Town of Washington Zoning Board of Appeals

A Zoom Meeting and Public Hearing of the Town of Washington Zoning Board of Appeals was held on May 19, 2020 to consider the applications of Global Self Storage Inc., (SSG Millbrook LLC) 3814 Route 44, Mabnetsville and Charles Clark & Carla Brillemberg, 430 Killearn Road. (Jonathan Lanman, Trumbull Architects)

Members virtually present by voice roll call: Chairman, John Parisi, Ken Holzberg, Frank Redl, also Howard Schuman, Conservation Advisory Commission Representative. A quorum is virtually present to hold the Zoom Meeting.

Chairman Parisi opened the Zoom Meeting at 7:30 P.M., announced the two agenda items, Global Self Storage Inc. for a variance from the Town Code, Section 331 (3) Signs, and Charles Clark & Carla Brillemberg for a side yard setback variance.

Chairman Parisi called for a motion to approve the April meeting minutes. **A motion to approve the April 21, 2020 Zoom Meeting Minutes as submitted was made by Chairman Parisi, seconded by board member Redl 3 ayes.**

The application of Global Self Storage Inc. (SSG Millbrook LLC) 3814 Route 44, Mabnetsville is for an area variance from the Town Code, Section 331 (3) Signs, requesting an additional sign to be on the side of the new building. The property is zoned HM.

Mark Winmill, owner, was virtually present to review the application, was requested to describe his proposal by chairman Parisi. Mr. Winmill said he is requesting an additional sign that would be on the side of the new expansion building. The sign would be their logo, the size would be 96 sq. ft. Mr. Winmill said the new expansion building is not on the road, is back about 140 ft. from the side that faces east. Mr. Winmill said he appeared before the Planning Board who reviewed his application and sent him to the ZBA to get a variance for the second sign. There would be two signs, one logo sign 8 ½ ft high, one sign at the end of the expansion building that is set back from the road.

Chairman Parisi said if he understands correctly this would be going into the Village on that side of the expansion building. Mr. Winmill said the expansion building is a long rectangular building that faces Route 44, the other side is where the sign would go. It would not be easy to see, you would have to be driving towards the Village in order to see it.

Board member Holzberg spoke to secretary Caul emailing three photos of three different signs, one white and black sign that is on the road on RT 44, then two banner signs, one at the side of the building that faces RT 44 and one on the shorter end of the building that faces east toward Connecticut. The black and white sign on the one side of the road is staying, questioned if
either of those other two banner signs that the board received photos of are at issue or is this a totally different sign that we are talking about?

Mr. Winmill said the large sign on the side of the standing building is coming down, they would like to have the end of the building sign, not have the short term banner but a sign in its place, be smaller.

Board member Holzberg questioned, the rectangular sign that we see facing east that now says “Global Self Storage”? How does the sign that he is proposing to put there relate to the size, is it the same size? Mr. Winmill said it is smaller but the same exact logo, same exact design of their logo.

Board member Holzberg questioned if that is a rectangular sign on the gable end of the building? Mr. Winmill said, “correct”. Board member Holzberg questioned if its smaller than the one we are looking at in the photo? “Yes”

Chairman Parisi spoke to the section of the Code on signs that says it should be less than 100 sq. ft. Said the applicant should get it down to 96 sq. ft. to be in compliance with the Code size. Said, it’s the second sign that the board should be dealing with. Mr. Winmill said, “exactly.”

Board member Holzberg questioned why a second sign is necessary? If he has a sign right on RT 44 that is visible from both directions assumes that the wood sign is a two sided sign that one can see from both directions coming on RT 44, questioned what does an extra sign really do that the first sign doesn’t do, is it necessary? Mr. Winmill said they want a second sign for extra visibility, that their business is slow, they want to ensure that people know that they are there and open.

Board member Redl questioned when the other banner is coming down? Mr. Winmill said in mid June, it says “Grand Opening” on it.

Board member Holzberg said the reason he asked the question he did, he was wondering if Mr. Winmill was going to say, people wouldn’t notice the wood sign that is there, its not very visible, its not large enough, something like that. That is why he needed the second sign. The second sign that he is adding would be only visible from one direction, one has to be coming from Amenia toward the Village to see it. Board member Holzberg questioned, what if everybody wanted a second sign? Mr. Winmill stated that there are mitigating features, the new building is behind the gas station and would be hard to see.

Board member Redl questioned the size of the road sign? Mr. Winmill said around 100 sq. ft., it is a fancy type monument sign.

Board member Holzberg referred to the Planning Board application review saying they were happy with the second sign, was just sent to the ZBA to get a variance approval for a second
sign. Questioned if the Planning Board said they liked the looks of it? Mr. Winmill said, yes, he doesn’t remember the comment made but that it was attractive, not offensive, said it was attractive.

Chairman Parisi questioned if there is any alternative to just putting the logo sign up without the global part that says Global? Mr. Winmill said the name Global is an interval to their logo, thinks there was a rendering of it that was included in the package. Chairman Parisi said there was one picture of the permanent one, the banner one, and the one on the building of the larger size. Mr. Winmill commented that the name is all part of the design.

Chairman Parisi called for a motion to open the public hearing. A motion to open the Global Self Storage Inc. Public Hearing was made by board member Redl, seconded by board member Holzberg 3 ayes.

Howard Schuman, CAC who was virtually present said he was on the Comprehensive Plan Committee, when they were reviewing Mabbettsville as to whether it should be commercial or not commercial at all, the idea was to make in uncommercial, to sort of blend into the rural background in that area. In thinking about the second sign, what board member Holzberg said, people having the same concerns, this is sort of a segmented review, what about the next guy that comes along wanting a second sign, it’s a precedent setting thing. What the Comprehensive Plan Committee was trying to do was to maintain a rural community. Board member Holzberg is concerned about others in Mabbettsville who generally want a second sign. Howard said his first concern it about the rural character, next spoke to screening, he doesn’t see a rain garden that was approved by the Planning Board, suggested a compromise, have a sign by the door entrance, more like a plaque, not visible from the road but seen by people who enter the property and is visible when people come to look at the property, Said, he has the same concerns as board member Holzberg about a second sign that wouldn’t be a precedent.

A motion to close the Global Self Storage Inc. Public Hearing was made by board member Holzberg, seconded by board member Redl 3 ayes.

Chairman Parisi called for a motion to classify this application an Unlisted Action. The motion to classify the Global Self Storage Inc. application an Unlisted Action was made by board member Holzberg, seconded by board member Redl 3 ayes.

Mr. Winmill said the name is all part of the design. Said, he is not asking for a second road sign, won’t be asking for one for the building as you are leaving Millbrook.

Chairman Parisi stated at this point his concern is that he doesn’t think that Mr. Winmill has given the Board any overwhelming reason why he needs the sign there, hasn’t shown in his mind any overwhelming need. Mr. Winmill said he probably hasn’t explained what the reason is, he wants people to know that they exist, that is part of the business, it’s a big building.
-Board member Holzberg questioned if Mr. Winmill is saying he is having a lot of trouble leasing the spaces because he feels that there is not visibility? Mr. Winmill said, yes, he thinks that is part of it. Yes.

Board member Redl questioned the number of square feet altogether? Mr. Winmill said 25,000 square feet. Board member Redl said there are certain statutory criteria that have to be met in order to grant the variance. The Board is looking to see if this application meets the criteria sufficiently that the Board can give him the variance. Said, he would definitely argue that it would not alter the character of the neighborhood. Next questioned Mr. Winmill if his building is the biggest building on that stretch of the road? Doesn’t think there is another building that is larger. Mr. Winmill said, no, he doesn’t think so. Board member Redl questioned Mr. Winmill if he would consider downsizing the size of the sign? Yes.

Chairman Parisi questioned board member Redl what he has in mind for the size? Mr. Winmill questioned, a 4x6 sq.ft? Chairman Parisi said more like 6x8 sq. ft. is a good size sign. Questioned if Mr. Winmill could visualize that size. Mr. Winmill said, its okay. A motion that the second sign is to be less than fifty square feet was made by board member Redl, seconded by board member Holzberg 3 ayes.

Board member Holzbarg said the question then becomes, even with the smaller size sign or reducing the size as a reasonable compromise, can the Board still meet those criteria that are needed to grant the variance?

Board member Redl said the statutory criteria are whether there is 1) an undesirable change to the character of the neighborhood, a detriment to the nearby properties by granting the variance 2) the benefit sought by the applicant can be achieved by some other method favorable to the applicant to pursue 3) whether the requested area variance is substantial 4) whether the proposed area variance would have an adverse affect on the environment on conditions to the neighborhood 5) whether the alleged physical difficulty is self created (it is, but that should not be the determining factor for granting the variance.) Said, clearly, the variance sought by the applicant is not going to have a vigorous affect or impact on the physical or environmental condition of the neighborhood. If the requested variance is substantial, it may not be that substantial based upon the size of the building, and the applicant’s willingness to reduce the size of the sign, (the question he has in mind is whether there is an undesirable change in the character of the neighborhood), he doesn’t think anyone else in the neighborhood has two signs that he is aware, he doesn’t know if board member Coddington has two signs, or if the auto body shop has two signs. Board member Holzberg questioned if the gas station has two signs? Board member Redl said he thinks Ricky has two signs, one on the building and one on the side. Howard Schuman questioned if he means the banner, that has to come down, it was put up because of the Corona Virus, that has to be taken down, it was just to let people know that they are open during the crisis, it is coming down.

Board member Redl said one thing in the applicants favor is about the size of the building. The larger the building, the more signs, he thinks that they should be entitled to advertise
what they are doing in the building. Board member Redl expressed that the sign can only be seen by people coming from the Amena area, is not going to solve the visibility problem from people coming from the Village.

Board member Holzberg said in looking at the photo of the existing banner sign that is on the gable edge facing east, questioned if Mr. Winmill can give him an idea about the size of the smaller sign that he is looking at in the photo? Mr. Winmill said it will be less than one half that size.

Board member Holzberg expressed that one other thing the applicant has in his favor is that it is on the side of the building, the building is setback behind the gas station, is only showing in one direction. Given that the size is so much reduced from the original size this looks like what is on the building now, that works in the applicants favor.

Chairman Parisi questioned who wants to make a motion for the second sign of less than 50 sq. ft.?

Board member Redl made the motion to grant a variance for a second sign not to exceed fifty square feet, to be placed on the east side of the new building upon the grounds that an undesirable change will not be produced to the character of the neighborhood or a determent to nearby properties, the benefit sought by the applicant cannot be achieved by any other method, the requested variance is not substantial in his opinion based upon the size of the building. There will be no adverse affects or impacts on the physical environmental conditions of the neighborhood, while the difficulty is self created it is necessary to the new building that was put up, with the condition that both banners be removed from the building when the new sign is put up. The motion was seconded by chairman Parisi. 3 voice roll call ayes.

The application of Jonathan Lanman, Trumbull Architects (Charles Clark & Carla Brillemberg) is for a side yard setback variance and bedroom conversion. The side yard in question abuts a flag lot driveway, no residence can be built there.

Jonathan Lanman, Trumbull Architects, was virtually present to review this application, was asked to describe the proposal. Mr. Lanman said the property is owned by Charles Clark and Carla Brillemberg, the house was build in the mid eighties. The owners did not do any footprint work on the existing house that they bought. The existing side yard setback is 69 ft. on the south side, the side yard setback on the north side is about 150 ft.

Mr. Lanman said the owners propose to create a bedroom, was interjected by Chairman Parisi that before there is any discussion of a bedroom the Board needs a certificate of compliance from the County Board of Health.
Mr. Lanman said the owners have hired Rennia Engineering, Dover Plains, NY to design the septic system. There is currently an existing septic for a three bedroom house. Rennia Engineering is designing a system for a larger house. The owners do not have approval from the Board of Health yet, are in the process of obtaining an approval.

Chairman Parisi spoke to the SEQRA requirements needing a certificate from the Board of Health for the bedroom. The applicant needs approval from the Dutchess County Board of Health for the septic. Mr. Lanman explained that they are in the process of obtaining approval.

Mr. Lanman said the problem with the Board of Health in Poughkeepsie is that it will probably take several months to get approval. Board member Holzberg commented that he just went through the process, it took him from the day of application until he received approval one year, it was for a simple septic for a half bath.

Mr. Lanman questioned what the Board suggests next, said it appears that he cannot return to the ZBA until such time that they have the approval for the septic system.

Chairman Parisi concurred, said one bedroom is mentioned, he will need to obtain a building permit from the town, when a variance is granted he needs to obtain the building permit within one year of the variance or the variance will lapse. When he obtains the certificate from the Board of Health is to return to the ZBA.

Mr. Lanman questioned, assuming he gets that certificate, the owner has a couple of options to add the extra bedroom. One would be to put it over the garage. Said, his application suggests that they would like to request a variance to lengthen the garage by nine feet. It is a one story building with a gable roof, they would need to lengthen the roof structure, the alternative would be to put the bedroom on the north side, that would not require a variance because they are 56 ft. from the side yard. If they opt to adding the bedroom on the north side they could get a building permit simply by getting the approval from the Board of Health, not having to return to the ZBA. Questioned if this is correct. Chairman Parisi acknowledged, correct, if they are adding the bedroom on the other side of the building they don’t need a side yard setback variance.

Mr. Lanman questioned why the building was built with a 69 ft. side yard setback in the mid eighties, did the zoning change? Said, this is a pre-existing, nonconforming condition, correct? Chairman Parisi concurred. Mr. Lanman questioned if this makes any difference to the Board? Chairman Parisi said not in his case, if he was doing a barn conversion, the barn was there before the zoning went into affect, then it would be possible, but they are not talking about a barn conversion.

Mr. Lanman said now he can go back to his clients and say, no matter what they do, they need the Board of Health approval before they can do either addition left or right. Board members acknowledged “correct.” Mr. Lanman questioned if the owners build on the non-variance side they can build something there as a structure which they can convert to a
bedroom once they get Board of Health approval.

Chairman Parisi said Mr., Lanman needs to talk to Zoning Administrator, Nancy Patrick, there may be some restrictions or conditions. He can build a shower on the other side with no problem.

Mr. Lanman questioned if they can expand the living room, anything other than a bedroom? Chairman Parisi said that is correct, suggested he look to see if there is a closet in the room. Mr. Lanman commented he has heard that, said his clients are not trying to play games with the rules, are just trying to make this happen. Said, he has to be in the position to tell his clients what the ZBA thinks would be permissible, said, he thinks he knows that now.

There being no further discussion, comments, business, a motion to adjourn the zoom meeting was made by board member Redl, seconded by board member Holzberg. The Zoom Meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Nikki Caul, secretary

Because of the novel corona virus pandemic and pursuant to Governor Como’s Executive Order 202.1, the Board decided to hold this meeting without permitting public in-person and to hold the meeting via “Zoom.” The meeting was recorded and later transcribed.