



**RESOLUTION 18-107**

**AMEND BOND RESOLUTION 18-033**

Offered by Tr. Guardino, seconded by Tr. Basford. Tr. Wood and Mayor Lashua - Aye.

**AMENDED BOND RESOLUTION**

**WHEREAS, the Board of Trustees of the Village of Heuvelton has undertaken the purchase and installation of an Equalization Tank for the Village of Heuvelton Wastewater Treatment System; and**

**WHEREAS, on April 11, 2018, the Board of Trustees adopted a Bond Resolution authorizing a maximum \$600,000 in Serial Bonds or a Statutory Installment Bond to pay for such Equalization Tank; and**

**WHEREAS, the costs of such Project have increased by \$125,000 for a new maximum to be expended of \$725,000; and**

**WHEREAS, it is necessary to amend the bond resolution dated April 11, 2018 to reflect the increase in costs;**

**Now, Therefore be it**

**RESOLVED, The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter; RESOLVED, that the Bond Resolution dated April 11, 2018 is hereby amended and as amended, restated as follows:**

**The following resolution was offered by Tr. Guardino, who moved its adoption, seconded by Tr. Basford, to wit:**

**AMENDED BOND RESOLUTION DATED DECEMBER 12, 2018**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND IN THE VILLAGE OF HEUVELTON IN AN AMOUNT NOT TO EXCEED \$725,000 THE PROCEEDS OF WHICH ARE TO BE USED TO PURCHASE AND INSTALL AN EQUALIZATION TANK FOR THE VILLAGES WASTEWATER TREATMENT SYSTEM.**

**BE IT RESOLVED, by the Village Board of the Village of Heuvelton, St. Lawrence County, New York, as follows:**

**Section 1. The Equalization Tank for the Village of Heuvelton Wastewater Treatment System, is in the interest of the residents of the Village of Heuvelton. The maximum cost of such specific objects or purposes as determined by the engineers hired by the Village is \$725,000. This is an increase of a \$125,000 of a previous Bond Resolution dated April 11, 2018.**

**Section 2. It is hereby determined that the period of probable usefulness of the aforesaid Equalization Tank is thirty (30) years; pursuant to subdivision (a)(4) of Section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(a) of the Local Finance Law.**

**Section 3. The plan for the financing of such estimated cost for such objects or purposes us by is by the issuance of serial bonds or a statutory installment bond and grants through the Dormitory Authority of the State of New York, not exceeding \$725,000.00 of said Village and such bonds are hereby authorized to be issued therefore, pursuant to the Local Finance Law, for a period in excess of five (5) years.**

**Section 4. The faith and credit of said Village of Heuvelton, St. Lawrence County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be levied on all sewer users of said Village, sewer rents sufficient to pay the principal of and interest of such bonds as the same become due and payable.**

**Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer), including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to**

impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

**Section 6.** The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 7.** Upon this resolution taking effect, the same be published in full in the Ogdensburg Journal, the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 8.** This resolution is subject to permissive referendum, pursuant to Section 36.00(a) of the Local Finance Law.

**Section 9.** This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Tr. Guardino	Voting	Yes
Tr. Basford	Voting	Yes
Tr. Wood	Voting	Yes
Mayor Lashua	Voting	Yes

The resolution was thereupon declared duly adopted.

The above resolution is a true, complete and accurate copy of a resolution made and seconded at a regular meeting of the Village Board of the Village of Heuvelton held December 12, 2018.

**Mayor's Report** The reviewed the 2019-2020 Budget Process. The Mayor discussed changing the Youth Agreement for next year to increase the amounts from the Towns due to the bus drivers requesting an increase in pay.

A purchase offer has been done for the state street property.

The Mayor discussed a local waterfront revitalization program. Local communities on the Oswegatchie River are being studied. The Town of Canton is taking the lead.

The clerk explained the Records Management Grant Application to the Board.

**RESOLUTION 18-108**

**CONFERENCE ATTENDANCE**

Offered by Tr. Basford, seconded by Tr. Guardino. Tr. Wood and Mayor Lashua - Aye.

**Resolution to authorize the attendance of Village employees at such workshops or conferences that benefit the Village of Heuvelton, or provide needed contact hours. Such authorization is for an appropriation of \$300.00 or less.**

**RESOLUTION 18-109**

**ADVANCE APPROVAL OF CLAIMS**

Offered by Tr. Guardino, seconded by Tr. Basford. Tr. Wood and Mayor Lashua - Aye.

**Resolution to authorize payment in advance of audit of claims for public utility services, postage, health insurance, freight and express charges and such claims shall be presented at the next regular meeting for audit.**

**RESOLUTION 18-110**

**MEETINGS NOTICE**

Offered by Tr. Wood, seconded by Tr. Basford. Tr. Wood and Mayor Lashua - Aye.

**Resolution to authorize the Clerk to send a single letter to the news media, with the corresponding public posting, indicating the schedule of regular meetings as adopted at the organizational meeting.**

**RESOLUTION 18-111**

**2019 APPOINTMENTS, RATES, & POLICIES**

Offered by Tr. Guardino, seconded by Tr. Wood. Tr. Basford and Mayor Lashua - Aye.

**Resolution to accept the following appointments, rates, and policies for 2019:**

<b>Appointments and Policies</b>	<b>Current</b>	<b>Proposed</b>
Clerk/Treasurer	Michele Smithers	Michele Smithers
Vital Registrar	Michele Smithers	Michele Smithers
Tax Collector	Michele Smithers	Michele Smithers
Deputy Clerk/Treasurer	Rebecca Donnelly	Rebecca Donnelly
Attorney	Barclay Damon	Barclay Damon
Safety Officer	Timothy Murray	Timothy Murray
Historian	Linda Wood	Linda Wood
Purchasing agents		Barbara Lashua, Mayor Timothy Murray, DPW Superintendent Michele Smithers, Clerk/Treasurer Rebecca Donnelly, Deputy Clerk/Treasurer Scott McConnell, DANC
Official Newspaper	Northern NY Newspapers	Northern NY Newspapers
NYS Mileage Allowance	\$.575 per mile	\$.545 per mile
Procurement Policy	See attached	See attached
Investment Policy	See attached	See attached
Regular Meetings	2 <sup>nd</sup> Wed. of each month	2 <sup>nd</sup> Wed. of each month

**RESOLUTION 18-112**

**2019 JOINT YOUTH AGREEMENT**

Offered by Tr. Wood, seconded by Tr. Guardino. Tr. Basford and Mayor Lashua - Aye.

**Resolution to approve the Joint Youth Agreement for 2019 as follows:**

**Pursuant to General Municipal Law Articles 5 and 5G, Section 119-o; Performance of municipal cooperative activities; alternative powers; the Village of Heuvelton, the Town of Oswegatchie, and Town of Depeyster hereby enter into a Joint Youth Program.**

**Such agreement shall be approved by each participating Municipal Corporation or district by a majority vote of the voting strength of its governing body. Each participating municipality shall be entitled to the appointment of one member to serve on a joint committee. Said committee to be chaired by the Village of Heuvelton.**

**The Village of Heuvelton shall be responsible for the operation and maintenance of the Joint Youth Program and for making claims for state aid payable to the participants.**

**The Town of Oswegatchie does hereby agree to support the Joint Youth Program and will**

**contribute six thousand seven hundred dollars (\$6700.00) for its operation for 2019.**

**The Town of Depeyster does hereby agree to support the Joint Youth Program and will contribute six hundred dollars (\$600.00) for its operation for 2019.**

**The Village of Heuvelton does hereby agree to support the Joint Youth Program and will contribute any necessary expenses not covered by the revenues provided by the towns of Depeyster and Oswegatchie.**

**RESOLUTION 18-113**

**AUTHORIZING LGRMIF GRANT APPLICATION**

Offered by Mayor Lashua, seconded by Tr. Wood. Tr. Basford and Tr. Guardino - Aye.

**Resolution to authorize the Clerk, Michele Smithers, to apply for a share services grant with the Town of Oswegatchie for LGRMIF Grant and to provide such additional information as may be required.**

**RESOLUTION 18-114**

**AUTHORIZING LGRMIF GRANT APPLICATION FEE**

Offered by Mayor Lashua, seconded by Tr. Wood. Tr. Basford and Tr. Guardino - Aye.

**Resolution to secure the services of K. Sickler Murphy to prepare, write, and submit a LGRMIF Grant application. Additionally, the fee for this service is \$2000, to be divided equally between the Village of Heuvelton and the Town of Oswegatchie upon the completion and submission of the grant application.**

**RESOLUTION 18-115**

**AMEND VILLAGE ZONING LAW**

Offered by Mayor Lashua, seconded by Tr. Wood. Tr. Basford and Tr. Guardino - Aye.

**Resolution to amend the Village zoning law to update the section pertaining to signs.**

**Local Law No. 3 of the year 2018**

**A local law to amend Section 400 of the Village of Heuvelton Zoning Laws and add a new Section 403, Signs.**

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

**Section 1. AUTHORITY.** This law is adopted pursuant to §7-700 of the New York State Village Law, § 922 of the New York State Executive Law, §10 of the Municipal Home Rule Law; and Section IX of the New York State Constitution.

**Section 2. INTENT and PURPOSE.** The Board of Trustees of the Village of Heuvelton hereby finds the Village Zoning Laws with respect to signs does not adequately address the many issues that arise with signage. It is the purpose of this local law to amend the Village Zoning Laws with respect to signs to address the deficiencies in the current sign law.

**Section 3.** Article IV of the Village of Heuvelton Zoning Laws is hereby amended by eliminating subsection 400(4).

**Section 4.** Article IV of the Village of Heuvelton Zoning Laws is hereby amended by adding a new Section 403 to read as follows:

**§403. SIGNS**

**1. Purpose** - The purpose of the sign law is to regulate existing and proposed signs in order to:

- a. direct the public to activities and enterprises.
- b. enhance and protect the physical appearance and character of the Village of Heuvelton.
- c. create and promote an attractive business climate.
- d. protect and enhance property values.
- e. reduce possible traffic and safety hazards.

**2. General Provisions** - The following requirements apply to all signs within the Village:

- a. No sign shall be placed until a permit has been issued.
- b. No sign shall contain more than six colors in addition to black and white; fluorescent colors are prohibited on permanent signs.
- c. All signs shall be located at or behind the minimum setback line prescribed by this Sign Ordinance. Freestanding signs shall be set back from the public right-of-way or property line at least 10 feet. Whichever requirement achieves the greatest distance from a front lot line shall apply.
- d. All signs shall be maintained in a good state of repair and in working order.
- e. Registered trademarks or portrayal of specific commodities may occupy up to 10% of the total sign area. This percentage may increase up to 100% of the total sign area if the trademark or commodity represents the principal activity conducted on the premises.
- f. No lighting devices and reflectors shall project more than three feet from any wall, nor shall they be located so as to disturb the occupants of any other buildings or be hazardous to traffic.
- g. Signs advertising an establishment or institution that has closed permanently shall be removed within 30 days of such closure. Any wall, surface or other area from which a sign is removed shall be restored so that no remnant of the sign is visible.
- h. No moving, flashing, rotating, animated, or other non-stationary or intermittently lighted sign shall be permitted. The only exceptions are the digital displays for municipal offices, emergency services buildings, schools, theater marquees and gas prices that exist at gasoline stations within the Village.
- i. Neon and LED illuminated signs shall be permitted for use in window signs only and shall be limited so as not to exceed 20% of the size of the window. Such interior signs shall be permitted on only one face of the building.
- j. Wherever any requirement of this chapter is in conflict with the requirement of any other provision of this chapter or any other lawfully adopted rule, regulation, or local law, the most restrictive, or that imposing the higher standard, shall govern.
- k. If, at any time, there are any changes to signage; a new sign permit must be obtained by the owner of the property or other responsible party.

**3. Exempt Signs** - The following types of signs may be erected and maintained without permits provided that such signs comply with all other requirements of this local law:

- a. real estate for sale/rent
- b. garage/yard sales
- c. political
- d. public information signs - Signs providing non-commercial information to the public, whether installed by commercial or non-commercial entities, including community service information signs, public utility information signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, directional parking signs, and all signs erected by a public officer in the performance of a public duty.
- e. Exempt signs must be removed within 48 hours of completion of the sale or election.

**4. Prohibited Signs**

- a. No off-premises signs shall be allowed other than as permitted under the Exempt Sign provision of this Article.
- b. No sign shall be illuminated internally or contain flashing, intermittent, rotating or moving lights.
- c. No permanent sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth.

## **5. Permit Requirements**

Before any sign, awning or marquee is to be erected/restored upon any property in the Village, except temporary and exempt signs, the following is required:

An application, in writing, shall be made to the Code Enforcement Officer by the owner or the tenant. The application shall specify the nature and purpose of the proposed sign, awning or marquee, its location, the material of which it shall be constructed, dimensions, design, color, lighting and the place where the sign is to be erected.

It shall be the duty of the Code Enforcement Officer, after the filing of an application, to review and investigate the facts presented in the application to determine its compliance with this chapter and any other applicable Village ordinance.

The application will be granted by the Code Enforcement Officer if the application and investigation show that the sign conforms to the requirements of this chapter and other applicable provisions of the Village Code or any terms of a variance granted by the Village Zoning Board of Appeals, if applicable. Otherwise, the permit shall be denied.

## **6. Awnings**

- a. The bottom of all awnings must be at least seven feet above the average sidewalk level in front of the building in which the awning is erected. The awnings must be constructed of canvas or other suitable material on a rigid frame which may be retractable.
- b. No lettering or other advertising material, except the name of the proprietor or business, shall be permitted.
- c. One sign may be located on an awning attached to the building, provided that the sign and the awning meet the requirements set forth above.
- d. Awnings advertising an establishment or institution that has closed permanently shall be removed within 30 days of such closure.

## **7. Digital Signs**

The Village intends to maintain the current historic small-town atmosphere of the Village. Therefore, digital signs are prohibited within the Village of Heuvelton. The only exceptions are the digital displays for municipal offices, emergency services buildings, schools, theatre marquees and gas prices that exist at gasoline stations within the Village.

## **8. Flush Signs**

### a. Residential:

- (i) Signs in a residential district or connected with a residential building in any other district, shall not exceed four (4) square feet in area. No more than one (1) such sign shall be permitted for each premise. If lighted, such sign shall be permitted for each premise. If lighted, such sign shall not be flashing and shall not project light rays beyond the lot lines that the sign is located on.
- (ii) No sign shall contain more than six colors in addition to black and white; fluorescent colors are prohibited on permanent signs.

### b. Commercial & Industrial:

- (i) Front Signs. One flush sign painted on, applied or attached to the front wall or front window of a building or storefront is permissible. Such sign must be placed below the sill or lower edge of a second-story window of a two or more story building or below the lower edge of a cornice or roof in a case of a one-story building. The permitted dimensions and locations of such sign are as follows:
  - A. The maximum sign area shall be 1.2 square feet per linear foot of two highly visible sides of the building.
  - B. Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
  - C. Signs shall project no more than 6 inches from the face of the building to the back of the sign.
  
- (ii) Side and Rear Signs One flush sign is ALSO permitted on the rear or side wall of any building abutting a parking area or public way. The sign shall not exceed 2 1/2 feet in height and shall not exceed 50% of a length of a sign permitted for the business or entity on the front of the building.
  
- (iii) Other Signs:
  - A. In the case of buildings with three or four sides fully visible from a public right-of-way, the total length for all signage allowed upon the building by this chapter may be divided among the sides of the building; provided, however, that no individual sign may exceed the maximum dimensions which are allowed above. Only one sign is allowed on each side of the building.
  - B. No sign shall contain more than six colors in addition to black and white; fluorescent colors are prohibited on permanent signs.
  - C. No lights or string of lights will be used for the purpose of advertising, when not part of an approved signage.
  - D. No moving, flashing, rotating, animated, or other non-stationary or intermittently lighted sign shall be permitted, except for theater marquees.
  - E. See General Provisions for additional requirements.
  - F. Signs advertising an establishment or institution that has closed permanently shall be removed within 30 days of such closure.

## 9. Perpendicular Signs

- a. Residential:
  - Refer to Flush Signage for specifications.
  
- b. Commercial & Industrial:
  - (i) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
  - (ii) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for three feet or 1/3 the sidewalk width, whichever is less and the top of the sign must not extend higher than the top of an allowable flush sign.
  - (iii) Both sides of the signs may be used.
  - (iv) Businesses are limited to 1 perpendicular sign per storefront.



- (v) No sign shall contain more than six colors in addition to black and white; fluorescent colors are prohibited on permanent signs.
- (vi) No lights or string of lights will be used for the purpose of advertising, when not part of an approved signage or lighting plan.
- (vii) No moving, flashing, rotating, animated, or other non-stationary or intermittently lighted sign shall be permitted, except for theater marquees.
- (viii) See General Provisions for additional requirements.  
Signs advertising an establishment or institution that has closed permanently shall be removed within 30 days of such closure.

### **10. Portable Signs**

Any sign which is equipped with, or fastened or connected to any structure or device equipped with, wheels or any other mechanism rendering such sign portable and/or readily able to be removed from public view shall be subject to the regulations, restrictions and penalties provided herein for freestanding signs in the Village of Heuvelton, whether or not the portability or movability of said sign shall be utilized.

### **11. Sandwich Boards**- Sandwich board signs may be used by a business under the following restrictions:

- a. In addition to the maximum allowed signage for a business, a maximum of one sandwich board sign having a maximum of six square feet per side is allowed.
- b. The sign may be displayed during business hours and shall be removed at the close of business each day.
- c. The sign shall not impede pedestrian traffic.
- d. Sign may not be illuminated.

### **12. Temporary Signs**

- a. A permit must be granted in order to erect a temporary sign.
- b. Temporary signs, banners or posters may be displayed only if a temporary sign permit has been issued.
- c. Temporary signs are permitted with the following provisions:
  - (i) Temporary signs shall be no larger than 16 square feet in area.
  - (ii) A temporary advertising sign for a specific event or sale, such sign shall not be displayed or mounted for more than two weeks total without application for and receipt of a sign permit. Temporary signs used to advertise the fact that an item is on sale shall be exempt from the requirement of obtaining a temporary sign permit, provided that the sign is placed in a window and only visible for two weeks or less.
  - (iii) Temporary window graphics or signs, such as those advertising sales, special promotions and the like, may occupy no more than 20% of the total window area.
  - (iv) A temporary sign will be permitted in any district in the Village of Heuvelton for a maximum of thirty (30) days. Temporary signs shall include a date posted to initiate the 30 day limit. Such temporary sign shall not exceed sixteen (16) square feet in area and no more than two (2) such signs shall be located on any single premise.
  - (v) Upon expiration of said thirty (30) day period, such temporary signs shall be promptly removed by their owner or by the Village of Heuvelton at the owner's expense. This provision shall not apply to signs identifying real estate for sale.

- (vi) No banners shall be erected across any street in the Village of Heuvelton, except upon application for and receipt of a permit.
- (vii) Temporary signs must be removed within 48 hours after the expiration of the permit. A written warning will be issued to those in violation. The Code Enforcement Officer is authorized to cause the removal of the sign. The cost of the removal shall be borne by the owner of the property on which such sign was erected and shall become a lien upon such property until paid.

**13. Window Signs** – Are defined as a sign painted in a window or one hung in a window. Painted signs shall require a permit and shall not exceed 50% of the area of the window. The window may be used for posters, flyers or advertisements of special events, or sales which will not require a permit as long as the total window signage does not exceed 20% of the window and is displayed for no more than two weeks. In buildings where business or professional offices occupy upper floors, such business or professional offices may display window graphics as allowed under these regulations:

- a. No sign shall contain more than six colors in addition to black and white; fluorescent colors are prohibited on permanent signs.
- b. No lights or string of lights will be used for the purpose of advertising, when not part of an approved signage.
- c. No moving, flashing, rotating, animated, or other non-stationary or intermittently lighted sign shall be permitted, except for theater marquees. Neon and LED illuminated signs shall be permitted for use in window signs only. They shall be limited so as not to exceed 20% of the size of the window. Such interior signs shall be permitted on only one face of the building.
- d. Signs advertising an establishment or institution that has closed permanently shall be removed within 30 days of such closure.

#### **14. Appeals & Variances**

##### **Definitions:**

- a. **Appeal:** A request for a review of the interpretation of any provision of this law.
- b. **Variance:** Written authority to deviate from any of the regulations of these laws, said authority to be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would create a hardship or practical difficulties.
  - (i) If an application for a sign permit is denied, an appeal may be taken to the Village Zoning Board of Appeals. Likewise, a request for a variance may be made to the Village Zoning Board of Appeals.
  - (ii) In the case of an appeal from denial of a sign permit:
    - A. The appeal shall be in writing and shall have attached to it a complete application described in the permit requirements section, together with a statement specifying the error claimed to have been made by the Code Enforcement Officer in denying the permit.
    - B. The Village Zoning Board of Appeals shall hold a public hearing on the appeal, scheduled upon at least seven days' notice by publication in the official newspaper. The person taking the appeal shall pay the cost of such publication, and may appear in person or be represented by an attorney at the hearing.
    - C. The Village Zoning Board of Appeals shall review the application and any other information presented to it at the public hearing. If the Board determines that the action of the Code Enforcement Officer in denying the permit was in conformity with

the requirements of this chapter and any other provisions of the Village Code which may apply, then the Code Enforcement Officer's determination shall be upheld and the appeal dismissed.

(iii) In the case of an application for a sign variance:

A. The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of these regulations where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Such variance shall be considered and rendered by the Zoning Board of Appeals only upon appeal following a determination made by the Code Enforcement Office.

- c. **Area Variance:** In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the board shall consider:
- (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (iii) whether the requested area variance is substantial;
  - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- d. **Use Variance:** No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under these regulations for the particular district where the property is located:
- (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood;
  - (iv) and that the alleged hardship has not been self-created.
- e. The Zoning Board of Appeals, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- f. **Imposition of Conditions.** The Board shall have the authority to impose reasonable conditions and restrictions as are directly related and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- g. The request for a variance shall be in writing and shall have attached to it a complete application described in permit requirements, together with a statement setting forth the ways in which the proposed sign does not comply with the Village Code and the reasons why a variance is required by the applicant.

- h. The variance application shall be referred to the Village Zoning Board of Appeals for its review and comment. The Village Zoning Board of Appeals shall submit a report of its review and recommendation within 10 days after the first regularly scheduled meeting of the Village Zoning Board of Appeals following its receipt of the referred material.
- i. The Village Zoning Board of Appeals shall hold a public hearing on the variance request, scheduled upon at least seven days' notice by publication in the official newspaper. The person requesting the variance may appear in person or be represented by an attorney at the hearing. At the public hearing, the Zoning Board shall review the variance application, together with the report and any other information presented to it.

### **15. Compliance & Removal**

- a. This chapter will apply to any sign erected or altered after the effective date of this adopted law.
- b. Existing signs erected prior to the effective date of this adopted law shall be considered lawfully permitted signs under this chapter. However, any alteration or replacement of such signs must be in compliance with the requirements of this adopted law.
- c. Signs erected on or after the effective date of this adopted law, which are not in compliance with the provisions of the Village Code relating to signs on the day preceding the effective date of this chapter shall be considered non-complying signs under the terms of this chapter and shall be removed within one year of the effective date of this chapter.
- d. Signs which are not in compliance with the provisions of the Village Code in effect on the day before the effective date of this chapter shall be non-complying signs under the terms of this chapter and shall be removed within one year of the effective date of this chapter.
- e. When a business or enterprise ceases operation or moves from a building, all signs relating to the business or enterprise must be removed within 30 days of the move or cessation of operation.
- f. It shall be a violation of this chapter for the owner of any sign or the owner of any premise upon which a sign is located to fail to remove the sign or cause it to come into compliance with the provisions of this chapter within 10 days after service of a notice by the Village Ordinance Officer that the sign is not in compliance with the requirements of this chapter. Service of this notice shall be made personally or by certified mail directed to the last known address of the owner of the sign or the owner of the premises upon which the sign is located. Service by mailing shall be complete upon the deposit of the notice postpaid and properly addressed in a United States Post Office.

### **16. Penalties**

- a. Any person, firm or corporation in violation of this chapter shall be liable for, forfeit and pay a penalty not exceeding \$100 for the first day that such violation shall exist, together with an additional penalty not exceeding \$50 per day for each additional day that the violation shall continue beyond the first. The penalty shall be for the use of the Village.
- b. The Village may enforce compliance with the provisions of this chapter which require the removal of nonconforming signs through the use of injunction proceedings in the Supreme Court, State of New York, or as otherwise provided by law.
- c. Daily penalties shall not apply or accrue during any period of time that there is pending an application for a variance or an appeal from a determination of the Code Enforcement Officer that a sign is in violation of the provisions of this chapter.

**Section 5. SEVERABILITY.** If any section, paragraph, subdivision, clause or provision of this local law shall be adjudged invalid, such judgment shall apply only to such section, paragraph, subdivision, clause or provision so adjudged, and shall not affect, impair, or invalidate any other part or portion of this local law.

**Section 6. EFFECTIVE DATE.** This local law shall take effect upon filing with the Secretary of State.

**Streets/Sidewalks** Mr. Murray informed the board that the Christmas tree is dying and recommended replacing it this summer. They have been doing equipment repair in preparation for snow. The CHIPS check is expected this month.

**RESOLUTION 18-116** **APPROVAL OF MINUTES**  
Offered by Tr. Guardino, seconded by Tr. Basford. Tr. Wood and Mayor Lashua - Aye.  
**Resolution to accept the minutes of the 11/14/18 meeting.**

**RESOLUTION 18-117** **VOUCHER APPROVALS**  
Offered by Tr. Basford, seconded by Tr. Wood. Tr. Guardino and Mayor Lashua - Aye.

<b>General</b>	<b>195-230</b>	<b>\$ 14,040.32</b>
<b>Sewer</b>	<b>195-230</b>	<b>\$ 18,986.25</b>
<b>Water</b>	<b>195-230</b>	<b>\$ 3,766.67</b>
<b>Water Project</b>	<b>195-230</b>	<b>\$ 96,848.12</b>
<b>EQ Project</b>	<b>195-230</b>	<b>\$ 4,034.00</b>
<b>Total</b>		<b>\$137,675.36</b>

**Other Disbursements: \$ 28,213.67**

**RESOLUTION 18-118** **BUDGET MODIFICATIONS**  
Offered by Tr. Guardino, seconded by Tr. Wood. Tr. Basford and Mayor Lashua - Aye.  
**Resolution to approve the following budget modifications**

Budget Modifications :

**General**

<b>Inc. 14204.1 Attorney CE</b>	<b>\$ 2,256.50</b>	<b>Dec. 12104.1 Mayor CE</b>	<b>\$ 500.00</b>
		<b>Dec. 19904.1 Contingency</b>	<b>\$ 1,000.00</b>
		<b>Dec. 85604.1 Shade Trees</b>	<b>\$ 756.50</b>
		<b>TOTAL</b>	<b>\$ 2,256.50</b>

At 7:19 pm, with no further business before the Board, the meeting was adjourned on a motion by Tr. Wood. All were in agreement.

Respectfully submitted,

Michele Smithers  
Village Clerk