

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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April 7, 2009  
Start: 10:13am  
Recess: 11:11am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
SIMCHA FELDER  
Chairperson

COUNCIL MEMBERS:  
Maria del Carmen Arroyo  
Robert Jackson  
Letitia James  
G. Oliver Koppell  
Larry Seabrook

## A P P E A R A N C E S (CONTINUED)

Todd Kuznitz  
Director of Enforcement  
New York City Department of Sanitation

Andrea Ciccone  
Director of Intergovernmental Affairs  
New York City Department of Sanitation

Kenneth Peskin  
Manager of State and Local Governmental Affairs  
International Sign Association

Saul Scheinbach  
Chairman of the Environment Sanitation Committee  
Community Board 8, Northwest Bronx

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2 CHAIRPERSON FELDER: Good morning  
3 ladies and gentlemen. Welcome to this hearing of  
4 the Committee on Sanitation and Solid Waste  
5 Management. My name is Simcha Felder, I'm chair  
6 of this committee. And I'm joined by my colleague  
7 Council Member Larry Seabrook who is sitting to my  
8 right. There's a Land Use meeting going on at  
9 10:00 so people may have to leave; please excuse  
10 them. Even I may have to leave, you should just  
11 keep on talking.

12 I'd also like to acknowledge the  
13 staff from the Committee that prepared for today's  
14 hearing, Jarret Hova who is sitting to my right  
15 who is the counsel to the Committee and Siobhan  
16 Watson who is not here but worked to prepare the  
17 materials for the Committee who is a policy  
18 analyst. And my communications director, Eric Quo  
19 who just left, he'll be back shortly.

20 We're here today to discuss--this  
21 is Eric Quo who I said who left and will be back  
22 shortly.

23 We're here today to discuss  
24 proposed Intro 701, a bill which proposes to  
25 prohibit the use of free standing signs on

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2 sidewalks and streets throughout the City of New  
3 York. Those of us who are not already aware, free  
4 standing signs are transportable, stand alone  
5 signs which rests on the ground rather than  
6 attaching to a building's façade or a sign post.  
7 They are often referred to as A frame signs or  
8 sandwich boards and are generally placed on  
9 sidewalks or street corners. They look something  
10 like this. Not exactly but that's how they stand  
11 on the side, sometimes where you least expect  
12 them.

13 Under the existing city law, free  
14 standing signs that present an obstruction on the  
15 sidewalk or elsewhere are generally prohibited.  
16 But it's unclear, and I underline that, it is  
17 unclear how and when these signs constitute such  
18 an obstruction. As a result, enforcement of the  
19 rules concerning these signs has been  
20 inconsistent. As it is currently drafted,  
21 proposed Intro 701-A would prohibit the display of  
22 signs on all sidewalks, streets, street corners  
23 and medians.

24 I understand there are a number of  
25 reasonable view points on this bill. With this in

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2 mind, we're looking forward to hearing from a  
3 variety of representatives on this issue. I  
4 expect that we will, as a Committee, take these  
5 various points of view into consideration. And  
6 give due regard to the important concerns of all  
7 asides on this issue.

8           Before we begin today's formal  
9 hearing, I'd like to emphasize that it is my  
10 policy as the chair of this committee to ensure  
11 that the hearings begin on time and that's why I  
12 was ten minutes late today. But I apologize  
13 because they switched the time from 1:00 to 10:00  
14 and I was unaware. But we try to start on time  
15 and therefore the rule is that only those  
16 individuals that sign up to testify within the  
17 first 15 minutes of the start of the hearing.  
18 Since the hearing is starting now, I'll say 10:30  
19 is the deadline, will be permitted to testify. So  
20 if you want to testify, you should please see the  
21 Sergeant at Arms and fill out the form.

22           Additionally, I ask witnesses to  
23 refrain from repeating points made by previous  
24 witnesses. If someone has adequately made the  
25 point that you wish to make, you're allowed to say

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2 you agree. If you disagree, you can say you  
3 disagree and explain why. There's no need to  
4 repeat the same things over again.

5           The other thing I wanted to mention  
6 is that a new policy that we've instituted that I  
7 find people are very, very happy with is to have  
8 the people speak first. Usually the people,  
9 witnesses testify first on those hearings that are  
10 oversight hearings so that the voice of the people  
11 is actually heard before anyone else's, including  
12 the administration or an agency. It gives people  
13 an opportunity to express their opinion and it  
14 allows us as Council Members to get a better idea  
15 of strong feelings that exist so that when the  
16 administration or an agency comes forward, we have  
17 a better understanding of what we should be  
18 asking.

19           However, when we're doing  
20 legislation, that doesn't make sense because we  
21 have to give the administration or those that are  
22 most familiar with a piece of legislation or bill  
23 an opportunity to explain it before somebody could  
24 attack it. Today we're dealing with a piece of  
25 legislation and that's why we have the Department

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2 of Sanitation testifying first and then we will  
3 have people from the public testify. It's an  
4 honor for me to have Council Member Oliver Koppell  
5 with us today who is the prime sponsor of this  
6 bill and we'd be honored if you have some remarks  
7 before we begin.

8 COUNCIL MEMBER KOPPELL: Thank you  
9 very much Mr. Chairman and I want to thank you as  
10 Chair for placing this on the agenda. I'm looking  
11 forward to testimony.

12 This bill was introduced by me as a  
13 result of the activities and deliberations of  
14 Community Board 8, which is in my district. I  
15 believe, I know that a representative of the  
16 community board will be testifying here this  
17 morning in support of this bill. I think it makes  
18 sense.

19 I want to subscribe to the  
20 testimony that I've seen the community board is  
21 going to present. I'm not going to go through it  
22 but my feeling is that we have a proliferation of  
23 these signs in commercial areas, in residential  
24 areas. They represent obstructions to sidewalks,  
25 they represent a danger, they also represent, in a

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sense, free advertising on city property.

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I don't believe that it's appropriate to have these signs and therefore I put forth this proposed ordinance.

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Let me just say, as a matter of full disclosure, that my wife Lorraine Coil Koppell is a real estate broker. She has on rare occasions used signs of this sort. I don't know whether you would call her benefited or adversely affected by the legislation. To some limited degree, she's affected by the legislation. I just want to make that clear. I don't believe the rules prohibit me from either advancing the legislation or voting on it. But I think I am required to indicate that there is that potential conflict of interest that exists.

18

CHAIRPERSON FELDER: Thank you.

19

TODD KUZNITZ: Good morning

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Chairman Felder, Councilman Koppell and members of

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the Committee on Sanitation and Solid Waste

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Management. I am Todd Kuznitz, Director of

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Enforcement for the New York City Department of

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Sanitation. I am here with Andrea Ciccone,

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Director of Intergovernmental Affairs for the

1  
2 Department. We are here on behalf of Commissioner  
3 Dougherty to testify on Intro 701-A under  
4 consideration by the Committee this morning and to  
5 answer your questions.

6 As proposed, Intro 701-A amends the  
7 current sidewalk obstruction provision under the  
8 city's administrative code. It creates a  
9 rebuttable presumption that the person whose name  
10 or other identifying information appears on a free  
11 standing sign board that rests upon any street,  
12 median strip of a street, public sidewalk,  
13 flegging or curbstone is responsible for the  
14 obstruction caused by such device.

15 Under the current code provision,  
16 the Department may only issue a summons to the  
17 person responsible for the premises outside where  
18 the sign board is placed. Intro 701-A also  
19 clarifies that free standing signs include A frame  
20 signs, curb signs, sidewalk signs, freestanding  
21 message boards, menu boards, sandwich boards,  
22 pedestal signs, pole banners and signs and tilt  
23 and roll signs. Additionally, this bill expands  
24 the prohibited area to include the lateral lines  
25 of the roadway, which the Department interprets to

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2 include the center traffic malls and medians  
3 separating both public thoroughfares on each side.

4           The Department supports the  
5 underlying intent of this bill. It would have the  
6 effect of protecting lawful business owners from  
7 individuals who discriminately place obstructive  
8 sign boards on sidewalks in front of another  
9 person's business or premise for which they have  
10 no responsibility. The Department clearly  
11 recognizes that small neighborhood businesses are  
12 an integral part of the city's economy. Their  
13 ability to thrive and prosper is vital and  
14 necessary to the city's economic engine and making  
15 New York City a friendly place to do business is a  
16 continuing goal of both the Mayor and the Speaker.

17           This bill does not seek to increase  
18 fines or penalties nor create a repeat offender  
19 violation schedule nor anything that would  
20 negatively impact law abiding small business  
21 owners. Rather, it would place responsibility on  
22 those unscrupulous individuals seeking to evade  
23 the sidewalk obstruction law by actually violating  
24 upon someone else's premises for which they bear  
25 no legal responsibility.

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2 As you know, the Department's  
3 primary mission is to ensure that New York City's  
4 streets, curb line areas and public sidewalks are  
5 clean, litter free and obstruction free. It  
6 accomplishes this through its street cleaning  
7 program and ensuring compliance with the city's  
8 Sanitation laws. Sandwich boards or A frames  
9 placed anywhere on the sidewalks is unlawful at  
10 all times and constitutes a sidewalk obstruction  
11 within the meaning of Section 16-1182A of the  
12 city's administrative code as determined by the  
13 New York City Environmental Control Board.

14 Pursuant to the Sanitation  
15 Commissioner's discretionary authority, it had  
16 been the Department's policy not to issue notices  
17 of violation to merchants who place their sandwich  
18 board securely against their building. While a  
19 sign board does not cause a potential sidewalk  
20 obstruction that impedes pedestrian flow, agents  
21 in uniform field officers are instructed not to  
22 issue any summonses.

23 The exception to this is when  
24 community boards, private civic and block  
25 associations and interested parties request the

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2 Department strictly enforce the city's sidewalk  
3 obstruction law under a zero tolerance policy.  
4 This request is often made in areas where the  
5 sidewalks are narrow. Over the last 16 months the  
6 Department has worked successfully with community  
7 boards in addressing and responding to their  
8 specific community based concerns and we will  
9 continue to do so.

10 In the last few years, we have  
11 observed a downward trend in the number of  
12 summonses issues for sidewalk obstructions. In  
13 fiscal year 2007, the Department issued a total of  
14 22,572 sidewalk obstruction summonses citywide.  
15 In fiscal year 2008 the numbers dropped to  
16 20,983. umbers dropped to 20,983. Currently in  
17 fiscal year 2009 for the period beginning July 1,  
18 2008 through March 31, 2009, the Department has  
19 issued only 12,436 sidewalk obstruction summonses.  
20 With only three months remaining in this fiscal  
21 year, we estimate roughly about a 40% drop in  
22 sidewalk obstruction summonses compared to the  
23 last two years.

24 While Intro 701-A covers only sign  
25 boards, I want to clarify that these enforcement

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2 numbers cover all sidewalk obstruction violations,  
3 such as produce and food displays, clothing racks,  
4 furniture and other general vending merchandise  
5 unlawfully placed on sidewalks including those  
6 areas specifically enumerated under Title 19 of  
7 the city's administrative code for outdoor vending  
8 is specifically prohibited.

9           This downward trend in enforcement  
10 by the Department of Sanitation tells us that most  
11 businesses are fully aware of their legal  
12 responsibilities and take appropriate measures and  
13 pride in keeping their premises clean and free of  
14 obstructions. This is encouraging to the  
15 Department because it helps us to meet our core  
16 mission of maintaining public cleanliness.

17           Notwithstanding these efforts of  
18 law abiding businesses in an attempt to evade  
19 liability on the current sidewalk obstruction law,  
20 there were unscrupulous individuals and businesses  
21 placing sign boards in front of other competing  
22 business establishments or establishments that  
23 happened to be closed at the time. They also  
24 place sign boards in other locations such as  
25 street corners, cross walks and areas extending

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2 into the curb lines and stick signs into the  
3 grassy areas of traffic malls and medians. These  
4 actions not only impede the safe flow of  
5 pedestrian traffic, but they also create a hazard  
6 to pedestrians, especially persons who are vision  
7 impaired and persons pushing baby strollers or  
8 small grocery shopping carts.

9 Signs that are staked into the  
10 grassy areas of traffic medians are frequently  
11 left there by the person that staked the signs  
12 which become exposed to wind and/or rain, fall  
13 down and create street litter. To ensure that the  
14 responsible party properly receives a summons  
15 Intro 701-A would appropriately assign liability  
16 to a party based on the information and details  
17 contained on the sign rather than the geographic  
18 location of the sign.

19 We recognize the bill's amendments  
20 are intended to enforce against persons who  
21 actually create the sidewalk obstruction and not  
22 innocent law abiding business owners and  
23 establishments. Small business merchants play an  
24 essential role in achieving and maintaining clean  
25 communities. They are on the front line of their

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2 communities and set a positive example for others  
3 in their areas. It has been our experience and  
4 observation that nearly all small businesses are  
5 knowledgeable of the sidewalk obstruction law  
6 enacted in 1955 as it relates to sign boards.

7           Once again Intro 701-A only amends  
8 the existing sidewalk obstruction law by  
9 authorizing the issuance of summonses to the  
10 actual party responsible for the improper  
11 placement of a sidewalk sign and not penalize a  
12 commercial establishment or residence on whose  
13 premises a sign board has been improperly placed.  
14 The intent of this bill is to promote a laudable  
15 goal by protecting law abiding small business  
16 owners and for this reason we support its intent.

17           I'll be happy to answer any of your  
18 questions.

19           COUNCIL MEMBER KOPPELL: I want to  
20 thank you for that testimony. It doesn't require  
21 me to say anything in favor of the bill because  
22 you've pointed out exactly why we're doing this.  
23 We also think it somewhat clarifies the law in  
24 addition to making the proper party responsible.  
25 We appreciate that statement. I'm also pleased to

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2 learn that the enforcement policy of the  
3 Department is flexible so that a restaurant that  
4 would have a sign right up against the front, you  
5 don't go after those people. And I think that's  
6 appropriate so thank you very much. I appreciate  
7 that testimony.

8 MR. KUZNITZ: You're welcome.

9 COUNCIL MEMBER KOPPELL: No  
10 questions because I agree with every word you  
11 said.

12 CHAIRPERSON FELDER: We don't want  
13 to disappoint you so we have a few questions for  
14 you. We hope you'll help us out with that. Just  
15 a general question with regard to enforcement on  
16 this bill, so for example let's say you have one  
17 of the signs that's somewhere, not in front of the  
18 establishment. We'll take that case for a moment.  
19 And it says something like Simcha's Pizzeria and  
20 whatever else, blah, blah, blah, it gives a whole  
21 story and it's laying maybe in front of a store  
22 that's for lease so no one is bothering it. How  
23 are you going to do the enforcement in that case?

24 MR. KUZNITZ: We would have to do  
25 it similar to the way we do with illegal postage.

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2 We would take the name, we would trace it through  
3 the internet, through Lexis Nexis and through  
4 various internet databases. If there's a phone  
5 number, we'll subpoena the phone number from the  
6 telephone company and try to trace it back to the  
7 responsible party. The summons would not be  
8 issued at that point, not until all the research  
9 and investigation is done.

10 CHAIRPERSON FELDER: Okay. Now  
11 just for my own education, right now it's my  
12 understanding that, as an example, fruit shops,  
13 supermarkets that display their wares, their  
14 fruits are allowed to do so within 36 inches of  
15 the store. Is that correct?

16 MR. KUZNITZ: That's correct,  
17 except in zero visibility areas.

18 CHAIRPERSON FELDER: So this  
19 doesn't impact them in any way in terms of  
20 displaying their wares.

21 MR. KUZNITZ: Not at all.

22 CHAIRPERSON FELDER: Are there any  
23 other wears that are allowed to display their  
24 goods? In general are you allowed to display your  
25 goods within 306 inches of the store?

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2 MR. KUZNITZ: You're allowed to  
3 display whatever you sell inside the store, you  
4 can display outside the store except in zero  
5 visibility areas.

6 CHAIRPERSON FELDER: So if somebody  
7 sold suits conceivably if the suit was 36 inches--

8 MR. KUZNITZ: That's correct.

9 CHAIRPERSON FELDER: --some of us  
10 have larger ones. But if it was 36 inches, you'd  
11 have no problem, there would be no issue. This  
12 does not impact that, that's what I'm trying to  
13 clarify.

14 MR. KUZNITZ: That's correct.

15 CHAIRPERSON FELDER: Right. This  
16 is only about using the signs to advertise, right?

17 MR. KUZNITZ: That's correct.

18 CHAIRPERSON FELDER: This is not  
19 getting involved in the issues regarding the  
20 signage that was sort of handled a number of years  
21 ago in front of stores that they actually hang on  
22 to the stores with large signs. This has nothing  
23 to do with it, right?

24 MR. KUZNITZ: This is only the  
25 signs that people actually place on the sidewalk

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2 or stake into the ground.

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CHAIRPERSON FELDER: Good. Now

when you said about enforcement, you said that the enforcement has gone down. Would it be fair to say that with this--I'm not saying that I'm in favor or against it; I just want to know as a fact that once you do this legislation you're going to have an increase in enforcement.

MR. KUZNITZ: Yes, we will because

right now we can't--we get many complaints, many citizen complaints about signs that are at crosswalks, blocking the ramps that people use for wheelchairs and shopping carts and so forth. We get complaints about signs on center medians. Right now we can't hold anybody responsible for those signs so we'd have to just leave them.

CHAIRPERSON FELDER: Again, in

front of my own pizzeria I would not be permitted to put one of those signs? Is that correct; those A signs that you talk about?

MR. KUZNITZ: Right now the

Department's policy is if the sidewalk is wide enough and it's not causing obstruction, we won't bother you if the sign is touching your building.

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2 If your sign in is in the middle of the sidewalk  
3 or at the curb, yes, you would get a summons.

4 CHAIRPERSON FELDER: But again, to  
5 clarify this legislation, and I think that in part  
6 the sponsor as well as your agency deserves a  
7 compliment whether you like the bill or not for  
8 trying to make the law clear. I think that people  
9 generally want things to be clear. Even if they  
10 don't like them at least we understand what the  
11 rules are.

12 So if I have a pizzeria and if I  
13 had one of these A signs that was touching my  
14 building but it was obviously in the middle of the  
15 sidewalk--I'm not talking about something that's  
16 laying flat against my building. I'm talking  
17 about something like that. Would the legislation  
18 codify that clearly? I'm not talking about  
19 discretion.

20 MR. KUZNITZ: Under current law,  
21 that A frame is still illegal.

22 CHAIRPERSON FELDER: Right. So,  
23 again I'm raising some issues because I don't know  
24 what the right approach is. I don't know what the  
25 right approach is but I do believe that it should

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2 be clear. If we decide that you want to say that  
3 an A sign in front of their own store is permitted  
4 if its up against the store and its within 36  
5 inches, that may be a solution. I just think that  
6 it has to be clear because we don't want agents  
7 deciding whether it's appropriate or not.

8 Then what if you have an A sign  
9 that's not 36. What if the guy makes a 50 inch  
10 sign that's against the wall? I just think that  
11 with this stuff the clearer we're going to be--I'm  
12 just raising it. If you could look into it and  
13 once you're working with the sponsor with this  
14 committee to come up with some position that  
15 either allows them to do it, doesn't allow them to  
16 do it and to what extent and obviously if it's  
17 attached to the wall.

18 COUNCIL MEMBER KOPPELL: Mr.  
19 Chairman if I might comment on your comment.

20 CHAIRPERSON FELDER: Please.

21 COUNCIL MEMBER KOPPELL: In some  
22 respects I wouldn't object to an amendment that  
23 would make it clear that an A frame sign that's  
24 actually touching the front of the building that's  
25 either owned or leased, that that would not be

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2 illegal. In fact, as the officer testifying has  
3 indicated, current law prohibits it but they have  
4 a policy that they don't fine. The reason that  
5 that might be preferably to putting it in the law  
6 is that I can imagine in some instances where  
7 there's a very narrow sidewalk, even an A frame  
8 sign touching the building might be a sidewalk  
9 obstruction. So rather than giving a blanket  
10 exemption, the current policy because as his  
11 testimony, right now that's actually illegal but  
12 they don't fine those people except in certain  
13 areas, as he pointed out. I think maybe we should  
14 leave it alone.

15 The complaints are not about those  
16 signs but at the same time making those signs  
17 totally legal might not be the best idea either.  
18 And as I say, the complaints are not about those  
19 signs, doesn't seem to be a problem. The problem  
20 is the signs that are not touching the building.  
21 And yet I could see where the sidewalk is very  
22 narrow that you wouldn't want one of those signs  
23 either. So I think we should leave the law the  
24 way it is.

25 If we were making the law more

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2 strict with respect to those signs, I might agree  
3 that we should do an amendment. But since the law  
4 already prohibits it, I personally would leave it  
5 alone.

6 CHAIRPERSON FELDER: Well, I defer  
7 to you in almost everything. I have a tremendous  
8 amount of respect for you and I appreciate your  
9 comments so I'll go on to my next question if you  
10 promise not to disagree with me on the next  
11 question, in advance.

12 COUNCIL MEMBER KOPPELL: I might.  
13 It's unlikely that I would disagree.

14 CHAIRPERSON FELDER: I'm just  
15 kidding. So whatever the sponsor says is fine  
16 with me unless you want to--you can discuss with  
17 the sponsor. The other thing is according to your  
18 research, are there certain neighborhoods that are  
19 more of a problem than other neighborhoods with  
20 regard to this issue?

21 MR. KUZNITZ: I wouldn't say that  
22 there are.

23 CHAIRPERSON FELDER: So if you  
24 analyze the numbers, I know you said about the  
25 summonses but if you analyze the enforcement,

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you'd say it's pretty much consistent throughout the city and in shopping areas?

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MR. KUZNITZ: Where those signs are concerned, yes. The complaints are consistent throughout the five boroughs as far as mainly real estate signs, those and parking lots.

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CHAIRPERSON FELDER: Councilman Koppell, can I ask them a question even though I deferred to you about that issue?

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COUNCIL MEMBER KOPPELL: Yes.

CHAIRPERSON FELDER: Taking into consideration what my colleague said, would there be any purpose in--am I permitted to ask you the question?

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COUNCIL MEMBER KOPPELL: Sure.

CHAIRPERSON FELDER: Okay, so I'll pose it to my colleague, the sponsor of the bill. Would you feel more comfortable if they sort of said that a certain amount of feet on the sidewalk, stores that have them are okay and if not, not. Or you still would prefer it the way it is.

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COUNCIL MEMBER KOPPELL: I think I would prefer it the way it is. Let me give you

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2 another example Mr. Chairman. I walked recently  
3 in the Times Square area and the sidewalks are  
4 quite wide. But there is such a huge crowd that  
5 even a sign three feet out from the front of a  
6 store there would create a great problem. So it  
7 all depends. In a modest neighborhood where  
8 there's relatively little street traffic, an A  
9 frame sign in front of a store might be okay. But  
10 you couldn't put it on Broadway. You could put it  
11 there but it would create a real problem so I  
12 think we should leave it.

13 As I said, if the law was not now  
14 that those are illegal, you might consider the  
15 exemption. But since we've been living with the  
16 law as it is now, I would just leave it alone.

17 CHAIRPERSON FELDER: You've  
18 convinced me and I will not ask you anything  
19 further on this. Back to the Department of  
20 Sanitation, some have said that the community  
21 boards in certain neighborhoods should make the  
22 determination, some sort of determination as to  
23 what's appropriate, what's not. What's your  
24 opinion about that?

25 MR. KUZNITZ: Some community boards

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come to us and ask for stricter enforcement and there are some community boards who spoke to us and got us to change our policy by saying, my particular area the sidewalks are 12 feet wide, there's very little foot traffic and signs abutting the building aren't going to bother everybody. And we took that into consideration. So I think, yes, on a basis where in consultation with a community board to listen to what they have to say and then make a decision. But not to make a blanket determination that it's up to each individual community board; I think it should be a joint decision made in consultation.

CHAIRPERSON FELDER: And again, the law that allows people to display their wares 36 inches except with zero tolerance, this does not impact that in any way; this is only about the signs. Is that right?

MR. KUZNITZ: That's correct.

CHAIRPERSON FELDER: Do you have any documentation about injuries in any way?

MR. KUZNITZ: No, I don't, only hearsay.

CHAIRPERSON FELDER: Because I

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2 would think that that's a big issue or could be a  
3 big issue.

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5 MR. KUZNITZ: We testified in 2004  
6 and at that time we were getting complaints about  
7 people tripping over the signs, blind people  
8 walking into the signs, mostly hearsay.

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10 CHAIRPERSON FELDER: I walked into  
11 not a sign but I walked into something yesterday  
12 that was in the middle of the sidewalk, a display  
13 by a store owner that was not a sign. I should  
14 have been more careful but it was pretty  
15 interesting that's why I'm asking you.

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17 Right in the beginning of your  
18 testimony, you listed a whole bunch of signs, some  
19 of which I had no idea what they are. I'm just  
20 going back, again, you said A frame signs we know  
21 what that is. What curb signs, what's a curb  
22 sign? In what way is a curb sign different from  
23 an A frame sign?

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25 MR. KUZNITZ: A frame sign is  
26 basically like an A.

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28 CHAIRPERSON FELDER: Yes. And a  
29 curb sign?

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31 MR. KUZNITZ: Curb signs could be

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flat, they're usually square, it's any type of sign--

CHAIRPERSON FELDER: [interposing]  
Sidewalk sign. I just want to know whether we're--  
-free standing message board.

MR. KUZNITZ: People call them basically all different things, it all boils down to an A frame is the same as a free standing message board, it's a menu board--

CHAIRPERSON FELDER: [interposing]  
Sandwich board.

MR. KUZNITZ: Sandwich board.

CHAIRPERSON FELDER: But these are not different types of signs?

MR. KUZNITZ: What we commonly call A frames.

CHAIRPERSON FELDER: But in other words you're trying to say is if it wasn't an A and it was on a pole, fastened on, that's including. Any type of sign, right?

MR. KUZNITZ: Any type of sign so it clarifies it a little better so there's no question later on.

CHAIRPERSON FELDER: Pole banners,

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what's with the pole banners? What is that?

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MR. KUZNITZ: They're actually people who tie banners from the roof or from the sign on the front of their building to a pole at the curb, sometimes in the middle of the sidewalk like with flags. They call it flags.

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CHAIRPERSON FELDER: This is interesting. That's interesting. That's not a question of injury, right?

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MR. KUZNITZ: It could be.

CHAIRPERSON FELDER: It could be?

MR. KUZNITZ: If it were an

obstruction.

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CHAIRPERSON FELDER: So when the stores open up and they put these banners like flags to get people's attention, that's part of the same thing?

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MR. KUZNITZ: I'm not saying a banner that's overhead. I'm saying in this case it's a banner that actually comes down to the sidewalk.

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CHAIRPERSON FELDER: I see. I'm sorry. And what's a tilt and roll sign?

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MR. KUZNITZ: A lot of parking

1  
2 garages use those. They're actually like A frames  
3 on wheels and they actually tilt them over on two  
4 wheels to roll them out to the curb or out to the  
5 intersection to point people down the block.

6 CHAIRPERSON FELDER: I see.

7 MR. KUZNITZ: They're huge signs;  
8 they're too big to carry.

9 COUNCIL MEMBER KOPPELL: Those are  
10 like huge A frames.

11 MR. KUZNITZ: Exactly.

12 [off mic]

13 MR. KUZNITZ: A little bit more  
14 than \$15.

15 CHAIRPERSON FELDER: Okay. We are  
16 joined by Council Member Robert Jackson who has a  
17 question.

18 COUNCIL MEMBER JACKSON: I  
19 apologize for being late. I was listening to the  
20 testimony and I read the submission by the Middle  
21 Avenue Brooklyn Partnership and the Fashion Center  
22 Business Improvement District. I guess my  
23 question is to the Department of Sanitation  
24 officials. Basically am I hearing that the  
25 Department of Sanitation in consultation with

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2 community boards, depending on the area, whether  
3 or not it's a problem or not, is how from an  
4 operational point of view you're handling issues  
5 and/or complaints. Is that appropriate to  
6 understand how it's being handled from an  
7 operational point of view?

8 MR. KUZNITZ: We have a citywide  
9 policy and we deviate from that policy if a  
10 community board comes to us and says, listen, we  
11 have a problem with signs. We want you to step up  
12 enforcement. Or in the opposite, we have 15 foot  
13 sidewalks and no foot traffic. We want you to  
14 ease up on us and that's what we do. We take that  
15 into consideration.

16 We go out, we look at the streets  
17 for ourselves. We see if it's really causing a  
18 problem and we make a determination. So we listen

19 COUNCIL MEMBER JACKSON: So as the  
20 Director of Enforcement, this from the  
21 perspective. I know that you have the Department  
22 of Sanitation, like regional directors and/or  
23 people that's responsible for community boards.  
24 Is that not only for as far as trash pick up?  
25 Are they responsible, basically, for the entire

1  
2 board to handle from an operational point of view  
3 with the Department of Sanitation? '

4 We're discussing other committee  
5 assignments that we have that's going on at the  
6 same time. Because we all have Land Use that we  
7 have to go over to also. If not, we're marked  
8 absent.

9 CHAIRPERSON FELDER: I want to  
10 apologize. A few of us will be marked absent if I  
11 don't go [off mic]. So I'm going to ask Council  
12 Member Tish James to take over the hearing and  
13 continue from this point. I apologize.

14 COUNCIL MEMBER JACKSON: So sort of  
15 like the inspectors for the community boards.  
16 Community Board 9 in Manhattan you have 10 and 12  
17 that's in my area in lower Manhattan. Are those  
18 individuals responsible, for example, from an  
19 operational point of view in consultation with the  
20 boards as far as determining whether or not we  
21 should step up the enforcement or be flexible?  
22 I'm not trying to put you in any bind, I'm just  
23 need to know from an operational point of view.

24 MR. KUZNITZ: From an operational  
25 point of view, I'm the Director of Enforcement and

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2 normally all those consultations come through me,  
3 through the Commissioner, through my office  
4 basically. If it goes to the Commissioner, he'll  
5 talk to me about it and we'll agree on how we're  
6 going to approach it. But the individuals in each  
7 individual community board, they're responsible  
8 for what happens in the community board by  
9 following orders coming from the Commissioner's  
10 office or my office.

11 COUNCIL MEMBER JACKSON: You talk  
12 about A frames. With respects to A frames as far  
13 as advertising. I know that DOS clearly enforces  
14 the political signs on lamp posts and what have  
15 you and so forth. Where quite a number of us have  
16 gone a couple of days before the election,  
17 especially Election Day, A frames on the corner.  
18 Would this be the same type of situation?

19 MR. KUZNITZ: Yes, it would.

20 COUNCIL MEMBER JACKSON: I said,  
21 okay, I'm not going to put any signs up on the  
22 lamp post because I don't want to be fined.

23 COUNCIL MEMBER JAMES: Not on the  
24 trees either.

25 COUNCIL MEMBER JACKSON: So on the

1  
2 day of the election I'll put up A frames. I just  
3 wanted to see the classification. I appreciate  
4 that. Let me just ask my colleague, Oliver  
5 Koppell. Currently, did I hear you say with  
6 respects to the law, you rather leave it like it  
7 is now and have the Department of Sanitation  
8 depending on the situation, depending on what the  
9 Director of Enforcement believes is reasonable and  
10 unreasonable, let them go about implementing the  
11 law. That's what I'm hearing. Is that correct?

12 COUNCIL MEMBER KOPPELL: Yes, I  
13 think that that makes sense because there are  
14 clearly instances where signs are obstructions, in  
15 some cases offensive obstructions, in other cases  
16 where one could be more lenient. As I understand  
17 it and that's currently the law, we're not  
18 changing that. And I would leave it.

19 COUNCIL MEMBER JACKSON: Because in  
20 reading the testimony as far as small businesses  
21 in New York City, with the economy as what it is  
22 small businesses need as much support as possible.  
23 Clearly with all the taxes and everything else  
24 that we're putting on them, I don't want to hamper  
25 small businesses or negatively impact their

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2 business and run them out of business. We  
3 definitely don't need that.

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5 But also I agree with you that the  
6 Department of Sanitation needs the flexibility to  
7 do their job as they see fit and according to  
8 implementing the law. And I agree with my  
9 colleague Simcha Felder, I do have a brother-in-  
10 law, sister-in-law that are blind and they have  
11 been injured walking into all kind of obstructions  
12 in the street. Not only signs but construction  
13 and stuff like that where they've been hit in the  
14 head and walk into stuff and what have you. So I  
15 do believe, though, that overall our sidewalks  
16 need to be free for people to walk whether or not  
17 they're cited and/or not cited.

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18 Even though he does have a walking  
19 cane and he uses that as a guide in order to clear  
20 the passage in front of him, that's on the ground.  
21 But when there's something sticking out of the  
22 side of the building that you can't feel with the  
23 cane, that's a problem.

23

24 I know one situation in Community  
25 Board 9, I think it was an animal clinic or  
something like that and actually from, I guess,

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2 the entrance of the building they had a sign out  
3 that said MasterCard, Visa. It was sticking out  
4 where you could literally walk into it with your  
5 head. This was about three years ago and a  
6 constituent brought it to my attention. I went in  
7 and I talked to the owners about that.

8 Subsequently they removed the sign from that  
9 location because it a danger. That was a  
10 cooperation but that was a signage situation that  
11 was not a good situation. So I hear my colleague  
12 on how we should just leave it as it is. So in  
13 essence Councilman Koppell, you will then be  
14 restoring this or this clarifies it?

15 COUNCIL MEMBER KOPPELL: This  
16 doesn't change the rules with respect to what  
17 should obstruct the sidewalk. But it clarifies  
18 particularly that not only the building owner but  
19 the person who puts the sign there. That's what  
20 we're really getting at. We're not really  
21 changing the rule for the building owner; we're  
22 changing the rule for people like the real estate  
23 operators that put signs all over the  
24 neighborhood--

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COUNCIL MEMBER JACKSON:

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2 [interposing] Big parking things, park here. Is  
3 that--

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COUNCIL MEMBER KOPPELL:

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6 [interposing] They're already prohibited. If it's  
7 right next to parking lot, if they own the parking  
lot or lease it, they're already prohibited.

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COUNCIL MEMBER JACKSON: Okay. So  
9 when they wheel it out to the street--

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COUNCIL MEMBER KOPPELL:

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[interposing] They're already prohibited.

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COUNCIL MEMBER JACKSON: So in  
essence you're just clarifying the law?

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COUNCIL MEMBER KOPPELL: We're  
clarifying the law and making it clear that the  
person who puts the sign there, not only the  
building owner, is responsible. Like a real  
estate operator that doesn't have an office right  
adjacent goes around the neighborhood and puts up  
signs on the sidewalk. We're making it clear that  
that person can be held responsible.

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COUNCIL MEMBER JACKSON: Not the  
building owner.

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COUNCIL MEMBER KOPPELL: Right.

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COUNCIL MEMBER JACKSON: But what

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2 if the real estate guy was paying the owner of the  
3 building? Let's say, like rent, to put the sign  
4 there.

5 COUNCIL MEMBER KOPPELL: Then the  
6 both of them would be responsible.

7 COUNCIL MEMBER JACKSON: No, I'm  
8 very serious.

9 COUNCIL MEMBER KOPPELL: Then both  
10 of them would be liable.

11 COUNCIL MEMBER JACKSON: Okay. So  
12 this amendment would just amend the law where you  
13 make it the person whose sign it is that promotes  
14 the business to be able to get a fine.

15 COUNCIL MEMBER KOPPELL: That's  
16 right. Exactly.

17 COUNCIL MEMBER JACKSON: Thank you.  
18 And thank you Director of Enforcement and...

19 MR. KUZNITZ: Andrea Ciccone.

20 COUNCIL MEMBER JACKSON: Department  
21 of Sanitation officials.

22 COUNCIL MEMBER JAMES: Good  
23 morning. My name is Letitia James and I'm  
24 speaking on behalf of the district that I  
25 represent. I have a bid on Myrtle Avenue and the

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bid has written to me in opposition to this bill because on Myrtle Avenue between Flatbush Ave and Kalussen, which comprises the bid, there are a number of stores, which advertise with sandwich boards. Often times these sandwich boards are no further than three feet from the store and they have proven to be very effective in terms of advertising.

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Let me just also say that the sandwich boards add to the charm and the distinction of Brownstone Brooklyn. I do believe that these sandwich boards are not unique to Clinton Hill Fort Green. In fact, I believe they are all throughout what is commonly referred to as Brownstone Brooklyn, which is in my humble opinion probably the best part of the city in New York. And it just adds to its charm.

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I'm also concerned, as was expressed by Council Member Jackson, that the number of small businesses that are already suffering due to these austere times and have already been fined to the point where its affecting their bottom line, will be adversely affected by this piece of legislation. To what

1  
2 extent is this bill effective? Sandwich boards or  
3 menu boards I believe they're often referred to.

4 MR. KUZNITZ: Right now under  
5 present law, A frames anywhere on a sidewalk in  
6 front of your premise is a premise violation. So  
7 that's not going to change. What changes with  
8 this law is that if that business owner puts their  
9 sign at the crosswalk across the street in front  
10 of a vacant building, the person whose name or  
11 other identifying information on that sign is  
12 liable and responsible for that violation.

13 So if you put your sign in front of  
14 a vacant building instead of a summons going to  
15 the vacant building owner who has nothing to do  
16 with that sign, it would actually go to that  
17 person who is responsible for that sign.

18 As far as a person putting a sign  
19 in front of their own business, that law, that's  
20 not changing. The present law that's illegal,  
21 however, the Department has a policy where if the  
22 sign is touching the building and it's not causing  
23 an obstruction, as the Councilman pointed out on  
24 Broadway. If the sign is touching the building  
25 and there's a lot of pedestrian traffic, and it is

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2 causing an obstruction, yes, it is a violation.  
3 On a normal business day with little pedestrian  
4 traffic, if the sign is not bothering anybody the  
5 agents are told not to issue a violation.

6 COUNCIL MEMBER JAMES: So these  
7 sandwich boards are not obstructive, they're not  
8 offensive even if that term is sort of vague, but  
9 they're not offensive. The stores in Clinton Hill  
10 and Fort Green, which continue to have sandwich  
11 boards on their premises, in front of their  
12 establishment, will not be impacted. Is that  
13 true?

14 MR. KUZNITZ: That's correct unless  
15 the sidewalk is very narrow. I'm not familiar  
16 with it. Some areas sidewalks are much wider,  
17 some areas that I go to a sidewalk might only be  
18 six feet wide. In that case it would be an  
19 obstruction.

20 COUNCIL MEMBER JAMES: I believe  
21 that there should be further clarification on this  
22 piece of legislation and further discourse. My  
23 question is will the Department of Sanitation be  
24 speaking to community boards or to bids or to  
25 merchants associations with regards to the impact

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that the state of the law currently and this proposed piece of legislation?

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MR. KUZNITZ: Of course we would and I could say over the last few years that I've been in enforcement, we've been receiving a lot of complaints from those groups. It's not so much the business owner that puts the sign in front of his own business. We're receiving a lot of complaints about the signs that we can't do anything about, the ones on center medians, the ones in crosswalks, the ones that are staked into the ramps of crosswalks where people with wheelchairs, baby strollers and shopping carts have to use to access that sidewalk or to cross the street. We're getting a lot of complaints and those are the signs that this bill would impact.

COUNCIL MEMBER JAMES: We do not do that or violate the law in Clinton Hill or Fort Green. We're law abiders; all of us. He's a constituent, he can attest to it. So I will be probably reaching out to the bid on Myrtle Avenue and asking that they extend an invitation to your office so that you can come and speak to the merchants on their level. And I thank you for

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your testimony. Any other further questions?

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Thank you.

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The next witness is Mr. Kenneth Peskin. Did I pronounce that correctly? You're on, sir, International Sign Association.

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KENNETH PESKIN: Thank you. I apologize my written remarks I'm not actually going to submit to you because it was before I received the testimony and the additional staff report which has clarified a lot of what had been my concerns. Thank you for bringing up the small business owner Mr. Jackson. Aren't really particularly germane to where I see the bill actually being.

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First thing, my organization International Signs Association represents the manufacturers and users of on premise signs, which generally the permit signs that are--sorry. Kenneth Peskin, the Manager of State and Local Governmental Affairs with the International Sign Association in Alexandria, Virginia. We represent the manufacturers and users of permanent on premise signage, the signs that are properly permitted and attached to buildings and staked

1  
2 into the ground. So the issue of sandwich boards  
3 is not a core product of our companies and our  
4 manufacturers.

5 As an organization, we strongly  
6 support any efforts to remove all signs that are  
7 located that impact visibility and flow of  
8 traffic, illegally installed or located signs that  
9 are placed without regard to proper permitting,  
10 impact public safety or erected on public poles or  
11 trees or things of that sort. That being said, we  
12 still have a few things that we're concerned about  
13 the legislations as its currently written so we  
14 have some opposition.

15 I think much of it deals with what  
16 I see as some of the unintended consequences of  
17 the wording of the ordinance as its currently  
18 written and the potential exposure that the city  
19 can have as a result. The first thing is the sort  
20 of comprehensive list of the types of signs that  
21 would be prohibited, A frame sandwich board, et  
22 cetera, all the way down there.

23 The one that I had the particular  
24 concern with, first off is defining them all as  
25 free standing signs. As sort of a matter of

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2 point, permanent signs, a pole sign, a pile on  
3 sign, a monument sign also are generally  
4 considered free standing signs. What I think is  
5 intended is something along the ways of temporary  
6 signs or portable signs or staked inside. There  
7 are other ways of writing it but I would caution  
8 using the phrase free standing signs because that  
9 could unintentionally expose some legally,  
10 permitted permanently installed signs under the  
11 proposed ordinance.

12

13 The second thing is as it deals  
14 with the phrase pole banners and signs. Again,  
15 pole signs are often permanently installed. The  
16 concern I would have about pole banners, many  
17 times erected on light poles and things, are  
18 banners above the flow of traffic that are  
19 installed by civic associations, governmental  
20 groups, things of that sort. I understand that's  
21 completely not the intent of the ordinance but I  
22 think a little word spiffing may help you out from  
23 having the sort of unintended consequences.

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25 The next thing where I could see  
there being a potential safety aspect, the  
clarification that business currently aren't

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2 allowed these signs unless they're flush against  
3 the building, depending on the circumstances. I  
4 can see there being a possible safety aspect as it  
5 pertains to certain parking lots, parking  
6 services, valet parking.

7 The issue that I could potentially  
8 see, and we see in a lot of locations, is set  
9 backs becomes a safety aspect. The further back  
10 a sign is from the right of way, the harder it is  
11 to see and the more likely you are to either need  
12 to see it further away in order to respond in time  
13 or you may make an abrupt and sometimes dangerous  
14 safe cut driving maneuver.

15 As it pertains to parking, parking  
16 lots, I don't know the exact statistics in the  
17 city but I could imagine if it is difficult to  
18 locate that a parking lot may be open or has  
19 capacity or whatever the particular rates are,  
20 could potentially cause some abrupt and  
21 potentially dangerous parking maneuvers or  
22 driving. That's something to at least bear in  
23 mind.

24 The third thing and sort of the  
25 last thing is the possibility of the legal

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2 concerns and the exposure to the city depending on  
3 how an ordinance is written. Sign ordinances are  
4 very dicey things. Lots of cities have to defend  
5 them in court on constitutional and free speech  
6 issues. The concern I have as it pertains to that  
7 is the ordinance talks about obstruction and  
8 nuisance and talks about safety.

9           One thing it does not talk about is  
10 citing essentially off premise advertising erected  
11 without a permit. That's what a lot of these  
12 signs are in essence. And if that's the case and  
13 it's recognized as such, that's another level to  
14 sort of protect the city. The problem with citing  
15 simply the obstruction and nuisance is the city  
16 has sanctioned a number of other forms of not  
17 nuisance but obstructions on the sidewalk or the  
18 street. Whether it be vendors, whether it be  
19 mailboxes, newspaper vending machines and not  
20 limited to certain advertising devices on bus  
21 shelters and phone booths and other things from  
22 which the city or governmental agencies derive  
23 revenue.

24           Where that comes down, the city of  
25 Los Angeles right now had their sign ordinance

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declared unconstitutional after being sued by a billboard company. Which is not my industry, I don't represent the billboard companies, I say that beforehand. But they said there could be no more billboards in the city but then they went ahead and sold a contract for bus shelters and street furniture advertising. Right now that city has to re-craft their entire sign ordinance because they declared different sets of rules for both the city and for private businesses.

There was a very good court case on this in the city of Cincinnati where they tried to tell certain essentially newspaper vendor services. The case is cited by the Supreme Court in 1993 called City of Cincinnati versus Discovery Network, where they basically said you can't have your newspaper boxes on the sidewalk but other people can. The city lost and it was a real problem.

An interesting precedent but I just urge you to be very careful on the grounds and the basis by which you draw these regulations so that you can most effectively get what you're trying to do without bringing about any unintended

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2 consequences, both to businesses and merchants, to  
3 legally operating sign companies and businesses in  
4 the city and also without exposing the city to any  
5 potential harm.

6 COUNCIL MEMBER JAMES: Thank you.  
7 We were joined by Maria Carmen del arroyo from the  
8 Bronx you had to attend another meeting. She had  
9 a conflict in her schedule. Do you have any  
10 suggestions in language?

11 MR. PESKIN: Not with me at the  
12 moment. I can communicate with Jarret. I've been  
13 in touch with him before, I would be happy to  
14 submit some ideas to him.

15 COUNCIL MEMBER JAMES: We would  
16 appreciate that. Any other comments or questions?  
17 Council Member Koppell.

18 COUNCIL MEMBER KOPPELL: I want to  
19 thank you for your comments. I'm not 100% sure  
20 that I agree with them but they are important to  
21 be considered. I'll be happy to talk to committee  
22 counsel about some amendments to take care of some  
23 of these issues if necessary. But I do appreciate  
24 your calling these matters to our attention and we  
25 will certainly give it due consideration. And any

1  
2 suggested language, as Council Member James  
3 indicated, would be appreciated. If you send it  
4 committee counsel, send me a copy please here at  
5 City Council. I'd appreciate it.

6 MR. PESKIN: Thank you. I'd be  
7 happy to.

8 COUNCIL MEMBER JAMES: Thank you.  
9 Council Member Jackson, any comment?

10 COUNCIL MEMBER JACKSON: No.

11 COUNCIL MEMBER JAMES: Thank you.

12 Next witness is Saul Scheinbach. Did I pronounce  
13 your name correctly?

14 SAUL SCHEINBACH: Yes.

15 COUNCIL MEMBER JAMES: Thank you.

16 MR. SCHEINBACH: Thank you for  
17 hearing my testimony. My name is Saul Scheinbach.  
18 I'm the Chairman of the Environment Sanitation  
19 Committee for Community Board 8 in the Northwest  
20 Bronx. I'm here representing Community Board 8,  
21 which supports Introduction 701-A. This bill  
22 would prevent open house, sports league signs and  
23 other such signs from being placed on public  
24 property.

25 In April 2008, just exactly one

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year ago, our community board passed a resolution supporting this bill. Even earlier we sent letters to local real estate brokers asking them to refrain from posting such signs. Most of them exceeded but a few did not. These unscrupulous brokers want free advertising at the expense of the community. They put up a dozen or more signs for each house for sale. Each weekend signs pop up like mushrooms in crosswalks, on street corners, where they impede pedestrian traffic.

The other brokers use paid advertising. They assure these signs and resent those who are degrading the community. Moreover, many residents have expressed their own displeasure by even knocking down the signs or throwing them in the trash.

The metal signs are heavy and could easily trip the elderly and the blind. Weekends are also when many residents are walking to houses of worship or doing their weekly shopping. Families pushing baby carriages must detour around them, as do those wheeling shopping carts. For all of them, the signs become an obstacle.

And concerning the discussion

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2 you've had earlier in this committee about A frame  
3 signs and their impact on local businesses. I  
4 would say that I think the Subway chain has  
5 provided a fine way of advertising. They put  
6 banners over their store fronts. No A frame signs  
7 are on the sidewalk so there's no obstacle. They  
8 comply with the law as it currently exists and the  
9 banners are very visible. They can be seen from a  
10 block away. It's great advertising and we are  
11 pleased with that kind of advertising.

12

13 Signs are also being placed on  
14 roadway medians, green streets and park perimeters  
15 where they blight the landscape. As a result, the  
16 park edges become billboards for sports leagues.  
17 New York is a crowded city; we all know that.  
18 It's a city where pedestrians use the sidewalks;  
19 we all know that. And a city whose residents  
20 value their parks. All of our residents would be  
21 happy to know that this bill would become law.

21

Thank you.

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COUNCIL MEMBER JAMES: Thank you  
Mr. Scheinbach. Any questions? Council Member  
Koppell.

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COUNCIL MEMBER KOPPELL: I would

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2 just like to thank Saul Scheinbach who has spoken  
3 on this at community board meetings. The  
4 community board supports it. I'm happy to  
5 introduce it. I think you've made a very good  
6 case for it. I have to look at some of these  
7 concerns and we'll take them into account. But as  
8 it was kind of indicated already, the current law  
9 already prohibits these signs and places the owner  
10 of businesses at the risk of fines where they put  
11 these signs in front of their premises.

12

13 But at the current time nobody's  
14 going after the kind of signs that Mr. Scheinbach  
15 is talking about all over the neighborhood. Which  
16 is in essence free advertising and also  
17 environmentally and aesthetically I think very  
18 annoying and concerning, especially in residential  
19 areas

20

21 COUNCIL MEMBER JAMES: And is it  
22 the number of signs? Because Mr. Scheinbach  
23 mentioned on some there are at least 12 real  
24 estate agents that have posted signs for each  
25 house for sale. Is it the number of signs or just  
the sign itself?

26

COUNCIL MEMBER KOPPELL: The point

1  
2 is that the signs spring up, as he said, mostly on  
3 weekends when people are going around and leaving  
4 their homes. And they put them all over the  
5 neighborhood where the house is for sale. So one  
6 broker could put up six or eight signs.

7 It's interesting. This past  
8 weekend I noticed one of these very large, or  
9 pretty large, A frame metal signs in a garbage  
10 pail on the corner because people are so annoyed  
11 with them, they throw them in the garbage.

12 MR. SCHEINBACH: A sign was  
13 actually in a crosswalk on a busy street.

14 COUNCIL MEMBER JAMES: Any  
15 comments, Council Member Jackson? Mr. Scheinbach,  
16 we thank you for your testimony. We obviously  
17 share your concerns but obviously want to look at  
18 some of these unintended consequences to  
19 businesses that I mentioned earlier.

20 MR. SCHEINBACH: Certainly, yes.

21 COUNCIL MEMBER JAMES: We thank you  
22 and thank you for being a very courageous public  
23 servant.

24 MR. SCHEINBACH: Thank you.

25 COUNCIL MEMBER JAMES: Any other

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2

testimony? I believe this hearing is concluded.

3

Thank you.

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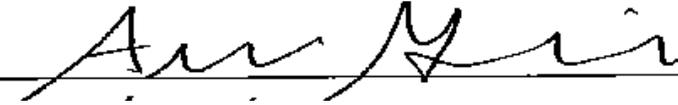
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C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature



Date

\_\_\_\_ April 23, 2009 \_\_\_\_