

- CooperVision possibly looking to meet with the PB/ZB at the June meeting.

Fire Marshal:

Nothing to report at this time.

6. **New Business**

Sign Ordinance article from D&C to discuss at the June meeting, review our sign code for the June Meeting

7. **Old Business**

CooperVision parking update

8. **Adjournment:**

Motion: made by _____ and seconded by _____ to adjourn the meeting at _____ pm.

Vote: Carries (-)

Steve Cullum

Kevin Marks

Rick Kegler

Patti Brandes

Mark Smith

1. **Call to Order:** Chairman Steve Cullum called the Thursday, April 13, 2023 Village of Scottsville Planning Board meeting to order at 7:12pm.

2. **Pledge of Allegiance**

Roll Call: Steve Cullum
Patti Brandes
Mark Smith

Absent: Kevin Marks

Also Present: Andy Frasier, Deputy Mayor
Anne Hartman, Village Clerk
Emily Clarke, Deputy Clerk
Richard Kegler

3. **Approval of Minutes:**

Motion: made by Mark Smith and seconded by Steve Cullum to approve the minutes of the Thursday, March 9, 2023 Planning Board Meeting as submitted.

Vote: Carries (3-0)

Steve Cullum AYE

Patti Brandes AYE

Kevin Marks ABSENT

Mark Smith AYE

4. **Code Enforcement Report. Doug Barber**

Building Inspector:

19 Maple Street footer and foundation inspections have been completed on the new home. Next step will be framing.

2 Genesee Street garage addition has been completed and passed all necessary inspections. Cert of Occupancy has been issued.

34 Scottsville West Henrietta Rd. Insulation and rough plumbing inspections passed, next step will be drywall and final walkthrough before CofO.

620 North Rd Issues permit for a garage and breeze way addition. Foundation inspection passed.

66 West Cavalier permit issued for a wood burning stove.

113 Heather Lane, fence permit issued.

1203 Yearly state report sent in going over all permits issued.

Working with CooperVision on possible future expansion ideas. (Letter from them sent to the PB/ZB for their input)

39 Main Street property has been sold. Meeting with the new owner set up to determine what his plans are. Currently just storage for his roofing business.

Building Inspection Discussion: The Board and Building Inspector Doug Barber spoke over the phone to clarify the garage addition at 2 Genesee Street was approved for residential living on the second floor. After looking at the plans that were presented and approved in August of last year, it was determined that the second floor was approved and when doing a Certificate of Occupancy, the Building Inspector did not see any sign of residential living in the garage. Chairman Cullum also stated he was not against the idea of expanding the property of CooperVision however possibly not to the West as indicated in the initial correspondence. More Consideration would be taken to the issue when the times comes.

Code Enforcement :

Meeting with Heany Rep, Mayor and I went well regarding the noise issues. They seemed to be receptive and are working with their Maintenance to hopefully lower the noise. Below are the meeting highlights:

Thank you again for meeting with us today about the noise issues. Some notes recapping the major points on how to possibly reduce the noise.

Trimming the tress along the fence line to reduce the dead overgrown while leaving good vegetation to help with the sound buffer.

Repairing/Redoing the doghouse surrounding the blower and adding insulation.

Extending the Duct work on the exhaust.

Balance reports have been done on systems on 3/10/22- possibly making this an annual occurrence?

Regular DEC/OSHA inspections are being performed already.

Look at the blow down time on the filters to reduce the time and when it happens daily.

We look forward to keeping the lines of communication open, any questions or concerns feel free to contact me.

Emails with CofA applications were sent to a few residents on Rochester Street reminding them that they will need a Certificate of Appropriateness from the Historical board for a few projects that have been done.

Will be sending out letters to a few of our yearly long grass offenders reminding them about the Code.

Letter for the Upcoming Village Newsletter reminding all residents about open burning policies.

Code Enforcement: No discussion.

Fire Marshal:

Acceptance test witnessed and completed at CooperVision for the new sprinklers and fire alarm for the new addition.

Fire Marshal: No discussion

5. New Business

Motion: made by Patti Brandes and seconded by Mark Smith to make a recommendation to the Village Board to appoint Richard Kegler.

Vote: Carries (3-0)

Steve Cullum AYE

Kevin Marks ABSENT

Patti Brandes AYE

Mark Smith AYE

6. Old Business**New Building Permit**

Discussion: All changes asked of the third draft of the new Building Permit were made and everyone was happy with the final result. The Board moved to recommend the new permit to the Village Board for approval.

Motion: Made by Steve Cullum and seconded by Patti Brandes to recommend approval to the Village Board to adopt the new building permit as presented.

Vote: Carries (3-0)

Steve Cullum AYE

Kevin Marks ABSENT

Patti Brandes AYE

Mark Smith AYE

7. **Adjournment:**

Motion: made by Steve Cullum and seconded by Mark Smith to adjourn the meeting at 7:33 pm.

Vote: *Carries (3-0)*

Steve Cullum AYE

Kevin Marks ABSENT

Patti Brandes AYE

Mark Smith AYE

Respectfully submitted by,

A handwritten signature in cursive script that reads "Emily Clarke".

Emily Clarke, Deputy Clerk

Bakery's painting sparks legal debate

Kathy McCormack and Robert F. Bukaty
ASSOCIATED PRESS

CONWAY, N.H. — Bakery owner Sean Young was thrilled when high school art students covered the big blank wall over his doorway last spring with a painting of the sun shining over a mountain range made of sprinkle-covered chocolate and strawberry doughnut, a blueberry muffin, a cinnamon roll and other pastries.

The display got rave reviews, and Young looked forward to collaborating with the school on more mural projects at his roadside bakery in Conway, New Hampshire.

Then the town zoning board got involved, deciding that the pastry painting was not so much art as advertising, and so could not remain as is because of its size. Faced with modifying or removing the mural, or possibly dealing with fines and criminal charges, Young sued, saying the town is violating his freedom of speech rights.

The painting could stay right where it is if it showed actual mountains, instead of pastries suggesting mountains, or if the building wasn't a bakery.

"They said it would be art elsewhere," Young told The Associated Press in an interview. "It's just not art here."

"The town should not have the right to police art."

The controversy has residents of this town of 10,000 grappling with big questions about creativity and liberty as it tries to preserve its rural character.

Like other White Mountain communities that draw skiers, nature lovers and shoppers, Conway is under development pressure, making the sign dispute fraught with worries that any concession to commerce could change what they hold dear. Many — including the zoning board members — applauded the students' colorful work but said rules must be followed, even if they're old and outdated. At about 90 square feet, the mural is four times bigger than the sign code allows.

Following a longstanding democratic tradition of New England town meetings, residents deliberated how to define a sign before ultimately voting down changes last week. The local newspaper said the proposed wording wasn't clear. Ultimately, a judge may



A customer holds the door for a family arriving at Leavitt's Country Bakery in Conway, N.H. The large painting of pastries displayed over the bakery is at the center of a legal battle pitting a zoning ordinance against free speech rights.

ROBERT F. BUKATY/AP

have to resolve what remains an open debate in town.

"Those kids put their heart in it," retiree Steve Downing said. He thinks the painting should stay.

"Everyone has to comply with the ordinance," said Charlie Birch, a former U.S. Forest Service worker. "And even though it was done by the students, which was well done, and I give them a lot of credit for it ... if you have the ordinance, 'One for all,' that's where we are. You can't really make any exceptions, otherwise everybody else will want the exception."

Art teacher Olivia Benish, who worked with three students on the project, apologized to the board in September for not doing "due diligence" to make sure the mural would comply. She didn't respond to requests for an interview. But she told the board members that there has to be a way to give students the opportunity to create positive public works of art "without upsetting the law and the powers that be," according to the town minutes.

The lawsuit Young filed in January argues that the town is unconstitutionally discriminating against him. He asked a judge to prevent the town from enforcing its sign code.

he's selling T-shirts as a high school art department fundraiser, saying "This is Art" with the artwork on the front, and "This is a Sign" of a roadside "Leavitt's Country Bakery" sign on the back.

"As Conway officials have confirmed, the town does not consider a painting to be a 'sign' if it does not convey what town officials perceive to be a commercial message," the lawsuit says. "But the town's perception is that any mural depicting anything related to a business is a 'sign.' This is governmental discrimination based on the content of the speech" and the speaker's identity, it said.

The lawsuit says the town's sign definition is "incredibly broad," with no mention of murals in the code: A sign in Conway is "any device, fixture, placard, structure or attachment thereto that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any person or entity, or to communicate information of any kind to the public, whether commercial or noncommercial."

Board member Luigi Bartolomeo said he thinks the pastry painting is art, not advertising. He read the definition out loud at the board's meeting in August, and said he agrees with a local attorney who called it "unconstitutionally vague."

"I think it's a very badly written piece of code here," said Bartolomeo, who recently retired. But Board Chairperson John Colbath said the board has to work with the ordinance, which was approved by voters, and that there is a process to change that.

"If they had done a seasonal mural on the wall — covered bridges and sunflowers and what have you — and it did not represent what your business is in, then it would be more likely to be a well-respected piece of art and not construed as a sign," Colbath said at the August meeting.

He said to Young, "I understand the art thing — and you look and you see a mountain — but the general public sees doughnuts on the front of the bakery."

"I think most of the people said it's art," Young responded.

In its denial of Young's appeals, the board concluded that the bakery won't be negatively affected without the display.



Leavitt's Country Bakery owner Sean Young is in a federal lawsuit against Conway, N.H., alleging the town is violating his First Amendment right to keep a mural depicting various pastries above the bakery. ROBERT F. BUKATY/AP

And now other businesses have been drawn into the controversy.

Long before the pastry painting was installed, the town had allowed other murals at a local shopping center, but in December the town found that three of those artworks are, indeed, signs that violate size limits. They were to go before the zoning board Wednesday.

Young, who is being represented by the Virginia-based Institute for Justice, asked for \$1 in damages. Meanwhile,