

April 12, 2021

To: Town of Washington Zoning Board of Appeals

Re: Mabbettsville Realty of NY LLC, Application for Special Permit; installation of a digital price sign (LED)

Premises: 3820 Route 44

Dear Chairman Parisi, Secretary Caul, and Members of the Zoning Board of Appeals,

I sincerely appreciate your service to our Town. It is a great responsibility to review and evaluate an application from a property owner which requires Special Permit consideration. I support every applicant's right to advertise their business and the community's right to respond.

I note Sections in our Zoning Code which apply to this Application:

1. (Sec 331 Signs, 1a., b. Purpose) 'To set standards and control location, size, type of sign; to protect the character of each district; mitigate negative impacts on adjoining property; assist in achieving desirable environment to maintain property values.'
2. (Sec 331 Signs, 2a., b., c. Criteria & Standards for Illuminated Signs) 'May be erected/maintained only when in compliance; Illuminated, non-advertising signs shall be permitted in non-residential districts provided they employ no flashing, intermittent, moving lights; no more than two (2) signs shall be permitted for each business; detached signs shall not exceed twenty square feet in area and lettering shall not occupy more than 70% of the face of the detached sign'. 'Neon-type lighted signs and signs with moving parts shall not be permitted'.
3. (Sec 313 Hamlet/Mixed Use District Regulation 3., Consistency requirement) Before approving any use subject to Special Permit review, the Planning Board must make a written finding the proposed use, layout, design will enhance the historic architectural fabric of Mabbettsville'.
4. (Section 391 Nonconforming Uses, 8. Signs) 'Signs of a size or type not permitted, improperly illuminated, or non-conforming in any other way, must be brought into conformity with the Local Law '.

The Dutchess County Planning Federation newsletter "Plan On It" titled their March-April 2019 issue "Shedding Light on Digital Signs", enclosed here.

Relevant highlights:

- *The primary function for commercial signage should be to communicate the name of a business, yet the purpose of digital signs is to advertise. Should communities encourage changeable advertising via permanent signs in the landscape?*
- *Digital signs affect community character and are jarring in villages and rural areas.*

- *Planning Boards require street and parking lot areas to be fully shielded to reduce glare and focus light downward. Digital lights create both glare and light pollution as they shine outward.*
- *Local municipalities are recommended to incorporate regulatory language into their codes- whether to prohibit digital signs altogether, only permit certain types, or permit them with standards and restrictions.*
- *Limit digital signs to commercial or highway business zones. Require that the signs be turned off, dimmed, fitted with shields to eliminate excessive glare or intensity.*
- *Communities should carefully consider the long-term implications of allowing digital signs. Sign manufacturers market digital signs to be attention-getting.*
- *If permitting digital signs, require single color text on a dark background.*
- *Require signs to utilize automatic dimming technology & limit brightness to .2-.3 footcandles over ambient light.*

I have noticed digital signs, specifically the 15" high green and red price signs now often used at gas stations, can be seen from a great distance. In the Fall, Winter, and early Spring when the viewshed is mostly white, grey, and brown, they jump out. Whether you are walking, biking, or driving, these signs are aggressively bright in the landscape. We must imagine from late October through early May, or more than half of each year, this digital sign will dominate the local scenery and character. The more I reflect on this, the less I think granting this Special Permit is a wise idea.

On their Short Environmental Assessment Form Part 1, 5a: "Is the proposed action a permitted use under the zoning regulations?" and 5b: "Is the proposed action consistent with the adopted comprehensive plan?", the applicant selected "N/A", where I find the answer to both questions is "**No**". For Question 6: "Is the proposed action consistent with the predominant character of the existing built or natural landscape?", the applicant replied "Yes". A new digital sign in illuminated red and green numbers x three price panels which are 37" wide and 15" high each, as proposed and submitted in their renderings, requires a "**No**" reply.

I urge the Zoning Board of Appeals, with respect, to ask the applicant to provide a lighting option which complies with the Town Code.

I urge the applicant to collaborate with the community as is the norm and tradition here.

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