

Town of Washington Planning Board
March 6, 2018

The monthly meeting and public hearing of the Town of Washington Planning Board was held on March 6, 2018 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, Buffy Arbogast, Ed Jorgensen, Tara Kelly.

Chairman Schwartz opened the meeting at 7:30 P.M., with the Pledge of Allegiance, announced the first agenda item, Stalteri Home Occupation Special Permit.

The application request of Peter Stalteri, 593 Verbank Road is for a special permit for a home based occupation business for shipping and logistics franchise called "Inexpress." Mr. Stalteri will sell software called "Webship" to small to medium sized businesses from 9:00 a.m. - 5:00 p.m., No employees, no customers to the premises, no signage, is required, no trucking is proposed. All sales are to be offsite. **Tax Map Parcel No. 6664-00-207547**

A motion to open the Stalteri Home Occupation Special Permit Public Hearing was made by board member Arbogast, seconded by board member Jorgensen. 4 ayes, 3 absent.

Mr. Peter Stalteri appeared before the Board, gave a review of the proposed business operation for the benefit of adjoining neighbors Rob Dyson and Ann Morse who are present. Mr. Stalteri said he lost his job with the County when a new Comptroller was elected. Mr. Stalteri explained that he is going through the process of obtaining a small business administration loan to purchase the franchise called, "Inexpress." He will sell software called "Webship" to small to medium sized businesses. Inexpress has contracted with Fed Ex. The territory for his primary marketing is from Albany, New York south.

His business is a home based business to business, going to businesses that ship and use Fed Ex and UPS. The franchise that he purchased is involved with DHL which is all international shipping. There are one hundred franchises throughout the country, One location is in Wappingers Falls, NY. He will sell software to them so that they can ship their products internationally. Mr. Stalteri said he will operate out of his car and his office space in his home. The business is a low overhead business. There will not be any customers coming to his home, there will be no more traffic than his going to and out of his driveway going to work and back home. His hours of operation are from 9:00 a.m. to 5:00 p.m.. He does not have any employees, no sign is required because all of the sales are offsite.

Mr. Stalteri said he is applying for a small business loan, in order to get the full funding to get the SPA loan he needs to get written proof to satisfy the SPA loan that he has the license for the home occupation special permit, needs to have written proof to verify that he has gone through the process.

Board member Jorgensen stated that there would not be any physical business activity at his premises, there would be no packaging coming to the property.

Adjoining neighbors Rob Dyson and Ann Morse are in attendance. Mr. Dyson, 560 Verbank Road, spoke in favor of the application after learning about the proposed home occupation business, said this seems to be a benign business. Ms. Morse, 590 Verbank Road, questioned Mr. Stalteri why he needs a variance? Chairman Schwartz explained the difference between a variance and a special permit, Mr. Stalteri is not requesting a variance, is requesting a special permit for a home occupation business which does not require a special permit, is approved by right, but since Mr. Stalteri is applying for a SPA loan he needs written proof from this Board to satisfy the loan requirement. Ms. Morse remarked that she checked the Internet about a franchise, the rules of a franchise can enlarge or change their character and he may need trucks coming in at some future point. Chairman Schwartz stated that if there is any change other than what is being approved tonight, the applicant needs to return to this Board, if there is anything other than what is prescribed the applicant needs to return to this Board for approval. Also, in the Zoning Code are twelve line items that requires qualification, one being no disturbance.

A motion to close the Stalteri Special Permit Public Hearing was made by board member Arbogast, seconded by board member Jorgensen. 4 ayes, 3 absent.

A motion to issue a SEQRA Negative Declaration and Notice of Determination of Non-Significance was made by board member Jorgensen, seconded by board member Arbogast. 4 ayes, 3 absent.

A motion to grant Approval to the Stalteri Home Occupation Special Permit was made by board member Kelly, seconded by board member Jorgensen. 4 ayes, 3 absent.

Fee Status: \$400.00 special permit fee paid
300.00 escrow fee paid 3/6

Chairman Schwartz announced that the Public Hearing scheduled for the Dawn Tree Special Permit application, 3815 Route 44, Hammond Building, Mabbettsville, request for the operation of a small private psychiatric practice will not be heard due to the applicant's application withdrawal.

Chairman Schwartz next read into the record a letter from attorney Joshua E. Mackey, Mackey Butts & Wise, LLP requesting a new extension to complete the mitigation work for van Beuren Wetlands Permit, 477 Stanford Road.

February 23, 2018

Paul Schwartz, Chairman
ATTN: NIKKI CAUL
Town of Washington Planning Board
10 Reservoir Drive
Millbrook, New York 12545

RE: 477 Stanford Road, Town of Washington New York
Wetlands Permit
Our File No.: 7628.0001

Dear Paul,

“As you are aware, we represent Andrea van Beuren, the owner of the above-referenced property. You will recall that our client had been to the Planning Board in 2015 to seek a permit to mitigate activity conducted within wetlands boundaries on her property without prior approval.

We understand that the Planning Board's permit issued to our client following that 2015 application expired on February 2, 2017. Prior to that date, the undersigned contacted you to request additional time to complete the mitigation work. The additional time is necessary due to scheduling problems. We believe that an additional six (6) months will be necessary for completion of the work.

Our client understands that if the work is not completed by the new extension date provided by the Planning Board, she will be subject to certain penalties imposed by the Planning Board which may be imposed retroactively to February 2, 2017.

We will be appearing on behalf of our client at your next meeting on March 6, 2018 to discuss our client's request in further detail. In the interim, if you have

any questions or comments, please do not hesitate to contact the undersigned.”

Very truly yours,

MACKEY BUTTS & WISE, LLP
Joshua E. Mackey

cc: Andrea van Beuren (via email)
John Pexino (via email)

Chairman Schwartz mentioned that attorney Mackey’s letter states that if not completed, the penalties will refer back to the February 2, 2017 date. Sections of the van Beuren Resolution were referred to and discussed, page 2, item 3 states “Because the wetlands permit was given to remediate disturbances without a permit, this extension of the wetlands permit is contingent, upon Applicant’s consent upon Applicant’s waiver, in a form acceptable to the Town Attorney, of any defenses to a prosecution of violation of Section 396 of the local zoning law, and Applicant consents to the further condition that she shall pay a fine of \$1,000 pursuant to Section 396(XII) of the local zoning law not later than August 2, 2018. On Applicant’s consent she is depositing the sum of \$1,000 with the Town to secure payment of that penalty.” (if the Applicant doesn’t complete the restoration the prosecution penalties are in effect, as she has waived her rights to any defense in exchange for the extensions, Penalties from February 2, 2018 would then apply.)

Resolution item 4, page 2 reads, “This extension of the wetlands permit is further contingent on the Applicant’s defraying of all consulting costs incurred by the Town in the review of this request for permit extension and the review of the Applicant’s compliance with paragraph “3” hereinabove. To this end, Applicant shall deposit the sum of \$_____ in escrow with the Town to cover these consultant costs, and any excess shall be refunded to the Applicant. (The Board felt \$1,000 is to be deposited in escrow)

Secretary Caul spoke to the escrow monies credit on hand. (These monies are to be used only for Steve Marino, Wetlands Consultant inspections.)

A motion to grant the Andrea van Beuren Wetlands Permit, 477 Stanford Road, extension was made by board member Kelly, seconded by board member Jorgensen. 4 ayes, 3 absent.

The continued Public Hearing scheduled for Guardian Angels Day Care Center, 6 Route 343. Michele Eddington, request for an amended Application and Site Plan will not be heard, is to be postponed to the April 3, 2018 meeting. One large scale drawing of the

revised Site Plan was delivered to the Town Hall on March 1, 2018. No pdf or extra copies were sent to give both the Board and the Town attorney ample time to review and comment for tonight's meeting. Chairman Schwartz stated that the applicant has offered to reduce the size of the proposed building and make these corrections on a new Site Plan.

A motion to open the Guardian Angels Day Care Center Public Hearing was made by board member Kelly, seconded by board member Jorgensen. 4 ayes, 3 absent.

In absence of the presence of the Applicant, Representation, a motion to postpone the Guardian Angels Day Care Center Public Hearing to April 3, 2018 was made by board member Kelly, seconded by board member Jorgensen. 4 ayes, 3 absent.

A brief discussion regarding changes in signs and consideration of the 239M Management Revision for Lot Line Change by the board and councilman DeBonis followed. An Update for signs are under consideration by the Town Board. A change in the Code for a lot line revision requires a Public Hearing, as zoning issue needs to be addressed first by the Town Board.

There being no further discussion, business, a motion to adjourn the meeting was made by board member Jorgensen, seconded by board member Arbogast. The meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Nikki Caul, secretary