



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

April 2, 2021

To: Zoning Board of Appeals, Town of Washington  
Re: **Referral 21-064 – Mabbettville Gas Station Sign**  
Lot: 664497; US 44

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m). **The Department does not consider this application complete for review as the materials submitted do not include sufficient information to review the requested use and area variance actions.**

Therefore, the Department requests that the Board resubmit this application when the above-mentioned information is available. Once this is done, we will initiate our formal 30-day review provided for in §239-l/m.

**ACTION**

The applicant is proposing to replace an existing gas price sign with a digital LED gas price sign. Per the ZBA Chair, this application is before the ZBA for an area variance for the size of the requested sign and a use variance for the LED sign lighting use. This site is located in the Hamlet Mixed Use (HM) zoning district on Route 44 in the hamlet of Mabbettville.

**PRELIMINARY COMMENTS**

*Although this Department considers this application incomplete for review, we offer the following preliminary comments for the Board's consideration.*

The materials submitted for this project are incomplete – the application form was insufficiently filled out and does not adequately provide answers to the four- and five-part tests, as mandated by NYS law, for use and area variances, respectively. As a result, we are unable to clearly understand the scope of the requested area variance and the nature of the requested use variance. At this time, we are unable to complete our review of these variances. We look forward to the continued review of this project as additional application materials become available.

Additionally, we note that this gas station is located in the Town's only mixed-use district in the hamlet of Mabbettville. The Town Code clearly states its intention for this district to be a blend of residential and commercial uses, taking into consideration the surrounding historical and cultural context of the hamlet. The proposed sign should be designed with this context in mind. As such, in lieu of the digital LED gas price sign, we suggest the applicant instead propose a freestanding gas price sign, with changeable copy for fluctuating gas prices, that is of a code-compliant size and externally illuminated by fully shielded, dark sky compliant downlighting. We also suggest the proposed sign be lowered and landscaping be added to the base, which will help to integrate the sign into the surrounding landscape and place the sign at the eye level of drivers. The proposed 'Gulf' sign (atop the price signs) should be

shifted to align with the below signs, which will better serve the passersby on the adjacent roadway. We feel that these suggested changes would result in a sign that is more consistent with the desired character of the hamlet, is sensitive to the surrounding residences, and is in keeping with the provisions outlined in the Town Code.

Eoin Wrafter, AICP, Commissioner

By

A handwritten signature in black ink, appearing to read "Shelby Frangk". The signature is written in a cursive, slightly slanted style.

Shelby Frangk, Planner

# Dutchess County Department of Planning and Development

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

## 239 Planning/Zoning Referral - Exemption Communities

Municipality: **Town of Washington**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Number(s): **6644970000**

Project Name: **Mabettsville Gas Station**

Applicant: **Jihad Alhaj**

Address of Property: **3820 Route 44, Washington, NY 125450000**

Please Fill in this section

### Exempt Actions:\* 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

### No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

### Actions Requiring 239 Review

- Comprehensive/Master Plans
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- Rezoning involving all map changes
- Architectural Review
- Site Plans (all)
- Special Permits for all non-residential uses
- Use Variances for all non-residential uses
- Area Variances for all non-residential uses
- Other (Describe):

### Parcels within 500 feet of:

- State Road: **US 44**
- County Road:
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested: **3/16/2021**

Entered By: **Caul, Nikki**

\*These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.\*

### For County Office Use Only

## Response From Dutchess County Department of Planning and Development

### No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

### Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **3/4/2021**

Date Received: **3/4/2021**

Date Requested: **3/16/2021**

Date Required: **4/2/2021**

Date Transmitted: **4/2/2021**

Notes:

Also mailed hard copy

Major Project

Referral #: **ZR21-064**

Reviewer:

*Shelby Frank*