If the sign is without a permit it should be removed no matter when discovered. If the sign has a permit but one or more persons believe it does not meet the criteria for a permit, why should there be a time limit? In NYS statutes of limitations run between 1 year and to unlimited depending on the issue.

It has become increasingly obvious to me (and to the HPC) that some sign applications have not been referred to the HPC by the CEO even though it is clear in the HPC law that signs in the Historic District are to be reviewed by the HPC. The banners on the School Gallery are the most recent incident. This issue needs to be settled.

[RP1]Perhaps certain kinds of “strings of lights”. “strings of lights” needs a definition. Most strings of lights are for calling attention to holidays and many of these look great; true, some look lousy.

[RP2] “on” ? I wonder what exactly this means?