

**Town of Washington Planning Board Resolution
3699 Route 44 (Professional Office Special Permit)**

Town of Washington Planning Board member Nicole Drury offered the following Resolution, which was seconded by member Adam Brandow as follows:

WHEREAS, the Applicant, Matthew Soleau of Hyalite Builders (as agent for Edward Jones) on behalf of the property owner, Brian Kiernan of Adirondack Property Solutions LLC, is seeking an amendment to a previously issued Special Use Permit (November 1, 2022) to allow a professional office use on the first floor of a two-story mixed-use building (the "Project") on a 0.29-acre lot (parcel 135889-6865-03-367384-0000) located at 3699 Route 44 in the Hamlet Mixed-Use (HM) District in the hamlet of Mabbettsville (the "Property"); and

WHEREAS, the total floor area of the building is approximately 2,604 sf.; the floor area of the first floor, where the proposed professional offices would be located, is approximately 1,500+/- sf. In 2022 the Planning Board granted special use permit approval to the owner Adirondack Property Solutions LLC to operate the first floor of the building as a professional office use, per the 11/1/22 approval resolution, limited to a "real estate management company office with a maximum of five employees, including 1099 employees; and the parking lot will contain no less than 11 parking spaces"; and

WHEREAS, the first floor, which was previously used as a commercial use (small grocery store and deli), had been vacant for over 12 consecutive months prior to the 2022 approval permitting the current property management office use. The upper floor is used as a residential apartment with a separate entrance; and

WHEREAS, no change in use is intended for the upper floor residential space; and

WHEREAS, through the instant application, the Applicant proposes to continue the previously approved professional office use on the first floor; however the new tenant/operator would be a branch office for financial advisory company Edward Jones, and in the interest of orderly development and exercise of the police power in the best interests of the health, safety, and welfare of the Town and municipal enforcement, the desire of the Town and the Applicant is to address the use of the property as professional offices not specific to a single identified tenant or type of professional service tenant; and

WHEREAS, the Property is depicted on Survey/Site Plan prepared by Steven J. Green PLS and dated July 20, 2022, Architectural Floor Plans prepared by Edward Jones Branch Real Estate dated July 18, 2024, Exterior Design Intent exhibit prepared by Hyalite Builders and dated February 4, 2025 and a Parcel Access Aerial Map ("Plans"); and

WHEREAS, the parking lot located on the Property will contain no less than eleven (11) parking spaces; and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(18), this application is considered a Type II Action pursuant to the State and Environmental Quality Review Act, which requires no additional environmental review; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, which has not yet issued any comment and as to which the thirty-day time to provide such comment has not yet elapsed ; and

WHEREAS, a public hearing was scheduled, duly noticed for, held , and closed on, April 1, 2025, at which time all wishing to be heard were heard; and

WHEREAS, the Planning Board determined that the submitted Plans satisfies the site plan requirements of the Town of Washington Town Code, specifically the standards set forth in Town Code Sections 165-127 through 165-130, since no alterations to the building exterior or existing parking area have been proposed; and

WHEREAS, the special permit application meets all applicable requirements of the Town Code, specifically Section 165-116; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Washington makes the following findings in accordance with Sections 274-a and 274-b of the Town Law and the Town of Washington Zoning Code:

- a. The Plans submitted by the application fulfill the applicable requirements in Section 165-119 of the Town's Zoning Code and will be consistent with the purpose of the Chapter.
- b. In accordance with Zoning Code Section 165-23, the proposed use, layout, and design will enhance the historic architectural fabric of Mabbettsville and is consistent with the goals of the HM district to encourage traditional, mixed-use village planning since the requested special permit will facilitate the resumption of commercial use on the first-floor of the building while continuing the residential use of the second floor with no alterations to the existing layout.
- c. The Project further complies with the minimum parking requirements outlined in Appendix "C" of the Zoning Code as the Applicant will provide eleven (11) parking spaces at the mixed-use Property for use by the residential and commercial tenants.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Washington hereby grants a special use permit to allow a professional office use on the first floor of the building and authorizes the Chair of the Planning Board or designee to sign the submitted Plans with the following conditions:

- a. Complete payment of all municipal fees and the Town's consulting costs; and
- b. The use permitted on the Property shall be limited to professional offices serving the public by appointment only;
- c. The number of employees occupying the professional offices shall not exceed 4 individuals;

- d. There shall at all times be allocated 2 to 4 parking spaces for employees and 2 spaces for clients (i.e. 6 total for the business at a given time), ensuring that ample parking remains available throughout the day for commercial and residential tenants;
- e. The number, size, placement, and other applicable characteristics of all proposed signs shall comply with the requirements of Section 165-42 of the Town of Washington Zoning Code.
- f. The County either fails to respond to the referral of the Application on or before April 5, 2025 or responds without comment. In the event the County provides any comment, the Application will be placed back on a Planning Board agenda for review and consideration, and potential incorporation of, such comments. The Planning Board retains all discretionary rights as to the review of the Project in the event of timely comments from County Planning.

The foregoing Resolution was duly put to a vote which resulted as follows:

Chair Susan Meaney	<u>Absent</u>
Member Emily Abrahams	<u>Yes</u>
Member Eric Alexander	<u>Yes</u>
Member Nicole Drury	<u>Yes</u>
Member Richard Philipps	<u>Yes</u>
Member Anna Hall	<u>Yes</u>
Member Adam Brandow	<u>Yes</u>

Dated: Millbrook, New York
April 1, 2025



Eric Alexander
Acting Planning Board Chair