

Highway Beautification Act History

On October 22, 1965, President Lyndon B. Johnson signed the Highway Beautification act into law (P.L. 89-285). This act and its subsequent amendments were to provide the necessary control of signs along the Interstate Highway system and the Primary Highway System within the States. Congress had determined that this control was necessary to protect the public investment in the highways, to promote the safety and recreational value of public travel, and to preserve the natural beauty of America's highways.

In addition, Congress recognized that controlling the proliferation of signs along the Interstate Highway System and Primary Highway System would enhance the free flow of interstate commerce. Congress also provided for the appropriation of funds to assist the states in the removal of offending signs.

Nationwide, states have entered into agreements with the U.S. Secretary of Transportation to pass legislation and develop rules and regulations controlling the erection and maintenance of signs along specific highways. The New York State Agreement for Carrying out National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-aid Primary System was made and entered into on May 13, 1968.

Congress and the New York State Legislature understood that the traveling public and businesses required some method of providing directional and commercial information that was consistent with the need to control the proliferation of signs along the Interstate and Primary Highway Systems. The Federal legislation provided a 10% penalty in Federal highway funding to States not developing or enforcing rules and regulations controlling roadside signage on the Interstate and Primary Systems.

Federal Law (23 USC 131) governs the highway program throughout the country. In New York State, Sections 52, 86 and 88 of the Highway Law provide for the control of outdoor advertising and are the basis for the rules and regulations governing the program. There are also federal regulations specific to this program found in 23 CFR 750. New York State's implementation of the Rules and Regulations governing the Sign Program are found in Title 17 NYCRR Part 150.

With the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, the primary system was further defined to include highways which are on the National Highway System [23 USC 131(t)] and control of outdoor advertising was extended to scenic byways with the addition of subsection (s) to Section 131 of Title 23 of the United States Code.

LOCAL TOWN OF HOMER ZONING LAW

- Zoning Law Section 1306
- Requesting that the Town of Homer allow Off Premise Advertising (billboards) to be developed on lands within the Town. Locations to be identified within.

SUBCHAPTER C

Highway Use and Maintenance

PART

- 150** Advertising Signs Adjacent to the Interstate and Primary Highway Systems
- 151-153** [Reserved]
- 154** Special Hauling Permits
- 155** Traffic Regulations on Restricted Highways
- 156** Use of Rest and Parking Areas and Scenic Overlooks
- 157** Control of Junkyards and Scrap Metal Processing Facilities Along the Interstate and Primary Highway Systems
- 158** Covering Loose Cargo
- 159-160** [Reserved]
- 161** Control of Dust
- 162** Duties of County and Town Superintendents Concerning Method of Construction, Improvement or Maintenance of Highways and Bridges
- 163** Prohibited Activities
- 164** Traffic Regulations in Highway Work Area
- 165** Uniform Code of Bridge Inspection
- 166** [Reserved]
- 167** Private Bridge Inventory

PART 150

ADVERTISING SIGNS ADJACENT TO THE INTERSTATE AND PRIMARY HIGHWAY SYSTEMS

(Statutory authority: Highway Law, §§ 86 and 88)

Sec.

- 150.1** Definitions
- 150.2** Measurements of distance
- 150.3** Sign removal procedures—public nuisance
- 150.4** Signs prohibited
- 150.5** Signs permitted
- 150.6** Sign size restrictions
- 150.7** Sign spacing restrictions
- 150.8** Sign lighting restrictions
- 150.9** Local certification
- 150.10** Criteria for determining signs erected for the purpose of their message being read
- 150.11** Landmark sign selection criteria
- 150.12** Maintenance of nonconforming signs
- 150.13** On-premises sign criteria
- 150.14** Directional signs
- 150.15** Registration
- 150.16** Revocation of permits
- 150.17** Part not applicable
- 150.18** Directional signs permitted because of substantial economic hardship

Historical Note

Part (§§ 150.1-150.9) filed March 29, 1974; repealed, new (§§ 150.1-150.18) filed Jan. 25, 1978 eff. Jan. 25, 1978.

On Jan 24, 2022, at 10:49 AM, Johnson, Douglas R (DOT)
<Douglas.Johnson@dot.ny.gov> wrote:

Good Morning Emmanuel,

Thank you for contacting me regarding your proposed billboard installations that would be visible from I81 in the Town of Homer, Cortland County. Based on the information that you have provided, all four of the proposed locations appear to meet the criteria for an Outdoor Advertising Permit for conventional signs. Any one of the locations appears eligible for an Outdoor Advertising Permit for a CEVMS. If you are proposing more than one CEVMS at the identified locations it may not work. Please note that on controlled access highways when more than one CEVMS face is visible to a driver at the same time on either side of the highway, the signs must be spaced at least 2500 feet apart.

Please note that this is an unofficial determination based on the information that is currently available to me. If you apply for an Outdoor Advertising Permit at this location(s) I will need to verify with the Town of Homer the zoning information that you provided. Additionally, Outdoor Advertising Permit applications for CEVMS also require review by NYSDOT's Office of Traffic Safety and Mobility Group. If you would like an official determination, please submit a completed application package to my attention including the following items:

- ROW 375 Outdoor Advertising Application and Permit
- ROW 381 Local Municipality Certification form
- ROW 436 Property Owner Consent form
- ROW 380 CEVMS Rider
- Sign sketch
- Location map/sketch

If you will be applying at all four proposed locations please identify the locations on the location map/sketch with an indication that the sign faces will be a minimum of 500 feet apart.

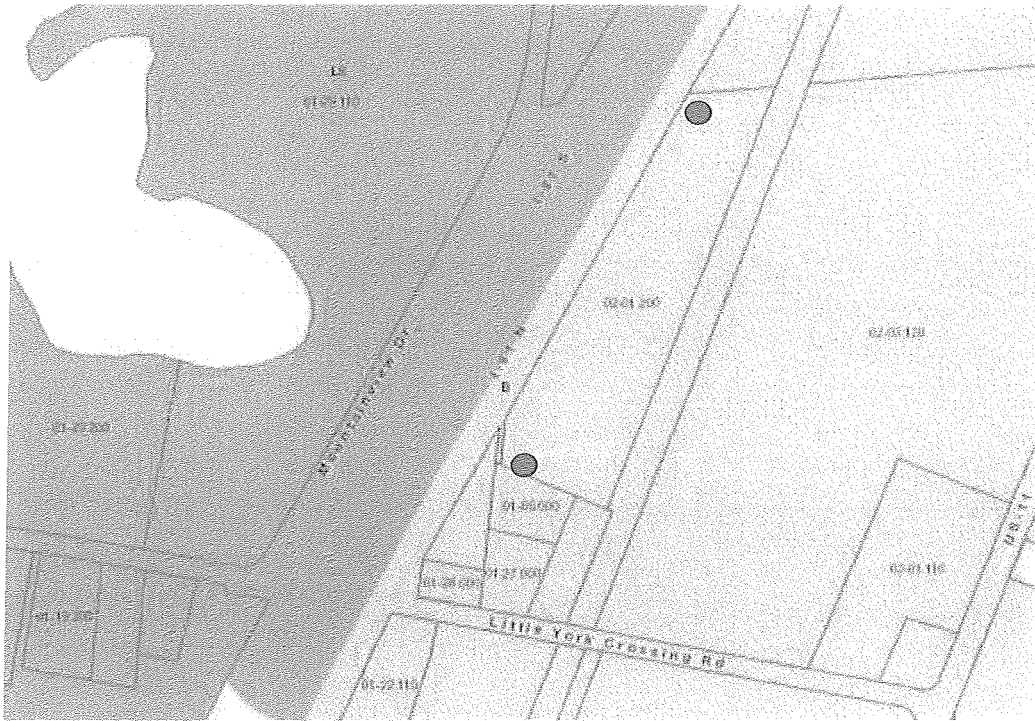
If you need any of the required application documents please let me know. If you have any questions or need any additional information please feel free to contact me. Thank you.

Doug Johnson
Real Estate Specialist I

New York State Department of Transportation, Central New York Region
Office of Right-of-Way
333 E. Washington Street, Syracuse, NY 13202
(315) 448-7334 | douglas.johnson@dot.ny.gov
www.dot.ny.gov |
www.dot.ny.gov/divisions/engineering/real-estate
<image001.jpg>



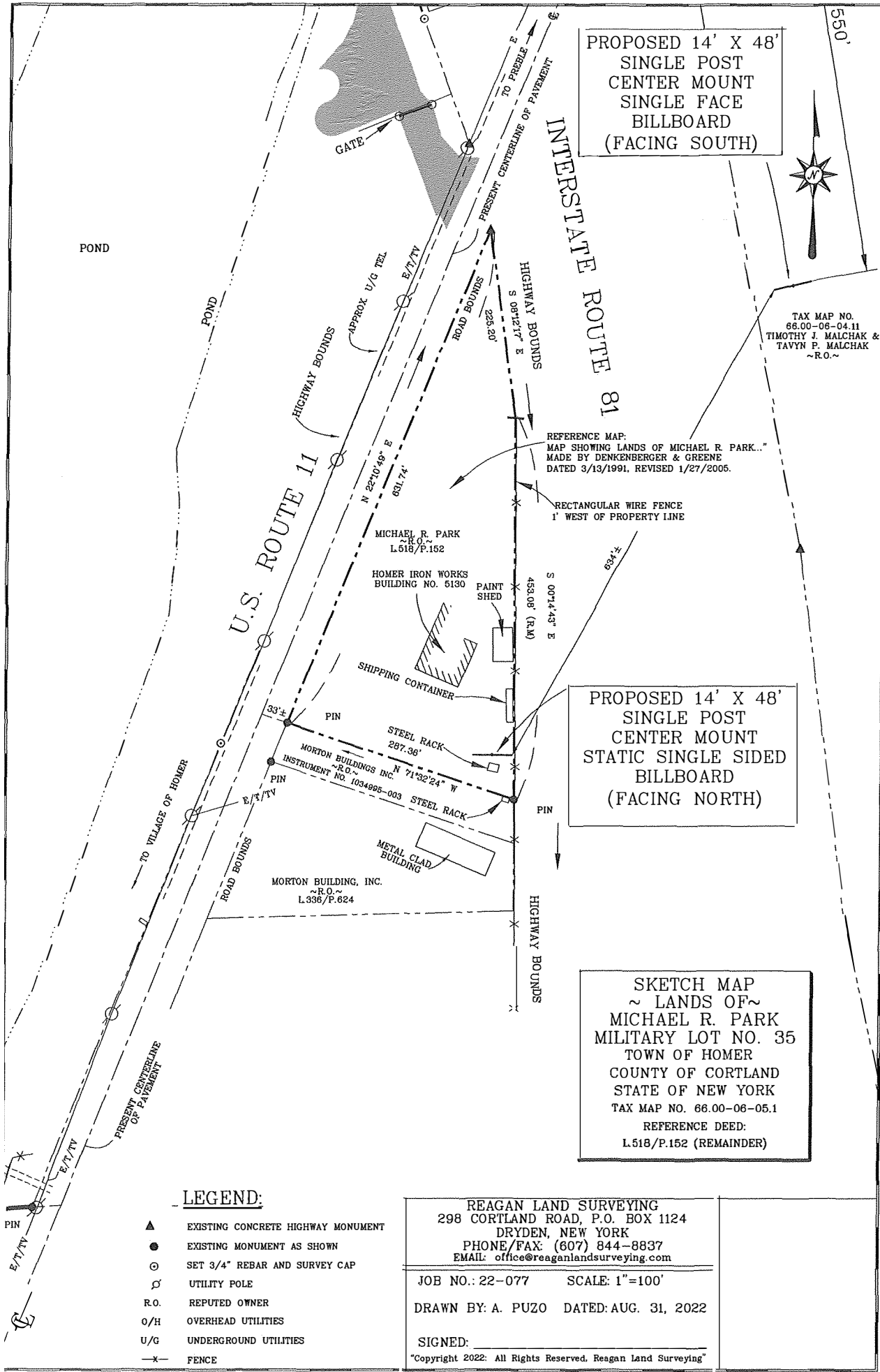
- Lands of Jason Allen. West side of I-81 (Southbound Lane)
 - 2 billboard locations
 - Orange Dots are approximate locations. (See Allen Survey Map)
 - Potential for 1 Digital billboard
- Lands of Tim Malchak. East side of I-81 (Northbound Lane)
 - 2 Billboard locations
 - Orange Dots are approximate locations. (See Malchak Survey Map)
 - Potential for 1 Digital Billboard
- Lands of Mike Park. West Side of I-81 (Southbound Lane)
 - Potential for 1 Static Billboard



3rd Location of Proposed Billboard Locations

- Little York Crossing Road. East side of I-81.
- 2 proposed Billboard locations. All East of I-81.





PROPOSED 14' X 48'
 SINGLE POST
 CENTER MOUNT
 SINGLE FACE
 BILLBOARD
 (FACING SOUTH)

PROPOSED 14' X 48'
 SINGLE POST
 CENTER MOUNT
 STATIC SINGLE SIDED
 BILLBOARD
 (FACING NORTH)

SKETCH MAP
 ~ LANDS OF ~
 MICHAEL R. PARK
 MILITARY LOT NO. 35
 TOWN OF HOMER
 COUNTY OF CORTLAND
 STATE OF NEW YORK
 TAX MAP NO. 66.00-06-05.1
 REFERENCE DEED:
 L.518/P.152 (REMAINDER)

TAX MAP NO.
 66.00-06-04.11
 TIMOTHY J. MALCHAK &
 TAVYN P. MALCHAK
 ~R.O.~

REFERENCE MAP:
 MAP SHOWING LANDS OF MICHAEL R. PARK...
 MADE BY DENKENBERGER & GREENE
 DATED 3/13/1991, REVISED 1/27/2005.

RECTANGULAR WIRE FENCE
 1' WEST OF PROPERTY LINE

LEGEND:

- ▲ EXISTING CONCRETE HIGHWAY MONUMENT
- EXISTING MONUMENT AS SHOWN
- SET 3/4" REBAR AND SURVEY CAP
- ⊕ UTILITY POLE
- R.O. REPUTED OWNER
- O/H OVERHEAD UTILITIES
- U/G UNDERGROUND UTILITIES
- x- FENCE

REAGAN LAND SURVEYING
 298 CORTLAND ROAD, P.O. BOX 1124
 DRYDEN, NEW YORK
 PHONE/FAX: (607) 844-8837
 EMAIL: office@reaganlandsurveying.com

JOB NO.: 22-077 SCALE: 1"=100'

DRAWN BY: A. PUZO DATED: AUG. 31, 2022

SIGNED: _____

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SKETCH MAP
 ~ LANDS OF ~
 NISWENDER ENTERPRISES, LLC
 BEING PART OF MILITARY LOT NOS. 6 & 7
 TOWN OF HOMER
 COUNTY OF CORTLAND
 STATE OF NEW YORK
 TAX MAP NO. 47-00-2-1-2
 REFERENCE DEED
 INSTRUMENT NO. 2000-02700 (PARCEL 14)

NOTES
 - ABSTRACT OF TITLE NOT REVIEWED
 PREMISES SURVEYED ARE SUBJECT TO
 ANY EASEMENTS, RIGHTS AND/OR
 RESTRICTIONS OF RECORD THAT AN UP
 TO DATE SEARCH MAY REVEAL.
 - UNDERGROUND UTILITIES SHOWN BY THIS
 SURVEY ARE APPROXIMATE ONLY AND
 OBTAIN BASED ON AVAILABLE EVIDENCE
 UNDERGROUND UTILITIES MUST BE FIELD
 MARKED BY OWNER TO DETERMINE THEIR
 EXISTENCE AND/OR EXACT LOCATION.

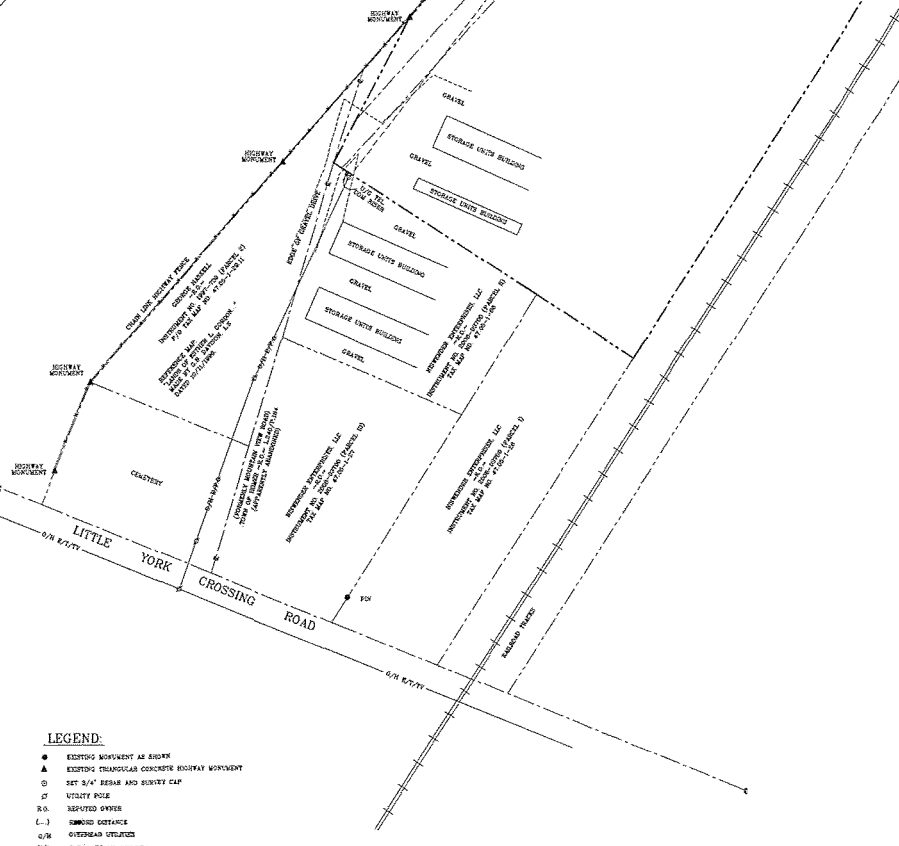
MAGNETIC NORTH * PER REFERENCE MAP



INTERSTATE ROUTE 81

PROPOSED 14' X 48'
 SINGLE POST
 CENTER MOUNT
 DOUBLE FACE
 BILLBOARD

NISWENDER ENTERPRISES, LLC
 P.O. BOX 1124
 BRVDEN, NEW YORK
 INSTRUMENT NO. 2000-02700 (PARCEL 14)
 TAX MAP NO. 47-00-2-1-2



- LEGEND:**
- EXISTING MONUMENT AS SHOWN
 - ▲ EXISTING TRIANGULAR CONCRETE HIGHWAY MONUMENT
 - SET 3/4" BEARER AND SURVEY CLIP
 - ST UTILITY POLE
 - R/S REPORTED SERVICE
 - L-1 SERVICE DISTANCE
 - O/S OVERHEAD UTILITIES
 - U/S UNDERGROUND UTILITIES
 - CHAIN LINK FENCE
 - ▭ EXISTING CURB/EDGE OF PARKING
 - BOUNDARY LINE



REAGAN LAND SURVEYING
 200 CORTLAND ROAD, P.O. BOX 1124
 BRVDEN, NEW YORK
 PHONE/FAX (607) 644-8837
 EMAIL: office@reagansurveying.com

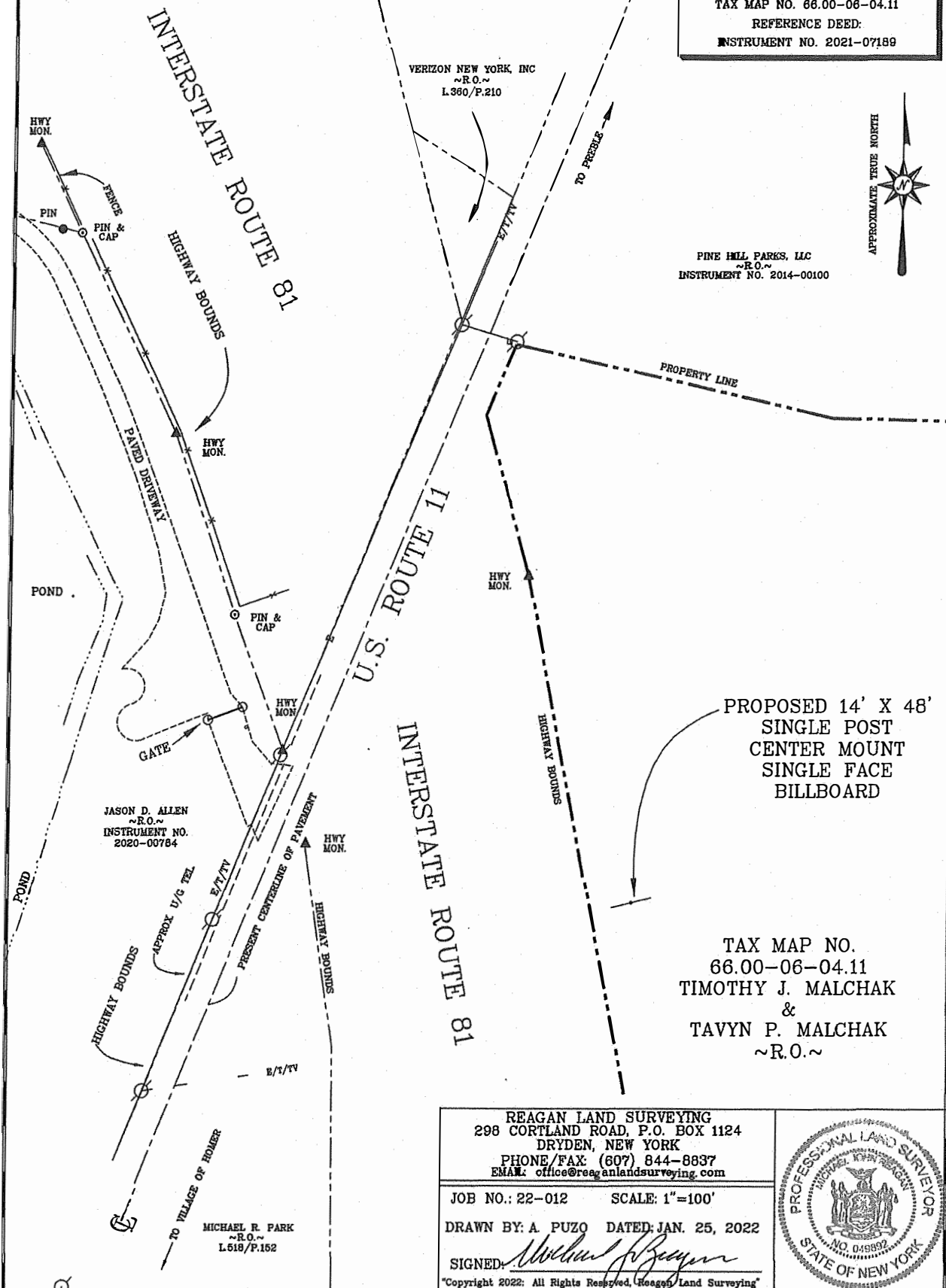
JOB NO.: 22-078 SCALE: 1"=50'
 DRAWN BY: A. FUZO DATED: SEPT. 19, 2022

SIGNED: _____
 Copyright 2022. All Rights Reserved. Please Read Surveying

LEGEND:

- ⊙ UTILTY POLE
- R.O. REPUTED OWNER
- O/H OVERHEAD UTILITIES
- U/G UNDERGROUND UTILITIES
- x- FENCE

SKETCH MAP
 ~ LANDS OF ~
 TIMOTHY J. MALCHAK &
 TAVYN P. MALCHAK
 MILITARY LOT NO. 35
 TOWN OF HOMER
 COUNTY OF CORTLAND
 STATE OF NEW YORK
 TAX MAP NO. 66.00-06-04.11
 REFERENCE DEED:
 INSTRUMENT NO. 2021-07189



PINE HILL PARKS, LLC
 ~R.O.~
 INSTRUMENT NO. 2014-00100

JASON D. ALLEN
 ~R.O.~
 INSTRUMENT NO.
 2020-00784

MICHAEL R. PARK
 ~R.O.~
 L518/P.152

PROPOSED 14' X 48'
 SINGLE POST
 CENTER MOUNT
 SINGLE FACE
 BILLBOARD

TAX MAP NO.
 66.00-06-04.11
 TIMOTHY J. MALCHAK
 &
 TAVYN P. MALCHAK
 ~R.O.~

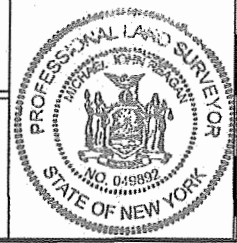
REAGAN LAND SURVEYING
 298 CORTLAND ROAD, P.O. BOX 1124
 DRYDEN, NEW YORK
 PHONE/FAX: (607) 844-8837
 EMAIL: office@reaganlandsurveying.com

JOB NO.: 22-012 SCALE: 1"=100'

DRAWN BY: A. PUZO DATED: JAN. 25, 2022

SIGNED: *Michael R. Reagan*

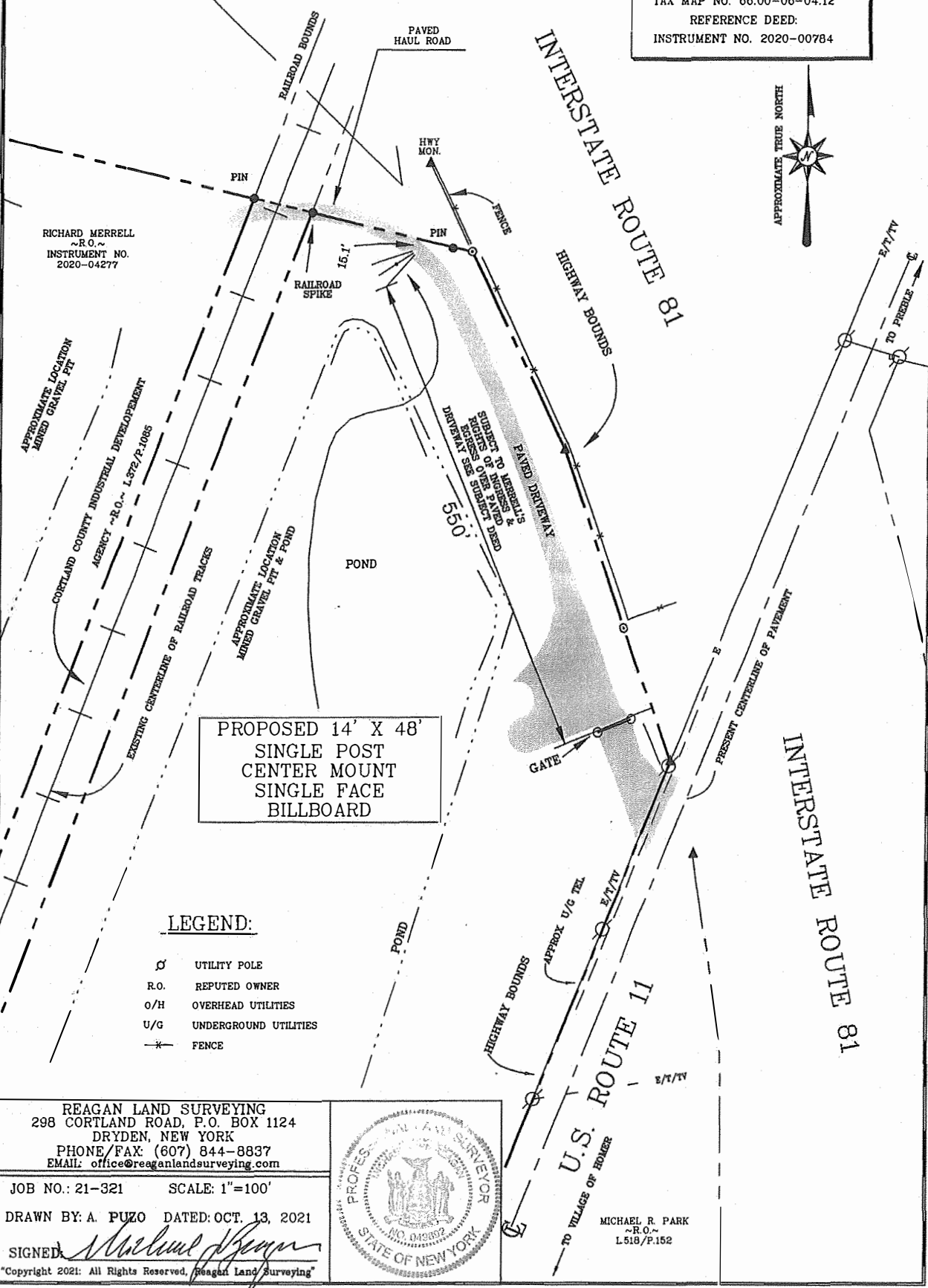
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THE PEOPLE OF THE
STATE OF NEW YORK
~R.O.~
SEE N.Y.S. D.P.W.
HIGHWAY APPROPRIATION
MAP NO. 529 R-1,
PARCEL NO. 705

SKETCH MAP
~ LANDS OF ~
JASON D. ALLEN
MILITARY LOT NO. 35
TOWN OF HOMER
COUNTY OF CORTLAND
STATE OF NEW YORK
TAX MAP NO. 66.00-06-04.12
REFERENCE DEED:
INSTRUMENT NO. 2020-00784

RICHARD MERRELL
~R.O.~
INSTRUMENT NO.
2020-04277



PROPOSED 14' X 48'
SINGLE POST
CENTER MOUNT
SINGLE FACE
BILLBOARD

LEGEND:

- ⊙ UTILITY POLE
- R.O. REPUTED OWNER
- O/H OVERHEAD UTILITIES
- U/G UNDERGROUND UTILITIES
- *- FENCE

REAGAN LAND SURVEYING
298 CORTLAND ROAD, P.O. BOX 1124
DRYDEN, NEW YORK
PHONE/FAX: (607) 844-8837
EMAIL: office@reaganlandsurveying.com

JOB NO.: 21-321 SCALE: 1"=100'
DRAWN BY: A. PUZO DATED: OCT. 13, 2021
SIGNED: *Michael R. Park*
"Copyright 2021: All Rights Reserved, Reagan Land Surveying"



MICHAEL R. PARK
~R.O.~
L518/P.152

Off Premise Advertising Project

4/18/23

Town Supervisor Forbes
31 North Main Street
Homer, NY 13077

Dear Town Supervisor Forbes:

Having started this proposal in April of last year, I wanted to write this letter to update your board on the project scope. Unfortunately, the facts of the project have been skewed and misrepresented by multiple news outlets, social media and hearsay. I would like to set the record straight. Attached, you will find 4 stamped surveys that outline the proposed off premise advertising project. Below are the highlights:

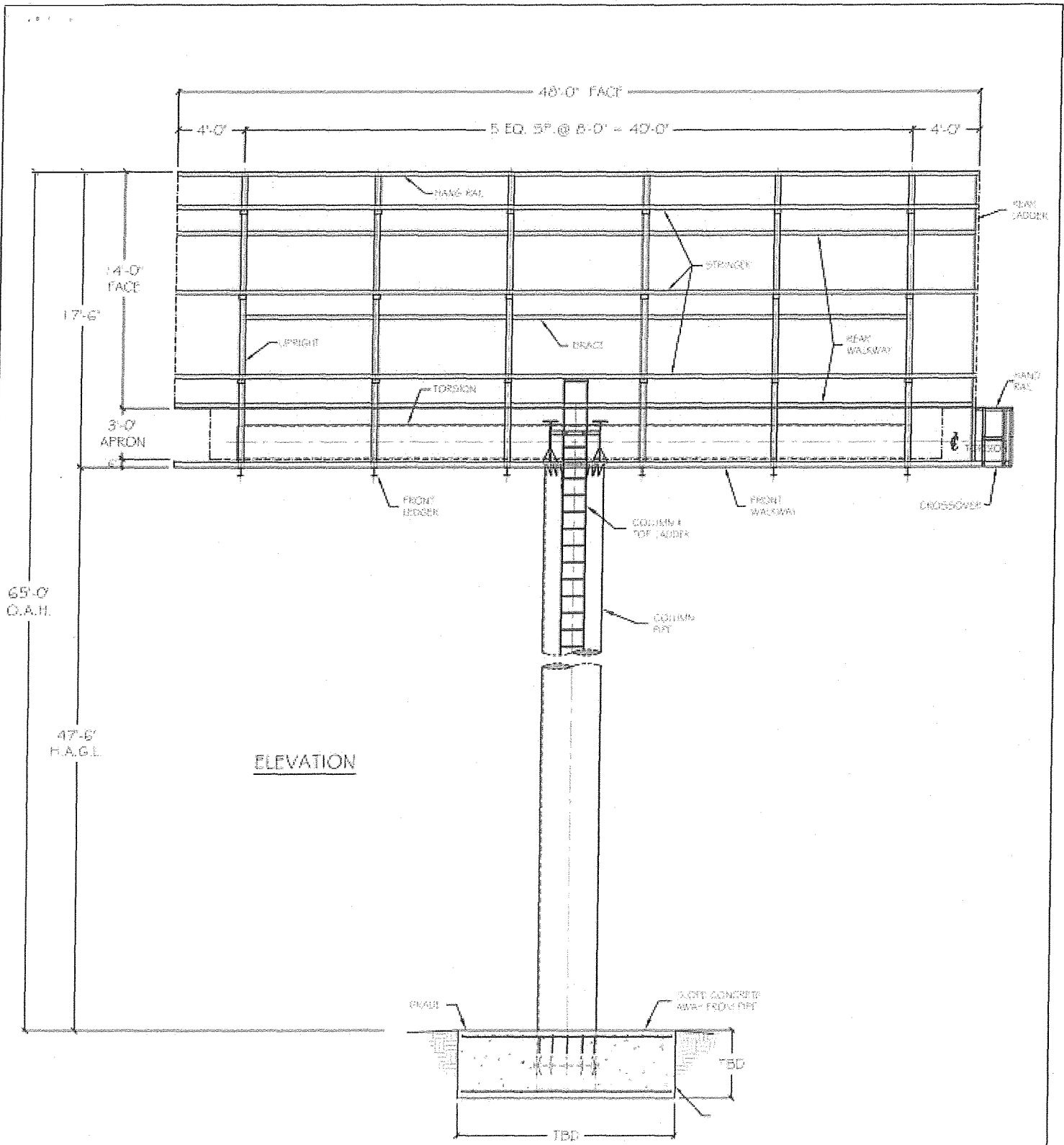
- There are a total of four (4) parcels that are being proposed to have the structures developed on.
- Each property will have **one** (1) structure/billboard. Three of the four parcels will have **single** faced billboards. The last parcel to the North has a proposed double-sided billboard.
- Two (2) parcels (66.00-06-04.120 & 66.00-06-04.110) are being proposed as Digital billboards (see attached surveys). Having the State/Federal laws being as they are, the parcel to the South (66.00-06-05.1) cannot have a digital billboard, therefore, this specific location is being proposed as a static billboard.
- The parcel to the North (47.00-2-1.2) will start out as a static double-sided billboard. If there is advertising need/demand the proposed site would change over to a digital format, which allows for more advertisers to advertise to the motoring public on both the north or south bound travel. This changeover is common in the off-premise advertising, when the steel and supporting structure is built, it is built for future digital conversion.

Should you or your board members have any questions, please do not hesitate to reach out directly to me. Thank you for your time and attention.

Sincerely,



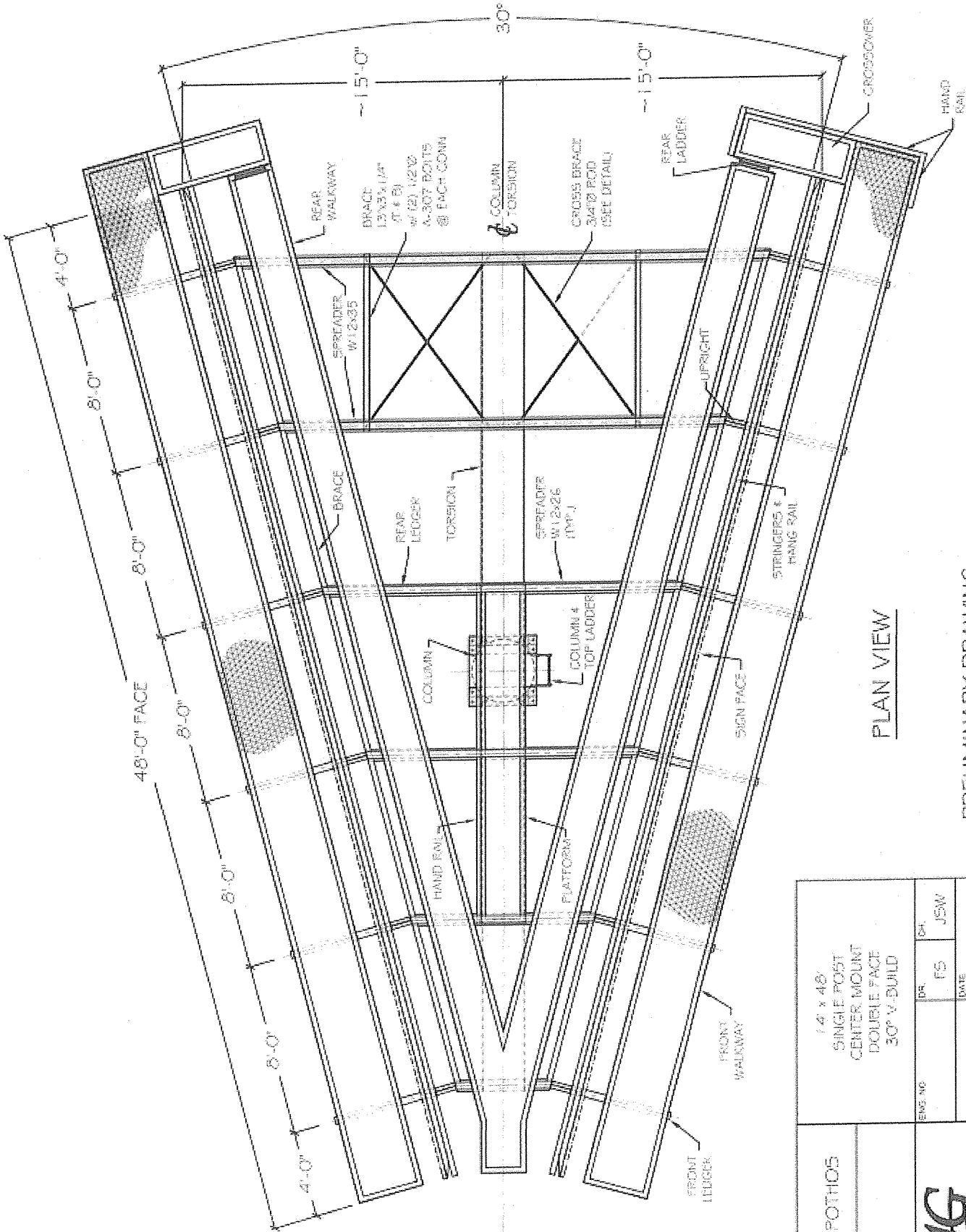
Emmanuel Pothos



PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

CUSTOMER EMMANUEL POTHOS		14 x 40' SINGLE POST CENTER MOUNT DOUBLE FACE 30 V-BUILD	
SIGN LOCATION Homer NY		ENG. NO.	DR FS
 1425 North 21st Street, Suite 300 Phoenix, Arizona 85016 (602) 433-8844 Fax (602) 233-1577		DATE	1/29/2022
		JOB NO.	SHEET NO 1 of 2

Copyright © 2022 RMG Outdoor Inc. All rights reserved. 01/29/2022 14 x 40 V-BUILD



PLAN VIEW

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

1 1/4" x 4 1/2" SINGLE POST CENTER MOUNT DOUBLE FACE 30° V-BUILD	DR.	FS	CHK.	JSM
	DATE	1/29/2022		
	SHEET NO.			2 of 2
	JOB NO.			

CUSTOMER
EMMANUEL POTHOS

SIGN LOCATION
Homer NY

RMG
Outdoor Inc.
 4025 North 20th Street, Suite 204
 Phoenix, Arizona 85016
 602-999-9911 Fax: 602-999-9924

VERTICAL UPRIGHT SPACING TABLE - SEE OD4145274 FOR APPLICABLE DESIGN CODE IF UPRIGHT SPACINGS FALL OUTSIDE LISTED RANGE CONTACT DAKTRONICS ENGINEERING

ASD DESIGN WIND PRESSURE "P"	58 PSF [2,777 KPa]	72 PSF [3,447 KPa]	87 PSF [4,166 KPa]	103 PSF [4,932 KPa]	122 PSF [5,841 KPa]
MAX UPRIGHT SPACING "A"	12' 6" [3810]	12' [3658]	11' 3" [3429]	10' 9" [3277]	10' 3" [3124]
MAX CANTILEVER SPACING "B"	5' 6" [1676]	5' 6" [1678]	5' 6" [1676]	5' 3" [1600]	5' [1524]
MINIMUM REQUIRED # OF UPRIGHTS	4	4	5	5	5
MAX OUTSIDE UPRIGHT SPACING "C"			42' 6" [12994]		

STRUCTURAL COLUMNS MUST BE VERIFIED TO PROVIDE CORRECT NUMBER OF MOUNTING CLAMPS

ALL 5/8" [15.875] A325 MOUNTING HARDWARE TO BE TIGHTENED TO 75 FT-LBS [10.37 KG-F-M]; NOT TO EXCEED 100 FT-LBS [13.83 KG-F-M]

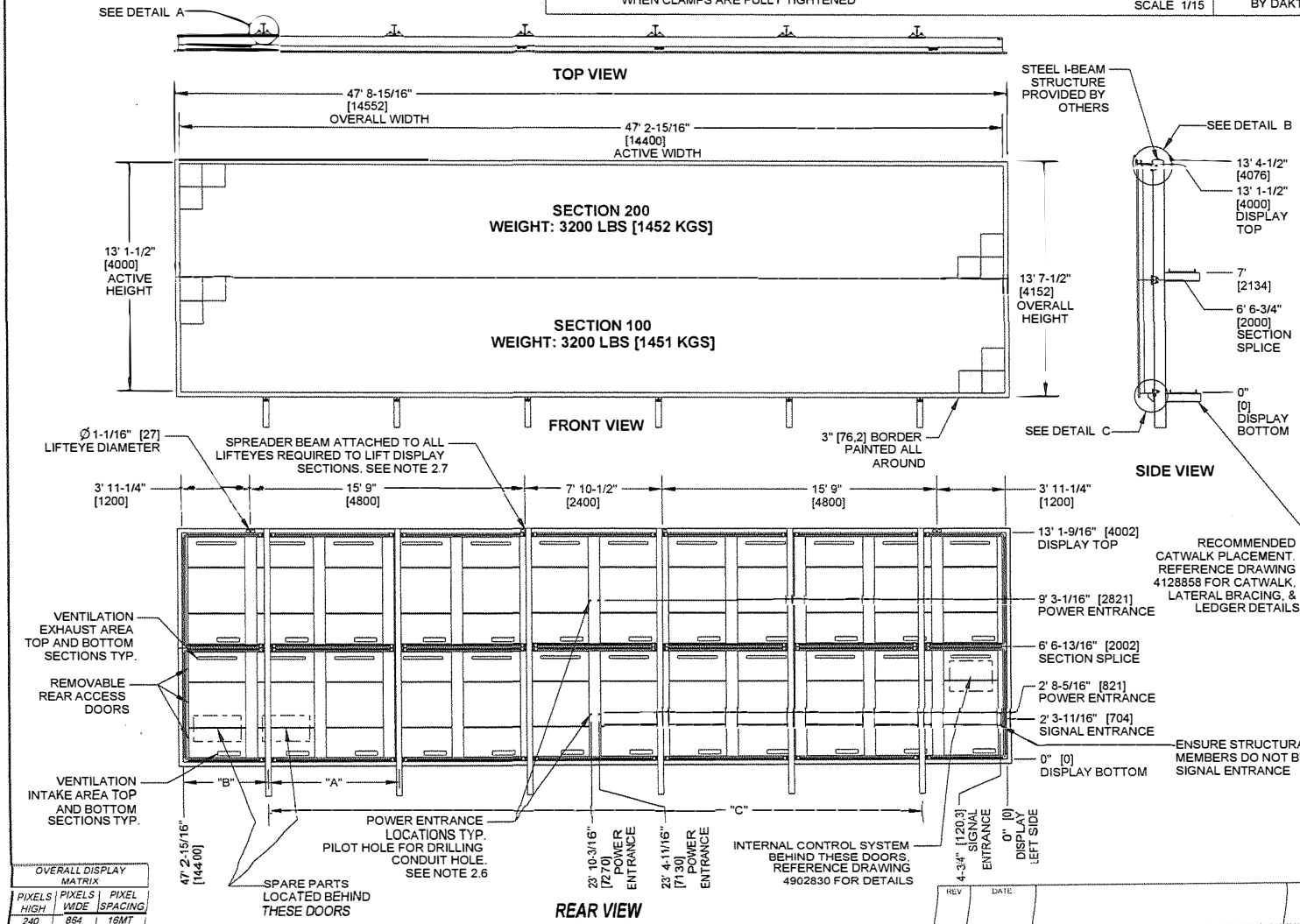
CLAMPS MUST BE SLID ONTO I-BEAMS UNTIL ROCKER CONTACTS I-BEAM WEB OR BOLT CONTACTS OUTER FLANGE OF I-BEAM TO ENSURE PROPER LOAD DISTRIBUTION

I-BEAM MUST BE IN CONTACT WITH DISPLAY WHEN CLAMPS ARE FULLY TIGHTENED

DETAIL A SCALE 1/15

DETAIL C SCALE 1/15

- NOTES:
- 1.0 REFERENCE
 - 1.1 REFER TO INSTALLATION AND MAINTENANCE MANUAL FOR COMPLETE INSTALLATION INSTRUCTIONS
 - 1.2 REFER TO DAKTRONICS RISER DIAGRAM FOR ALL ELECTRICAL POWER AND SIGNAL CONNECTIONS
 - 1.3 ALL DIMENSIONS ARE DUAL DIMENSIONED.
 - 2.0 PROJECT RESPONSIBILITY
 - 2.1 CUSTOMER IS RESPONSIBLE FOR DESIGNING AND CERTIFYING THE SUPPORT STRUCTURE.
 - 2.2 CUSTOMER IS RESPONSIBLE FOR OBTAINING LOCAL CERTIFICATION FOR THE STEEL MOUNTING STRUCTURE.
 - 2.3 CUSTOMER IS RESPONSIBLE FOR SUPPLYING EQUIPMENT W/ APPROPRIATE SAFETY FACTOR TO LIFT DISPLAY.
 - 2.4 DAKTRONICS AND CUSTOMER ARE RESPONSIBLE FOR CONFIRMING THE STRUCTURAL UPRIGHT QUANTITY AND SIZE. DAKTRONICS IS RESPONSIBLE FOR PROVIDING STRUCTURAL CLAMPS OF THE CORRECT QUANTITY.
 - 2.5 DISPLAY TO BE SUPPORTED EVENLY ACROSS ALL LEDGERS. SUPPORTING LEDGERS SHOULD NOT EXCEED 1/16" [1.5875 MM] TOLERANCE ON THE ELEVATIONS. SHIMS SHALL BE USED TO FILL LEDGER GAPS TO ENSURE A DISTRIBUTED LOAD.
 - 2.6 INSTALL ELEC. W/IRIAN IS RESPONSIBLE FOR DRILLING CONDUIT HOLES FOR POWER ENTRANCES ONLY AT THE DESIGNATED LOCATIONS. TYPICAL CONDUIT SIZE IS 1/2", REQUIRING A 7/8" HOLE.
 - 2.7 ONLY LIFT 1 DISPLAY SECTION AT A TIME. DISPLAY SECTIONS MUST BE SPLICED ON THE STRUCTURE.
 - 3.0 ENCLOSED STRUCTURE VENTILATION NOTES (WHERE APPLICABLE)
 - 3.1 OPEN AREA REQUIREMENTS FOR NATURAL CONVECTION: PER DISPLAY = 29.000 FT² [2.694 M²] EACH AT INTAKE AND AT EXHAUST.
 - 3.2 FORCED VENTILATION IF OPTION #1 REQUIREMENTS CAN'T BE MET: PER DISPLAY = 8700.000 CFM [246.210 CMM] WITH 29.000 FT² [2.694 M²] AT THE INTAKE
 - 3.3 ACTIVE COOLING REQUIREMENTS IF OPTIONS #1 OR #2 CAN'T BE MET: CONTACT DAKTRONICS FOR ACTIVE COOLING REQUIREMENTS
 - 3.4 INTAKES, EXHAUSTS, AND STRUCTURE FANS SHOULD BE EQUALLY SPACED HORIZONTALLY ALONG THE WIDTH OF THE DISPLAY.
 - 4.0 DISPLAY SPECIFICATIONS
 - 4.1 DISPLAY IS ALL ALUMINUM CONSTRUCTION.
 - 4.2 DISPLAY IS FRONT AND REAR ACCESSIBLE. CONTROL SYSTEM IS REAR ACCESS ONLY.
 - 4.3 DISPLAY WILL SHIP IN 2 SECTIONS.
 - 4.4 DISPLAY OVERALL AREA: 650.440 SQ. FT [60.428 SQ. METERS]
DISPLAY ACTIVE AREA: 619.999 SQ. FT [57.600 SQ. METERS]
 - 4.5 WEIGHTS: SECTION 100 = 3200 LBS [1451 KGS]
SECTION 200 = 3200 LBS [1452 KGS]
- TOTAL DISPLAY WEIGHT = 6400 LBS [2903 KGS]



OVERALL DISPLAY MATRIX

PIXELS HIGH	PIXELS WIDE	PIXEL SPACING
240	864	16MT

SUBMITTAL APPROVAL

APPROVED
 APPROVED AS NOTED
 APPROVED AS NOTED & RESUBMIT

COMPANY: _____
 SIGNED: _____
 TITLE: _____ DATE: _____

THE CONCEPTS EXPRESSED AND DETAILS SHOWN ON THIS DRAWING ARE CONFIDENTIAL AND PROPRIETARY. DO NOT REPRODUCE OR MAY BEING WITHOUT THE EXPRESS WRITTEN CONSENT OF DAKTRONICS, INC. OR ITS WHOLLY OWNED SUBSIDIARIES. COPYRIGHT © 2016 DAKTRONICS, INC. USA

PROJECT: BLD DIGITAL BILL BOARD
 TITLE: SHOP DWG, 14'X48'10'X36' MODS
 DATE: 17-JUN-21
 SCALE: 1/75
 DESIGNER: JCOOK
 DRAWN: JCOOK
 CHECKED: P2053
 DATE: 17-JUN-21
 SCALE: DO NOT SCALE DRAWING
 SHEET: 1 OF 1
 JOB NO: P2053
 PURC. TYPE: E-10-B
 4858187