

ARCHITECTURAL REVIEW BOARD

Information Packet

Sign Permit Requirement:

- ✓ No exterior or permanent interior sign, advertising display or structure, poster or device shall be erected, moved to another portion of the building, enlarged or reconstructed or relettered or redesigned without the owner first having obtained and paid for and having in force a permit (§59-25B.1).

Resolution concerning procedural requirements for creating the agenda for Architectural Review Board meetings:

Whereas, The Village of Nyack is desirous of facilitating the orderly disposition of submissions to the Architectural Review Board;

Whereas, The Village Code sets parameters for sufficiency of site plan submissions, as well as deadlines for site plan application submissions, both designed to allow the Architectural Review Board a full and fair opportunity to evaluate each site plan;

Whereas, the Architectural Review Board is seeking to insure that the Code provisions are strictly enforced, and that the public is fully aware of the Code requirements;

Therefore **Be It Resolved**, that the Nyack Building Department is hereby directed to post, and distribute with each site plan application packet, a copy of the following Village Code Sections:

- 59-41.7(C) stating the 8 day pre-meeting time limit for site plan application submissions.
- 59-41.8(A) stating minimum content requirements for site plan applications.

Be It Further Resolved, that no items shall be permitted on the monthly agenda that do not meet the minimum content requirements contained in Section 59-41.8(A), and the Building Inspector shall state whether the submission contains the required content in his zoning review of the application;

Be It Further Resolved, that applicants appearing before the Architectural Review Board having submitted an application that fails to comply with Section 59-41.8(A) do so with the understanding that the Architectural Review Board may require them to remedy the insufficiency in the application prior to considering the application;

Be It Further Resolved, that the monthly Architectural Review Board agenda shall be limited to ten (10) items.

Be It Further Resolved, that a copy of this resolution be posted in the Building Department, and distributed with each site plan application packet.

Dated: 2/16/2000

§ 59-25. Signs. [Amended 8-13-1992 by L.L. No. 12, 1992]

- A. Purpose. The purpose of this section is to control outdoor and window signs of all types and in all zoning districts by regulating size, location, quantity, quality, content and design to:
- (1) Enhance and protect Nyack's physical appearance and environment, so as to protect the village's scenic and natural beauty and to create an attractive economic, business and tourist climate.
 - (2) Encourage excellence in sign design and to provide uniform design standards.
 - (3) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents or driver confusion.
 - (4) Reduce hazards from signs on public rights-of-way.
 - (5) Increase the profitability of businesses in Nyack by encouraging residents and visitors to shop in the stores.
 - (6) Replace or remove nonconforming signs that do not meet the requirements of this section.
 - (7) Promote the health, safety and welfare of the residents of the Village of Nyack.
- B. Permit required.
- (1) No exterior or interior sign, advertising display or structure, poster or device shall be erected, moved to another portion of the building, enlarged or reconstructed or relettered or redesigned without the owner first having obtained and paid for and having in force a permit therefor from the Building Inspector.
 - (2) The following two operations shall not be considered creating a new sign and therefore shall not require a sign permit:
 - (a) Replacing copy. The changing of the advertising or message on an approved sign which is specifically designed for the use of temporary replaceable copy (i.e., a movie marquee or bulletin board).
 - (b) Maintenance. Painting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made or there is a change in the graphic presentation on the face of a sign.
- C. Application for permit; issuance.
- (1) Application for a sign permit shall be made on a form provided by the Building Inspector,

which application shall include:

- (a) The name, address and telephone number of the applicant.
 - (b) The name, address, telephone number and insurance coverage of the sign maker.
 - (c) The location of the building, structure or land to which or upon which the sign is to be erected.
 - (d) A color photo of the building upon which the sign is to be erected.
 - (e) The size of the sign.
 - (f) A rendering drawn to scale and supporting information indicating the location of the sign, the colors, size and types of lettering or other graphic representation and materials to be used, electrical or other mechanical equipment and details of its attachment and hanging. Samples of materials should accompany the application, where required by the Building Inspector. All structural components, anchorages and attachments shall be certified by an engineer licensed in the State of New York. This requirement is mandatory for signs hanging perpendicular to a building; the Building Inspector shall determine whether such a certification must be provided in other instances.
 - (g) The written consent of the owner of the property upon which such sign or signs is or are to be erected and maintained. In addition, such sign application shall be accompanied by a fee in accordance with a fee schedule established by the Board of Trustees of the Village of Nyack.
 - (h) Such other pertinent information as the Building Inspector may require to ensure compliance with this section.
- (2) Following formal submission to the Building Inspector, he/she shall refer all applications for signs to the Architectural Review Board. The Architectural Review Board shall approve, disapprove or approve with conditions within 60 days of receipt of the application, except where a sign application is part of a site plan or special permit application, in which case the sign shall be reviewed as part of that application. [Amended 2-17-2000 by L.L. No. 1-2000]
 - (3) The Building Inspector shall issue a permit for a sign within five calendar days of receipt of the Architectural Review Board's decision, subject to payment of any outstanding permit fee(s) and delivery to the Building Inspector of an insurance certificate, in a form and amount acceptable to the Building Inspector, naming the village as an additional insured under the permit owner's comprehensive general liability coverage. Such certificate shall provide that the insurance cannot be canceled without 30 days' prior notice to the Village of Nyack Building Inspector. The permit shall be conditioned upon

the permit owner keeping such insurance in effect. [Amended 2-17-2000 by L.L. No. 1-2000]

- D. Permitted signs in residential districts. The following signs are permitted in the R-1A, R-1B, R-1, R-2, R-3, R-4, R-O, H and HM-R Districts, provided that they are accessory to a principal use on the premises:
- (1) One nonilluminated nameplate or professional sign with an area of not over two square feet.
 - (2) One temporary nonilluminated sign advertising the sale or rental of the premises on which such sign is situated, with an area of not over four square feet, provided that such sign is located on the front wall of the building or, if freestanding, then not nearer than 20 feet to any street line and 15 feet to any property line.
 - (3) One indirectly illuminated bulletin board or other announcement sign for civic, educational or religious institutions, with an area of not over 12 square feet, provided that such sign is located not nearer than 20 feet to any street or property line or is attached to the building if closer.
- E. Permitted signs in nonresidential districts. The following signs are permitted in the C-1, C-1A, C-2, RM, D-D, C-3 and M Districts, provided that they are accessory to a principal use on the premises:
- (1) Not more than two identification signs for each tenant on the premises on each wall fronting on a street, provided that:
 - (a) One sign may be erected parallel to the face of the building. The area, in square feet, shall not be greater than two times $\frac{2}{3}$ the width, in feet, of the store front or commercial establishment to which the sign refers. No part of such sign, including any illuminating devices, shall project more than 12 inches beyond the rest of the wall to which the sign is applied nor any distance beyond or above the building in any other direction.
 - (b) In addition, one sign may be erected perpendicular to the building or street. The following limitations shall apply:
 - [1] The sign may protrude up to 42 inches from the plane of the building but not closer than two feet to the curbline for buildings less than 15 feet in width; for buildings greater than 15 feet in width, the sign may protrude up to five feet from the plane of the building but not closer than two feet to the curbline.
 - [2] The bracket(s) supporting the sign shall be no more than four feet in length on a side.

- [3] The bottom of the sign or the protruding portion of the bottom bracket shall be at least 10 feet above the sidewalk or pavement immediately beneath the sign.
 - [4] The size of the sign shall not exceed 15 square feet per face. Only two faces are permitted.
- (c) If a new store or commercial establishment opening after August 1, 1992, erects both a parallel sign and a perpendicular sign, the area of the parallel sign shall be limited to two times 1/2 the width, in feet, of the store front or commercial establishment to which the sign refers. If a store or commercial establishment in existence as of August 1, 1992, changes an existing parallel sign after that date, either by replacing the existing sign or changing the graphic presentation of the existing sign, the area limitations contained in this subsection shall also apply.
- (d) Such sign or signs shall be placed so as not to obliterate, conceal or destroy architectural and decorative trim and cornices immediately above first-floor storefronts or on above stories, including at parapets and rooflines, or signs of adjacent buildings or views.
- (2) Freestanding signs. Where the building is set back from the front lot line a distance of 25 feet or more, not more than one freestanding sign, with an area of not more than 20 square feet per face, may be erected not nearer than six feet to any building. No such freestanding signs shall encroach on any required yard, except in a motor vehicle service station, and not more than one standard sign may be erected in a required yard for purposes of identification. Any building availing itself of a freestanding sign may not erect a perpendicular sign as provided under Subsection E(1)(b) above. [Amended 11-18-1993 by L.L. No. 16-1993]
- (3) The content of signs under Subsection E(1) and (2) shall be limited to the name of the business, product sold or service provided by and logo of the principal use of the premises.
- (4) Directional signs necessary for proper traffic flow and safety. All directional signs shall be subject to approval by the Architectural Review Board, which shall have discretion over the placement and number of signs permitted on the premises, bearing in mind the village's stated policy favoring reduction in the number of distracting signs. The area of each such sign shall not exceed two square feet. [Amended 2-17-2000 by L.L. No. 1-2000]
- (5) Marquees. A marquee for a theater or public building may be allowed but only subject to a special permit by the Zoning Board of Appeals, which permit may be revocable at will.
- (6) Gas stations shall be allowed two signs on a freestanding pole with gas pricing information only allowed on the second sign as an exception to Subsection E(2) and (3).

However, the area of signage of the price sign may be 22 square feet per face to accommodate the pricing information. All other requirements of Subsection E(2) and (3) shall apply. [Added 11-18-1993 by L.L. No. 16-1993]

- F. The following may be permitted by special permit of the Zoning Board of Appeals:
- (1) The outlining by direct illumination of all or any part of a building such as a gable, roof, side, wall, corner or sign.
 - (2) Direct illumination, provided that:
 - (a) No glare or annoying reflection is visible on adjoining residential property or from the public street or highway;
 - (b) The light source shall be constant in intensity, without any flashing, intermittent, rotating or moving light or lights; and
 - (c) The illumination will not create any traffic hazard or distraction for motor vehicle drivers or pedestrians.
- G. Banners. Banners may be permitted in C-1, C-2, RM, C-3, and D-D Districts in accordance with the following requirements:
- (1) Banner design and colors, letter style and colors, location on building and distance between banners must be approved by the Planning Board prior to fabrication or installation.
 - (2) The area of the banner(s) may not exceed the equivalent of 50% of the permitted signage.
 - (3) The bottom edge of a banner must be at least 10 feet above the elevation of the sidewalk and a distance of not less than two feet from the curbline.
 - (4) Banner letter dimensions may not exceed one foot in height and one foot in width.
 - (5) All banner materials, supports and hardware shall be specified and approved by the Building Inspector prior to installation.
 - (6) Owners of banners are to maintain banners and banner supports in good condition.
 - (7) A separate banner permit fee shall be the same as, but in addition to, fees for signs.
- H. Awning signs. A sign may not be suspended from or attached to an awning. Signs may be painted on or made a part of an awning. Such signs painted on an awning shall be computed in the allowable sign area, except for painted signs on awning valances solely identifying the store name with a letter size not exceeding six inches in height. Signs painted on the awning at a date later than the original erection of the awning shall be subject to approval of the

Architectural Review Board. [Amended 2-17-2000 by I. I. No. 1-2000]

- I. Permanent interior signs on upper floors. Such interior sign may not cover more than 30% of the window area.
- J. Permanent interior signs on ground floor level. In no instance may a permanent interior sign cover more than 15% of the aggregate storefront window area. This limit applies to neon signs.
- K. Temporary signs. The following regulations shall apply to temporary signs
 - (1) The Building Inspector may grant special permission for the installation and maintenance of a temporary sign or signs for a period not to exceed 21 days
 - (2) No signs other than signs placed by agencies of the government shall be erected on any public property or public right-of-way unless consent is first obtained from the Village Board of Trustees. No sign shall be placed on any private property without the consent of the owner thereof. No sign shall be placed or painted on any tree or rock. No sign shall be placed on any utility pole except for utility identification or similar purposes.
 - (3) Contractor signs. One contractor sign per frontage, with a maximum size of four square feet per side, with a maximum of two sides, shall be permitted, provided that such signs are located at ground floor level and shall be erected no more than five days prior to the beginning of construction for which a valid permit has been issued and shall be removed within five days after completion of the project or expiration of the permit, whichever comes first. The sign must include the proper name of the contractor and must list the telephone number of the contractor and of the Building Inspector for complaints.
 - (4) A temporary sign announcing the anticipated occupancy of a site or building may be permitted for a period not to exceed three months without the Building Inspector's approval. Such sign shall not exceed 24 square feet if it is affixed to a building or wall and not more than 40% of the window area if an interior sign.
 - (5) Special event, holiday signs and announcement signs may be permitted in C-1, C-1A, C-2, C-3, RM, D-D and M Districts without the Building Inspector's approval for a period not to exceed 15 days. These signs may be placed in the window only and may not cover more than 15% of the window area.
 - (6) Real estate sale or rental signs may be permitted as long as the size of such signs does not exceed a maximum of 10 square feet and no more than one sign per tenancy per frontage at ground level. Such signs shall be subject to permit renewal at six-month intervals.
- L. Unsafe signs.
 - (1) The owner of a sign and the owner of the premises on which such sign is located shall be

jointly liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

- (2) If the Building Inspector shall find that any sign regulated herein is unsafe, insecure, damaged, deteriorated or a menace to the public or has been erected in violation of the provisions of this section, he shall give written notice to the sign owner or the owner of the premises on which such sign is located. Said sign and all appurtenances shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 30 days after written notification from the Building Inspector.
- (3) If, in the determination of the Building Inspector, a sign is an immediate peril to persons or property, he may cause such sign to be removed summarily and without notice and the expense of said removal, when certified by said Building Inspector to the Village Board, shall be paid by the village and such amount shall thereupon be and become a lien upon the premises in question and shall be levied and collected in the same manner and under the same penalties as an assessment for a public improvement.

M. Prohibited signs. The following types of signs or artificial lighting are prohibited:

- (1) Billboards.
- (2) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (3) Internally illuminated (including neon) signs located on the exterior of buildings.
- (4) Signs that compete for attention with or may be mistaken for a traffic signal.
- (5) Outdoor signs made of impermanent materials, such as paper or cardboard, subject to special permission from the Building Inspector.
- (6) Sandwich board signs, as defined in § 59-44 hereof. [Added 6-27-1996 by L.L. No. 5, 1996]

N. Nonconforming sign.

- (1) A nonconforming sign erected prior to December 25, 1985, may remain but only if it is not enlarged and the graphic presentation on the face of such sign as of December 25, 1985, is not changed or altered.
- (2) The maintenance of such nonconforming signs may be permitted, but any sign once removed for purposes other than maintenance shall be deemed permanently removed and may be replaced only in accordance with the provisions of this section.

- O. Multiple occupancy overall sign plan. When there are two or more occupants of a premises, such as a shopping center or strip mall, an overall plan for signage shall be required prior to installation or replacement of any individual sign. The overall plan shall satisfy all requirements and guidelines of this section. Individual signs shall be the same with regard to materials and color, but letter size and style may vary.
- P. Noncommercial copy. Any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy.
- Q. Penalties for offenses. Any person or persons violating any provision of this section shall be subject to a penalty not exceeding the sum of \$250 for each violation, and each day that a sign or light is maintained in violation hereof shall be deemed a separate violation hereof, and, in addition, any violation hereof shall constitute disorderly conduct and the person violating the same shall be a disorderly person.