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TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

To: The Honorable Town Board

From: John J. Fenz, Esq.
Town Attorney

Date: February 23, 2017

Re: Agreement with Steinmetz Planning Group
Update West Seneca Sign Regulations

Kindly authorize the Supervisor to execute the necessary documents to enter an agreement with Steinmetz Planning Group, which incorporates the terms of the attached proposal for professional services, dated December 12, 2016. This Agreement shall be subject to legal review.

The Proposal sets forth a scope of work which Steinmetz Planning Group would perform services to derive near, mid and long term strategies to address and remedy limitations of those sections of the Town Code which pertain to sign regulations.

The scope of work shall be completed in an amount not to exceed \$9,750.00.

STEINMETZ PLANNING GROUP

1100 UNIVERSITY AVE, STE 303
ROCHESTER, NY 14607

350 MAIN STREET, STE 1709
BUFFALO, NY 14202

December 12, 2016

Mr. Eugene Hart, Councilman
Town of West Seneca
1250 Union Road
West Seneca, NY 14224

Councilman Hart:

As requested at our November 23, 2016, lunch meeting, I am pleased to submit to you a proposal on the behalf of **Steinmetz Planning Group (SPG)** for the review and update of the Town of West Seneca's Sign Regulations (Chapter 120, Article IIIA). The purpose of this letter is to provide a brief overview of our proposed scope, timeline, and fee. We welcome additional negotiation and guidance from your office, if necessary, to ensure SPG captures the best project approach to suit your needs.

TOWN OF WEST SENECA – CHAPTER 120, ARTICLE IIIA PRELIMINARY ASSESSMENT

Our initial review of the Town's Sign Regulations has provided us with a preliminary assessment of the current regulatory approach, provisions that may be retained, and those that may be found unconstitutional in a court of law. It is our understanding that the Town is looking for assistance in reviewing and revising the current language to better reflect the vision of the Town, improve legality and enforceability, and present requirements in a simple, organized format. The following is a brief summary of our initial recommendations to improve the Sign Regulations of the Town of West Seneca.

- ✦ Update sign definitions to include diverse range of sign elements (face, supports, etc.) and types (wall sign, awning sign, etc.).
- ✦ Dictate clear, concise sign permit application requirements, review procedures, and appeals. Currently reference both the Zoning Officer and Building Inspector as administrators of the sign regulations.
- ✦ Remove content-based language as appropriate to conform with US First Amendment rights to free speech and recent US Supreme Court decisions on local sign regulations (Example of Existing Code Section: 120-40.2 A – Permitted Sign Copy. A sign **may contain only the name and/or nature** of the primary goods sold or the services rendered on the premises.)
- ✦ Reconcile existing Town requirements permitting signs by use and district to a more defensible approach with supportive language outlining the purpose and intent of the regulations, as well as the compelling governmental interest that the Town seeks to protect and enhance. (e.g. traffic safety, commercial corridor aesthetics).
- ✦ Determine appropriate sign design criteria based on varying character areas and/or districts, such as the Union Road Corridor. This language should consider, but is not limited to, specific sign types permitted (pole signs, digital signs, etc.), maximum sign height and area requirements, preferred

illumination techniques, placement of signage on sites or buildings, and the total permitted number of signs per lot and/or use.

- ✦ Support the right of stakeholders to utilize noncommercial signage for freedom of expression, while ensuring that the size, location, and design of signage is consistent with the Town’s goals.
- ✦ Review and update existing off-premise (billboard) sign regulations to reflect current community values, as well as state regulations near highways/interchanges.
- ✦ Include design language that helps to achieve the applicable policies and objectives of the Town’s 2016 Comprehensive Plan Update, including, but not limited to:
 - **Community Identity & Livability, Objective B:** Improve the site design and aesthetics of our shopping and business districts to create inviting environments and more predictability for new investment.
 - **Community Development Strategy, Action Item 3:** Identify, brand, and enhance the primary gateways into the Town.

PROJECT APPROACH

The proposed effort may be completed in three (3) to six (6) months, depending on the length of review periods. This timeframe includes one (1) public hearing, and up to three (3) Steering Committee meetings. Descriptions of the proposed tasks and associated deliverables are provided in the table below.

DELIVERABLES & SCOPE OF WORK

Task	Description	Deliverable(s)
Project Kick-Off (SC Meeting #1)	The SC and SPG will determine the project goals and expectations and review the prepared Sign Code Assessment for the Town. SPG will also conduct a brief Sign Regulation Primer as described below.	<ul style="list-style-type: none"> • Sign Code Assessment • Goals & Expectations
Sign Regulation Primer	SPG will conduct a comprehensive training session for Town staff and decision-makers on the do’s and don’ts of sign regulation.	<ul style="list-style-type: none"> • Training Presentation
SC Meeting #2	SPG will provide the SC with the Draft Sign Code for review and comment. A mapping exercise may also be conducted to determine character preferences by district.	<ul style="list-style-type: none"> • Draft Sign Code • Sign Design Preferences
SC Meeting #3	SPG will provide the SC with the revised Draft Sign Code for review. The Draft Sign Code will be edited to reflect any necessary changes.	<ul style="list-style-type: none"> • Revised Draft Sign Code
Public Hearing	SPG will present the Draft Sign Code to the appropriate reviewing bodies as necessary. An informational guide may also be provided to the public in attendance for ease of reference.	<ul style="list-style-type: none"> • Informational Materials • Public Hearing Presentation
Code Adoption	SPG will provide a final draft of the Sign Code to the Town for adoption.	<ul style="list-style-type: none"> • Final Sign Code

It is our recommendation that the Steering Committee used to oversee and guide the Town-wide Design Standards project be utilized to oversee this update process as well.

NOT-TO-EXCEED FEE

Based on the timeline, scope of work, and meetings included in this proposal letter, we have estimated the budget for this project as a not-to-exceed fee of \$9,750. If it is determined that a change in the number of SC meetings or scope is desired, the fee may be adjusted accordingly.

Thank you again for considering SPG to assist the Town of West Seneca with this effort. Should you have any questions or would like a full set of our qualifications; please do not hesitate to contact me directly.

Respectfully submitted,



John Steinmetz, AICP

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