

**INTRODUCTION:**

In early February of 2016 the Lake Placid Village Board asked the Lake Placid / North Elba Development Commission to create a citizen’s committee to examine the rules, regulations and policies pertaining to the Main Street pedestrian area. Specific concerns included a review of maintenance and parking permit policies along with a re-examination of the current legislation regarding sandwich board signs, banners, flags, displays, and dining areas. The goal was to ensure that the regulations and the vision for this area were consistent.

An organizational meeting of the Study Group was held on February 23, 2016. The group met on ten occasions, including a session with the Lake Placid Business Association. A preliminary report was presented to the Lake Placid Village Board at their April 26, 2016 work session. The Study Group also reached out to key informants. Notes from the meeting and resource materials used by the group are available on the Lake Placid / North Elba Development Board Website (futurelakeplacid.com)

Although some people attended as concerned members of the public and were allowed to express their opinions, the Study Group membership consisted of:

Lake Placid / North Elba Development Commission:

Dean Dietrich  
Jen Jubin  
Mavis Miller

Officials:

Craig Randall- Mayor of Lake Placid  
Jim McKenna- CEO ROOST  
Jim Morganson- North Elba Code Enforcement

Resident of Main Street

Dan Kelleher

Lake Placid Business Association:

Sue Berkowitz  
Barbara Clark  
Heather Clark  
Marc Galvin  
Heather LePere  
Linda Moore

Key Informants:

Janet Bliss  
Tim Chick  
Connie Cross  
Brad Hathaway  
Bob Hannah  
Bill Hurley

## **1) DETERMINING THE TARGET AREA:**

The Main Street Group was charged with examining the situation in the "pedestrian corridor". This can be, and currently is, delineated in various ways. The Study Group started by examining the existing approaches.

Some existing legislation refers to "Main Street". This by definition is the road from the end of Main Street where Sentinel begins and the end of Main Street where it turns into Sara-Placid Road (Appendix 1).

The 2011 Land Use Code created a Historic District that would be more limited. This is essentially the downtown core where older buildings are prevalent. It takes in those areas where the pedestrian traffic is heaviest and can be described as the section of Main Street from the Post Office to One Main Park. (Map-Appendix 2)

The 2011 Land Use Code also established the Village Center District that expands from Main Street. This includes the Historic District, Main Street, and areas where the pedestrian core could expand. These areas are sections of Sentinel Road, Station Street, and Morningside Drive to the east and a little of Sara-Placid Road to the west. (Map-Appendix 1)

The Study Group recommends the proposals contained in this report should apply to the entire VC district. This should make legislative changes easier by using an officially existing, mapped area. This district, although a bit larger than the other existing districts, has more commonalities than differences. These include fairly steady pedestrian traffic, similar signage, similar architectural styles, similar existing sidewalks, similar sized businesses, similar setbacks, and similar speed limits for vehicular traffic. They are also connected by the existing public transportation system and parking patterns.

The more complex question concerning the area of jurisdiction is distinguishing between the pedestrian right of way and that property clearly owned by the businesses located along it. The Main Street Study Group was informed that many property lines go from either side of Main Street into the middle of the road. The Village and the State carve out right of ways. It is our understanding that the Village Right of Way is not clearly delineated, but defined by that section of the sidewalk which is maintained by the Village. This area varies in width.

The current approach is that building alcoves or areas where there are significant setbacks from the roadway are treated as being outside of the pedestrian corridor. Businesses have been using those areas for merchandizing displays and public amenities. In some cases this also involves a conditional use of an outside café.

The Main Street Group does not believe it can interfere with those situations. The recommendations that follow are intended to be limited to the use of the area of the public right of way. This is basically the area of the sidewalk maintained by the Village. It should be noted, however, that sign regulations are included in the conditional use that is granted to each business under the Land Use Code.

## **2) VISION STATEMENTS:**

The charge to the Main Street Group was to determine if the community's vision of the pedestrian corridor is in line with the legislation and the current situation. One of the first actions of the Group was to discuss that vision. The Group determined very early that the "Main Street Experience" is vital to our economy. The Regional Office of Sustained Tourism surveys visitors on a regular basis. Those surveys indicate that strolling and shopping along Main Street is one of the more highly rated activities and draws visitors. It is, therefore, important to maintain and enhance the quaint and unique atmosphere of the pedestrian corridor.

The official vision statements for the Village Pedestrian Corridor are contained in the Land Use Code of 2011 and the 2014 Comprehensive Plan (Sign Section-Appendix 3). The Study Group examined those statements and determined Main Street should:

- Be handicap accessible
- Provide ease of movement
- Promote vitality with visible activities
- Be business friendly
- Allow for festivals / special activities,
- Include bike lanes (may be more long term)
- Allow for artistic opportunities
- Be animal friendly
- Allow for vegetation

Although all of the above are desirable, a certain tension exists between the goals of ease of movement and creating a vital atmosphere with visible activity. Pedestrian movement would best be served with clear, uncluttered sidewalks while activities that exhibit a degree of vitality such as browsing merchandise or al fresco dining would necessarily impede foot traffic. The Study Group recommendations are an attempt to create a compromise between those two approaches.

The overarching concept behind the Group's recommendations is the goal of maintaining a 6' wide travel space on the sidewalk, measured from the edge of the roadway, where pedestrian traffic is unimpeded by signs, merchandise, and displays.

## **3) SANDWICH BOARD / MOVEABLE SIGNS:**

The recent history of sandwich board and moveable signs reflects conflicting visions of the Main Street Pedestrian Corridor. The 1987 Land Use Code prohibited "moveable signs ...including banners and sandwich boards". This created a non-cluttered public right of way and promoted ease of movement.

That section of the Code, however, was amended in 1992 to "Each business is allowed one such sign provided it is not larger than 4 sq. ft. per side and does not interfere with pedestrian traffic or public welfare and safety." This allowed businesses, particularly restaurants, to advertise their daily specials.

The 2011 Land Use Code attempted a compromise. It prohibited sandwich board and moveable signs, but allowed restaurants two 6 sq. ft. menu boards (these could be internally lit and would not count against other permitted signage). The hope was these menu signs would allow restaurants to post their menu and their daily special without cluttering the sidewalk.

The Study Group met with the Lake Placid Business Association at their regularly scheduled meeting on April 12, 2016. About 25 people were in attendance. Most of the people who spoke (Comments- appendix 4) favored allowing sandwich board and moveable signs. They felt Main Street, with a fairly clear line of sight along the front of the buildings, created a flat two dimensional visual effect and made it difficult for visitors to see if businesses

were open until they were next to them. It also made it difficult for those businesses to communicate sales events.

A number of business owners pointed out that when they had sandwich board signs in use their sales improved dramatically.

The Main Street Study Group realizes any decision to allow sandwich board and moveable signs must be balanced against the liability incurred. Janet Bliss, the Village Attorney, advised that allowing sandwich boards, or anything else on the pedestrian right of way, could potentially result in a lawsuit for damages if a pedestrian tripped or stumbled.

The Main Street Study Group does not believe it is in a position to determine the amount of risk the Village is willing to accept. That is part of the fiduciary responsibility of an elected official. If the Village Board feels any and all additional liability should be avoided they obviously should continue the existing ban on sandwich board and moveable signs and rigorously enforce it.

The Main Street Study Group would simply request that the following points be considered when assessing the risk:

- Sandwich boards / moveable signs were allowed for periods in the past without major issues
- Signs and displays are allowed in many other municipalities
- Comments from the Business Association reflect the importance of sandwich board signs to business.

If the Village Board decides the risk is acceptable the Main Street Group recommends the following legislative changes:

- Allow 1 sign for each business fronting Main St.
- Limit size of sign to 6 sq. ft. per side
- Sign must be located as close in proximity to building as practicable
- Sign must be located at least 6 ft. from outside edge of curb and within 8 feet of the entrance to the business
- Sign must be attached to the building so the wind will not move it
- Natural materials, or natural looking materials, are preferred.

Research on the Internet found many well-designed signs for purchase within the dimensions recommended. The suggestion to use natural, or natural looking materials reflects our view that aesthetic taste is personal and difficult to legislate. It is also in keeping with the long-standing land use practice of the area where dimensional standards are strict, but design decisions are left to the individual as much as possible. The Study Group did not think it was practicable for each of these signs to be reviewed individually.

The dimensional standards for sign location aim at maintaining a 6 ft. pedestrian corridor. This is in line with the actions of other municipalities and would maintain some ease of movement. If the signs are close to the building a "zigzag" pathway is avoided. The attachment to the building could be in the form of a short chain or rope.

It is also our intent to provide a reasonable limit to the number of signs. The proposed 6 ft. pedestrian corridor would preclude some businesses from utilizing sandwich boards. This is because some areas of sidewalk are just 6 feet wide.

#### **4) DISPLAYS**

The current legislation regarding displays is Local Law 5 of 1991, also known as the Anti-Clutter Law (appendix 5). The law is very limited in scope in that it only pertains to apparel. Displays of apparel for sale, with the exception of garage / yard sales are effectively banned in the entire Village. Since the law is prohibitive it also does not contain any dimensional standards indicating where displays could be located.

If the Village Board decides to keep the sidewalks clear for liability purposes it may wish to consider legislation that clearly prohibits all displays of merchandise or clutter on the Main Street Pedestrian Corridor.

The Main Street Group advises the potential risk be weighed against the benefits of allowing displays. At this point in time some merchants display items, provide seating areas, locate vegetation, or place dog water dishes on sidewalk areas. All of these provide a potential liability risk but also add to the character and vitality of Main Street.

If the Village Board decides there is some acceptable level of risk the Study Group recommends the approach to displays mimics the approach to sandwich board signs. This would include insuring a 6 ft. wide pedestrian corridor and keeping items in close proximity to the building.

The Main Street study group recommends displays be allowed with the following restrictions:

- Displays cannot be within 6 ft. of the outside edge of the curb
- Displays must be as close in proximity to the building as practicable but in no case farther than 3 ft. from the building façade
- No cash transactions are allowed on the sidewalk
- The Village Board may declare an expansion of the dimensional standards for special events during specified times (Holiday Stroll / Memorial Day Sidewalk Sale, etc.).

The 6 ft. restriction would maintain the pedestrian corridor and the 3 ft. restriction would limit the size and location of the display. It would prevent businesses from designing displays that pedestrians can walk around. The restriction also allows for a standard Adirondack chair. As with the recommendation for sandwich boards, some properties may not have a wide enough sidewalk area to have a display. The ability to declare a festive event allows those merchants to participate in that event.

#### **5) DINING AREAS**

The Main Street Study Group could not find any legislation that specifically addresses outside dining. The current situation is that a few businesses along Main Street have a conditional use permit granted by the Review Board for an outdoor cafe. These are generally on property clearly owned by the business. If alcohol is served these businesses have a license granted by the State Liquor Authority and the license requires clear delineation of the area involved.

The Open Container Law (appendix 6) contains language that provides for all consumption of alcohol in public to be indoors. The Main Street Study Group is not in a position to decide if this applies to those businesses with a license. We recommend that an attorney review the ordinance to make sure it allows for those businesses with a license and conditional approval to serve alcohol out of doors.

Some other businesses have a less formal, al fresco, approach. They have simply put out tables and chairs for use by customers as a sort of display. They have not been to the Review Board for a conditional use and may not be licensed by the State Liquor Authority to sell alcohol in an outdoor location.

The Main Street Study Group is, however, in a position to make recommendations regarding al fresco dining clearly in the pedestrian right of way. Once again the first decision point is whether or not the liability risk is worth the reward. In this case the balancing factor would be how much outdoor dining or seating adds to the vitality the corridor.

If the Village Board decides to allow al fresco dining the approach should be the same as with sandwich board signs and displays.

Tables and seating could be allowed under the following circumstances:

- The table and chairs and any required barriers are located at least 6 ft. from the outside curb
- The tables and chairs are kept in as close proximity to the building as possible and do not extend more than 3 ft. from the building façade.
- No alcohol can be consumed or served unless licensed by the State Liquor Authority

These regulations would allow a table that seats two (these are approximately 33" wide) with seating on both ends. It would not allow seating next to the building facing out or seating on the curbside facing the building. They would also preserve the 6 ft. pedestrian right of way and limit the number of businesses that could provide al fresco dining.

## **6) BANNERS**

The current legislation regarding banners is located in section 6.3.4 of the 2010 Land Use Code (appendix 4). The Code also allows businesses in the Village Corridor a primary sign, an accessory sign, and 15% of their window space for advertising. The Main Street Study Group agrees that this is sufficient to advertise special events, especially if businesses are allowed a small sandwich board to capture attention. The current language was also designed to allow non-profits like the Adirondack Church and St. Agnes to continue to use banners for their special events.

It is important, however, to allow event sponsors to decorate or festoon the pedestrian corridor. This is one of the features that draws them to Lake Placid and provides economic benefits. Currently banners for special events such as Ironman, Can-Am Hockey, the ECAC Tournament, etc. are displayed on the municipal poles. These are owned by the Village Board who gives permission for those groups to use the poles and charges a fee for work involved in hanging the banners.

The Main Street Study Group feels the current situation could be expanded to allow the display of special event banners along Main Street. This would be subject to the following conditions

- Could only occur with the permission of the Village Board
- Display would be for a limited time period determined by the Village Board
- The banners must be limited to information regarding the event and should not contain a commercial message associated with the business displaying the banner.

The Main Street Study Group believes the details of this discussion should be part of the process involved when an event sponsor approaches the Village Board.

## **7) FLAGS**

The current flag regulations are included in the 2011 Land Use Code (appendix 4). Businesses are allowed to display up to 2 flags. Flags may not include a commercial message and "Open" flags are prohibited in the Village Center District.

The Code also stipulates that flags should be at least 7ft. high so that they do not interfere with pedestrians. There appears to be a typographical error in the dimensional standard for the flags, but the clear meaning of the language is that they cannot be more than 12 square feet. American flags are exempt from the regulations.

The requirement to keep the messages on flags non-commercial is based upon the concept that once a flag has a commercial message it essentially becomes another sign.

The regulation encourages flags for events and discourages those that promote commercial activity. The Main Street Group supports the concept of allowing events to decorate the community and limiting sign space. It also, however, recognizes that if the recommendations in this report are put into effect businesses will not benefit evenly.

The Main Street Study group recommends:

- In those situations where a business fronting Main Street is not allowed either a sandwich board or projecting sign, such business shall be allowed one flag (not two) with a commercial message subject to approval by the Review Board, like any other sign.
- The Village Board may allow multiple flags pertaining to Village wide events. These must be approved by Village Board for a specific period of time and not contain commercial content.

## **8) NEON / WINDOW SIGNS**

The 2011 Land Use Code currently limits neon signs to 2 sq. ft. It also states that only one such sign can be displayed on each street front and they must be turned off during the hours when the business is closed. An exception exists for vacancy signs used by hotels.

While this approach is working, a potential concern with the existing language is that it does not reflect the technological change to LED. This technology is employed by many of the new "Open" signs.

The Main Street group recommends:

- Changes in recent technology should be considered in developing new language for such signs. A suggestion would be to refer to them as "lit window display / open signs".
- The number of such signs should continue to be limited to 1 per roadside frontage of the business
- The size limit of 2 square feet should be maintained.
- Lit window signs must be turned off when the business is not open.

The aim of these recommendations is to provide a way for businesses to announce they are open while limiting light pollution. The limit of one lit window sign means that businesses may have to choose between a traditional neon sign and the LED Open signs.

## **9) MAINTENANCE POLICIES**

The Village Board also requested a review of current maintenance policies. Keeping the Pedestrian Corridor clean and sanitary is a common vision. The issue is more about the details in how to accomplish the goal. The current situation is that the Village Highway Department is responsible for picking up the trash and cleaning the sidewalks and rest rooms. Brad Hathaway, the Highway Superintendent, met with the Main Street Study group on March 1, 2016 to explain the policies involved. The following recommendations are the results of that discussion.

### **9A) Recycling**

Superintendent Hathaway informed us that the Village experimented with recycling around 2006-07. It was not successful because the public did not sort properly. The containers used at those times required the user separate paper, plastic, and metals into different containers. This was not always done properly and containers had to be re-sorted at the North Elba Landfill. The Village currently pays approximately \$9,500 in tipping fees.

The Study Group opinion is that the public is better educated and somewhat trained to recycling at this time. There are also better options for user-friendly bins and zero sort. This should make the process more efficient and could actually cut costs. In light of those changes it may be time to reinstitute a recycling program. The following recommendations would facilitate a movement in that direction:

- Move to containers that accommodate recycling. These receptacles should also be designed to make it difficult to deposit household refuse.
- Examine the cost / benefit analysis of zero sort with local trash removal services. This may require an additional bin at the landfill.

### **9B) Sidewalk Stains**

The group discussed the possibility of requiring shop owners to clean the sidewalk stains in front of their buildings. Owners could be charged a cleaning fee if they failed to do so. The general feeling of the group is that this approach would create a significant burden on shop owners, be difficult to enforce, and unfairly make people responsible for the behavior of others.

Mr. Hathaway suggested that the problem might be resolved when new, less porous surface material replace the current paver stone. This is part of the long-range development plan.

### **9C) Container Overflows**

Superintendent Hathaway reported the containers are emptied once a day, usually around 7:30 AM. The time may be altered based on Highway Department needs such as snow

removal. He also mentioned the Village is considering hiring a "Main Street Maintenance Man". The job description would include keeping facilities along Main Street and the Village Beach House repaired and clean.

The Study Group talked about the possibility of requiring "to go" or outdoor dining establishments to provide a trash container. Dining facilities and food purveyors are effectively subsidized when they use public trash services. The Group determined, however, there would be difficulties defining which establishments would be regulated. There was also a concern this could increase clutter, hinder pedestrian traffic, and negatively impact the aesthetics.

The Study Group recommends:

- The Village moves forward with the proposed addition of manpower for the Highway Department.
- Monitoring the situation to determine the effect of the recycling effort.
- Encouraging Main Street businesses to cooperate in keeping Main Street clean. This could be part of a letter sent to inform building owners of the findings of this group. The letter could include a sign that could be placed by merchants in their shops to remind people to keep Lake Placid Clean.

#### **9D) Cigarette Butts / Gum**

The Study group suggested these problems are concentrated at specific locations.

Mr. Hathaway reported that the cigarette butt containers currently used are expensive and get often get moved around.

The Study Group recommends:

- The adoption of cigarette butt / gum containers that could be placed on existing poles / posts. This would increase the number of such containers and avoid additional clutter.
- Considering the possibility of designated smoking areas in the new design of Main Street (similar to Burlington City Mall).