

## Memorandum

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**To:** Town of Washington Planning Board  
**From:** AKRF, Inc. (Aaron Werner, AICP; Alicia Moore, AICP)  
**Date:** May 30, 2025  
**Re:** **Gonsalves Custom Training (3707 Route 44) – Special Permit for Signage**  
**cc:** Hannah L. Atkinson, Planning Board Attorney

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AKRF, Inc. has reviewed the following documents and plans for the above-referenced matter:

- *No new materials submitted.*

### PROJECT DESCRIPTION

The Applicant, Ray Gonsalves, is requesting Planning Board special permit approval of proposed signage for the relocated personal training business at 3707 Route 44 in Mabbettsville (tax parcel 135889-6865-03-393396-0000), within the Town’s Hamlet Mixed Use (HM) zoning district (the “subject property”). Approval is requested for two signs – a freestanding sign (already erected) and a building-mounted sign.

In June 2024 the Planning Board granted special use permit and site plan approval to the Applicant for the personal training business at the subject property (a “service business” per the Town Zoning Code). As part of the prior application, the Applicant proposed to relocate an existing training business from 3700 Route 44 (approximately 150 feet west of the subject property) to the subject property building, which was formerly an auto repair business and has since been renovated to accommodate the Applicant’s proposed use, pursuant to building permits granted by the Town.

The instant application relates to the proposed signage for the business, which according to Appendix A of the Town’s Zoning Code (Schedule of District Use Regulations) is subject to special permit approval from the Planning Board within the HM district. The Applicant has submitted a photographs of the proposed freestanding sign, as shown below (views facing west and east along Route 44).



**COMMENTS***PROCEDURAL*

1. *5/2/25: The Planning Board's prior (2024) review and approval of a special use permit and site plan application for the use of the subject property as a personal training business did not include a review of the proposed signage program. One of the conditions of approval in the resolution adopted by the Planning Board was "Applicant's compliance with all municipal regulations" which includes the Code's regulations on signage. Nevertheless, new signage in the HM district is subject to a special permit through the Planning Board.*

**5/30/25: No further comment.**

2. *5/2/25: Public hearings are required for all special permit applications.*

**5/30/25: The Planning Board set the public hearing for 6/3/25.**

3. *5/2/25: Pursuant to 165-118, in the discretion of the Planning Board selected site plan requirements shall not be required for certain types of special permit use applications. Given that the application relates to signage in the HM zone and the use of the subject property is proceeding pursuant to a prior site plan and special use permit approval, the Planning Board can limit their review to the proposed signage.*

**5/30/25: No further comment.**

4. *5/2/25: In correspondence between AKRF and Jonathan Ialongo (the Town's Building Inspector), Mr. Ialongo indicated he has reviewed and inspected the signs and has found them to be in compliance with Section 165-42 of the Code. The signs are similar to the signs used by the Applicant at the former location of the training facility down the street.*

**5/30/25: No further comment.**

5. *5/2/25: The Town's provisions for signs are found in Section 165-42 under Article IV (Supplemental use Regulations) in the Zoning Code.*

*Criteria and standards for signage applicable to this application are provided below, with AKRF's analysis in italics below each set of standards, for the board's consideration:*

*Town standards related to illumination, movement, color of signage:*

*165-42(B)(2)(a): No sign shall be illuminated by or contain flashing intermittent, rotating, or moving light or lights.*

*165-42(B)(2)(b): An illuminated sign or lighting device shall not be placed or directed so as to permit the beams and illumination to be directed or beamed upon the public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a nuisance or a traffic hazard.*

*165-42(B)(6): No signs shall use dayglow-type paints. Garish colors and combinations of colors shall not be used.*

*165-42(B)(3): Neon-type lighted signs and signs with moving parts shall not be permitted.*

*165-42(B)(5): No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices. Said devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.*

*No illuminated or moving signage is proposed. Garish or dayglow-type colors are not proposed. Small red lettering is shown. The colors shown are not fluorescent or excessively bright in nature, but red may be considered a garish color. The Planning Board can request the removal of red lettering if determined to be excessively bright and not complying with the intent of the Code. As noted above, the Building Inspector has noted similar signs were used at the former location of the training facility.*

**5/30/25: At the Applicant's previous appearance 5/6/25, the Planning Board determined that the design and coloring of the signage are acceptable, not garish, and do not need to be modified.**

Town standards related to quantity and surface area of signage:

165-42(B)(2)(c): No more than two signs shall be permitted for each business on the premises.

165-42(B)(2)(d): Attached signs shall not cover more than 10% of the fronts surface of a building.

165-42(B)(4): No signs shall be placed on the roof of any building, and any sign erected or maintained in the window of a building, visible from any public or private street or highway, shall not occupy more than 30% of the area of said window.

165-42(B)(2)(e): Detached signs shall not exceed 20 square feet in area and lettering shall not occupy more than 70% of the face of a detached sign.

*The Applicant has provided a photo of the freestanding detached sign proposed adjacent to Route 44. The Town's Building Inspector has indicated that this sign is 6 sf in area (2' x 3'). The code permits a total of two signs for the business. While a photo was not provided, the Town's Building Inspector has indicated that there is one additional 6 sf (2' x 3') business sign proposed, which would be fixed to the front of the building and that is not illuminated, uses standard lettering and colors, and occupies less than 10% of the building face.*

*However, measurements should be provided by the Applicant to confirm the proposed lettering on the freestanding detached sign will not occupy more than 70% of the sign face. Given the relatively small size (6 sf) of the sign, increasing the area would be likely necessary to meet this requirement on the lettering. The Planning Board can discuss this standard further. As noted above, the Building Inspector has noted similar signs were used at the former location of the training facility and does not object to the proposed signage.*

**5/30/25: The Planning Board found the lettering size satisfactory, and that the Applicant does not need to submit measurements to demonstrate compliance with the 70% maximum coverage standard.**

#### REFERRALS

6. 5/2/25: The subject property is within 500 feet of a State road (Route 44), a County Road (N. Mabbettsville Road / CR 98) and a farm operation in an Agricultural District (AD 21). Similar to the special permit for the underlying use, this application is also subject to referral under General Municipal Law (GML) 239-m, which requires referral to the Dutchess County Planning Department. Under the terms of the Town's Referral Reduction Agreement with Dutchess County, special permits for nonresidential uses are not exempt from the GML 239-m referral and review process. The County is required to respond within 30 days of receipt.

**5/30/25: The Planning Board authorized referral at its 5/6/25 meeting. As of the date of this memorandum, no response has been received. However, the 30-day response period will not expire before the upcoming June 3, 2025 meeting. If the County has not responded by the time of the meeting, any special permit approval should include a condition stating that, should a timely County response (with comments) be received thereafter, the application will be returned to the Planning Board for further consideration.**

#### SEQRA

7. 5/2/25: As with the prior special permit application for the underlying use, the instant application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. There is more than one Type II citation applicable to the instant application, including:

*"6 NYCRR 617.5(c)(18) - reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part"*

*"6 NYCRR 617.5(c)(26) - routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment"*

**5/30/25: The application was so classified at the Planning Board meeting of 5/6/25.**

## **RECOMMENDATIONS**

At the June 3, 2025 meeting, AKRF recommends the Planning Board open the public hearing, and if the hearing can be closed, consider approving the special permit with the condition that the application will return for further review subject to Dutchess County's timely comment.