

MINUTES OF THE REGULAR TOWN BOARD MEETING
August 8, 2023

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, August 8, 2023 at 8:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Supervisor Anthony Colavita
Councilman Joseph Dooley
Councilwoman Theresa Nicholson
Councilman Luigi Marcoccia
Councilwoman Sheila Marcotte

Present: Deputy Town Clerk Mary Swikata
Town Attorney Louis Reda
Comptroller Dawn Donovan

IV. PUBLIC HEARINGS

A) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW 2-2023 TO AMEND LOCAL LAW 7-2002 AND LOCAL LAW 5-2009 TOWN OF EASTCHESTER SIGN LAW WITHIN THE TOWN OF EASTCHESTER

LATE FLYING ITEM:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EASTCHESTER DECLARING LEAD AGENCY STATUS AND ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF LOCAL LAW NO. 2-2023 REPEALING AND REPLACING THE SIGN LAW OF THE TOWN OF EASTCHESTER

Councilwoman Sheila Marcotte offered a motion that was seconded by Councilman Joseph Dooley to adopt the following RESOLUTION:

WHEREAS, the Town Board of the Town of Eastchester (the "Town Board") is the duly elected legislative body of the Town of Eastchester and is authorized to adopt local laws; and

WHEREAS, at the Town Board meeting on June 20, 2023, the Board introduced Local Law 2-2023 to repeal the existing Sign Law of the Town of Eastchester and replace it with a new Sign Law (the "Local Law"); and

WHEREAS, the review and adoption of the Local Law is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA") and the Town Board is the only involved agency in the SEQRA review of the Local Law; and

WHEREAS, the Town Board has received and reviewed a short Environmental Assessment Form (the "EAF") Parts 1, 2 and 3 related to the Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, as the only involved agency in the SEQRA review of the Local Law hereby declares itself as Lead Agency for the review of this action under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts a Negative Declaration of Environmental Significance for the adoption of the Local Law pursuant to SEQRA based on the information and the reasons stated in the EAF Parts 1,2 and 3, which have been received and reviewed by the Town Board and are incorporated herein, and authorizes the Town Supervisor, or his designated agent, to execute the EAF Part 3 and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

On the roll call, all voted "AYE." Motion carried.

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Luigi Marcoccia to Open the Public Hearing. The Public Hearing Notice Affidavit of Publication was received.

On the roll call, all voted "AYE." Motion carried.

Supervisor Colavita introduced Noelle Wolfson, special counsel to the Town of Eastchester, and asked her to speak regarding the sign law. Ms. Wolfson stated the law has been drafted in response to several somewhat recent cases from the United States Supreme Court addressing municipal sign laws. The Law's goal is to regulate signs on a content neutral basis in a manner that provides property owners with the opportunity to use signs to convey a message while at the same time creating a safe and visually attractive environment.

Ms. Wolfson stated that she has been working on this law with the town, including former Building and Planning Director Margaret Uhle and current Building and Planning Director Lukas Herbert, for over 2 years. Ms. Wolfson gave a brief overview of the law.

Supervisor Colavita explained that in amending the Sign Law the Town Board was faced with three options regarding the regulation of residential signs; no regulations at all, no signs permitted or regulate the design and size. The proposed amendments regulate the design and size of signs and not the content. He further stated that the Town will encourage signs, but limit them in size and number. Supervisor Colavita stated there are no restrictions on the content of the sign on any level, and says you can get a variance for a sign if you have special reasons, and there is still a penalty provision. The Supervisor noted the signs that are the gateway to the Town will be replaced. The Supervisor and Town Board will develop their own policy with regard to town property.

Mr. Frank Sweeney, 22 Lakeview Avenue, says he was encouraged by the first steps forward and is in favor of moving as quickly as possible with changing the welcome signs. He also recommends refurbishing in and around the welcome signs.

Mr. John Fix, 56 Orchard Street, asked how this will affect the sandwich boards in Town, and the use of A-frame kind of plastic.

The Supervisor said the logic behind this was that substantive weight should be used so the sign doesn't become a hazard. Mr. Fix doesn't want to exclude plastic. The Supervisor noted the signs could be left to the discretion of the building inspector or code enforcement officer, and would take Mr. Fix's comments under advisement.

Mr. David Levy, 220 Hillside Place, stated the problem with a plastic sign is its weight and the wind could blow it away. Mr. Levy is against any sign law.

Mr. Sweeney asked that the Town Board think about using solar lighting around the town welcome signs.

Supervisor Colavita stated that Article 5 of the law makes reference to "a sign should not be greater than three feet off the finish grade", and is recommending it be four feet. The Town Attorney, Louis J Reda, made note of the change to have in the final draft.

Councilman Dooley and Councilwoman Marcotte thanked Noelle for all of the work she did, as well as the building department, in making the sign law a best-in-class.

Supervisor Colavita thanked Noelle, Margaret Uhle, the former Building and Planning Director, as well as Lucas Herbert, the current Building and Planning Director, for all of their hard work.

There being no correspondence received by either the Town Attorney or the Town Clerk, Councilwoman Sheila Marcotte offered a motion that was seconded by Councilman Joseph Dooley to Close the Public Hearing.

On the roll call, all voted "AYE." Motion carried.

Councilman Luigi Marcoccia offered a motion that was seconded by Councilwoman Sheila Marcotte to approve a RESOLUTION to Adopt Local Law 2- 2023.

A copy of the Sign Law is attached.

On the roll call, all voted "AYE." Motion carried.

B) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW 3-2023 TO AMEND LOCAL LAW 3-2000, SECTION 2-2 REGARDING THE SETTING OF SPEED LIMITS ON TOWN STREETS AND PUBLIC ROADWAYS WITHIN THE TOWN OF EASTCHESTER

Councilman Luigi Marcoccia offered a motion that was seconded by Councilman Joseph Dooley to Open the Public Hearing. The Public Hearing Notice Affidavit of Publication was received.

On the roll call, all voted "AYE." Motion carried.

There being no public comment and no correspondence received by either the Town Attorney or the Town Clerk, Supervisor Anthony Colavita offered a motion that was seconded by Councilman Luigi Marcoccia to Close the Public Hearing.

On the roll call, all voted "AYE." Motion carried.

Councilwoman Theresa Nicholson offered a motion that was seconded by Councilman Joseph Dooley to approve a RESOLUTION to Adopt Local Law 3- 2023.

A copy of the Local Law is as follows:

Section 1. Title.

A Local Law amending Local Law 3-2000 (filed with NYSDOS August 23, 2000) as it has subsequently been amended the -- Vehicles and Traffic Code of the Town of Eastchester, New York (hereinafter the "Town V&T Law")—to reduce the Town-wide vehicular speed limit to 25 miles per hour except as otherwise specifically provided in the Town V&T Law.

Section 2: Amendment to Town V&T Law §2-2 (Speed Limits).

1. Town V&T Law, Article II, §2-2 (Speed limits) is hereby amended to delete the text thereof in its entirety and to replace it with the following text:

The maximum speed at which vehicles may proceed on or along any streets or highways within the Town is hereby established at **25 miles per hour**, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Article VIII, Section 8-2, Schedule II (Speed Limits) and Section 8-3, Schedule III (School Speed Limits) shall remain as indicated in said schedule. Further, such speed limit shall not apply to streets and highways for which speed limits are established by New York State or Westchester County.

Section 3: Amendment to Article VIII, Section 8-2. Schedule II: Speed Limits.

1. Town V&T Law Article VIII, §8-2. Schedule II: Speed Limits is hereby amended to delete the text thereof in its entirety and to replace it with the following text:

In accordance with the provisions of §2-2 the speed limit on or along all streets or highways within the Town is **25 miles per hour**, except that such speed limit of 25 miles per hour shall not apply to: (1) streets and highways for which speed limits are established by New York State or Westchester County, speed limits on such streets and highways shall be as established by New York State or Westchester County; (2) portions of streets and highways identified in Town V&T Law Section 8-3. Schedule III: School Speed Limits, speed limits on such streets or highways shall be as provided in Section 8-3. Schedule III; and (3) upon the following streets or highways, which shall be subject to the speed limits provided in the following table:

Name of Street	Speed Limit (mph)	Location
Main Street	30	Entire Length
White Plains Road	30	Entire Length
Harney Road/Brook Street	30	Entire Length
Wilmot Road	30	Entire Length
Mill Road	30	Entire Length

Section 4. Severability. If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. Superseding Other Laws. All ordinances or parts of ordinances or local laws or parts of local laws which conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Section 6. Authority. This Local Law is authorized by Section 10 of the Municipal Home Rule Law and Sections 1603 and 1660 of the New York State Vehicle and Traffic Law.

Section 7. When Effective. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

On the roll call, all voted "AYE." Motion carried.

C) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW 4-2023 TO AMEND LOCAL LAW 3-2000, SECTION 3-15 AND SECTION 8-24 (SCHEDULE XXIV) REGARDING THE EXISTING PROHIBITIONS ON OVERNIGHT PARKING ON ALL TOWN ROADS AND AMEND SECTION 7-2 RELATED TO FINES FOR VIOLATIONS FOR OVERNIGHT PARKING WITHIN THE TOWN OF EASTCHESTER

Supervisor Colavita noted that for decades the town has had a law that says from December 1st through March 15th you are not allowed to park your car on the street from 2:00am to 6:00am. The Supervisor stated that the Town was going to experiment with suspending the overnight parking period because most everybody has driveways, and we have not had severe snowstorms recently. Supervisor Colavita stated that there will be exempt streets, and the police department was going to examine the list again.

Councilwoman Sheila Marcotte offered a motion that was seconded by Councilman Joseph Dooley to Open the Public Hearing. The Public Hearing Notice Affidavit of Publication was received.

Ms. Anne-Marie Kiernan Sweeney, 23 Central Drive, opposed the elimination of the overnight parking, and doesn't think that everyone will move their cars, thus the street cannot get plowed.

Supervisor Colavita says the enforcement method of a \$100 ticket would be an incentive to remove your car for future violations. The Supervisor assured Ms. Sweeney that this was an experiment and if this law doesn't work out, the Town will go back to the current overnight parking restrictions.

Mr. Frank Sweeney asked if the removal of the overnight parking will change the quality of life, particularly in the North End. He asked if a survey was created to understand why the overnight parking needed to change. He asked that the law not be voted on tonight.

The Supervisor stated the volume of people that have complained to the Town Board is why the Town is introducing this law. The Supervisor stated he did not want to delay the vote and that the Town Board has been talking about this for a long time, and again gave the Town Board's word that if it doesn't work out it's going to get reversed.

Mr. Fix is concerned about the snow challenge, and feels the overnight parking restrictions worked as a throttle for keeping cars in town from getting out of control.

Supervisor Colavita received an email from Norman Sheeran opposed to lifting restrictions for the overnight parking.

On the roll call, all voted "AYE." Motion carried.

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Joseph Dooley to Close the Public Hearing.

On the roll call, all voted "AYE." Motion carried.

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Joseph Dooley to approve a RESOLUTION to Adopt Local Law 4- 2023.

A copy of the Local Law is as follows:

Section 1. Title.

A Local Law amending Local Law 3-2000 (filed with NYSDOS August 23, 2000) as it has subsequently been amended the -- Vehicles and Traffic Code of the Town of Eastchester, New York (hereinafter the "Town V&T Law")—to: (i) modify the title of Section 3-15 and delete the existing prohibitions on overnight parking in Section 3-15A; (ii) add a new Section 3-18 authorizing the Town Superintendent of Highways to issue orders controlling the parking of vehicles on streets and highways during snow and other natural emergencies; (iii) amend Section 7-2 (Parking fines) to delete the fine for violation of Section 3-15A and add a fine for the violation of Section 3-18; and (iv) amend Section 8-24 (Schedule XXIV) to delete and replace the existing title and text of such section and to exempt certain streets from parking restrictions imposed by orders issued pursuant to new Section 3-18.

Section 2: Amendment to Town V&T Law §3-15A (Overnight Parking; Extended Parking).

2. The title of Section 3-15 shall be modified to delete the words "Overnight Parking;"
3. Town V&T Law §3-15A is hereby amended to delete the text thereof in its entirety and to replace it with the text "[Section Reserved]"

Section 3: Amendment to add a new Section 3-18 to Article III (Parking, Standing and Stopping) of the Town V&T Law.

1. A new Section 3-18 is hereby added to Article III (Parking, Standing and Stopping) of the Town V&T Law to provide in its entirety as follows:

"3-18 Restricted Vehicle Parking During a Weather Event. Subject to the limitations provided in Section 8-24 (Schedule XXIV), the Town of Eastchester Superintendent of Highways is hereby authorized by order to impose temporary parking restrictions on all streets and highways subject to the Town's jurisdiction whenever, in such official's judgment, road conditions in the Town of Eastchester have or may become hazardous or such that the free movement of fire, health, police, emergency or other vehicular traffic may become impeded by reason of snow, freezing rain, sleet, ice or other natural causes. The Superintendent of Highways shall cause notice of such order to be transmitted by one or more of the following means: radio, television, posting on the Town's website, emergency notification system or other similar means, at least 12 hours prior to the effective period of such order unless there is a compelling public safety reason why such order must become effective earlier, in which case the Superintendent of Highways shall provide notice in the manner specified above as far

in advance as is reasonably practicable under the circumstances. The order shall clearly provide: (1) the date and time at which it becomes effective; (2) the restrictions that are being imposed; and (3) the time at which it will end, which shall not be greater than 72 hours from the time it became effective.”

Section 4. Amendment to Section 7-2 (Parking Fines) of Article VII (Miscellaneous Provisions) of the Town V&T Law.

1. The portion of Section 7-2 of the Town V&T Law which provides for a fine of \$25 for the offense of “Prohibited overnight parking 2:00 a.m. to 6:00 a.m.” shall be deleted.
2. A fine in the amount of \$100.00 for the offense of “Violation of a rule or order of the Highway Superintendent as provided in Section 3-18” shall be added to Section 7-2.

Section 5. Amendment to Town V&T Law § 8-24, Schedule XXIV.

1. The title of Section 8-24, Schedule XXIV shall be modified such that the existing title-- “Overnight Parking-- shall be deleted and replaced with the following: “Streets Exempt from Orders Issued Pursuant to Section 3-18.”
2. The text of Section 8-24, Schedule XXIV shall be deleted in its entirety and replaced with the following: “In accordance with the provisions of §3-18 (Restricted Vehicle Parking During a Weather Event), the Superintendent of Highways may prohibit by order the parking of vehicles on streets or highways during a weather event as described in the referenced section. However, the Superintendent of Highways shall not prohibit the parking of cars on the streets or highways or parts thereof described in a list of such streets or highways to be prepared by and filed with the Town of Eastchester Police Department as it may be from time to time amended at the Police Department’s discretion.”

Section 6. Severability. If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Superseding Other Laws. All ordinances or parts of ordinances or local laws or parts of local laws which conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Section 8. Authority. This Local Law is authorized by Section 10 of the Municipal Home Rule Law and Sections 1603 and 1660 of the New York State Vehicle and Traffic Law.

Section 9. When Effective. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

On the roll call, all voted "AYE." Motion carried.

V. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Detective John Yanni, member of the Eastchester Police department and PBA President, thanked Supervisor Colavita and the Town Board for their willingness to work with them and assist the department with anything needed. Detective Yanni stated that the Police Officers were able to come to an agreement and settle a new contract, and he thanked the

Supervisor for sitting down with the members of the PBA and Town's Comptroller Dawn Donovan and reaching an agreement.

Supervisor Colavita appreciated Detective Yanni's kind comments, and thanked the officers for taking their time to come to the meeting to show they appreciate the strong deal that was made for both sides.

Supervisor Colavita stated he is very proud of the Eastchester Police Department, and thanked them for doing an excellent job in the Town of Eastchester.

VI. APPOINTMENTS

Councilwoman Sheila Marcotte offered a motion that was seconded by Councilman Luigi Marcoccia to approve the appointment of Charles Mineo to the part time position of Youth Officer with the Police Department, effective August 4, 2023, for the annual stipend of \$3,000.

On the roll call, all voted "AYE." Motion carried.

VII. APPROVAL OF MINUTES

Councilwoman Sheila Marcotte offered a motion that was seconded by Councilman Joseph Dooley to approve the Minutes of the July 11, 2023 Special Town Board Meeting and the July 11, 2023 Regular Town Board Meeting.

On the roll call, all voted "AYE." Motion carried.

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF TUCKAHOE WITH RESPECT TO THE SIDEWALK AND CURB REPLACEMENT FOR 2023

Councilman Joseph Dooley offered a motion that was seconded by Councilwoman Sheila Marcotte to approve a RESOLUTION authorizing the Supervisor of the Town of Eastchester to execute the Intermunicipal Agreement with the Village of Tuckahoe with respect to the Sidewalk & Curb Replacement for 2023.

On the roll call, all voted "AYE." Motion carried.

2. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF BRONXVILLE, THE VILLAGE OF TUCKAHOE AND THE EASTCHESTER AND TUCKAHOE UNION FREE SCHOOL DISTRICTS WITH RESPECT TO STREET RESURFACING FOR 2023

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Luigi Marcoccia to approve a RESOLUTION authorizing the Supervisor of the Town of Eastchester to execute the Intermunicipal Agreement with the Village of Bronxville, The Village of Tuckahoe and the Eastchester and Tuckahoe Union Free School District with respect to Street Resurfacing for 2023.

On the roll call, all voted "AYE." Motion carried.

3. RESOLUTION AUTHORIZING THE APPROVAL OF AN APPLICATION FOR A SPECIAL EVENT PERMIT SUBMITTED BY CHESTER HEIGHTS CIVIC ASSOCIATION FOR THE COMMUNITY BARBECUE/PICNIC TO BE HELD ON SUNDAY, AUGUST 27, 2023

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Joseph Dooley to approve a RESOLUTION authorizing the approval of an application for a special event permit submitted by Chester Heights Civic Association for the community barbecue/picnic to be held on Sunday, August 27, 2023.

On the roll call, all voted "AYE." Motion carried.

**4. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY
SCARSDALE AVENUE ASSOCIATES & RIVERVUE SITES, LLC. – 10 BRONX ST., TUCKAHOE, NY**

Councilman Luigi Marcoccia offered a motion that was seconded by Councilwoman Sheila Marcotte to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Scarsdale Avenue Associates & Rivervue Sites, LLC, affecting premises known as Section 36, Block 2, Lot 3; 10 Bronx Street, Tuckahoe, NY as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT	AMOUNT OF REDUCTION
2016	2017	\$ 7,100	\$ 4,880	\$2, 220
2017	2018	\$ 7,100	\$ 4,095	\$ 3,005
2018	2019	\$ 7,100	\$ 3,955	\$ 3,145
2019	2020	\$ 7,100	\$ 3,885	\$ 3,215
2020	2021	\$ 7,100	\$ 3,955	\$ 3,145
2021	2022	\$ 7,100	\$ 3,780	\$ 3,320
2022	2023	\$ 7,100	\$ 3,605	\$ 3,495

Tuckahoe School Approved
TOTAL TOWN TAX REFUND.....\$ 800.89

On the roll call, all voted "AYE." Motion carried.

B) RECEIVER OF TAXES REPORT for June was received for filing.

C) TOWN CLERK'S REPORT for June was received for filing.

IX. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: BUDGET REVISIONS

Supervisor Anthony Colavita offered a motion that was seconded by Councilman Joseph Dooley to approve the following Budget Revisions:

Increase:	Recreation Fees - Seniors	A02000	\$ 5,000.00
Increase:	Sr. Nutrition Prgm. Contractual Serv.	A6872.450	\$ 5,000.00
Increase:	Police-Outside Services Fees	B01523	\$ 200,000.00
Increase:	Police- Overtime Private Pay	B3120.103P	\$ 200,000.00
Increase:	Golf Cart Rentals	E02008	\$ 12,000.00
Increase:	Golf Admin- Contractual Services	E3515.450	\$ 12,000.00

On the roll call, all voted "AYE." Motion carried.

B) MEMORANDUM FROM COMPTROLLER RE: PART TIME SEASONAL EMPLOYEES

Councilwoman Sheila Marcotte offered a motion that was seconded by Councilwoman Theresa Nicholson to approve the Seasonal Appointment of Sean Carty and Matthew Carullo as Recreation Attendants at Lake Isle, effective August 9, 2023 at the rate of \$11.00 per hour.

On the roll call, all voted "AYE." Motion carried.

**C) MEMORANDUM FROM LIBRARY DIRECTOR RE: PERMISSSION TO RE-BID REPLACEMENT OF
PASSENGER ELEVATOR AT THE EASTCHESTER PUBLIC LIBRARY**

Per a request from Library Director, Tracy Wright, Supervisor Anthony Colavita offered a motion that was seconded by Councilman Luigi Marcoccia to authorize the Re-bid of the Replacement Elevator at the Eastchester Public Library bid.

On the roll call, all voted "AYE." Motion carried.

X. MISCELLANEOUS BUSINESS - none

XI. COUNCIL MEMBER REPORTS

Councilman Marcoccia stated that Lake Isle is offering a rate freeze for 2023 members starting Thursday, August 31st. Current members can register and receive the same rate in 2024 as it was in 2023. He noted the summer concert at Lake Isle is Wednesday, August 16th at 7:30pm, and the last concert will be held at Garth Road on Wednesday, August 16th at 7:30pm. He reported the Annual Lake Isle Advisory Board meeting is Wednesday, September 20th at 8pm at the Community Center at Lake Isle. Councilman Marcoccia congratulated the Lake Isle Swim & Dive Team for winning the Westchester County Conference Championship.

Councilman Dooley had no report.

Councilwoman Nicholson encouraged the residents to visit the Eastchester Library website at www.eastchesterlibrary.org to view the monthly activities available.

Councilwoman Marcotte noted the Character Concert was postponed, and has been rescheduled for August 21st at Lake Isle's driving range starting at 5:30pm. Councilman Marcotte invited all to attend the Historical Society's annual meeting and its largest annual fundraiser on September 9th at the Leroy Gregory Post starting at 6:30pm. Councilwoman Marcotte further stated that this year FDR would be paying a visit, and the Honoree is Patty Dohrenwend.

Councilwoman Marcotte announced the Town Yard Sale will held on September 10th at the Eastchester Library.

Supervisor Colavita had no report.

XII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Mr, Vincenzo Alaia, owner of Café Alaia and Apariti on Garth Road, asked the Town Board for help in getting a variance so they can have a sidewalk café. The Supervisor explained there could be outdoor dining on a restaurant's own property, but there are no provision or law that says you can have outdoor dining on Town property. Supervisor Colavita said the Town Board would make a decision regarding outdoor dining before the next meeting.

Mr. Levy spoke in favor of the outdoor dining.

There being no further public business, the meeting was adjourned at 9:50 p.m.

Minutes prepared by:

Mary T. Swikata
Deputy Town Clerk

LOCAL LAW NO. 2 - 2023

A Local Law repealing the existing Town of Eastchester Sign Law (Local Law 7 of 2002 (adopted September 18, 2002), last amended January 6, 2009 (LL 5 of 2009) and adopting a new Sign Law.

This Local Law may be cited as “The Sign Law of the Town of Eastchester.”

BE IT ENACTED by the Town Board of the Town of Eastchester as follows:

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THE SIGN LAW OF THE TOWN OF EASTCHESTER

ARTICLE 1. PURPOSE AND AUTHORITY.

1.1. **Purpose and Intent.** The purpose of this Sign Law is to promote the public health, safety and general welfare of the Town of Eastchester by regulating existing and proposed exterior signs and interior signs placed for external observation that are posted or erected on property within the Town through reasonable, consistent, and content-neutral sign standards. To preserve and promote the Town of Eastchester as a desirable community in which to live, visit, work, and do business, a visually attractive and safe environment is of significant importance. The regulation of signs within the Town is an important mechanism to achieve these ends and it balances the important objectives of serving sign owners' needs to communicate while balancing the aesthetic and safety interest of the Town which can be compromised by the unchecked proliferation of signs within the Town. These regulations are adopted with the intent, goals, and purpose of:

1.1.1. Protecting property values and creating a more attractive economic climate.

1.1.2. Protecting and enhancing the physical and natural beauty of the Town by ensuring that signage is appropriate to the character of the Town.

1.1.3. Providing a means by which property owners and users can identify goods, services, ideas or other messages or manners of speech, while limiting the proliferation of signage which results in visual clutter or the promulgation of unattractive signage which can have negative impacts on community appearance and character.

1.1.4. Encouraging and allowing signage which is appropriate in design, materials, colors, lighting, manner of construction, and size for the zoning district in which it is located.

1.1.5. Maintaining and improving motor and electric vehicle, bicycle, and pedestrian safety through the proper location of signs in a manner designed to minimize obstructions of views of or distraction to motorists, cyclists, and pedestrians.

1.1.6. Providing for the compelling government interest of allowing signage as reasonably necessary to provide warnings and to provide guidance for the safe and effective operation of all elements of traffic on Town, public, and private property to prevent bodily injury, death, or property damage.

1.1.7. Reducing hazards which may be created by signs projecting over sidewalks and streets.

1.1.8. Facilitating the fair and consistent enforcement of these sign regulations.

1.1.9. Providing standards for the noncommunicative aspect of signs which are consistent with local, state, and federal law.

1.1.10. Creating a Sign Review Board to evaluate the design, materials, colors, lighting, placement, alignment, manner of construction, and size of proposed signage within the Town on a content neutral basis to ensure that the signs erected within the Town are consistent with the intent, goals, and purpose of this Local Law.

1.2. **Authority.** This Local Law is adopted pursuant to Section 10 of the New York Municipal Home Rule Law.

ARTICLE 2. DEFINITIONS.

2.1. Definition of a Sign.

2.1.1. **SIGN** - Any writing, pictorial presentation, number, illustration, flag, banner or pennant, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known that is placed in view of the general public. The term "sign" shall not be deemed to include statuary, balloons, lighting unless otherwise specifically prohibited herein, or architectural embellishment of a building or structure. For the purpose of this Local Law, any writing, pictorial presentation, number, illustration, flag, banner or pennant, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known that is not illuminated and that is located inside of a building and more than 3 feet from the interior face of a window shall not be deemed to be "placed in view of the general public" and therefore not subject to regulation by this Local Law unless any provision of this Local Law specifically and clearly provides otherwise.

2.2. **Other Definitions.** Unless the context shall otherwise clearly require, the terms, phrases, words and their derivatives used in this Local Law shall have the meanings ascribed to them below, or, if not defined below, the same meaning as those defined in the Zoning Law of the Town of Eastchester. Except where specifically defined herein or in the Zoning Law, all words used in this Local Law shall carry their customary and dictionary meanings.

2.2.1. **AWNING** - A roof-like shelter typically over a door or window of durable waterproof and fire-resistant fabric attached to a rigid frame and supported from a wall of a building and at times by support poles.

2.2.2. **AWNING SIGN** - Any Sign printed on, painted on or affixed to an Awning.

2.2.3. **BANNER** - A Sign typically made from a piece of fabric or other similar material that is generally rectangular or semicircular in shape of distinctive design that is used as a signal, symbol, statement or advertising device and is affixed to a supporting structure or the wall of a building on more than one side, along its horizontal or vertical side in a manner that is intended to allow the Banner to be fully or substantially extended for significant periods of time, or in any other manner of display in which the Banner is intended to be fully or substantially extended for significant periods of time. For the avoidance of doubt, the distinction between a Banner and Flag (*see* Section 2.2.13) is the manner in which it is displayed, a Flag being affixed on one side to fly off of a vertical pole such that it is not fully extended for substantial periods of time compared with a Banner that is affixed in a manner such that it is intended to be fully or substantially extended for substantial periods of time.

- 2.2.4. BARBER POLE – A pole with a helix of not more than three (3) colored stripes, often enclosed in a glass or clear plastic cylinder. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. The pole may be stationary or may rotate and may be internally or externally illuminated.
- 2.2.5. BOX SIGN – A rigid frame or housing, typically rectangular or square, mounted to a wall with a front containing a translucent or opaque material which may or may not be internally or externally illuminated.
- 2.2.6. BUILDING INSPECTOR – The duly appointed Building Inspector of the Town of Eastchester or the Building Inspector's authorized designees.
- 2.2.7. CANOPY - A roof-like structure covering a service island.
- 2.2.8. COMMERCIAL ADVERTISING SIGN - Any Sign that advertises a business, product, service, or other commercial activity.
- 2.2.9. DEPARTMENT – The Town of Eastchester Building and Planning Department.
- 2.2.10. ERECT - When used with respect to Signs, means to paint, build, construct, alter, display, relocate, attach, hang, place, suspend, or affix. Such term does not include maintenance and repair but does include the repainting or refinishing of a Sign in a manner which changes the color, copy, or design of a Sign or any of its components.
- 2.2.11. ESTABLISHMENT – A commercial or not-for-profit entity, institution, or community organization that has a separate legal interest and has established a non-residential use of all or a portion of a premises. For the purposes of this Local Law, any multi-tenant building or shopping center, or any multi-dwelling building or development shall constitute an Establishment separate from any other Establishment located therein (for example, in a shopping center, each store is an Establishment and the shopping center itself is an Establishment). Individual dwelling units shall not be deemed to be Establishments.
- 2.2.12. FEATHER FLAG SIGN – A form of Sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall, narrow and feather shaped, which may or may not be permanently affixed to the ground.
- 2.2.13. FLAG – A piece of fabric that is typically rectangular in shape of distinctive design that is used as a signal or symbol and is affixed to a pole on a vertical side to fly horizontally off the vertical pole. See Section 2.2.3 for the distinction between a Flag and a Banner.
- 2.2.14. FREE-STANDING SIGN - A Sign not permanently attached to or part of any building but separate and permanently affixed into or upon the ground, including but not limited to Pole/Pylon Signs and Monument Signs.

- 2.2.15. ILLUMINATED SIGN - Any Sign, in or upon which an artificial light source is utilized in a manner to illuminate the information and graphics of the Sign as follows:
- 2.2.15.1. Self-Illuminated -Wherein the light source itself is shaped and utilized to form the Sign (including, but not limited to neon, LED or an array of individual bulbs).
 - 2.2.15.2. Internally-Illuminated Box Sign -Wherein a translucent and/or opaque material which forms the Sign is framed and back lighted by the light source and the light source is enclosed from direct view.
 - 2.2.15.3. Internally-Illuminated Letter Sign –
 - 2.2.15.3.1. Face Lit Channel Letters - Wherein individually framed translucent or opaque letters are back lighted by the light source and the light source is enclosed from direct view.
 - 2.2.15.3.2. Reverse Lit/Halo Lit Channel Letters - Wherein individual solid letters with an internal lighting source create a “halo” effect on the building wall.
 - 2.2.15.4. Externally-Illuminated - Wherein the Sign is illuminated by a light source placed in a manner to cast light upon the Sign.
- 2.2.16. LED SIGN - A flat screen display that uses an array of light-emitting diodes (LEDs) as pixels to display a message.
- 2.2.17. LOGO/LOGOTYPE - A distinctly styled representation of the business, building or trademark for the specific business or building it serves.
- 2.2.18. MONUMENT SIGN - A Freestanding Sign supported by a base or one or two posts, with the top edge of the Sign no more than five (5) feet above the finished grade.
- 2.2.19. OFF-PREMISES SIGN – Any Commercial Advertising Sign located on a lot other than that where the advertised commercial activity is conducted.
- 2.2.20. PLAQUE – An ornamental tablet, typically made of metal, porcelain or wood, that is affixed to a building façade, wall, or other surface.
- 2.2.21. POLE/PYLON SIGN - A Freestanding Sign with the base of the actual Sign area at least six (6) feet above the ground and supported by a vertical pole(s) or pylon(s).
- 2.2.22. PORTABLE SIGN - A Sign designed to be moveable and not structurally or permanently attached to the ground, a building, a structure or another Sign, including, but not limited to H-frame Signs and wire frame Signs, but specifically excluding Sandwich Board Signs, A-frame Signs and Feather Flag Signs.
- 2.2.23. POST AND ARM SIGN - A Freestanding Sign comprised of a vertical post to which a perpendicular arm is attached and from which the Sign hangs.

- 2.2.24. PROJECTING SIGN - A Sign affixed to an exterior wall of a structure and extending perpendicular to the plane of the wall.
- 2.2.25. SANDWICH BOARD SIGN – A Sign with two hinged, connected, or double-faced boards or other material that can be temporarily placed on the ground and is customarily placed adjacent or close to the entrance door to an Establishment, including but not limited to A-frame Signs.
- 2.2.26. SIGN STRUCTURE - The supports, uprights, bracing and framework for a Sign. In the case of a Sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or projections thereof exceeds 30 degrees, each side shall be considered a separate Sign.
- 2.2.27. SIGN SURFACE AREA - The entire area within a single, continuous quadrilateral enclosing all elements which form an integral part of a Sign. The structure supporting a Sign shall be excluded unless the structure is designed to form an integral background for the display.
- 2.2.28. TEMPORARY SIGN- Any Sign, typically a Banner, that is temporarily mounted to a building or structure pursuant to ARTICLE 6, Sect. 6.1.
- 2.2.29. TRAFFIC CONTROL DEVICE – Signs and signal devices used to inform, guide and control motor vehicle, electric vehicle, bicycle, and pedestrian traffic.
- 2.2.30. VIRTUAL PROJECTOR SIGN- A Sign that is displayed on any surface through the use of a light source that is directed through a lens to project the words or image constituting the Sign on a surface.
- 2.2.31. WALL MOUNTED SIGN - A Sign which is painted, mounted directly on, or otherwise affixed to the wall and parallel to the building wall.
- 2.2.32. WINDOW SIGN (EXTERIOR) - A Sign visible from a sidewalk, street, or other public place which is permanently painted, etched, or affixed on the exterior face of a window.
- 2.2.33. WINDOW SIGN (INTERIOR) - A Sign visible from a sidewalk, street, or other public place and located in the interior of a building or structure that is: (1) painted, etched, or affixed on the interior face of a window; or (2) mounted on a wall, displayed on an easel, suspended from a ceiling, or otherwise affixed in a stationary location and located no more than three (3) feet from the interior face of the window.

ARTICLE 3. CREATION, ORGANIZATION AND JURISDICTION OF THE SIGN REVIEW BOARD.

- 3.1. **Creation and Membership.** The Town Board is hereby authorized and empowered to create a Sign Review Board which shall consist of three (3) resident members, who shall be qualified by reason of training, experience or interest in architecture, design, community planning, or other related fields. The members of the Sign Review Board shall be appointed

by the Town Board, and the Town Board may allocate and budget for such expenses as may be necessary and proper. The Town Board is hereby authorized to make such appropriation as it may see fit for such expenses. The term of office for the members of the Sign Review Board shall be, for the members first appointed, one (1) shall hold office for the term of one (1) year, one (1) for the term of two (2) years, and one (1) for the term of three (3) years, and then for subsequent appointments members shall be appointed for terms of three (3) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment to the unexpired term.

3.2. **Removal of Members.** The Town Board may remove a member of the Sign Review Board for cause provided that such member is afforded notice and an opportunity to be heard prior to removal.

3.3. **Chairperson.** The Town Board shall designate one member of the Sign Review Board to serve as its Chairperson. The Chairperson as such shall serve for a term of two (2) years.

3.4. **Meetings and Voting Requirements.** Meetings of the Sign Review Board shall be held on a regular basis. Two (2) members of the Sign Review Board shall constitute a quorum for holding a meeting. A minimum of two (2) concurring votes shall be required to approve an application. The Sign Review Board shall keep minutes of its proceedings showing the vote of each member upon any question or, if absent or failing to vote, indicating such fact, and shall also keep records of its official actions. Decisions of the Sign Review Board shall be filed in the office of the Town Clerk.

3.5. **Jurisdiction.** The Sign Review Board is hereby authorized to:

3.5.1. Review and approve, deny, or approve with modifications or conditions Sign plan approval applications pursuant to ARTICLE 7, Section 7.2 of this Local Law.

3.5.2. Review and approve, deny, or approve with modifications or conditions applications for variances from the requirements of this Local Law pursuant to ARTICLE 12, Section 12.1.

3.5.3. Review and decide appeals pursuant to ARTICLE 12, Section 12.3 of this Local Law.

ARTICLE 4. GENERAL STANDARDS.

4.1. **Sign Standards.** All Signs installed or erected in the Town, whether or not approval by the Sign Review Board or a Sign permit from the Building Inspector is required before they may be erected or installed, shall comply with the following general standards:

4.1.1. All Signs and lighting shall be erected in compliance with all applicable federal, state and local laws.

4.1.2. No Sign shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape.

- 4.1.3. Signs affixed to buildings shall be in keeping with the architectural design of the building upon which they are placed, the design of neighboring properties, adjoining Signs, and the overall residential character of the Town.
- 4.1.4. The Sign owner shall be responsible for the conformance of all dimensions relating to the building, the dimensions relating to the Sign, and compliance with all other conditions of approvals granted for the Sign. In cases where the Sign as installed does not conform to the approved design, where applicable, the Sign owner shall be required at his/her own expense to remove, correct, or replace the Sign.
- 4.1.5. Signs shall be maintained in good and complete condition, with panels, letter forms, and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted and landscaped where applicable.
- 4.1.6. Signs on the same property shall complement each other in terms of style, font style and size, design, color, and alignment.
- 4.1.7. The lowest portion of any Sign or the structure supporting the Sign which extends over an area intended for pedestrian use shall be not less than seven (7) feet above the finished grade.
- 4.1.8. Lighting under canopies must be recessed or shrouded so light is not directed toward the property line.
- 4.1.9. Signs shall be located so that they do not unreasonably impair visibility at intersections or around curves in streets.
- 4.1.10. A Sign which advertises or announces an event to occur on a certain date shall be removed within five (5) days after such event.
- 4.1.11. Commercial Advertising Signs shall be limited to the business name and/or principal business activity conducted on the premises.
- 4.2. **Awnings.** All Awnings installed or erected on properties in the Town other than properties improved with a one- or two-family dwelling, shall comply with the following general standards:
- 4.2.1. Awnings may be stationary or non-stationary (retractable).
- 4.2.2. Operating arms and braces shall be fully concealed from view when the Awning is in an open position.
- 4.2.3. Awning material shall be limited to a maximum of three colors. Black, white and shades of the same color shall be considered separate colors. No white backgrounds are permitted and light colors are restricted to lettering. Metallic, iridescent, and bright color Awning materials are prohibited. The background color, style, and material of any awning shall complement that of any other awning on the building.

4.2.4. The Awning support and finish structure, mechanism, and enclosure housing shall be harmonious with the materials of the building façade and/or Awning fabric.

4.2.5. Awnings shall be constructed of durable, waterproof, fire-resistant fabrics. The use of vinyl or other shiny fabrics, hard plastic, metal and other rigid material is prohibited.

4.2.6. The minimum height from the sidewalk to any part of the Awning covering or its supporting frame when closed or extended shall be seven (7) feet.

4.2.7. The Awning, including the operating mechanism and enclosure housing (where of the non-stationary type), shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Generally, Awnings shall be fitted and mounted within the architectural frame of the window or door openings. Any overlap of the Awning onto adjoining building surfaces where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches where feasible. Awning enclosure housings which are integrated and recessed within the window head construction are preferred.

4.2.8. Internal illumination of an Awning is prohibited.

4.2.9. No building permit for the installation of an Awning that is subject to this ARTICLE 4.2 on any property shall be issued until approval for such Awning has been granted by the Sign Review Board pursuant to the standards and procedures set forth in ARTICLE 7.

ARTICLE 5. SIGNS THAT DO NOT REQUIRE A SIGN PERMIT.

5.1. Signs required by local, state, or federal law or as a result of legal proceedings.

5.2. Signs posted by the Town on Town property.

5.3. Signs posted by New York State or Westchester County on Town, state or county property.

5.4. Signs posted by the Eastchester Union Free School District or Tuckahoe Union Free School District on school district property.

5.5. Traffic Control Devices provided that they are no greater in size or height than reasonably necessary to accomplish their traffic control purpose.

5.6. Signs that are reasonably necessary to indicate the presence of alarm systems or warnings or notices pertaining to dangers of trespassing or other hazardous conditions on the premises, provided no single Sign shall exceed 144 square inches in Sign Surface Area.

5.7. One (1) Window Sign not exceeding one (1) square foot in Sign Surface Area in any dwelling unit.

- 5.8. Window Signs in any Establishment provided that the Window Signs do not cover more than 30 percent of the area of the window in which they are located and no letter or number shall be larger than six (6) inches in height.
- 5.9. On properties improved with a one- or two-family dwelling, Portable Signs and Flags that are no greater than 12 inches above the finished grade, provide that such Signs must be setback, at a minimum, 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
- 5.10. In addition to other Signs permitted pursuant to this ARTICLE 5, Portable Signs that are greater than 12 inches above the finished grade on any lot used as a one- or two-family dwelling if such Signs meet the following criteria:
- 5.10.1. Maximum number of signs: 3
- 5.10.2. Maximum Aggregate Sign Surface Area of all such Signs: 12 square feet.
- 5.10.3. Minimum setback: 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
- 5.10.4. No portion of such Sign shall be more than 4 feet above the finished grade.
- 5.11. One (1) Portable Sign on any lot other than a lot improved with a one- or two-family dwelling, subject to the following:
- 5.11.1. Maximum Sign Surface Area Per Sign – Not more than four (4) square feet.
- 5.11.2. Minimum setback: 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
- 5.11.3. No portion of such Sign shall be more than 4 feet above the finished grade.
- 5.12. One (1) Plaque per Establishment, or, for a one-or two- family dwelling, per dwelling unit, provided that no plaque shall exceed one (1) square foot in area and in no case exceed 18 inches in length and further provided that it is placed flat against the exterior wall or door of the premises.
- 5.13. Identification numbers on buildings as required pursuant to the New York Property Maintenance Code, provided that such numbers may not be more than eight (8) inches in height.

- 5.14. In addition to the Flags permitted pursuant to Section 5.9, no more than two (2) Flags provided that no single Flag shall be greater than 15 square feet in area.

**ARTICLE 6. SIGNS PERMITTED SUBJECT TO THE ISSUANCE OF A SIGN PERMIT
BUT NOT SUBJECT TO REVIEW BY THE SIGN REVIEW BOARD.**

6.1. Temporary Signs Permitted Pending Review of Permanent Signs.

- 6.1.1. Each Establishment that has not installed permanent signage as permitted pursuant to ARTICLE 7 hereof may install one (1) Temporary Sign on the primary frontage of the Establishment and one (1) Temporary Sign on any secondary frontage. Such Temporary Signs being intended primarily to permit reasonably necessary signage to be displayed during the pendency of the review of more permanent signage.
- 6.1.2. Temporary Signs shall not be illuminated other than external illumination, and may not be displayed on any Establishment that has installed a Wall Mounted Sign pursuant to ARTICLE 7, Section 7.1.2.1.
- 6.1.3. Temporary Signs shall be limited to a maximum of three (3) colors. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. Use of natural bronze, brass, copper, stainless steel, genuine gold or silver leaf, is permitted.
- 6.1.4. The dimensional limitations for Wall Mounted Signs as set forth in ARTICLE 7, Sections 7.1.2.1 shall apply to Temporary Signs.
- 6.1.5. In addition to the Temporary Signs permitted pursuant to Section 6.1.1 and the Portable Sign permitted pursuant to Section 5.11, Portable Signs that meet the dimensional limitations of Section 5.11 may be placed in any location in which a permanent Monument Sign has been approved before the permanent Monument Sign is erected.
- 6.1.6. Temporary Signs and temporary Portable Signs permitted pursuant to Section 6.1.5 may be displayed for a period of 90 days, which term may be extended by the Building Inspector upon written request for good cause shown and payment of an additional temporary sign permit fee. No Establishment may display a Temporary Sign or a temporary Portable Sign permitted pursuant to Section 6.1.5 for a period exceeding 90 days in any six (6) month period unless otherwise permitted by the Building Inspector pursuant to this section.

6.2. Sandwich Board Signs Permitted.

- 6.2.1. Each Establishment on a lot may display one (1) Sandwich Board Sign.
- 6.2.2. Sandwich Board Sign dimensions shall not exceed 40 inches in height and 25 inches in width.
- 6.2.3. Limit of one (1) Sandwich Board Sign per Establishment.

6.2.4. A Sandwich Board Sign shall be located entirely within the property line of the lot on which the Establishment is located and shall be posted directly in front of the Establishment with which it is associated.

6.2.5. Sandwich Board Signs shall not be posted in a manner that substantially impedes access to or use of any walkway, driveway or alleyway, nor shall it block any fire hydrant, doorway, vault or be placed in a manner or location that obstructs drivers' sight lines.

6.2.6. Sandwich Board Signs may only be displayed during the operating hours for the Establishment with which it is associated and shall be stored indoors when the Establishment is closed.

6.2.7. Sandwich Board Signs shall not be displayed and shall be stored indoors during periods of high winds or significant snow or rain events.

6.2.8. Sandwich Board Signs shall be constructed of durable weatherproof material; plastic is not permitted.

6.2.9. Moveable type is not permitted on Sandwich Board Signs.

6.3. Sign Permit Review Process.

6.3.1. Sign Permit Required. A Sign permit issued by the Building Inspector shall be required in order to erect, construct, paint, alter, relocate, reconstruct, or display, or cause to be erected, constructed, or displayed, any Sign or Signs permitted pursuant to this ARTICLE 6.

6.3.2. Application for Sign Permit. Any person desiring to obtain a Sign permit shall file with the Building Inspector an application in the form required by the Building Inspector, the supporting materials specified in such application form, and the required fee as set forth in a fee schedule adopted by the Town Board of the Town of Eastchester. Said application shall be reviewed by the Building Inspector for completeness and compliance with this Local Law, and, upon a determination that the application is complete and in compliance with this Local Law, the Building Inspector shall issue a permit for the erection of the proposed Sign.

6.3.3. Expiration of Sign Permits. A Sign permit issued pursuant to this ARTICLE 6 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date of issuance.

ARTICLE 7. SIGNS PERMITTED SUBJECT TO SIGN PLAN APPROVAL FROM THE SIGN REVIEW BOARD AND THE ISSUANCE OF A SIGN PERMIT.

7.1. Signs Permitted. In addition to any Signs permitted pursuant to ARTICLE 5 or ARTICLE 6 of this Local Law, the following Signs are permitted on property used for purposes other than a one- or two- family dwelling, subject to the issuance of Sign plan approval in accordance with Section 7.2 of this ARTICLE 7.

7.1.1. General Requirements and Provisions.

7.1.1.1. Each Establishment on a lot may install one (1) principal Sign of any permitted Sign type on the primary frontage of the Establishment and one (1) secondary Sign of any permitted Sign type on any secondary frontage.

7.1.1.2. In addition to the Signs permitted pursuant to Section 7.1.1.1, each Establishment on a lot may install one (1) Post and Arm Sign or Projecting Sign (regardless of its number of frontages); or one (1) Barber Pole on its primary frontage and one (1) Barber Pole on a secondary frontage on which a door into the Establishment is located. The Sign Surface Area for Post and Arm or Projecting Signs shall not exceed 20 inches by 30 inches. The maximum height to the top of a Post and Arm Sign shall not exceed six (6) feet. The bottom edge of any Projecting Sign or Barber Pole extending over a walkway must be a minimum of seven (7) feet high. Barber Poles shall have a maximum height as measured from the lowest portion of such pole or its supporting structure, to the top of such pole or its supporting structure (including any light fixtures or element) of 45 inches, a maximum diameter of the clear cylinder (or its equivalent) of 8 inches and may not project from the face of the wall on which it is mounted by more than 13 inches. Barber Poles shall not be illuminated nor shall they rotate when the Establishment is closed.

7.1.1.3. All Sign lighting shall be confined to or directed to the surface of the Sign and shall, where necessary, be shielded to eliminate glare and ensure that light is not directed toward an adjacent property.

7.1.1.4. Signs shall be limited to a maximum of three (3) colors. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. Use of natural bronze, brass, copper, stainless steel, genuine gold or silver leaf is permitted.

7.1.1.5. Signs which are included as part of a site plan application for the premises pursuant to Section 11 of the Zoning Law of the Town of Eastchester shall comply with the requirements of this Local Law and those of Section 11 of the Zoning Law, as well as the approved site plan.

7.1.2. Permitted Sign Types.

7.1.2.1. *Wall Mounted Signs.*

- 7.1.2.1.1. Where the building setback from the edge of the street is equal to or greater than 75 feet or the horizontal dimension of the building or portion thereof housing the Establishment which is the subject of the Sign is 70 feet in length or greater, the maximum vertical dimension or height of each Wall Mounted Sign shall be 24 inches and the maximum horizontal dimension or length shall not exceed 75 percent of the building or portion thereof housing the Establishment which is the subject of the Sign. In any case, the maximum horizontal dimension or length of each such Sign shall not exceed 50 feet on any street frontage for the same Establishment. No letter on such Sign or individual letter mounted directly on a wall shall be more than 18 inches in height or width.
- 7.1.2.1.2. Where the building setback from the edge of the street is less than 75 feet and the horizontal dimension of the building or portion thereof housing the Establishment which is the subject of the Sign is less than 70 feet in length, the maximum vertical dimension or height of each Wall Mounted Sign shall be 18 inches and the maximum horizontal dimension or length of each Sign shall not exceed 75 percent of the building or portion thereof housing the Establishment which is the subject of the Sign. In any case, the maximum horizontal dimension or length of each such Sign shall not exceed 30 feet on any street frontage for the same Establishment. No letter on such Sign or individual letter mounted directly on a wall shall be more than 16 inches in height or width.
- 7.1.2.1.3. The lower edge of a Wall Mounted Sign shall not be located above the level of the floor of the second story of the building upon which the Sign is placed or maintained. On a one (1)-story building, such Sign may be located on the face of a parapet wall. Notwithstanding the prohibition herein regarding roof Signs, and for the purposes of this Local Law, a mansard fascia shall be considered a parapet wall and is subject to the same restrictions.
- 7.1.2.1.4. Where the design of an existing building facade incorporates a specific area for Wall Mounted Signs, the height and length of such Signs shall be restricted to the dimensions of this area. Such Signs may not, however, exceed maximum dimensions as stated herein.
- 7.1.2.1.5. Face-Lit Channel Letter Signs are not permitted where the building setback from the edge of the street closest to the building is less than 75 feet.
- 7.1.2.1.6. No visible structures or raceways housing electrical connections are permitted for Internally-Illuminated Letter Signs.

7.1.2.2. Monument Signs.

7.1.2.2.1. No portion of a Monument Sign or Sign Structure shall be located more than 60 inches (5 feet) above the finished grade nor may such Sign or Sign Structure be more than 72 inches (6 feet) in width.

7.1.2.2.2. No lettering, numbering or other symbol on the Sign shall be more than 8 inches in height or width.

7.1.2.2.3. The Sign shall be located entirely within the property line of the lot.

7.1.2.2.4. The Sign shall only be illuminated from an external light source; Internally-Illuminated Signs are prohibited, except that an Establishment that is required by law to post pricing information on the Sign may use Internally Illuminated or LED Signs to display pricing information provided that the internally illuminated or LED Sign panel utilizes only white light illumination, and numbers or symbols so illuminated are no greater than 8 inches in height.

7.1.2.2.5. The area around the Sign shall be suitably landscaped and such landscaping shall be suitably maintained.

7.1.2.3. Awning Signs.

7.1.2.3.1. There shall be no light source within the Awning or Awning Sign intended to illuminate or have the effect of illuminating the lettering on the Awning Sign.

7.1.2.3.2. All lettering (including numbers and characters) on an Awning Sign shall be a maximum of 6 inches in height.

7.1.2.3.3. No advertising except the Establishment name shall be placed on any Awning.

7.2. Sign Plan and Sign Permit Review Process.

7.2.1. Approval Required. Sign plan approval granted by the Sign Review Board shall be required to erect, construct, paint, alter, relocate, reconstruct, or display, or cause to be erected, constructed, or displayed, any Sign or Signs permitted pursuant to ARTICLE 7, Section 7.1 or an Awning permitted pursuant to Article 4, Section 4.2

7.2.2. Application for Sign Plan Approval. Any person desiring to obtain a Sign Plan approval from the Sign Review Board shall file with the Building Inspector an application in the form specified by the Building Inspector, the supporting materials specified on such form, and the required fee as set forth in a fee schedule adopted by the Town Board of the Town of Eastchester. Said application shall be reviewed by the Building Inspector for completeness and, upon a determination that the application is complete, it shall be forwarded to the Sign Review Board.

7.2.3. Review by Sign Review Board. The Sign Review Board shall review each application referred to it on a content neutral basis and shall approve, disapprove, or approve subject to modifications or conditions such applications based on a consideration and balancing of the following:

7.2.3.1. Whether the location and placement of the Sign is likely to endanger motorist, pedestrians, or cyclists.

7.2.3.2. Whether the Sign will have a negative impact on the visual quality of public open spaces.

7.2.3.3. Whether the Sign is consistent with the architectural design of the building upon which it is placed, the design of neighboring properties, adjoining Signs, and the overall residential character of the Town.

7.2.3.4. Whether the Sign is consistent with the purposes of this Local Law as set forth in ARTICLE 1 and the General Sign Standards set forth in ARTICLE 4 and, ARTICLE 7, Section 7.1 hereof. Notwithstanding anything herein to the contrary, when approving or approving subject to modifications or conditions any Sign Permit application within its jurisdiction, the Sign Review Board may modify the size limitations or design requirements of this Local Law if it finds that such modifications are reasonably necessary to permit a Sign that advances the purposes and intent of this Local Law as set forth in ARTICLE 1 hereof to a greater extent than a Sign that strictly complies with the requirements hereof.

7.2.4. Procedure; Decision. The Sign Review Board shall review each application for Sign plan approval at a meeting thereof. No public hearing shall be required for Sign plan approval applications. A minimum of two (2) concurring votes shall be required to approve an application for Sign plan approval.

7.2.5. Issuance of Sign Permit. Within a reasonable period of time following approval of a Sign plan application by the Sign Review Board and compliance with all conditions and requirements thereof, the Building Inspector shall issue a permit for the erection of the proposed Sign, provided all fees have been paid and insurance requirements have been met.

7.2.6. Expiration of Sign Permits. A Sign permit issued pursuant to this ARTICLE 7 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date of issuance.

ARTICLE 8. PROHIBITED SIGNS.

8.1. The following types of Signs are prohibited in the Town of Eastchester unless otherwise specified in this Local Law:

8.1.1. Box Signs.

8.1.2. Illuminated Signs which are located anywhere within the interior of a building and visible from the exterior of the building.

8.1.3. Internally-Illuminated Signs, excluding Internally-Illuminated Letter Signs.

8.1.4. LED Signs.

8.1.5. Television screens or computer monitors that are located: (a) outside of a Building (other than a dwelling unit), or (b) inside of a Building (other than a dwelling unit) and within 10 feet of the inside face of a window; and that are oriented to be visible from any adjacent property, public lands or the public street.

8.1.6. Off-premises Signs.

8.1.7. Pole/pylon Signs, other than Traffic Control Devices.

8.1.8. Reverse Lit/Halo Lit Channel Letters or Signs that are illuminated with lighting colors other than white. Where illuminated Signs are permitted by this Local Law, Reverse Lit/Halo Lit Channel Letters or Signs that are illuminated with white lights are permitted.

8.1.9. Self-Illuminated Signs.

8.1.10. Signs located on a Canopy, umbrella, or other similar structure.

8.1.11. Signs resembling, but which are not, a Traffic Control Device.

8.1.12. Signs or Sign supports placed on the roof of a building. For the purposes of this Local Law, a mansard fascia shall be considered a parapet.

8.1.13. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resemble Traffic Control Devices.

8.1.14. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except Barber Poles.

8.1.15. Signs constructed of or containing mirrors or other reflective materials.

8.1.16. Signs that emit smoke, vapors, particles, or sounds.

8.1.17. Signs that, by dimension, placement, or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists, or motorists, traveling on or entering buildings, public streets, sidewalks, or rights-of-way.

8.1.18. Signs or exterior displays consisting of pennants, streamers, spinners, air dancers, or other similar moving, fluttering, or revolving devices, or Feather Flag Signs.

8.1.19. Signs or Sign structures that interfere in any way with free use of any fire escape or emergency exit.

8.1.20. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.

8.1.21. Signs with the optical illusion of movement, changing copy, or holograms.

8.1.22. Virtual Projector Signs on properties other than those improved with a One- or Two-Family Dwelling.

8.1.23. Signs located on electric vehicle charging stations other than: (i) Signs required to be posted thereon by Westchester County, New York State or Federal Law, or (ii) Signs providing reasonably necessary manufacturer specifications and information.

8.1.24. Signs that are prohibited by New York State or Federal Law or that contain speech that is not protected by the First Amendment to the United States Constitution or Section 8 of the New York State Constitution.

8.1.25. Any Sign not specifically permitted by this Local Law shall be deemed prohibited.

ARTICLE 9. SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH.

Notwithstanding anything contained in this Local Law to the contrary, any Sign erected pursuant to the provisions of this Local Law may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of commercial copy. The Sign copy may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial message; provided, however that there is no change in the size, height, setback, lighting, alignment, or manner in which the Sign is affixed to the structure of the Sign without a permit, if required, as provided for herein.

ARTICLE 10. SIGNS ON TOWN PROPERTY.

10.1 Signs on Town Property Prohibited. Except as otherwise provided in ARTICLE 10, Section 10.2 hereof, any Sign installed, erected or posted on property owned by the Town of Eastchester, including within Town rights of way, shall be deemed illegal and shall be forfeited to the public and subject to removal and confiscation without prior notice. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such Sign the cost of removal and disposal of such Sign.

10.2 Signs Permitted to be Posted on Town Property.

10.2.1 Any Sign posted by the Town, New York State or Westchester County.

10.2.2 Any Sign required to be posted by state or federal law.

10.2.3 The Town Board of the Town of Eastchester may adopt by resolution rules and regulations regarding the posting of Signs on Town-owned property.

ARTICLE 11. NON-CONFORMING SIGNS.

- 11.1. This Local Law is intended to encourage the eventual elimination of Signs which do not comply with its requirements. The elimination of nonconforming Signs is important to the purposes stated in ARTICLE 1 of this Local Law. However, it is also the intent of this Local Law to avoid unreasonable invasion of property rights while accomplishing removal of nonconforming Signs.
- 11.2. A Sign not complying with this Local Law, but in place legally on or before the effective date of this Local Law that had a cost to purchase and install of \$1500.00 or less shall be removed or made to conform with the requirements of this Local Law within six (6) months of the effective date of this Local Law.
- 11.3. A Sign not complying with this Local Law, but in place legally on or before the effective date of this Local Law, that the owner of such Sign can demonstrate has a cost to purchase and install of greater than \$1,500.00, may be continued, provided, however that it shall not be replaced by another non-conforming Sign, nor shall any change in copy, design, colors or materials be permitted unless the Sign is brought into compliance with this Local Law. A nonconforming Sign may not be structurally altered to prolong the life of the Sign, nor may it be reestablished after damage or destruction if the Building Inspector determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.

ARTICLE 12. SIGN VARIANCE; INTERPRETATION.

- 12.1. **Variance:** The Sign Review Board, upon submission of an application with supporting information as may be required by the Building Inspector and the payment of a fee as set forth in a fee schedule adopted by the Town Board, is hereby authorized to review and decide upon applications for variances from the requirements of this Local Law. The Sign Review Board may grant a variance from the strict requirements of this Local Law upon a showing by the applicant that the provisions of this Local Law have caused it an unreasonable hardship. In order to demonstrate such unreasonable hardship, the applicant shall demonstrate that:
 - 12.1.1. The alleged hardship relates to the physical characteristics of the property or the improvements thereon and such condition is unique, and does not apply to a substantial portion of the district or neighborhood in which the subject property is located; and
 - 12.1.2. The grant of the variance would be consistent with the intent and purpose of this Local Law as set forth in ARTICLE 1 hereof.
 - 12.1.3. The Sign Review Board, in the granting of a variance, shall grant the minimum variance that it shall deem necessary and adequate to address the hardship demonstrated by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- 12.2. **Imposition of Conditions.** The Sign Review Board shall review variance applications on a content neutral basis and may impose any reasonable, content-neutral conditions and restrictions as are directly related and incidental to mitigating the adverse impacts that may result from the grant of the variance.

12.3. Interpretation of Sign Law; Review of Administrative Determinations. Upon appeal from a decision by the Building Inspector the Sign Review Board is hereby authorized to decide any question involving the interpretation of any provision of this Sign Law. The Sign Review Board may reverse or affirm wholly or partly, or may modify any order, requirement, decision, interpretation or determination of the Building Inspector made pursuant to this Sign Law appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter and, to that end, shall have all the powers of the Building Inspector to interpret this Sign Law herein granted.

12.4. Procedure; Decision. The Sign Review Board shall review each application for an interpretation or a variance at a meeting thereof. No public hearing shall be required for such applications. A minimum of two (2) concurring votes shall be required to approve an application for a variance or reverse the Building Inspector's interpretation of this Local Law.

12.5. Duration of Sign Variance. A Sign variance issued pursuant to this ARTICLE 12 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date a resolution granting the variance is adopted by the Sign Review Board.

ARTICLE 13. JUDICIAL REVIEW.

Any person or persons aggrieved by any final decision of the Sign Review Board may apply to the New York State supreme court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision of the Sign Review Board in the office of the Town Clerk.

ARTICLE 14. VIOLATIONS, PENALTIES, AND ENFORCEMENT.

14.1. Any person who violates or is an accessory to the violation of any provision or portion of this Local Law shall be guilty of an offense.

14.2. A violation of this Local Law is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six (6) months or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

14.3. Nothing in this Local Law shall be construed as depriving the Town or the Town Board or any duly authorized official or representative thereof of the right to apply for an injunction to prevent any violation of this Local Law or of the right to employ any other available remedy for its enforcement.

ARTICLE 15. AMENDMENTS.

The Town Board may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the Town, after public notice and hearing, amend, supplement, repeal or change the regulations established under this Local Law.

ARTICLE 16. SEVERABILITY.

Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

ARTICLE 17. REPEAL OF PRIOR SIGN LAWS.

Upon the effective date of this Local Law, the Sign Law of the Town of Eastchester adopted by the Town Board on September 18, 2002 as Local Law 7-2002, and any and all amendments thereto are hereby repealed.

ARTICLE 18. RELATION TO OTHER PROVISIONS.

Except as otherwise provided in Article 17, this Local Law shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, lots or land, provided that where this Local Law imposes greater restriction upon the use of buildings, structures, lots or land, or upon the height of structures, or requires larger lots or yards then are imposed or required by such existing provisions or regulations, the provisions of this Local Law shall control.

ARTICLE 19. EFFECTIVE DATE.

This Local Law shall take effect on a date that is six (6) months from the filing of this Local Law in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.