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August 30, 2020

Paul H. Schwartz, Chairman
Town of Washington Planning Board
10 Reservoir Drive
P. O. Box 667
Millbrook, NY 12545

Re: Audia/Ruge's Chevrolet

Dear Chairman Schwartz:

An application for site plan approval dated June 16, 2020 has been submitted to the Planning Board entitled Proposed Parking Lot Improvements/Ruge's Chevrolet Automobile Dealership. It relates to two parcels of land. I have been asked to provide an opinion letter regarding the "use" of these two parcels. The background is as follows.

Robert Audia and Peter Audia own a parcel of land located at 3 North Mabbettsville Road, identified by Parcel Grid ID # 135889-6865-03-353381-0000 (0.68 acres of land) (herein, the "353381 Parcel") and a parcel of land located at 7 North Mabbettsville Road, identified by Parcel Grid ID # 135889-6858-03-335381-0000 (1.45 acres of land) (herein, the "335381 Parcel". For informational purposes, I have attached copies of ParcelAccess Reports for each property.

I met with Robert and/or Peter Audia on a few occasions and they provided information and documents about their history of ownership and "use" of the properties. They purchased the properties in 1985 and began to use them in conjunction with an auto sales business they owned across the street. At that time for zoning purposes, the 353381 Parcel was in the HB District

and 335381 Parcel was in two Districts - HB and a residential district. The HB District allowed "Auto Sales" as a permitted use and also allowed a parcel with split zoning to have a commercial use extended 35 feet into an adjoining residential district. Attached is a copy of the Zoning Ordinance as it was then in effect showing this information.

There was a house on the 335381 Parcel (which still exists) and Robert and Peter began to use both parcels to store vehicles in relation to their Auto Sales business. They have produced photographs from before, during and after that time period which substantiate the uses. I am attaching copies of those photographs, although they may not be very clear after photocopying and transmission. They have also provided a copy of their survey from 1986, which shows how the zoning district line bisected the 335381 Parcel. I have attached a copy of that survey, reduced and broken into two pages because of its size. Based upon all of these documents, it is my opinion that the "use" of the properties as depicted for vehicle storage in relation to the Auto Sales business was a permitted use under zoning as then in effect.

The zoning of the two parcels later changed to HM (Hamlet Mixed-Use), which does not allow auto sales as a principal or specially permitted use. The "use" of each of the two parcels thus became and is now properly classified as a non-conforming use.

The two parcels are now leased to a business known as Ruge's Chevrolet Auto Dealership. The owner of that business, with the consent of the owners of the two properties, has submitted the subject application to pave much of the two parcels and install various drainage improvements in order to improve the site. That application does not change the "use" of the two parcels.

Very truly yours,

VAN DEWATER AND VAN DEWATER, LLP

By: Jeffrey S. Battistoni
JEFFREY S. BATTISTONI

JSB/jsb
Attachments