

Town of Washington  
Planning Board

The monthly meeting of the Town of Washington Planning Board was held on January 4, 2011 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Josh Mackey, Donald Hanson, Ted Jorgensen, Lisa Schwartz, Paul Schwartz, consultant Neil Wilson. Absent: Jim Shequine.

Chairman, Mackey opened the meeting at 7:30 P.M. with the Pledge of Allegiance.

The application request of John Bretti, 1233 Route 343, Dover Plains, NY, Town of Washington is for proposal to reconfigure the division line between the north and south parcel. The north parcel will decrease by 10.70 acres, the south parcel will increase by the same amount. This change will give the smaller parcel more options for future house location. The property is zoned RR 10.

Previously submitted to the board were completed Combined Application Form for Lot Line Revision, Short Environmental Assessment Form, copies of survey map, copy of Filed Map. No. 7637, Deed to property.

**Dutchess County Tax Map Grid Nos: 6964-00-941272 - 14.90 acres**

**6964-00-954427 - 85.80**

**acres**

Kevin Cunningham, L.S., Bangall, NY appeared before the board representing the applicant.

Review of the original subdivision map that created the parcels in 1986 shown on Filed Map 7617 followed by the board, consultant Wilson, Mr. Cunningham. Mr. Cunningham related that Mr. Bretti built a house on the rear lot, sold the two lots on each side, now owns two separate parcels on Route 343, resides on the north parcel which presently contains 85.80 acres. The adjoining south parcel is vacant and presently contains 14.90 acres. Mr. Bretti is proposing to reconfigure the division line between the lots so that the north parcel will decrease by 10.70 acres and the south parcel will increase by the same amount which will ultimately be 25.6 acres for the south parcel and 75.1 acres remaining for the north parcel. This change will give the smaller parcel more options for future house location.

Board member Jorgensen commented that this lot line change will give Mr. Bretti two ten acre lots. Mr. Cunningham responded negatively, said Mr. Bretti would not be able to subdivide the parcel into two standard ten acres because of the road frontage. Consultant Wilson remarked that this is a classic flag lot, having minimum road frontage, unless there is some recombination of lands along the frontage, which he no longer owns, Mr. Bretti would have to acquire a significant amount of additional land along the road frontage to do any further subdivision in the back. Consultant Wilson requested Mr. Cunningham **to show the location of the Sprint Cell Tower** on the survey map, said the FAA tower is shown in the back. Secretary Caul pulled the

Bretti/Sprint Cell Tower map from the files, the tower was pointed out by consultant Wilson. Mr. Cunningham said he was unaware that the cell tower existed. Consultant Wilson remarked that it is a wooden tower that is not noticeable just above the tree line.

Chairman, Mackey questioned Mr. Cunningham about the driveway, if there are any plans to change in any way. Mr. Cunningham said there are no plans to change the driveway.

Chairman, Mackey questioned board members if they wish to waive a public hearing? Consultant Wilson said the way that the law is presently drafted, read from the zoning, "if the subdivision is a minor subdivision or lot line adjustment as defined in section 8, the applicant may request from the planning board waivers from informational or procedural requirements in the regulations provided some waivers do not violate the provisions in sections 276, 277 of the Town law. Said, the board has always interpreted this to mean that a public hearing is required because of the way a lot line adjustment is defined as being a subdivision or equivalent to a minor subdivision. Said, if the board is interested in talking about a language change would send to the Town Board as an expressed amendment. Chairman, Mackey, board, in agreement to hold a public hearing. **A public hearing is scheduled for February 1, 2011.**

Mr. Cunningham was requested to submit the revised survey map showing the location of the Sprint cell tower for the workshop on January 25th.

Fee Status: \$750.00 lot line adjustment application fee for 16 lots or more  
500.00 escrow fee  
\$1,250.00 total paid

Chairman, Mackey addressed board members, spoke to confusion with the Code, proposed changes, particularly to the signage Section 331 pages 45-48. Said, on a yearly basis, in March, the Town Board considers making adjustments to the Code based on planning board recommendations. Asked board members for their comments, questions. Board member Hanson expressed that there are too many conflicts in the law, the signage that refers to a home occupation, reads, "no more than two signs shall be permitted for each business on the premises." Does that mean four (4) signs or does it mean one (1) sign for each? Said, on the Internet he checked the towns of Pawling and Rhinebeck which were too lengthy, was unable to do a complete study. Suggests board members log on to the Internet, research the pros and cons. Consultant Wilson expressed his support in the way to approach it, see what other towns are doing, get a sense of how they are handling this. Said, to keep in mind when visiting the Pawling site, they have a large commercial strip, Routes 55, 22 and areas around the village of Pawling, their sign regulations are probably tailored more to this than anything else. In this

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area there are two hamlets, everything else from one acre to ten acres is residential. Said, a number of years ago the Department of State prepared a publication on regulation of signage because there are some sign codes that attempt to regulate what gets put on the sign, regulation

of content is a no, no, the color, the size, the placement, can be regulated. Said, with 911 in place there should be certain exempt signs, exemptions for street address should be calculated as part of the sign area. Consultant Wilson will forward a copy to any board member who wishes to have a copy of the Department of State publication that gives a background about the law's, do's and don'ts. Frank Genova requested to have a copy of the publication in the Town Hall.

Chairman, Mackey suggested board members e-mail proposed changes, comments, observations, to condense for consultant Wilson for review, redraft, questioned if the planning board or the Town Board does this? Consultant Wilson said in the past the practice has been that he draft a memorandum, meet with the planning board, do a markup, when the planning board is satisfied, send it to the Town Board, ask for their consideration, set a public hearing for comments. Board members agreed that comments, proposed changes, are to be e-mailed to consultant Wilson directly.

Board member Paul Schwartz referred to the Code, said that nonconforming signs have three (3) years to become conforming, how is this taken into account? If it is changed there are already a lot of nonconforming signs, do you consider the change in the impacts to all, suddenly people will be able to complain during that three year period. Next spoke to the locations of signs, said, he experienced calling the State, who said you need to refer to the County and the local zoning, he called the County, who said, you need to refer to the State and the local zoning, could find nothing in the local zoning on placement of the sign, stated was twenty five feet from the center line. Consultant Wilson expressed the sign placement is ten feet off the edge of the right-of-way, is in the site plan standards, is not in the sign standards. Board member Schwartz said he looked, could not find anything. Consultant Wilson reiterated that it is found in the Site Plan standards, a free standing sign is being talked about, placed ten feet off the edge of the right-of-way the idea being that you don't want have cars creeping onto a highway, nearly see around the sign. Board member Schwartz questioned if that is a post or the edge of the sign? [Consultant Wilson said, the post.] continued, if you have a twenty foot sign it can encroach on the edge of the macadam, [consultant Wilson said if twenty foot signs were allowed, the size of the signs have always been constrained the size of the sign, the sign ten feet from the edge of the right-of way is not necessarily from the edge of the pavement, the right-of-way often extends into the property, maybe a grass area, in the case of a State highway its wherever the private property line meets the State highway, is not always the edge of the macadam.]

Board member Lisa Schwartz remarked that this applies to secondary signs as well. Consultant Wilson expressed that the sign section in the Code got drafted as part of the '89 amendment, has some vague language that needs to be changed.

Board member Hanson questioned what condition was placed on the Pink Coat, Mabbettsville, special permit approval, if two (2) signs? Consultant Wilson said one free standing sign on the

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road, whatever the Code allows. Chairman, Mackey remarked that the Pink Coat application has led to this discussion, said, he and other board members drove by the property recently, found that there is more than one sign and another sign unknown to him that says, "antique barn is open."

Board member Hanson said he saw this sign today, the reason he brought up the subject. Discussion continued among board members on the sign and display approved for Pink Coat special permit. Board member Jorgensen said that beside the discreet home occupation sign Mrs. Fisher got a display which was an additional grant by the board. The board approved one (1) sign and the roadside outdoor display limited to the existing 9'x9' area located to the east of the driveway. Board member Lisa Schwartz commented that the board's final decision was that Mrs. Fisher could have one (1) sign, if she wanted could have a sign on the barn since there was one there already, questioned how Zoning Administrator Neubauer gets the information about board decisions. Secretary Caul explained for special permits, variances, a form is completed with information on description of special permit, variance, special conditions, owner name, tax map ID grid no., date of approval, a copy of the Resolutions attached, submitted to ZA Neubauer.

Board member Lisa Schwartz spoke to Mrs. Fisher having one flag, one sign hanging on the tree, one sign on the barn, one sandwich sign, one sign of another, one open sign, a total of five (5) signs. Questioned what the punishment is for not following the board's approval, is there a fine.

Consultant Wilson remarked that shortly after the adoption of the Code there was never anyone going around the town taking an inventory of all the conforming, nonconforming signs, then start the enforcement to make sure that the nonconforming sign were taken down within the three year period, that was never done. Board member Paul Schwartz questioned if the town can enforce even if noone complains? Consultant Wilson said the Code enforcement officer is empowered, if ZA Neubauer receives a complaint, is checking something out, passes by an obvious violation, is empowered to issue an order to remedy the violation.

Discussion continued among board members on Pink Coat violation for excessive signs. Board member Jorgensen said he feels the board made it very clear to Mrs. Fisher on what was being approved. Board member Lisa Schwartz expressed that Mrs. Fisher operates differently, she wants the freedom because she is artistic, feels she is doing some sort of art display, some kind of sign, this is probably just her way. Frank Genova said he disagrees, the position is taken that the board is weak, it's the "old stone soup approach, you give a finger they take a hand." Mrs. Fisher told the board that she wanted to put up a sign to describe another sign, involved in the signage is the matter of ethics, the board has to decide what that is, in addition to communication.

Chairman, Mackey questioned if Mrs. Fisher should be invited back before the board or to have Zoning Administrator Neubauer make a site visit. The board was in agreement to have ZA Neubauer sent to the site. Consultant Wilson remarked that ZA Neubauer is the enforcement arm. Board member Jorgensen said the board wants to make sure that what was approved, what the Code said, that the board is crystal clear what direction was given to Mrs. Fisher.

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Chairman, Mackey in agreement, the board to take another look at the situation, said he is sure the language was used pursuant to the Code, the board is talking about the problems of the Code. Board member Jorgensen expressed that the board is now raising that the Code is unclear, telling a landowner that you have to abide by an unclear code is a difficult thing to do, the

board should make sure that very explicit direction has been given to the landowner to what has been said. Board member Hanson remarked that the approval resolution will confirm this. Board member Lisa Schwartz next read the condition from the modified Special Permit Resolution in Italic type, “*only one (1) free standing sign as set forth in the Town Zoning Law shall be permitted.*” Consultant Wilson remarked, is a free standing sign but doesn’t prohibit multiple signs if there are other ones on the wall somewhere. Chairman Mackey expressed that there is now a free standing sign in the driveway, a free standing sign on the tree. Board member Hanson interjected that there is another sandwich board too. Board member Jorgensen questioned the Town code sign size, board member Schwartz said twenty square feet.

The board’s decision is to send Zoning Administrator Neubauer to the site to correct the violation. Consultant Wilson expressed that Mrs. Fisher needs to be into compliance with the Code now, and in accordance with the Special Permit Resolution. Board member Jorgensen remarked besides her display, whatever is set forth in the Town Zoning Law means, she is limited to one (1) free standing sign, that the board can enforce, can deal with the one (1) sign issue. Board member Paul Schwartz expressed that he doesn’t know the condition of ramifications, what takes preference. Consultant Wilson expressed that the condition of the approval takes preference. Chairman, Mackey will notify ZA Neubauer.

Chairman, Mackey requested board members to get their comments, proposed changes, questions, together, send directly to consultant Wilson, by the end of the month. Consultant Wilson commented the board is basically dealing with hamlet and residential zones. Said, to help board members with their search online, recommended to go to the website, [generalcode.com](http://generalcode.com) does a lot of the compiling, keeping current codes for a lot of municipalities throughout the country. Go to [generalcode.com](http://generalcode.com) look for e code section, will give you a listing by state, give an alphabetical listing, then need to go into the individual code do a search on key words such as signs, then find the zoning code by chapter. Suggested that board members include pictures as a subset of the sign with their comments, proposed changes. Chairman, Mackey remarked that this is a good opportunity for the board to clean up the language in the Code.

Frank Genova expressed that in addition to the number of signs, the design, the physical design of the sign, or the structural design of the sign, you have to have the esthetics.

There being no further discussion a motion to adjourn the meeting was made by board member Paul Schwartz, seconded by board member Jorgensen. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Nikki Caul, secretary

