

**TOWN OF CHESTER
INTRODUCTORY LOCAL LAW
ZONING AMENDMENTS**

PERTAINING TO THE REGULATION OF DIGITAL SIGNS AND BILLBOARDS

BE IT ENACTED by the Town Board of the Town of Chester, County of Orange, State of New York, as follows:

Section 1. Legislative intent. The Town Board of the Town of Chester has received a recommendation from its Planning Board and Comprehensive Plan Committee concerning the need to implement various zoning law amendments pertaining to the regulation of digital signs and billboards. More businesses desire to utilize advancements in technology, which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this article is to establish operating standards and regulations for signs which utilize these newer technologies, other than billboards which are regulated separately by the Town, in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and peacefulness of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

Section 2. Chapter 98, titled “Zoning,” of the Code of the Town of Chester is amended as follows:

I. Article I, Section 98-2, titled “Definitions and word usage” is amended by adding new terms and definitions, to read as follows:

SIGN, BILLBOARD – A billboard shall constitute an accessory use of property in designated commercial, industrial and planned zoning districts. A billboard is also referenced as an off-premise sign, which advertises or depicts an establishment, service, merchandise, use, entertainment, activity, or product that is not conducted, sold, produced, or furnished upon the lot where the sign is located. A billboard may incorporate the technology identified herein for a “digital sign.” “Digital billboard” shall mean a billboard, which incorporates, in whole or in part, a digital sign.

SIGN, DIGITAL – A sign that has or appears to contain movement or that appears to change, caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign. A digital sign often incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign may include a rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays.

SIGN, FREESTANDING – A sign not attached to a building or wall, which is supported by one, or more poles or braces or which rests on the ground or on a foundation resting on the ground.

SIGN, WALL – A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

II. Article III Section 98-8 C (1-3), titled “Non-conforming buildings, structures and uses” is amended by adding the following:

- (5) Pre-existing Digital Signs. A Digital Sign installed with a sign permit prior to the effective date of the amendment to this chapter, is permitted to remain until the sign is replaced, provided however, such sign shall conform to the requirements of this subsection if these requirements can be complied with without replacing the sign. A pre-existing Digital Sign is required to comply with all sign regulations that were in effect at the time the sign permit was issued.

III. Article IV Section 98-21, titled “Signs” is amended by adding subsection 98-21 C (3) Digital Standard and subsection 98-21. H “Billboards” as follows:

Add Section 98-21 C (3) Digital Signs

- (3) Digital Standard.
- (a) There may be no more than one programmed Digital Sign on a lot. There may be no more than one automated or interactive Digital Sign for each business on a lot.
- (b) A digital sign, other than a digital billboard, may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less. Messages may not contain the appearance of motion or animation. Transitions between messages may contain the appearance of motion or animation.
- (c) A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Town in its reasonable discretion, at the owners expense, to ensure that the specified brightness levels are maintained at all times.
- (d) Maximum brightness levels for Digital Signs shall not exceed 5000 nits or “Candela per Square Meter” or (cd/m²) when measured from the signs face at its maximum brightness, during daylight hours. The maximum brightness levels for Digital Signs shall not exceed 500 nits or Candela per Square Meter” or (cd/m²) when measured from the signs face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
- (e) Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
- (f) Digital Signs may not display messages about goods or services that are not sold and delivered or provided on the premises where the sign is located. The foregoing notwithstanding, a Digital Sign may display messages about public emergencies and public events.
- (g) Brightness of digital signs shall be measured as follows:

- [1] At least 30 minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
- [2] The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
- [3] If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.
- [4] Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations and laws of the Town.

Section 3. Legislative intent. The Town of Chester recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the Town. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold, or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the Town and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signs. Recently, owners of existing billboards have expressed a desire to utilize advancements in technology, which permit billboards to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish size, location and operating standards and regulations for **existing** billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential areas), protect property values in all areas of the Town, and reduce traffic and similar hazards caused by undue distractions.

Add Section 98-21 H Billboards

H. Billboards.

- (1) General requirements.
 - (a) Only those existing billboards, installed with a sign permit prior to the effective date of the amendment to this chapter, are permitted in the Town of Chester. Such billboards may be maintained, repaired and upgraded in accordance with the standards set forth herein.
 - (b) Any double-faced billboard having back-to-back surface display areas, no part of which is more than two feet apart, is considered to be a single billboard.
 - (c) Billboard structures having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.
 - (d) Sphere, spheroid, or similarly shaped billboard (e.g. a ball), shall be prohibited.
 - (e) The installation or use of a billboard is permitted only to the extent authorized by, and subject to, the provisions of the Town Zoning Law as amended from time to time.

(3) Spacing. There provisions are applicable to replacement of existing billboards. All distances as provided for in this section shall be measured radially from where the surface display area is visible.

(a) No billboard may be located within 75 feet of a property line adjoining a street or 30 feet of other property lines.

(b) No billboards along NYS Route 17 may be located within 1,000 feet of another billboard.

3) Billboard surface display area; Measurement.

(a) The maximum allowable surface display area for a digital billboard is 672 square feet (with a maximum vertical surface of 14 feet) if the property has frontage along NYS Route 17 (Future I-86). The maximum allowable surface display area for all other billboards at any location is 300 square feet, with a maximum vertical surface of 10 feet.

(b) The surface display area of a billboard shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the billboard, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface display area.

(4) Height of Billboards. The height of a billboard may not exceed 35 feet above the natural grade of the ground on which the billboard is located.

(5) Illumination. A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(6) Appearance. Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

(7) Construction and Maintenance. A billboard shall be constructed in such a fashion that it will withstand all winds of one-hundred (100) miles per hour, and such shall be certified by a professional engineer or registered architect licensed to practice in the State of New York. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(8) Display.

(a) The display or message on a digital billboard, of any type, may change no more frequently than once every eight seconds, with a transition period of one second or less. Messages may not contain the appearance of motion or animation. Transitions between messages may contain the appearance of motion or animation.

(b) The display or message must otherwise comply with subsection (6) and the digital billboard must have installed an ambient light monitor, which shall continuously monitor

and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Law.

(c) Maximum brightness levels for billboards shall not exceed 5000 nits or "Candelas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, during daylight hours. The maximum brightness levels for Digital Signs shall not exceed 500 nits or Candelas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service. Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Town, in its reasonable discretion, at the owners expense to ensure that the specified brightness levels are maintained at all times.

(d) Brightness of digital billboards shall be measured as follows:

- [1] At least 30 minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
- [2] The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
- [3] If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(9). Other Applicable Laws. A billboard must comply with all applicable provisions of federal and state law.

(10) Permitting. Every billboard or modification thereto requires Site Plan review and approval by the Planning Board. A Town sign permit shall be required before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable laws of the Town including, without limitation, the Town Zoning Law as amended from time to time. Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the Town so long as the billboard or billboards are in existence. The certificate shall provide that the Town shall receive ten days written notice in case of cancellation of the policy. Any billboard in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the billboard.

(11) Other Requirements. Billboards must otherwise comply with all other relevant regulations of the Town.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.