

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES September 11, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, September 11, 2023, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York at 4:30 PM. Board members present were Chair Edie Greenwood, Dave Sherman, Ed Downey, Dale Culver, Julie Schroeder and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Rich Stalzer, Rob Cooper, Ralph Fedeale, Meg Winkler and Chip Barrett.

Discussion of Draft Sign regulations

The size of the sign in the definition for Billboard Sign (Off -Premises Sign) needs to be reconciled with the discussion we will have regarding the size of any off-premises sign.

Agresta to reconcile the definition of Window Signs which currently shows in two places.

The current code has amortized out of existence several types of nonconforming signs, such as billboards. Kish is concerned that we not inadvertently restart the amortization clock on these signs in our new code. **Agresta stated we will need legal advice regarding amortization of non-conforming signs.** Greenwood agreed to approach Heather LaVarnway at Dutchess County Planning to review our draft.

Greenwood will follow up with the building department as to whether the process of registering all non-confirming signs outlined in Section 180-55 J was carried out.

Kish asked if our code could regulate sign colors. Agresta noted that colors can be regulated in Historic Districts, but he did not think colors can be regulated elsewhere. **It was agreed that this is a question for the attorney.**

(8) Applicability

Point (7). Sherman was concerned that the language would preclude an applicant from obtaining a permit to correct another violation, for example a structural issue. Are we creating a Catch 22 in the sign regulations? Agresta said the last sentence in this section should be moved to the enforcement section as it has wider implications.

Point (9). Greenwood asked where Veterans banners can fit under these draft regulations. It was discussed that the best way to deal with this type of a request is to take the concept to the Town Board who could pass a law allowing them.

Exempt Signs

Flag Signs A (2). Kish suggested that rather than referencing “any federal or state government flag”, we limit the exemption to US and NYS flags. **A question for the attorney.** A discussion followed on limiting the number of flags to one and the square footage of flags to 24 sq. ft. Agresta suggested we allow up to two flag poles per premises.

Kish felt one pole was sufficient and Culver felt we are being overly restrictive. Agresta said one could argue that the American and State flags are not signs. **An alternative suggestion from Agresta was that we take out A (2) and be silent on the topic.**

The committee felt we need to address flags using the example of an “Open” flag which many businesses use. Kish suggested Open flags be allowed. The law says we can’t regulate the message on a sign other than directional way finding signs such as entrance or exit. Agresta suggests we could allow an additional commercial incidental flag sign of a certain size and leave it at that. Typical size would be 3 x 5 ft. Agresta made it clear we are not dealing with residential signs at this point.

(3) Historical Signs. It was decided not to limit the size of this type of sign. Rail Trail signs would not be subject to our regulations as they are on state land.

(8) Non-Commercial Signs. Kish suggested putting the word “temporary” in this section. Agresta felt this is redundant and needs to be reconciled with **Certain Temporary Signs 10 (f) Yard Signs**. It was decided the size should be limited to 6 sq ft. Agresta needs to reconcile 10 (f) with Billboard Signs as they are both off premise signs.

Contractor Signs 10 (a) & Real Estate Signs 10 (d). We can prohibit them but if they are allowed, Agresta recommends they be the same size. By treating them equally, it helps avoid litigation. Schroeder suggested setting a limit of 6 sq. ft.

Grand Opening Signs. Make them 6 sq. ft. to be consistent.

Kish wanted to discuss the timeline of completing our assignment. Greenwood announced that we will have a meeting a week. We need to finish signs and address unresolved issues, primarily in the uses table. Agresta mentioned we have not developed standards tied to certain uses yet.

The ZRC needs to address cannabis dispensaries. Agresta needs to review the Town resolutions.

Kish wants a hard fixed deadline. Greenwood stated the legal review will require two weeks. It is her hope that our package of draft regulations can be turned over to the town board at their first full meeting in January 2024.

Schroeder and Downey do not want to rush the process.

Public Comment

Chip Barrett – Spoke to the size of his signs for Ledgewood Kennels. They met code when he put them up, but he feels they are too small. Clients are always going to the neighbors asking for directions.

Rob Cooper – Asked about the size of signs on a building. He thinks 20 sq. ft. is too small for a large building.

There will be a regular meeting on September 18, 2023, with Agresta at 4:30 pm.

Respectfully Submitted by
Edith Greenwood - ZRC Chair