



**TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT
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5/24/2022

To the Town of Washington Planning Board members, consultants, and other concerned parties;

This letter is in reference to the property located at 3699 Route 44, tax grid number 6865-03-367384, and is intended as background and clarification.

During a Town Board meeting, it was brought up, in an unrelated discussion, that the building, which had formerly been the site of the Stagecoach Deli, had recently been modified, and that a sign, advertising a construction management company, was visible in the front window.

On 4/19/2022, at 1:15 p.m, a site visit was conducted, which determined that the first floor of the building had been cosmetically renovated, several desks installed, and that the offices of a construction management, property management and home inspection business were in the process of being moved into the first floor, with no current change to the pre existing second floor apartment occupancy.

Copies of the relevant sections of the Town Zoning Code restrictions on uses permitted in the HM zoning district, as well as the Special Permit requirements for certain uses, as well as an application form were provided to the company representative present at the time of the inspection, as well as a brief explanation of the application process and specific regulations which applied in a case with a prior commercial use which had ceased for 12 consecutive months and was substantially different from the new intended use.

As the failure to obtain a permit was determined to have been due to ignorance of the relevant zoning regulations, no violation or notice of violation was issued, contingent on the business owner voluntarily making an application for a Special Use permit, with the full understanding that the issuance of such a permit was not guaranteed, and that any denial of, or conditions associated with, such a permit would be strictly enforced.

On 4/21/2022, at 8:30 a.m, the property owner/business owner came in to the Town offices to look over such files and site maps as were available of the property, and to obtain guidance on the application and application process.

Given the description of the intended use, a review of the definition of "Professional Offices" in the Zoning Code as including "offices for other professionals including but not limited to accountants, architects, attorneys, consultants, engineers, real estate brokers and surveyors." was advised to be the most accurate description of the observed and discussed use, as opposed to the next closest category of "Service Business."

As both Section 472 and the referenced Section 483 allow for significant discretion on the part of the Planning Board as to the level of documentation required for an application

perceived to involve minimal changes and minimal impact on the surrounding properties, and as the Zoning Administrator had not yet had enough personal experience with comparable applications to have formed a clear picture of what would be requested by the Planning Board, no specific guidance could be provided to the prospective applicant as to the exact level of detail required for the application, and it was advised that an attorney or other professional familiar with zoning in general, and the Town of Washington in particular, be consulted.

Sincerely;

A handwritten signature in black ink, appearing to read "James", followed by a long, sweeping horizontal line that ends in a loop.

Building Inspector and Zoning Administrator