

Determination of Significance with a Negative Declaration or a Positive Declaration. Will states Involved Agencies are supposed to participate and it is up to them to participate. Will states the Planning Board cannot force an Involved Agency to participate. Will states the Involved Agencies may provide commentary and input into the environmental issues associated with their jurisdiction and permitting aspects to the Planning Board. Will states the Planning Board would incorporate this information into their evaluation under SEQR of the Project. Will states the reason for this is for the Planning Board to encompass all of the issues. Will states in the end, the Planning Board will make a Determination that is binding on all of those other Agencies. Will states if the Planning Board makes a Negative Declaration, it is binding, so an Agency cannot turn around and deny an Applicant or counter due to environmental reasons. Will states that is why it is important for the Agencies to participate and not sit on the sideline. Will states if an Agency does not have what they need because they didn't participate well, they are out of luck, and in a difficult position. Will states for the ZBA, this is a peculiar Project since there are several Area Variances, but also the Use Variance, which is not a typical Variance. Will states until the ZBA grants the Use, and Area Variances, technically the Planning Board doesn't have the authority to grant an Approval. Will states the Variances need to be obtained so the Applicant receives relief within the Code. Will states another reason the Referral was done to the ZBA is to get some understanding of where they are at in terms of the Variance aspects, in addition to the SEQR part of it. Will states hopefully the ZBA will provide input on the Project. Will states there may be areas of environmental interest that are of interest to what they are doing, and also aspects of mitigation that relate to the Variances that they may want the Planning Board to better understand, articulate, or scope out a little bit more with the Applicant. Will refers to the landscaping and states that is considered to be more of the Planning Board's expertise, but the ZBA may ask for their assistance. Cynthia asks whether the Planning Board should anticipate a written Report from the ZBA. Will states that would be the best. Will states they also may not identify anything, or have issues. Will states the ZBA has to be careful with what they write because ultimately they will need to write a Decision. Will states something in writing would be helpful, and may also be in e-mail format, as it doesn't need to be so formal. Will states the ZBA may have issues that are not necessarily directed to the Planning Board, but something they request of the Applicant, and that analysis should also come to the Planning Board. Will states if it is an environmental assessment, the Planning Board would want to include it their evaluation. Will states if the ZBA has an issue with traffic due to the Use that would be something pertinent to the Planning Board evaluation. Will states before the ZBA may finalize their Decision, the Applicant has to come back in front of the Planning Board, and the Board has to incorporate whatever they receive from other Involved Agencies, and make a SEQR Determination before anyone may act. Will states if the Planning Board does a Negative Declaration, it would be binding, and the Applicant would then go back to the ZBA so they may finish up with their Variances and then they would come back before this Board so you may finalize your Technical Review of the Site Plan. Cynthia asks to what extent the ZBA may give a nod on the Use Variance aspect at this stage so the Applicant has enough feedback to decide whether to move forward. Cynthia states that is the part she didn't quite understand. Roland states the ZBA may give commentary and feedback to the Applicant. Roland states it is a very high Standard but they may meet it because the property has not been able to be used for so many years. Cynthia states the repair and towing aspect is a continued Use. Will states it boils down to whether the ZBA has questions or need more information in terms of extending the process. Roland states he would think the Applicant would be able to gauge where they stand just from the type of questions the ZBA may ask, as well as their demeanor. Charlotte refers to the ZBA granting the Variances next week. Will states the ZBA cannot make a Decision next week. Roland states the ZBA has to wait until the Planning Board votes on an environmental determination, and then they may vote, once they know the Lead Agency has concluded the environmental work. Cynthia refers to the Variance in the front and states this Board wanted a lot of landscaping and the ZBA may have aspects that may need tweaking, such as the size or number of trees. Cynthia states that is the type of feedback she was anticipating. Cynthia states to Roland that the frontage ends at the pump line where the canopy is going to be and the whole island in front that will be landscaped is a sea of New York State property upon which Fields Lane sits in its right of way. Cynthia states the Board has not seen a survey of how much of the State land is

actually the Town Road and right of way. Cynthia refers to the landscaped area and states she does not know if it is partially on Department of Transportation (DOT) land, and partially on the Town of North Salem road land, all on one, or the other. Cynthia states the Planning Board has identified in their documents that it is one, the other, or both, and the Applicant has to deal with this and possibly go to the Town Board for a License to have all the landscaping put in. Cynthia asks how far the Board has to take this, and should they just send the Applicant to the Town Board. Roland states they have to provide a survey or have one done that definitively shows who owns what because the Town Board can only grant a License as to what the Town owns. Roland states the DOT can grant a Permission Letter. Christopher states so the Town can't just grant a License on the assumption in regards to some portion of the land. Roland states they need to know what they are granting. Will refers to the Town having a right of way, and the State having land. Cynthia states presumably that is what happened on Daniel Road. Cynthia refers to the whole area on both sides along I-684 and states this is the third occasion. Cynthia refers to the Ambulance Corp. on Daniel Road and states they had to get permission from the DOT because their driveway goes from Daniel Road over to some DOT land and back over. Cynthia refers to Highgate on Reed Road and states it is a Town Road but before you get to the Highgate property there is DOT land. Cynthia states if you look at our Tax Maps the I-684 taking is huge and there were even arguments between the DEP and the DOT down in Purdy's because the DOT took the land from the DEP and it took years to resolve some of those boundaries. Cynthia states she doesn't know where the Applicant will get the answer, but they are going to have to pursue this. Will states it would be good if it is Town land and a little bit of State land, as long as the whole portion isn't State land, because the State won't care if it is a Town Road, because it is not their road. Cynthia states to Dawn that they are going to have to let Mark Petrero know he has to get going on this. Will asks whether the Highway Superintendent might have a handle on it. Cynthia states we will tell Mr. Petrero to go talk to Ward and see if he has a map. Cynthia states on the other side where the ramps are, the DOT wanted to take the Reverend's land and he held out for more money and they finally said they didn't need it. Cynthia states DOT has all the land around him and he is stuck with the little island and that is why the house is sitting there. Will states if there is State land between that Lot and the Town right of way, they should pursue getting the land so it goes back on the Tax Roll. Cynthia states she wasn't on the Planning Board when the Ambulance Corp. was done, she actually read it in the file, and it peaked her curiosity. Cynthia states when Fields Lane came up, she looked at the Tax Maps and it looks like a sea of State Land.

Cynthia states she did draft a Public Hearing Notice which she will give to Will.

Chairwoman motions that the Planning Board Hold a Public Hearing on the Application from Joseph Bryson, Owner, and Fuelco, Applicant, for Site Development Plan and Stormwater Approvals for the Re-establishment of a Prior Non-conforming Use of a Gas Station, and an Accessory Use of a Convenience Store, and the Continued Operation of a Towing and Repair Service to be held on Wednesday, January 6, 2016, at 7:30 p.m., or as soon thereafter as can be heard. Christopher Brockmeyer seconds. All in favor. No opposed.

After the Motion Cynthia states she will e-mail the Public Hearing Notice to Will tomorrow so he may take a quick look at it before forwarding to the Applicant. Cynthia states if the Applicant is not happy with what happens next Thursday with the ZBA, he might say to not open the Public Hearing. Cynthia states hopefully everything will go well with the ZBA, and the Planning Board may at least open the Public Hearing. Cynthia states she let Brian Ivanhoe know the Planning Board does not want to rush the ZBA, and may always keep the Public Hearing open in order to give the ZBA enough time for their process. Charlotte confirms that the Planning Board Public Hearing will open after the ZBA Meeting. Will states there is a fair amount of outstanding commentary out there and the Applicant may want to be reminded about that. Cynthia states yes, especially the DEP Letter. Will refers to the MDRA Memo and states only a few items were taken care of so the Applicant could go to the ZBA. Will states we should have that information in advance of the Public

Hearing. Christopher states there is also a Hahn Memo relating to stormwater. Cynthia states she will remind the Applicant. Will states a deadline should be given.

- 3. Salem Golf Club:** (owner – Salem Golf Club)
Amended Site Development Plan/Cond. Use Permit (location – 18 Bloomer Road)

- Consider Draft Resolution of Approval Regarding Extension

Cynthia states Salem Golf Club needs a little more time to finish up all of their legal documents. Cynthia asks Roland whether he thinks everything is pretty much in order from his perspective. Cynthia states she had Dawn type up a list of all the documents we were waiting for and what parts were out there. Cynthia refers to the Land-Banked Parking Agreement and states Roland is still waiting for parts of that. Roland states that is correct. Roland states we gave the Applicant a Draft which was modified, but he hasn't seen it come back. Roland states that also has to go on a Town Board Agenda. Cynthia states that is correct, we did the Referral, but it has not gone on a Town Board Agenda yet. Cynthia states that Dawn has an original but it is still missing the acknowledgement page. Roland states that is correct. Roland states they cannot record the Agreement without the acknowledgement page. Cynthia asks Roland whether the Lot Line Map has been filed. Roland states he has the original and has not filed anything yet. Cynthia refers to the Reserve Off-Street Parking Monitoring Agreement and states the original was forwarded to Roland. Cynthia states the SWPPP is all done by Frank. Cynthia refers to the Bond and states that has not been submitted yet. Charlotte confirms the extension dates will be from January 4th to April 14th.

Chairwoman motions that the North Salem Planning Board hereby grants Salem Golf Club a ninety-day Extension of their SEQR Lot Line Merger, Conditional Use Permit, Site Development Plan and Stormwater Permit from January 4, 2016 to April 14, 2016. Charlotte seconds. All in favor. No opposed.

4. Financial Report:

- November, 2015

Chairwoman motions that the Planning Board Approve the November, 2015 Financial Report. Bernard Sweeney seconds. All in favor. No opposed.

5. Minutes:

- November 4, 2015

Chairwoman motions that the Planning Board Approve the Minutes for November 4, 2015. Christopher Brockmeyer seconds. All in favor. No opposed.

6. Next Meetings:

- Work Session – December 16, 2015 – discuss possible cancelation
- Regular Meeting – January 6, 2016

Cynthia states she does not believe the Board will have a Work Session in December. Cynthia states we were hoping to have Rylan West Realty on the Agenda tonight, but they didn't make a complete submission with substantial documents. Cynthia states she called Don Rossi and let him know the Board would have a Work

Session in December to keep this Project moving if he can get the documents in. Cynthia states Mr. Rossi told her he would speak with both Bibbo and the Owner, but he never got back to her. Cynthia states Mr. Rossi stated he really didn't want to put the Board out. Cynthia states the submission never came in. Roland states he believes Tim Allen is out of the Country, because there is something pending in Somers and that is what Tim's Office told him. Will states they submitted the Plans. Cynthia states we were waiting for the SEQR information. Will states he thought Mr. Rossi was doing that. Cynthia states she guesses Bibbo is handling it. Cynthia states the missing pieces are too substantive to let it ride. Cynthia states unfortunately this Project will need to be held over. Charlotte states she doesn't mind having a Work Session if it is needed. Cynthia states let's see how the rest of the discussions go. Cynthia states she doesn't see anything critical coming up and would just assume the Board starts up again in January.

7. Comments from the Chair:

- **Zoning Code Discussion Regarding Kennels & Signs**

Cynthia states back towards the end of September there was an anonymous letter that came to the Planning Board which we didn't bother circulating because Dawn spoke with Janice Will and confirmed the letter should have gone to the ZBA, not the Planning Board. Cynthia states apparently someone is looking to obtain a Variance for a fence, but a neighbor thinks the whole thing is really about a commercial endeavor to have a dog kennel. Cynthia states Warren Lucas sent her an e-mail telling her that kennels have to come out of the Zoning Ordinance. Cynthia stated to Warren that they had been taken out completely. Cynthia states a lot of e-mails went back and forth and she explained kennels were taken out. Cynthia states Warren called her again today about this. Cynthia states she asked Warren what he thinks is in the Ordinance that is causing an issue. Cynthia states not only did we take kennels out as a Special Permit Use of the Planning Board, someone can't even have it as a Home Occupation. Cynthia stated to Warren she believes what we have is an enforcement issue, and not a Zoning issue. Cynthia states this did cause her to re-read everything about the keeping of dogs and kennels. Cynthia states while she is very comfortable that the Building Inspector can say kennels are not allowed, she does see that the Definition could be improved, or they could be put in as a Prohibited Use. Cynthia states we don't want to start putting everything in as a Prohibited Use. Roland states no, because if it is not permitted it is automatically prohibited. Cynthia states she thought the Definition was a little weak. Cynthia states as of right, anyone in the R-4 or R-2 District, for example, may have three dogs, and their young, up to six months. Cynthia states if someone has issues with barking and dogs off the leash, we have a separate Dog Control Ordinance and Dog Enforcement Officers, so those may be engaged to take care of those types of issues. Cynthia states if someone wants four dogs instead of three dogs, the way our Code is set up, by Special Use Permit of the ZBA, someone may have more than three dogs. Cynthia refers to the Zoning Standards for the Keeping of Dogs and states the fourth Standard states that the keeping of more than five dogs shall be considered a kennel for the purpose of these Regulations. Cynthia states we already established that someone cannot have a kennel, so by default, the ZBA shouldn't be granting the keeping of more than five dogs. Christopher states the way he read it is that it puts a cap on the extent to which the ZBA may go in excess of three. Cynthia states the ZBA can go in one excess of three, but can't go in excess of five. Charlotte asks if D should say something differently then. Cynthia states let's get it all out there and Will can help us figure out if the language could be clearer. Cynthia refers to Home Professional Office and Home Occupation and states people are allowed to do a lot in their home as a single proprietor, but the conducting of a clinic, hospital, barbershop, beauty parlor, bed-and-breakfast, animal hospital, boarding or breeding kennel, convalescent home, funeral home, retail establishment of any kind or similar use shall not be a "home occupation". Cynthia states we took it out of the Uses, and someone may not do it as a Home Occupation, and may only have three to five dogs by Special Permit. Cynthia states she believes everything is covered. Roland states the ZBA may always grant a Variance above the limit of five. Charlotte asks if it would then be called a kennel. Cynthia asks if we should improve the Definition of Kennels. Will states when he read the first part

regarding the keeping of more than three dogs, he thought that someone wouldn't need a Variance on that number because if they did, five dogs or more would be considered a kennel, which would require a Use Variance. Will refers to D and states he believes someone may apply for an Area Variance in order to circulate around the Use Variance. Roland states he agrees. Cynthia states we could probably do a little bit of improvements. Will asks Roland if someone may apply for a Use Variance for a Prohibited Use. Roland states yes. Charlotte confirms someone could apply for a Use Variance in order to have a kennel. Roland states it is pretty hard to do. Will confirms that in New York you cannot limit what is not allowed. Christopher refers to the initial statement regarding the keeping of more than three dogs and asks if that means on any given property or household. Christopher asks if that is understood in some way or does it need to be clarified. Christopher refers to Purdy's and states in some cases there are four or five apartments in a large building, and conceivably, if everyone has two dogs, there could be ten dogs in one building. Cynthia states that happens to be the NB District and she isn't sure if the keeping of pets is allowed as an Accessory Use. Will states this is listed as a Permitted Use in the Schedule of Uses, so someone has to be in the specific District. Will states Christopher poses a good question and we should look into it. Will refers to the multiple units. Cynthia states she happened to click on the GB District instead of the NB District and keeping of pets is not an Accessory Permitted Use. Cynthia states when she mentioned someone could have three dogs as of right she was referring to the R-4 and R-2 Residential Districts. Cynthia states when going into the other Residential Districts the number might be lower. Roland refers to a Multi-Family District. Christopher states as well as R-1/2. Will states he doesn't think it would be listed in the Multi-Family District. Cynthia states it is, and refers to the keeping of customary household pets, but not more than three dogs. Cynthia states she would assume by the word household that each household unit would be considered. Roland states it should be. Charlotte states if there are five households in one building there could be a lot of dogs. Christopher states that could be problematic. Cynthia states she called Warren back this afternoon and tried to find out what he was really looking for. Cynthia states she believes after two conversations, Warren finally believes her when she told him someone may not have a kennel in North Salem. Cynthia states Warren started to talk about noise and perhaps smells which are considered nuisances. Cynthia talked to Warren about taking a look at the Dog Ordinance to see what is listed when it comes to noise. Cynthia states that is the reason we have a Dog Ordinance, it governs the barking of dogs. Roland states it is very difficult to enforce. Roland states you start to get into habitual barking and a police officer having to actually count how long the dog is barking before they intervene. Cynthia states what else can we as a Planning Board write? Cynthia states whether it is a kennel, or just one dog, a single dog can be just as annoying as several. Cynthia states she doesn't think there is a rush to make a fix here, but this should be on our list. Will states there are two things he would do differently. Will refers to the Home Occupation Standard and states it is not precisely connected to an Animal Kennel, as it refers to a boarding or breeding kennel. Will states it should probably just state Animal Kennel so someone doesn't play with the fact that the wording is slightly off. Will states if the Town doesn't want Animal Kennels, they should, in the Prohibitive List, list it. Will states it begs the question that in one part they are considered as part of kennels, and in another part there is language about there not being kennels. Cynthia states if we say it is not permitted we have to change the Definition because the one we have right now sounds as if someone can't have any animals. Cynthia reads the language where it states "Any building, structure or premises in which domestic animals, other than horses, are kept, boarded or trained". Will states the word "kept" is problematic. Will refers to boarding and training and states he would assume that would be for a monetary gain of some type. Will states if someone is not making money, they are down to the Special Permit Standards. Cynthia states if we are going to have language regarding five dogs in the ZBA Standards, maybe we want that in the Animal Kennel Definition. Will states he has a hard time believing there are no breeders in Town that do not have more than five dogs. Christopher states our enforcement is what it is. Cynthia states we have a lot of dogs in North Salem and we don't have many dog licenses. Christopher refers to the Definition at the top that Cynthia referred to and states what if someone keeps goats, cows, or sheep. Cynthia states we do separate household pets from farm animals, so we should stick with the household pet aspect. Charlotte states instead of calling them domestic animals, we should call them household pets.

Christopher states correct, and take out the reference to horses. Cynthia states while doing research, she pulled up a Law Case in Pennsylvania, and it stated that an Animal Shelter is not an Animal Kennel. Cynthia states apparently a woman was taking in a lot of animals as an Animal Shelter and the appeals reversed the lower court decision and stated it was an Animal Shelter and the woman could continue doing what she was doing. Cynthia states that was all about cats, as the woman was keeping 70 cats. Cynthia states we do not have a limit on cats and she doesn't know whether we want to get into this whole Animal Shelter issue. Cynthia states we might want to consider incorporating it in terms of Animal Kennels, and/or Shelters. Charlotte states there was an issue on Dingle Ridge Road, as there was a Shelter that was taking in rescues and fostering them until they were adopted. Charlotte states that falls into the Shelter category which might as well be a Kennel because they barked all night and disturbed the neighbors. Will asks whether there are vet offices in Town that board. Cynthia states we have no veterinary practice offices. Charlotte states we talked about this when allowing sick animals to stay overnight. Christopher states the basic idea is to look at Animal Kennels in connection with general household pets because the two are intertwined. Cynthia asks Roland if he thinks this is an issue the Board has to rush on. Roland states he is not aware of any immediacy and Warren did not speak to him about it. Cynthia states she hopes to be at the next Town Board Meeting, not the Budget Meeting, and maybe she will bring this up to make sure the Town Board is at a comfort level that we don't allow Kennels of any kind. Will states this type of an issue brings out a lot of various entities, especially breeders. Cynthia asks how to separate a breeder from someone who has dogs who have litters. Cynthia asks whether someone has to advertise that they are going to breed and sell. Cynthia states she is sure a lot of people probably do it without hanging a shingle stating they are a breeder. Christopher asks whether a breeder has to have a license. Cynthia states she doesn't know if a license is required. Will states he doesn't think so. Will states he used to live next to a breeder and it was a nightmare. Will states the dogs would be groomed in the yard and hair would be flying all over the place. Charlotte states the word shelter needs to fit into the Definition somewhere. Cynthia states the Prohibitive Uses would be Animal Kennels and/or Shelters. Cynthia states we should bear in mind that we still haven't limited the number of pets.

Cynthia states the other item Warren called her about has to do with signs. Cynthia states she believes the Town of Southeast had their Ordinance overturned, or there was a problem with temporary signs. Cynthia states Roland did send an e-mail to the Town Board stating he looked at our Sign Ordinance and we probably have to remove all references to timeframes. Will refers to the recent Gilport Case. Roland states he doesn't recall that name. Roland states the situation he is aware of is in the Town of Southeast. Will states he believes there was a Case in Connecticut that could open the door for any kind of signage to be allowed without much of a regulation. Roland states he would like to read that. Will states it is about regulating temporary signs equally. Roland states you can't single out political signs. Roland states they may be removed if they are on Municipal or State Property, but if they are on Private Property, they can't. Roland states if someone wants to put out a sign now, such as "Donald Trump for President", they could put it there for the next year and we wouldn't have any control. Will states political signs are a different animal than what the Connecticut Case dealt with. Will refers to real estate signs that are temporary not having a size limitation, but a Church has a size limitation. It was stated that wasn't fair and uniform in regards to freedom of speech. Will states he has been thinking about how to deal with this for the last couple of months and it is sort of a legal issue/question. Will asks Roland if there is a way to define some of these items not as signs, and refers to traffic control signs. Will talks about not defining the signs in the Zoning Ordinance but rather define them as accessory traffic devices, so their function and purpose may be separated, which is not the same as advertising signage. Will states he knows they physically look similar, and talks about treating them differently. Cynthia states if it is in the right of way, something may be done about it, but if it is on Private Property, she doesn't think it could be looked at as a road sign. Will states not road signs, someone could have a traffic sign on Private Property, such as arrows and no parking signs. Cynthia asks Will if he is referring to commercial sites. Will states yes. Roland asks whether the Site Plan Regulations for a Commercial site control the placement of signs. Will states it is not so much the placement. Will states

Roland has to look at the Connecticut Case which he will send to him. Will states nothing has happened in the last six months, but when it came out it was going to turn signage on its head and everyone was running scared in terms of not being able to regulate signs. Cynthia states if you look at the way we did our Sign Ordinance, we grouped signs in different categories. Will states that is what this Case was all about. Cynthia talks about just having one category which states that all temporary signs couldn't be more than a certain amount of square feet, and a certain distance from the front, and asks Will if that would be okay. Christopher states Roland needs to look at the Legislation to see what we have to do. Christopher asks Will if the issues and concerns he had raised have to deal with all the time limits put on 250-39(b). Cynthia states from the Southeast case, yes. Christopher refers to 250-39(b)(1) and (2) whereas it reads "Such signs must be removed within three days from a closing and an event", and asks if that language should be removed. Roland states yes. Christopher asks if there may be a soft limitation. Roland states no, they cannot have any time limitations at all. Charlotte states the signs are not temporary then. Roland states you would think that if after an election, when a campaign sign is no longer relevant, people will not keep it on their properties. Roland states it would be temporary in that respect. Roland states according to the Southeast Case you cannot control how long a sign stays up. Roland states if someone wants to put a sign up now for an election that will occur a year from now, it could go up. Will asks Roland if that Case was only about political signs. Roland states that might have been what caused it. Roland states you cannot single political signs out from any other type of signs. Christopher refers to what is done currently and asks if we may still put restrictions on the type of materials used, such as signs made of paper or cardboard. Roland states he doesn't think so and refers to Private Property. Will states everything is Private Property. Roland states he knows, but we cannot control what substance a person wants to paint with and states if they want to use cardboard, and the paint gets washed away during the first rainstorm, that is a First Amendment right. Will asks how that is any different than not allowing internally lit signs. Cynthia states she hopes, if nothing else, we can have a say in the placement, only to the extent of safety. Cynthia states she is concerned with the Commercial properties as Warren had mentioned to her that a lot of the businesses want to have temporary sandwich signs. Cynthia states her issue with the sandwich signs is when they are put out in the morning and taken in at night, they are not thinking about where they are being placed. Cynthia states if they are placing a sandwich sign in an area where people have to pull out, it would block the sight distance, and become unsafe. Cynthia states she is hoping that, if nothing else, we may control the distance from the property line, and not have an issue with sight distance. Christopher refers to 250-40 (k) and states it technically covers traffic visibility, but it should also relate to pedestrian flow. Christopher states when he read through the documentation initially, he thought he saw language prohibiting sandwich boards. Christopher refers to 250-42(c), where it states "The sign content shall not hawk or peddle and must clearly provide only the information necessary to identify the use upon the lot". Christopher states this seems overly restrictive to him. Christopher states sandwich boards, if they are placed properly, should be something businesses may use. Cynthia states some of the sites that utilize sandwich boards have become awful. Cynthia refers to North Salem Center and states they were putting up sandwich boards one after the other. Charlotte refers to the sandwich board at Union Hall and states it is up on the porch and harmless. Charlotte states it lists the specials of the day. Roland states he believes there may be more control over Commercial sites. Roland states he believes the focus of the Southeast Case was First Amendment rights and those are not focused on Commercial activities, they are focused on the rights of the people on their own property to be able to tell the world who they prefer. Cynthia states when she spoke with Warren about the businesses, the people wanted to have signs that were not on the property where the business is. Cynthia refers to the Ordinance and states it talks about signs on a specific property, and the Town can have a multi-sign on Town property but someone has to go through the Town Board. Charlotte refers to the signs Outhouse Orchards used to have. Cynthia states if she was best friends with a deli in Town, the deli might ask her if they could put a sign up on her property. Will states that is not permitted. Cynthia states we don't permit it, but she hopes when reading the Cases, a door will not be opened. Will states that has nothing to do with a sign, it has to do with the Use Regulation, and a sign is an Accessory Structures or Use, and it is clear in Zoning that they have to be associated with a Principal Use. Will states it doesn't mean you can't

write a Code that will allow it. Cynthia states she just wants to make sure we don't break that barrier. Roland states if he had a Residential property near a Commercial District and put a sign on his personal property stating that he buys his apples only at Outhouse Orchards, why is that a Prohibitive Sign. Will states would that be considered advertising, or just making a statement. Christopher states if there is a financial transaction involved it is a different question all together. Christopher refers to the Southeast Decision and asks if that is a State Court Decision, or Federal. Roland states it started out as a Supreme Court Decision and he believes it won on an Appeal and the Appellate Division overruled it. Roland states he will forward a copy of it. Christopher asks what other Towns are doing in response to it. Christopher states we need to comply with the Court. Roland states everyone he knows is at the stage this Board is at, and just thinking about how to deal with it. Cynthia states one of the reasons she put this on the Agenda is because the Supervisor and Deputy Supervisor had talked to her about what we could do with the Sign Ordinance stating people want to have more signage in Town. Charlotte confirms Cynthia is referring to the Commercial sites. Christopher talks about breaking it up and focus on the Commercial portion and not the Residential portion. Cynthia refers to the Commercial sites and states she had a discussion with the Supervisor in regards to breaking the barrier and allowing a Commercial entity to put a sign off their property. Cynthia stated to the Supervisor, she doesn't think we want to go there, as we specifically have a Code that states the sign has to be on the specific individual's property. Christopher states he agrees and wouldn't want to do that either. Charlotte states she can see why the business owner wants them and refers to people getting off I-684. Cynthia states some of the businesses, Churches, and the Hammond Museum must be going to the State as there are little blue signs on the telephone poles. Cynthia states some of them are freestanding, but there is one in Croton Falls for Hygrade Market with an arrow. Roland refers to the signs that are on I-684 advising of restaurants at specific exits. Cynthia states the State does that on their roads. Cynthia states we now have more signs popping up on our State and County Roads. Cynthia states the Hammond Museum just put one up on Hardscrabble Road, and they are on June Road. Cynthia states she assumes people are obtaining permission from the State, as they look like State signs. Cynthia states it seems to her that the State cannot allow someone to do this if it overrides our local Zoning, if a Permit is required. Roland talks about a State right of way. Cynthia asks if that is how the Zoning may be overridden. Cynthia states we also need to bear in mind the whole agricultural and markets and their promotion of that business when it comes to signs. Cynthia states that scares her in terms of offsite signs. Will asks whether the State gets paid. Roland states he isn't sure, but believes the State gets paid for the I-684 signs. Will states the restaurants also have to be open at multiple times, such as not only for dinner. Will states gas stations are also on the highway signs. Christopher states if we have to look at the Commercial portion, he would feel more comfortable doing that, until after the First Amendment issue has been taken care of. Cynthia states she doesn't think we should of it until Roland has a chance to look at this. Will states he thought there was a sense that the Commercial sites also wanted bigger signs. Cynthia states she explained to Warren that if they want a bigger sign, they could always go to the ZBA for a Variance. Cynthia states in one case, she mentioned to Warren that the individual probably wouldn't receive a Recommendation from the Planning Board, because the person wanted a 4 x 8 sign. Cynthia states if the person asked for a size that was in between, the Board may have given a Recommendation. Charlotte asks which location that was. Cynthia states North Salem Center. Charlotte states that was the sign where all of the establishments were going to be listed. Cynthia states there is a small sign that is hard to read because it was put in a very awkward spot. Charlotte states it is small. Will asks whether there are letter size limitations in the Ordinance. Cynthia states yes. Will asks whether there are letter size limitations that are linked to road speeds. Cynthia states the problem at North Salem Center is that the sign is not at the entrance where people could read it, it is in the middle of the frontage. Will states any sign that has more than three names on it will not be seen. Cynthia refers to a nice sign that would state this is the North Salem Center Complex.

Cynthia refers to the Association of Town Magazine and states there is an opinion-type letter in it regarding agriculture, and what individuals may start to do to promote their business. Cynthia states it is not only about having farm stands any more, it is about the possibility of attracting 20,000 to 30,000 people. Cynthia states it

all gets wrapped up into the Farms and Agricultural Districts. Cynthia states knowing what happens on Hardscrabble Road during apple picking season, imagine if it were year round or all summer long because some other attraction pops up just to keep people coming to the farms. Cynthia states she believes the person who wrote the article was right on when she said that we have to pause and take a look at this and not all of it should override Local Zoning. Cynthia urges the Board to read the article and think about it.

Cynthia states there will not be a Work Session on December 16th unless the Board thinks it is needed. Cynthia states the Board will meet again on January 6th, and might have a Work Session in January. Cynthia states we have as a priority our Subdivision Regulations. Cynthia states the next time we have it on the Agenda, Will should have an outline for us which includes our pre-discussions and what we have prioritized as some of the points we want to address. Cynthia states some of the items do require legal input from Roland. Cynthia states she knows Roland doesn't usually come to the Work Sessions, but maybe input could be given through memos beforehand. Charlotte states she might not be here on January 6th. Christopher states he will be out of Town on January 6th and January 20th. Cynthia asks whether Gary will be here on January 6th and states we have the Fuelco Public Hearing scheduled. Cynthia asks if Gary is still out of the Country. Bernard states he believes so. Dawn states Gary didn't mention anything about missing the January 6th Meeting. Cynthia states the list of Meetings was circulated this afternoon with the deadline dates. Cynthia asks everyone to take a look at it with their calendars in front of them, and if they know of dates that will not work for them, please e-mail Dawn as soon as possible. Cynthia states while we just need three Board Members, it is better to have all of us here. Cynthia states we are pretty flexible about moving a Meeting ahead a week. Charlotte states she doesn't like to miss Meetings. Cynthia refers to the schedule and states the dates are correct, but the year will be changed to 2016.

8. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No opposed.