

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc. (Aaron Werner, AICP; Alicia Moore, AICP)
Date: March 28, 2025
Re: **Edward Jones - 3699 Route 44 (Professional Office Special Permit)**
Matthew Soleau, Hyalite Builders LLC
cc: Brian Kiernan, Adirondack Property Solutions LLC
Joseph Eriele, Planning Board Attorney

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Special Use Permit Application, dated February 11, 2025
- Owner's Endorsement, signed/notarized and dated January 24, 2025
- Owner's Affidavit, signed/notarized and dated January 27, 2025
- Consent to Inspection, signed and dated January 27, 2025
- 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
- Parcel Access Aerial Map
- Short Environmental Assessment Form dated February 11, 2025
- Subject Property Deed
- Letter from Hyalite Builders dated March 4, 2025 responding to AKRF comment memorandum dated February 28, 2025

DESCRIPTION

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 professional offices on the first floor of a two-story mixed-use building on a 0.29-acre lot in the Hamlet Mixed-Use (HM) District in the hamlet of Mabbetsville. 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, per the 11/1/22 approval resolution, 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." 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. Similar to the prior application, no change in use is intended for the upper floor residential space.

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. According to the Application, to accommodate the new tenant, proposed interior alterations include removal of existing finishes; installation of new partitions, lighting, and electrical distribution; reconfiguration of one bathroom; installation of new flooring, wall and ceiling finishes; installation of pantry cabinets; and retention of the existing mechanical/HVAC systems. Minor exterior refinishing is proposed including painting of shutters, replacement of existing exterior lighting fixtures in kind, new interior lighting fixtures at the storefront (centered) and application of a lime wash finish to the existing brick façade.

COMMENTS

Previous comments from the memorandum dated February 28, 2025 are shown in *italics*, new and follow-up comments are shown in **bold**.

PROCEDURAL / CODE COMPLIANCE

1. *2/28/25: The current plan for the subject property was originally presented to the Planning Board at a pre-application workshop held during the Planning Board's February 4, 2025 meeting. At that meeting, it was determined that although the professional office use would continue, the language contained within the Planning Board's November 1, 2022 approval resolution is not consistent with the currently proposed use of the space. Specifically, clauses in the 2022 approval resolution clearly indicate that the approved use was 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." Since the special use permit runs with the land, the Applicant was advised to formally re-apply for a special use permit.*

3/28/25: Comment noted.

2. *2/28/25: The application indicates that the initial escrow deposit of \$1,500 was paid along with the \$600 fee for a special use permit. However, there are additional escrow deposit amounts required for development costs ranging from \$10,000 to over \$50,000. Interior renovations are proposed to accommodate the new user, the cost of which should be factored into the escrow deposit.*

3/28/25: This was discussed during the March 4, 2025 meeting and the Planning Board decided that the nature of the project (interior renovation) should not warrant increasing the initial escrow costs. Any replenishment of escrow funds should be based on the invoices provided to the Town by its consultants.

3. *2/28/25: This application for a special use permit requires a public hearing.*

3/28/25: The public hearing was scheduled for the April 1, 2025 meeting.

4. *2/28/25: The applicability of Zoning Code Section 165-23(B) (Limitation on Non-Residential Development in the HM District) was the subject of discussion among the Planning Board and its consultants during the Board's review of the 2022 special use permit application for the property. As noted in the minutes prepared for the June 7, 2022 Planning Board meeting, the Planning Board Attorney stated that although the property's previous commercial use (Stagecoach Deli) had been closed for over 12 months prior to the sale of the property to the current owner, the former deli had a Special Use Permit for a ground floor commercial use. The ground floor was not converted to residential use during the period of vacancy and sale. As interpreted by the Planning Board Attorney at that time, a "new" special use was not being created by the 2022 application. Therefore, the instant application to amend the previously issued Special Use Permit for a furtherance of professional offices on the ground floor can proceed.*

3/28/25: Comment noted.

5. *2/28/25: As included in the Planning Board's November 1, 2022 approval resolution, approval of a Special Permit in the HM district required a written finding by the Planning Board that "the proposed use, layout, and design will enhance the historic architectural fabric of Mabbettsville" and that it is consistent with goals of the HM district to "encourage traditional, mixed-use village planning with a pedestrian-oriented and predominantly residential character." The prior findings should still apply as the requested special use permit would facilitate the continuation of professional office use on the*

ground floor of the building. The residential use of the 2nd floor would also continue. No building expansion or alterations to the existing site layout appear to be proposed. However, as indicated below, more information is needed to determine that the parking layout on the existing site plan is adequate.

3/28/25: Comment noted. Refer to comments below regarding parking.

SITE PLAN

6. *2/28/25: Given the combined use of the lot (residential and professional office space), the minimum number of required parking spaces is 11. Zoning Code Appendix C requires three spaces per 500 square feet of professional office space (which yields 9 spaces), and two spaces per residential unit. As a result, the 2022 approval stipulated that at least 11 parking spaces should be shown on the site plan.*

Since the nature of the use proposed with the instant application (financial advisory services with staff serving customers, presumably by appointment) differs from a property management office with a maximum of five employees and minimal interface with the public, the Applicant should provide more information about the hours of operation, the number of employees to be present and the number of customers to be served on a typical business day, and if 9 parking spaces dedicated to the business will be sufficient.

Similar to the 2022 application, the Planning Board can reference a maximum number of employees and a minimum number of parking spaces as a condition of any special use permit approval.

3/28/25: The existing parking layout provides a total of 11 parking spaces, which the Applicant believes is sufficient for their operations. According to the Applicant, the office will operate with 2 to 4 employees on-site at any given time, with typical business hours from 9:00AM to 5:00PM. On an average day, the Applicant envisions serving 2 to 10 clients, primarily by scheduled appointment. The Applicant intends to allocate 2 to 4 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. Given that client visits are by appointment only and staggered, parking congestion is not anticipated.

7. *2/28/25: As no exterior construction is proposed, waiver of the site plan requirement, otherwise applicable to Special Permits and all HM district uses, is appropriate. For the 2022 application, the Planning Board determined that use of a recent property survey (with details of the proposed use) fulfilled the site plan requirements. The Applicant has re-submitted that previously approved survey/site plan dated July 2022, showing no proposed changes to the building footprint or parking lot. This plan shows that the property currently accommodates a total of 11 parking spaces. Refer to the comment above regarding the adequacy of nine spaces for the proposed office use.*

3/28/25: Comment noted.

8. *2/28/25: As previously presented by the Applicant, minor exterior refinishing is proposed along the Route 44 frontage including painting of the existing shutters (color TBD), replacement of existing exterior lighting fixtures in kind, new interior lighting fixtures centered at the storefront windows, and the application of a lime wash finish to the existing brick façade. Notes on exhibit prepared submitted by the Applicant titled "Exterior Design Intent" indicate that the replacement lighting fixtures for the exterior of the building are to be dark-sky compliant. The Planning Board can require this as a condition of any special use permit approval.*

3/28/25: Comment noted.

9. *2/28/25: If new exterior signage is proposed, the Applicant should provide those details against the requirements of the Town Code. Based on review of the plans provided, a metal reveal containing the Edward Jones logo is proposed within the welcome/lobby area of the floor plan. It is assumed that this logo will serve as the signage for the building since it will be visible through the storefront windows.*

3/28/25: Comment noted. The Applicant provided additional conceptual signage materials to the board for informational purposes. It is acknowledged that any exterior signage proposed would be subject to Town Code requirements at the time a building permit is sought.

10. 2/28/25: Concerns were raised by the Planning Board and the public during review of the 2022 application regarding short term parking along Route 44 in front of the building, which apparently was happening when the building previously housed a deli. The prohibition of parking in front of the building was not specifically made a condition of the Planning Board's 2022 approval because there is already a "No Parking Anytime" sign in front of the building. Route 44 is maintained by NYSDOT.

3/28/25: Comment noted. No changes to the NYSDOT signage are proposed and this regulation will continue to be enforced by local law enforcement and NYSDOT. As the proposed use will operate on an appointment-only basis, clients will be made aware of the parking requirements at the time of arrival. At the March 4, 2025 meeting, the Planning Board acknowledged that the curbside parking issue was more prevalent during the site's operation as a deli given the nature of that use. Since the use has changed to offices as of 2022, curbside parking has not been an issue.

REQUIRED REFERRALS

11. 2/28/25: As the subject property is within 500 feet of a State Road (Rt. 44), the application must be referred to the Dutchess County Department of Planning and Development, pursuant to General Municipal Law (GML) 239-m. The County is required to respond within 30 days.

3/28/25: The Planning Board authorized referral to the County at the March 4, 2025 meeting. To date, no response has been received. It should be noted that as of the date of these comments the required 30 days has not elapsed.

SEQRA

12. 2/28/25: The Applicant submitted a Short EAF with the application which was generated using NYSDEC's EAF Mapper. AKRF verified through the mapper that no flags for wetlands, threatened/endangered species, historic resources, or other environmental concerns were identified in connection with the property. Regardless, this application can be considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. The applicable Type II citation is as follows:

6 NYCRR 617.5(c)(18) – "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit."

3/28/25: Comment noted. The application was classified as a Type II action at the March 4, 2025 meeting.

RECOMMENDATIONS

At the April 1, 2025 meeting, AKRF recommends the Planning Board discuss the application, status of consultant comments and the County referral, and open the public hearing.