

# Memorandum

**To:** Town of Washington Planning Board  
**From:** AKRF, Inc. (A. Werner, AICP, A. Moore, AICP)  
**Date:** October 3, 2025  
**Re:** Harris Fools Rush Inn – Special Permit (62 Old Route 82)  
**cc:** Beth Harris and Jason Prigozen (property owners)  
 Hannah Atkinson (PB Attorney)  
 Jonathan Ialongo (Town Building Inspector)

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

- Response to AKRF comments dated 9/8/25.
- Amended Planning Board Application dated 9/8/25
- Neighboring properties list
- Property Survey prepared by Johnson Surveying dated 12/24/24 and marked-up to show parking
- Photos (3) showing parking setback distance
- Photos (3) showing the existing sign and dimensions
- Agricultural Data Statement dated 9/8/25
- Floor Plans (4 sheets) of the principal dwelling and barn, hand drawn, undated
- Owners Endorsement signed by Beth Harris and notarized 8/19/25
- Owners Endorsement signed by Jason Prigozen and notarized 8/19/25
- Consent to Inspection dated 9/8/25
- Deed dated 1/28/25
- Aerial photo from Dutchess Parcel Access undated.
- Certificate of Attestation of Exemption from NYS Workers' Compensation Board dated 8/16/25
- Disclosure of Business Interest signed and notarized, undated
- EAF dated 9/8/25

## PROJECT DESCRIPTION

The Applicant and property co-owner, Beth Harris, requests a special permit to operate a bed and breakfast as an accessory use on a 1.53-acre lot located at 60-62 Old Route 82 (tax parcel 135889-6764-01-331665) in the RM-2 zoning district (2-acre minimum lot size). The subject property contains a principal residence, a shed, and a two-story converted barn where two of the proposed bed-and-breakfast rooms are located. The barn includes two dwelling units, one on each floor, each with a kitchen and bathroom; it was previously operated as a bed-and-breakfast by prior owners and is currently occupied by family members. The second floor of the main house contains three bedrooms, each with a bathroom, that may also be used for BNB guests. The total proposed guest rooms is five. No new construction is proposed. On-site parking provides six guest spaces. A stream runs along the northern property boundary, and the parcel lies within the floodplain. The application requires a special permit for a bed-and-breakfast per to § 165-59.

**COMMENTS**

The Applicant has revised the submission package in response to comments from the Planning Board and its consultants. Previous comments are presented below in *italics*; new and follow up comments are in **bold**.

**APPLICATION COMPLETENESS**

1. *8/29/25: As the property is co-owned by Jason Prigozen, a signed and notarized Owners Endorsement is required from Mr. Prigozen. The application includes the notarized Owners Endorsement signed by Beth Harris.*

**10/3/25: Comment addressed.**

2. *8/29/25: The property is within 500 feet of a farm operation in an Agricultural District and therefore requires an Agricultural Data Statement. This is available on the Planning Board's webpage.*

**10/3/25: Comment addressed.**

3. *8/29/25: The property is located in a floodplain. Chapter 90 of the Town Code references administrative floodplain permits as being required for "new development," per Section 90-12. It is the purview of the Building Department to determine whether this applies.*

**10/3/25: A floodplain permit is not required as the project is not considered new development.**

4. *8/29/25: Per Zoning Code 165-118, an application for a special permit "shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant. Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine whether or not the proposed special use meets the requirements of this chapter." The survey may serve as the basis for the special permit plan; however, the Planning Board may request additional information if deemed pertinent.*

**10/3/25: The Applicant has updated the survey to identify the location of the parking area and updated the floor plans to show the main house. The second floor of the main house contains three bedrooms, each with a bathroom, which are also proposed as potential guest rooms covered by the BNB special permit. The total guest rooms in 5, which includes two units in the barn and three in the house.**

5. *8/29/25: Parking may not be located closer than 20 feet to any residential property line, per § 165-59.B(9). Based on a visual assessment of the survey, it appears that this minimum is being met to the northern property line, which is the closest residential lot line; however, the Applicant should confirm.*

**10/3/25: Comment addressed.**

6. *8/29/25: The special permit plan shall also meet the requirements for site plans as stated in § 165-128 unless the Planning Board waives selected requirements. Particularly as no construction is proposed, AKRF recommends that the Board waive the strict requirements for site plans.*

**10/3/25: The Planning Board waived the requirements. No further comment.**

7. *8/29/25: Section 165-59B(3) provides: "The structure which is to be covered by the special permit shall be specified in the application, together with a statement of the amenities to be available to guests, including bedrooms, bathrooms, common rooms, parking areas and other areas to be used by guests."*
  - a. *The Planning Board may request clarification of amenities other than the rooms (e.g., use of the outdoor area, picnic area, meals, etc.). The application describes the guest rooms, that they have a kitchen and bathroom, and that 6 parking spaces are available.*
  - b. *The list of existing structures provided in the Planning Board application includes: "Main House – Inn," "Barn – Inn," and "shed." The Applicant should clarify whether/how the main house would be used as part of the bed and breakfast.*

**10/3/25: Total amenities have been specified to include the two dwelling units in the barn, three rooms with bathrooms in the principal house, the patio area outside of the barn and the house, and 6 parking spaces.**

8. *8/29/25: Before issuing a special permit, all areas defined for use in the bed-and-breakfast may be inspected by the Planning Board. The Planning Board may wish to schedule a site visit.*

**10/3/25: No further comment.**

9. *8/29/25: Per Zoning Code § 165-59.B(4), the Applicant must provide documentation that all applicable permits have been filed prior to the issuance of a special permit. (Prior to the issuance of a certificate of occupancy, the applicant must show that all applicable permits have been received.) The application includes the Exemption from NYS Workers' Compensation Board dated 8/16/25. A permit from the County DOH is required for a bed and breakfast per the Dutchess County Sanitary Code. The Applicant should file for a permit and provide documentation of filing to the Planning Board. (Information for filing is available on the County website: <https://www.dutchessny.gov/Departments/DBCH/Lodging-Operators.htm>)*

**10/3/25: The Applicants stated their intent to apply for DOH approval. The special permit will be conditioned on the Applicants obtaining DOH approval.**

10. *8/29/25: The application must include a floor plan of the structure to be used for the bed-and-breakfast at 1/4-inch equals one foot scale, per Section 165-59.B(7). The plans must clearly delineate all areas of the structure and their function. The application includes a sketch of the floor plan. The Planning Board may request a clearer copy and that a scale is added, as well as additional details if required to facilitate review.*

**10/3/25: Updated plans have been submitted that include the two floors of the main house with a scale.**

11. *8/29/25: A stream runs along the northern property line, which is identified as a perennial stream on Town NRI Map 12, "Wetlands." There are existing improvements, including the barn, within 100 feet of this stream. However, consistent with past applications with similar conditions, provided that no new construction, building expansion, or ground disturbance is proposed, a wetland permit and CAC referral would not be required.*

**10/3/25: No further comment.**

#### CODE COMPLIANCE

12. *8/29/25: This application requires a special permit for a bed-and-breakfast under Zoning Code § 165-59. Short-term rentals, as defined in Chapter 115 of the Town Code, exclude bed-and-breakfasts; therefore, the short-term rental requirements do not apply.*

**10/3/25: No further comment.**

13. *8/29/25: While the subject structure was previously used as a bed and breakfast, a new special permit is required. The Zoning Code provides that if the property on which a bed-and-breakfast exists is sold to a new owner, the special permit shall expire unless a renewal application is made within 120 days of the sale. As the Applicant acquired the property in January, a new permit is required.*

**10/3/25: No further comment.**

14. *8/29/25: The Applicant should clarify whether signage is proposed. Based on a Google "streetview" assessment, signage from the previous use may exist on the fence at the property's entrance. The Applicant should clarify whether any signage currently exists and what is proposed. Zoning Code § 165-59.B.(9) requires that all signage shall be included in the special permit application process. A sketch showing all wording, dimensions and design shall be submitted.*

**10/3/25:** Photos showing the existing “Fools Rush Inn” sign and dimensions have been submitted. The sign’s dimensions—approximately 18” x 24”—yield 3 square feet, which exceeds the two-sf maximum area permitted per Zoning Code Section 165-42(B)(1)(a). However, per correspondence between AKRF and the Town Building Inspector, the sign complies with sufficient criteria under Section 165-42(C)(1) to qualify for a 50% increase in area, and therefore, the sign is zoning compliant and an area variance is not required.

15. 8/29/25: *The Applicant is the property co-owner and resides in the main residence, which satisfies the residence requirement of § 165-59.B.(1).*

**10/3/25:** No further comment.

16. 8/29/25: *Minimum parking requirements for a bed-and-breakfast is 1 space per bedroom. The submitted floor plan sketch shows a one-bedroom unit on the first floor and a studio on the second floor. The application states that 6 spaces are available for guest use.*

**10/3/25:** The special permit contemplates up to 5 rooms for guest use. Therefore, the parking complies with minimum requirements.

17. 8/29/25: *Zoning Code § 165-59.B(10) requires compliance with the underlying zoning requirements. The Planning Board may request that the Applicant provide a Zoning Table that shows the bulk requirements in the RM-2 district compared to the existing conditions of the property. (The district requirements are provided in the Zoning Code in Appendix B Schedule of Area and Bulk Regulations.) While the measurements are not provided on the survey, it appears that the property does not comply with at least the minimum setbacks; in addition, the property is undersized as 2 acres are required in the RM-2 district. However, provided that these conditions are legal preexisting nonconforming (i.e., that the barn and house predate 1989), area variances will not be required. The Planning Board may request documentation, such as may be provided on the Certificate of Occupancy (or other records from the Building Department) or the dates of construction.*

**10/3/25:** As the conditions were accepted a preexisting, area variances will not be required for the existing buildings.

18. 8/29/25: *The definitional limitations for bed and breakfasts are provided in § 165-59.A. The Applicant should confirm adherence to these requirements, as follows:*

(1) *A bed-and-breakfast may have no more than five bedrooms for guests and may accommodate no more than 10 transient lodgers.*

(2) *The bed-and-breakfast may offer meals to its lodgers only.*

(3) *Bed-and-breakfast establishments may not be used commercially for conference centers, weddings, concerts, a public restaurant, auctions, retreats or other for-hire events.*

**10/3/25:** Comment addressed.

19. 8/29/25: *The special permit, if granted, “shall specify the number of bedrooms covered by the permit, which number shall not exceed five” per Section 165-59.B.(5). The project proposes two rooms.*

**10/3/25:** The special permit will specify that up to 5 bedrooms are covered by the permit.

20. 8/29/25: *If the special permit is granted, the Planning Board, through its resolution, must make a statement of findings as required by Zoning Code §§ 165-B.(2) and 165-119.*

**10/3/25: No further comment. This will be included in the resolution.**

21. 8/29/25: *A public hearing is required for this application.*

**10/3/25: The public hearing has been scheduled for 10/7/25.**

#### REFERRALS / NOTIFICATIONS

22. 8/29/25: *The subject parcel is within 500 feet of a State road (Route 343), a County road (Route 97 and Route 11 (Old Rt 82)), and a farm operation in an agricultural district (AD 21). This application is therefore subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County. However, under the Referral Reduction Agreement between the Town and Dutchess County, special use permits for residential uses are exempt; therefore, referral is not required for this application. A bed-and-breakfast is treated as a dwelling under the Town Zoning Code and as a residential use under the State Building Code.*

**10/3/25: No further comment.**

23. 8/29/25: *The property is within 500 feet of the Village of Millbrook. Notice of the public hearing must be provided to the Village of Millbrook at least 10 days prior to the hearing per GML 239-NN.*

**10/3/25: Comment addressed.**

#### SEQRA

24. 8/29/25: *This application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review. 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, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part”*

**10/3/25: The application was so classified at the Planning Board meeting of September 2, 2025.**

#### RECOMMENDATION

At the October 10, 2025 Planning Board meeting, AKRF recommends that the Planning Board 1) open the public hearing, and 2) if the hearing can be closed, close the public hearing; and 3) consider adopting the resolution prepared by the Planning Board Attorney granting a special permit (with conditions).