

Town of Washington Planning Board
Feb 6 2018

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

Members Present: Chairman, Paul Schwartz, Buffy Arbogast, James Cornell, Ed Jorgensen, Tara Kelly, Robert Kulpa, also, Al DeBonis, councilman/planning board liaison, Howard Schuman, Conservation Advisory Commission representative.

Chairman Schwartz opened the meeting at 7:28 P.M. with the Pledge of Allegiance, introduced, welcomed, Tara Kelly to the Board. Chairman Schwartz spoke to the Guardian Angels Day Care Center application. The Town has retained VanDeWater and VanDeWater as legal consultant, requesting their direction. It is not upon this Board to respond to attorney Mackey as a non legal entity to a legal entity because there was some question of the interpretation as presented.

Attorney Mackey spoke to his client, they have reconsidered their application, are going to come back to the Board with an amended application in March. They are going to reduce the size of the building, on the Site Plan in the legend box will indicate that they are going to limit their occupancy to that which is prescribed by the licensing agency that issues the permit for either group family day care or home family day care. It won't be an issue of whether its appropriate in the zone and they will fall within the exemption. The Board is to reopen the continued public hearing, postpone it to the March meeting. There is case law about multi county buildings and different structures as long as there is a residence within the structure. There is no definition or clarification that says that a residence must be the residence. The building presented to the Board will have a bedroom and a kitchen, it will be a full apartment, it will be a steel building day care center with a residence. The qualification will be that they will fall within the limitations of whichever permit they will get to cover their use so that if they function out of use then the administrator has action. There is a carve out, if they fit within the carve out and they put the limitation on the Site Plan then its something that is beyond the Board's purview.

Chairman Schwartz called for a motion to reopen the Guardian Angels Day Care Center continued Public Hearing. **A motion to reopen the Guardian Angels Day Care Center Public Hearing was made by board member Cornell, seconded by board member Arbogast. 6 ayes, 1 absent.** Chairman Schwartz next called for a motion to postpone the Public Hearing. **A motion to postpone the Guardian Angels Day Care Center Public Hearing to March 6, 2018 was made by board member Cornell,**

seconded by board member Kulpa. 6 ayes, 1 absent.

Chairman Schwartz addressed councilman DeBonis making him aware and having contact with the Town attorneys that if Guardian Angels Day Care Center provides a new Site Plan that has the carve out listed in the legend box that attorney Mackey and he described, then it will be approved based upon safety and traffic, things that the Board already addressed, the Board would need a Negative Declaration of Non Significance, a Preliminary and a Final Approval Resolution.

The application request of Dawn Tree Special Permit, 3815-3817 Route 44, the Hammond Building, Mabbettsville, is for a special permit for the operation of a small private psychiatric practice serving the local and surrounding communities, includes personal development educational seminars and workshops for the same practice. The property is zoned HM. **Tax Map Parcel No. 6965-00-661530.**

Dawn Tree, applicant, and Holly Hammond, owner, appeared before the Board, Ms. Tree said she has a private practice in the Town of LaGrangeville that she is relocating to Mabbettsville. The Hammond Building would be a great fit for her need.

Chairman Schwartz recalled that Country Kids Legwear Inc. was to sublet a portion of the space in the building that they didn't use. Questioned if Ms. Tree is renting the entire building and is subletting or Holly Hammond who owns the building is subletting a portion of the building and looking to rent the other portion? Holly Hammond confirmed that she owns the building, unfortunately Country Kids Legwear Inc. ran into difficulty with their socks with Amazon so Josephine Sherrott ceased operation in December due to poor sales. Chairman Schwartz stated that there is no issue because there is only one use.

Ms. Tree said her hours of operation are from 9:00 a.m. to 6:00 p.m. some evenings to 9:00 p.m. Chairman Schwartz questioned about lighting, extension renovation, signs, parking changes, anything that would change the structure or the appearance of the building other than doing something cosmetic? Ms. Tree said she plans to have a sign, is thinking about using the existing sign pole that Country Kids Legwear used. The Board suggested she consider a sign similar to the Gun Shop sign, that there is a size limitation that is not very clear in the Code, she is to confer with Building Inspector Fiore about the size of the sign. Board member Jorgensen remarked that whatever Country Kids Legwear had was acceptable.

The Board requested the applicant to submit a site plan showing the sign location, sign dimensions, description, can use the same Country Kids Legwear site plan, just showing the change of her sign location.

Board member Jorgensen suggested to place on the survey some of the things like the location of the sign, the size of the sign, if and how the sign will be lite. The parking is not changing, is not changing the entrance coming off Route 44, coming off or coming back onto the road. Chairman Schwartz suggested putting on what the maximum number of occupants of the building will be at any point in time at its maximum utilization. The reason he is asking for this is that it reflects on the number of parking spaces that she has. Chairman Schwartz referred to Ms. Tree mentioning “groups”, questioned how many employees there will be at the time of a group, how many if there are maintenance personnel, there is an equation in the Code that tells how many parking spaces are needed, also, can put how many parking spaces she has, this is the limited number of people, place this info on the site plan as well. The Board feels that there is adequate parking space to meet this application.

A public hearing is scheduled for March 6, 2018.

Fee Status: \$400.00 special permit application fee due

Peter Stalteri, 593 Verbank Road, appeared before the Board for inquiry of a home occupation special permit for his business, “Inexpress International Shipping.” Mr. Stalteri presented a Parcel Access Map of the property owned by John Chou. **Tax Map Parcel No. 6664-00-207547.** The property is zoned RL 5.

The business is a home based business for shipping and logistics franchise called “Inxpress.” He will sell software called “Webship” to small to medium sized businesses. The hours of operation are 9:00 a.m.- 5:00 p.m., no employees, no customers coming to the premises, no sign is required, all sales are off site.

Mr. Stalteri said he is going through the process of obtaining a small business administration loan. He is purchasing the franchise called Inexpress. His business is business to business, going to businesses that ship, use, Fed Ex, UPS. The franchise that he purchased is involved with DHL, its all international shipping. He will just sell software to them so that they can ship their products internationally.

Mr. Stalteri said he will be operating out of his car and using his office space in his home. The territory that he purchased for primary marketing territory is from Albany, south, he will cover from Albany south. There will not be any customers coming to the home. There will be no more traffic than his going in and out of his driveway going to work and back home.

Chairman Schwartz requested a completed application for a home occupation, will be placed on agenda for next month, a public hearing is required, stated that the application has to be submitted or signed by the owner. Mr. Stalteri said he is leasing the entire property, he, his wife and two children are living there now.

Mr. Stalteri said because he is applying for a small business loan time is of essence in order to get the funding so he can get the training which is March 4th, Mr. Stalteri questioned if there is any way to speed up the process so that he can get the funding quicker, confirmation of approval is one of the requirements to get the funding.

Chairman Schwartz related that a public hearing is required which has to be published as a public notice in the Poughkeepsie Journal, ten days in advance of the meeting next month, adjoining neighbors five hundred feet from the property line are to receive a copy of the public notice.

Mr. Stalteri said the difficulty is in order to get the full funding, which he won't be able to get the SPA loan unless he gets something in writing that says that he has the license for the home occupation special permit. Board member Jorgnesen questioned if he tells them that he is on the agenda for a public hearing with the Planning Board.

Board review of the Code followed, a home occupation is an accessory by right but requires site plan approval, is an accessory use that is permitted by right, but a home occupation requires a special permit. Board member Jorgensen cited that an architect that is on the permitted use list still has to come before the Board and get an approval even though by right is an allowed use. Chairman Schwartz questioned secretary Caul if she recalls a specific use that falls under that category. Board member Jorgensen said is provided by right if the home occupation is carried on in a manner in compliance with the standards. Mr. Stalteri said in order for him to get the LLC he has to have a home address and be home based. Board member Jorgensen remarked that the Board is saying this is much like a pharmaceutical sales rep that would need to appear before the Board for approval. Mr. Stalteri needs to come before the board because he is getting a SPA loan that requires written proof, to satisfy the SPA loan he cannot have a post office box, needs to actually have to have a physical address. To satisfy the loan needs to have a letter stating that he went through the process of getting the licensing that allows the funding, needs to verify that he went through the process.

Chairman Schwartz explained that the process is a submitted, completed application, a public hearing, to get approval. Next questioned secretary Caul if Mr. Stalteri completes an application, submits it tomorrow, does this give her enough time to write up the public

notice, submit it to the Poughkeepsie Journal? Secretary Caul acknowledged if Mr. Stalteri submits the application within two days she will have enough time to compose, submit the public notice. Board member Jorgensen said that part of being a formal business is that he has noticed his neighbors of his conducting his business at home.

The applicant was provided with a Planning Board Combined Application Form, and a Short Environmental Assessment form to complete, to be submitted on Thursday, enabling secretary Caul to establish the public hearing process for the March 6th meeting, compose the public notice and notify the adjoining neighbors.

Mr. Stalteri said he needs to be present for the training session on March 4th, he may be unable to be present for the public hearing. Chairman Schwartz said Mr. Stalteri can have someone appear on his behalf, his wife can stand in for him. Chairman Schwartz suggested Mr. Stalteri review the Code, the twelve line items that requires qualification, he already qualifies for them all but if someone asks a question he needs to be able to answer them, needs to answer the twelve criteria. Mr. Salteri questioned if the twelve criteria are listed on the Town Website? Yes, go to the Building and Zoning Code under special use permits, pages 36. Paragraph 2, to page 37, find the twelve line items. He meets all of them, if his wife answers the twelve criteria questions at the public hearing regardless of whatever else is asked, meets those twelve criteria then he is granted special permit approval, Next gave the Town Clerk office phone number in the event there are snow issues, assume that the Town Hall is closed. Secretary Caul volunteered her phone number if Mr. Stalteri needs any assistance with the application.

Mr. Stalteri related that the owner of the property is deceased, the estate executive will need to co sign the application along with his signature.

Board member Jorgensen questioned about his relationship with DHL? They have a software that they have designed called Webship, Mr. Stalteri will go to the customer who are businesses five thousand and under, noone is calling on them., Fed Ex and UPS don't have sales representatives so he will call on them. He will arrange a pick-up at their establishment. Yes, DHL prints the labels that they are worth, arranging the pricing. They arrange a pick-up at their establishment, Mr. Stalteri is doing the computer logistics, Said, there are one hundred franchises throughout the country, started in the United Kingdom in 2006. One location is in Wappingers Falls. They also do LTL freight, trade shows. DHL has gone to almost all international shipping.

Mr. Stalteri asked secretary Caul if he can present her phone number to his bank so they can verify that he has gone through the process.

The Board determined that a special permit home occupation application process is required since Mr. Stalteri require proof that he has completed the special permit process and the Planning Board has granted special permit to conduct his home occupation business.

A Public Hearing is scheduled for March 6, 2018

Fee Status: \$400.00 special permit application fee due

There being no further discussion, comments, business, **a motion to adjourn the meeting was made by board member Jorgensen, seconded by board member Kulpa. The meeting was adjourned at 8:35 P.M.**

Respectfully submitted,

Nikki Caul, secretary

