

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES September 18, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, September 18, 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, Rob Cooper, Ralph Fedeles, Meg Winkler and nine in the audience.

### Discussion of Draft Sign regulations

Culver stated that he felt the American flag should be exempt from the sign regulations. Sherman said the idea had been put forth at our last meeting. Greenwood explained that neighboring communities had either exempted the flag or insignia of any nation or of any governmental agency from their definition of sign. An alternative is to put a point in the Exempt Signs section. Agresta stated that changing the definition of Sign to exclude government flags would be the clearer way to proceed. By using this approach, the code is not regulating the American flag, its size or the type of pole used. **The committee agreed to use the language in the Copake and Ancram codes' definition of Sign that read "but does not include the flag or insignia of any nation or of any governmental agency."**

**Grand Opening Sign** – Sherman felt 6 sq ft would be too small. Culver agreed but no decision was made. The committee agreed to change the period of use to 30 days.

**Holiday Decorations** – Committee decided to remove the phrase "with a color temperature of 2700 K or less" from the section. It was also decided the to make the period 90 days.

**Real Estate Sign** – Culver asked if larger properties, often with two street frontages could be allowed to have two real estate signs. Agresta said many towns give allowance for lots on corner lots or multiple streets. The committee asked Agresta to add similar language to our regulations.

**Tag Sale Sign** – Agresta said they are always problematic. The committee changed the sign takedown provision from 12 hours to 24 hours.

### Prohibited Signs

**Internally Illuminated** – Sherman asked if this includes window signs, and it does. Discussion as to limiting the size of, for example, an Open Sign. Agreed to limit them to 2 sq ft.

Discussion of exterior internally lite signs. It was decided the prohibition in our current code should remain. Agresta to merge Prohibited Signs points (9) and (14).

### Permitted Signs by Zoning District

#### Light Industrial (M-A) District

Agreed to leave the Freestanding/Monument yard setback at 35 ft.

Agresta explained that his draft is giving each tenant 15 sq. ft. The current code limits the total signage to 20 sq. ft. The committee agreed that Agresta's draft language was sensible and reasonable. It was agreed that this approach be used in the other commercial districts, so all districts are consistent.

### **Boulevard East & West and Irondale Business**

The committee approved Agresta's suggestion to create one table and agreed that LED lighting be allowed with the conditions that exist in our current code.

### **Residential and Land Conservation Districts**

Greenwood asked if we need to consider these districts at this point. Agresta suggested it should be covered in a global way. He explained that if we don't address some of these issues now, the town would need to maintain two separate sign codes. He suggested if we look at this section in a general way now, it can always be tweaked later. The committee decided to review this section at its next meeting.

### **Public Comment**

**Rob Cooper** – Asked if when a building is close to the highway, can it have two signs, one on each side. If the code limits the size of two signs to 20 sq, he felt each sign would be too small to be effective. Cooper suggests a formula based on the size of the building. Agresta said there is a formula currently, not to exceed 20 sq ft. Cooper stated that 20 sq ft is too small for a large building.

**Lou Simmons** – Asked why we were revising the code. He was told it is a review to update a code that was written in 1976 that has been amended by many local laws and is guided by the vision for our community outlined in the 2019 adopted Comprehensive Plan. Culver explained the work of the ZRC would be presented to the Town Board for approval. The Town Board would then begin a process that would hold a public hearing regarding the draft code received from this committee.

**Bob Jenks** – Jenks asked what concerned the committee about flags. Greenwood responded that we are not concerned with the American flag which is no longer regulated under our proposed sign regulations. We are going to make size recommendations for other types of flags.

**Jason Schwartz** – Concerned we are going to impose rules on the residential districts regarding flags. Agresta explained we are focusing on the commercial districts at this point. We are going to treat the residential districts, when we get to that part of the code, differently than what we are recommending in the commercial districts. He ended by reiterating that our guide is what was outlined in our 2019 adopted Comprehensive Plan.

**Eli Brandt** – Asked who was going to enforce these rules and would the fines be posted on the Town website. Greenwood clarified that fines and enforcement would be handled by the Town Board.

**Erich McEnroe** – Outlined the freedom of speech issues. Schroeder agreed it was a complicated process given the various recent court decisions and added that our work was going to be reviewed by an attorney.

Ed Downey thanked the audience for coming and encouraged them to continue to attend our meetings.

There will be a workshop meeting on September 25, 2023, with Agresta at 7:30 pm.

Respectfully Submitted by  
Edith Greenwood - ZRC Chair