

Special Meeting
August 16, 2023

A special meeting of the Town Board of the Town of Homer held in the Town Hall Senior Center to discuss was called to order by Supervisor Frederick J. Forbes, Sr., at 6:30 p.m.

PRESENT

Frederick J. Forbes, Sr., Supervisor
Larry R. Jones, Councilmember
Michael R. Park, Councilmember
Barry E. Warren, Councilmember
Kevin M. Williams, Councilmember
Patrick M. Snyder, Attorney for the Town
Heather M. Hill, Town Clerk
Brooke L. Poli, Deputy Clerk

OTHERS PRESENT

Boyd and Debra Chapman, Homer residents
Katrina Allen, Homer resident
Brenda Contento, Preble resident
Mike Brady, Homer resident
Steve Major, Preble resident
Jack Eves, X101 Radio Station
Tim Malchalk, Homer resident
Martin Sweeney, Town Historian
Cathy and Gary Lawrence, Homer resident
Jim Averon, Preble
Paul Morris, Homer resident
Rae Cute, Homer resident
Bob Haight, Chamber of Commerce
Drek Wagner, Homer resident
Victor and Ann Siegle, Homer resident
Patrick Clune, Trustee, Village of Homer
Pat Lascari, Homer resident
Lindy Vangeli, Homer
Margaret Mellott, Cortland Standard
Don Ferris, Homer resident
Jennifer Clune, Homer resident
Caleb Leach, Homer resident
Emmanuel Pothos, Cortlandville resident

PLEDGE

MINUTES

On motion by Deputy Supervisor Park, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: The minutes of the August 2nd, 2023, meeting were approved as presented.**

Supervisor Forbes asked the Town Board members if anyone wanted to make a motion to discontinue the discussion of billboards.

Councilmember Jones motioned to discontinue the consideration of billboards. Supervisor Forbes asked if there was a second. Forbes asked one more time if there was a second. As there was not a second, the motion failed.

Attorney Snyder described three potential options for the Town of Homer to review and discuss concerning billboards and the steps to complete each option presented.

The first option would be to create a Floating Zone (Overlay District) Local Law. Attorney Snyder explained a Floating Zone creates an opportunity for certain types of land use not to identify a specific area where it would be allowed. It would allow the town to set limitations and conditions such as the size of the billboards and/or distance and lighting restrictions. The second part of that process would be a separate local law to identify where the floating zone would be permitted.

One of the purposes behind a Floating Zone is so other areas can be approved in the future in a particular type of land use and in this case, for billboards. Snyder stated there would be many steps in approving a local law.

Attorney Snyder said before a local law is adopted there are procedures that must be followed. The wording of the local law must be submitted to the County Planning Department for the General Municipal Law Review. The local law would then be reviewed under the State Environmental Quality Review Act and the Environmental Assessment Form must be completed. Then, if the lead agency determines it to have a significant effect on the environment, then an Environmental Impact Statement is needed. After that process is completed, a public hearing would need to be held before any local law is adopted.

Attorney Snyder stated that the Floating Zone or an Overlay District affects the area that is approved for that zone and changes the zoning requirements in the Floating Zone Law. The basic criteria of the original zoning would still apply unless it is superseded by the new Floating Zone Law.

The second option, Attorney Snyder explained that the Town Board could amend the existing Zoning Law to allow for off premise signs in certain areas. You would have to specify criteria that must be met such as size, height, spacing, lighting, setbacks, or any other criteria you should decide to include.

Supervisor Forbes asked if any Town Board members would like to make a motion concerning any of the options Attorney Snyder presented. Councilmember Williams and Councilmember Warren stated they needed more time to review the options that were presented, and Councilmember Jones stated he did not require more time.

Supervisor Forbes said he would like to make the following public statement:

Having now 16 plus months to research, consider the effects on the business community and the effects on the people of the Town of Homer, which includes the Village of Homer, I have come to this present position. There are already in Cortland County in the Town of Preble two billboards in the north bound lane that appear to be within the railroad ROW, quite far from the highway. There are in the Village of Homer (Town of Cortlandville) two billboards, one in the south bound lane and one facing the north bound lane that have been there for many years. There used to be another that was visible from Interstate 81 in the Village of Homer that was in a farm field on the hill to the southeast, which is no longer there, in the Town of Cortlandville. In the City of Cortland, there are three billboards, one can be seen from the southbound lane and two in the shopping center by McDonalds, that can be seen from both directions. In the town of Cortlandville, there are two big billboards that face both directions between Exit 11 and Exit 10 and another south of Exit 10 that is visible going south. In Virgil, there are no billboards. In Marathon, there is one billboard which is visible from northbound lane that appears to be at least ¼ of a mile away on the hillside. Considering that in the City of Cortland on Tompkins Street and the Town of Cortlandville on Route 281 there are billboards on the railroad ROW that have already been converted from static to electronic. Both are less than 300 feet from houses and motels. I believe that at least five of the billboards (two in the city, two in Cortlandville, and one in the Village of Homer (Town of Cortlandville) will be, in the near future, be converted to electronic. I also believe that by turning those five into electronic, that it will triple the number of potential advertisers. I do not believe that a 14 x 48 billboard is required to get a message across in all cases. The State DOT is putting up electronic signs for Amber alerts and storm warnings and accident notifications, where the message is made clear on a much smaller scale. I believe that it is the responsibility of the Town Board to consider all ramifications of this decision, including how it fits into the community, business interests, and potential content on the billboards and property rights issues. Having considered all the different interests, and keeping to my already stated concerns, I will support only one billboard in the northbound lane of no more than a 10 x 30-foot and one billboard in the southbound lane of 10 x 30 foot or less. I feel by keeping down the costs, this will make local advertising more affordable and not used by large corporations. All of that being said, if the content cannot be controlled, I am not in favor of any billboards.

Supervisor Forbes stated his hope is to design something that would suit and fit the community and still serve the advertising needs of the businesses they have a chance to represent.

Supervisor Forbes asked if any other Town Board members would like to state their position.

Councilmember Williams stated he would like to review his second version of his proposed Draft Law of an I-81 Billboard Overlay District he compiled. He said that he incorporated into the draft law a pros and cons list and would like to discuss it further with the Town Board members.

Williams reviewed his Statement of Intent and Purpose and all the various points in his draft. One of the first points he said is to establish standards for the regulation of an Interstate-81 Billboard Overlay District in the Town of Homer. Williams said he is not looking for billboards on Route 13 or Route 11 but only billboards along Interstate-81.

He also stated that there are five Cortland County Exits and having a billboard overlay district would be a significant marketing source for increased commerce through the county. He reviewed other items that stated billboards are different in scope and purpose from other types of signage and are significantly larger in size than other types of signage allowed in the town.

Councilmember Williams listed various local businesses that already utilize billboards in adjacent areas to advertise locally and allowing billboards in Homer would have a positive impact on the local businesses.

He stated the town would need to evaluate and consider the potential light pollution of the proposed signs and establish regulations. The signs could potentially have financial impact to showcase all that the Town of Homer and other areas in Cortland County have to offer and possibly increase sales tax proceeds or reduce the tax burden to the residents of Homer.

Additionally, Williams articulated that there were billboards located 1/8 of a mile from either the town border North and South that are currently being utilized and the repetition of seeing the advertisements, he believes, would be beneficial to the area.

Williams referenced a survey of 300 residents the Village of Homer DRI Committee had completed and discussed percentages of supporting and growing businesses and preserving and rehabilitating historic buildings. He also stated that most of the revenue for the Town of Homer's annual budget comes from sales tax revenue.

He referred to New York State implementing rules under title 17 NYCRR, under section 150, which limits the ability to permit signs to specific locations approved in 1959 and additionally, work with property owners concerning rights to restrict any type of advertising and put protections in place.

Supervisor Forbes wanted to add to Councilmember William's original proposed draft law allowed three billboards per mile and some of the proposed billboards are more than a mile apart and wanted to clarify there would not be that many spots available for billboards.

Councilmember Williams reviewed his list of resources with the Town Board and stated he is advocating static signs with certain mechanics. He talked about different heights and visibility of the signs that could be decided.

Supervisor Forbes added the IDA allowed the signs on the railroad to go from static to digital and therefore if the law was passed correctly, the railroad tracks in the Town of Homer could be eligible, which would allow the IDA to control what was advertised on the signs.

Supervisor Forbes stated that it has been a year for the Town Board researching and gathering information concerning billboards, along with meetings to discuss the proposed billboards. This has the potential to create division within the community and the state still has the right to not approve this despite the work the town officials have put forward.

Attorney Snyder said the Town Board needs to come to a consensus as to what direction they would like to go and how they would like to proceed. Once he understands what direction they decide to take, he will assist the Town Board as best as he can to compose a proposed local law.

Attorney Snyder stated the town of Dryden has recently established their Billboard Overlay District and said they have helpful information on their website for the Town Board to review. His recommendation is to identify the areas that would be applicable to the town's zoning law and apply that to the overlay. Snyder's other observation is for the town to decide on the locations and properties and identify specific areas for the overlay to assist the town from confusion in the future.

Councilmember Jones said it seems as though the Town Board is trying to make this fit into the Town and Village of Homer and suggested placing it on the ballot for the residents to vote on in November. Attorney Snyder clarified you cannot put zoning issues up for a vote at a referendum as the state has certain laws in place.

After much discussion, the Town Board decided to hold a special meeting on September 20th to further discuss what direction the board would like to pursue regarding billboards.

As there was no further business, the meeting was adjourned at 7:46 p.m.

Brooke L. Poli
Deputy Town Clerk