

Zoning Board of Appeals
January 17, 2017

A meeting and public hearing of the Town of Washington Zoning Board of Appeals was held on January 17, 2017 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the following applications:

1) Application of Robert Tierney for area variances from the Town Code, Article III, Section 310, Paragraph 2, Schedule of Area and Bulk Regulations (Appendix B) to allow rebuilding the existing garage at 612 Oak Summit Road. The property is zoned RM 2

2) Application of Andrew and Sandra Kagan for area variances from the Town Zoning Code, Article III, Section 310, Paragraph 2, Schedule of Area and Bulk Regulations (Appendix B) to allow subdivision of a 76.3 acres parcel into two lots of 17.23 and 59.3 acres. The property is zoned RL 5.

Dutchess County Tax Grid Map Number: 6764-00-360388 (Tierney)

6666-00-040918 (Kagan)

Members Present: Chairman, John Parisi, Fletcher Coddington, Frank Redl, also, Howard Schuman, Conservation Advisory Commission representative.

Previously submitted to the Board for the Kagan application, completed Application to Board of Appeals, Short Environmental Assessment Form, Preliminary Plat of Kagan Subdivision dated October 28, 2016, prepared by Brian Franks, L.S.P.C. 602 North Avenue, Salt Point, NY.

Chairman Parisi opened the meeting at 7:30 P.M., announced the continued Tierney Public Hearing, read the Kagan published public notice, called for a motion to approve the October 18 and November 15, 2017 meeting minutes.

A motion to approve the October 18 and November 15, 2017 meeting minutes as submitted was made by board member Redl, seconded by board member Coddington. 3 ayes, 2 absent.

Mr. Tierney and wife, Mary Jane, appeared before the board, said he talked to Brian Houston, L.S. about the deeded line, suggested to get a boundary line

agreement between himself and Mr. Rollins. Mr. Tierney talked to his attorney

who is to meet with Brian Houston today to get the boundary line agreement in progress. Mr. Tierney's attorney is reviewing the property description and the dotted line that is shown on the final survey map. Brian took the pins that the other surveyor placed and will use these as a starting point, that is what the old line shows on the survey map.

Board member Redl questioned if the proposed boundary line agreement will move the line over to where that pin is located? Mr. Tierney responded affirmatively.

Board members reviewed the James Rollins Subdivision Plat, 600 Oak Summit Road, dated November 1, 2013. Board member Redl spoke to the map review, it appears where Mr. Tierney wants to construct his garage is more than one hundred feet from the wetlands, said this is no longer an issue.

Chairman Parisi stated that something in writing is needed saying that the lot line is where the pin is located. The board can grant a conditional approval until receives a copy of the boundary line agreement.

A motion to close the Tierney Public Hearing was made by board member Coddington, seconded by board member Redl. 3 ayes, 2 absent.

A motion to issue a Negative Declaration of Determination of No Significance was made by board member Coddington, seconded by board member Redl. 3 ayes, 2 absent.

Chairman Parisi spoke to the amount of variance relief needed. Board member Redl stated that in the RM 2 zone the required setback is 50 ft. needs a 35 ft. variance. Said, for the purpose of the motion, the 35 ft. variance is approved measured from the steel pin as reflected on the map filed with this application, as further set forth on the site plan of lands owned James Rollins reviewed by this board at tonight's meeting. Board member Redl stated that the applicant has met the necessary criteria, there is not any detrimental affect in granting this variance, the character of the neighborhood is not going to change, is not a self created hardship.

A motion to grant a 35 ft. variance with the condition that a copy of the boundary line agreement is submitted for the ZBA file, was made by board member Redl, seconded by board member Coddington. 3 ayes, 2 absent.

Fee Status: \$150.00 application fee paid

Brian Franks, L.S. P.C. appeared before the board representing Andrew and Sandra Kagan. Brian gave a description of the subdivision approved by the Planning Board January 3, 2017.

Brian stated that he is seeking an area variance due to the front yard setback requirement. The Kagan's are in the process of selling their property, in doing so submitted a subdivision application with the Planning Board because the deed is one parcel. In order to sell one side or the other had to subdivide out the road and dedicate it to the Town of Washington. The front yard setback in front of the house to the roadway is less than the required 100 ft.

Board member Redl said it appears that it is 25.1 ft. off the road to be dedicated to the Town, 100 ft. is required. Brian acknowledged affirmatively.

Chairman Parisi spoke to the easement over the road. Brian said its not an easement is what is called a user road because the public has been using it for so long and the Town of Washington maintains it, will be dedicated to the Town, who will own the road.

A motion to open the Kagan Public Hearing was made by board member Redl, seconded by board member Coddington. 3 ayes, 2 absent.

Howard Schuman, Conservation Advisory Commission representative referred to the 50 ft. wide right of way strip, being a user road maintained by the Town of Washington, part of the subdivision stipulation granted by the Planning Board is contingent upon receipt of a letter from the Town of Stanford. Brian said the Town attorney is already working with the Town Board.

Page 3

Chairman Parisi stated that this application does not require a SEQRA review

by the ZBA, was initiated by the Planning Board on January 3rd.

A motion to close the Kagan Public Hearing was made by board member Coddington, seconded by board member Redl. 3 ayes, 2 absent.

Chairman Parisi spoke to this application being right up against the Town of Stanford line, questioned about the portion that is in the Town of Stanford? Brian said they are working with the Town of Stanford to dedicate that little section but it has nothing to do with the setback, was pointed out on the map. The Town of Stanford passed a resolution that they will go along with the Town of Washington decisions because there is such a little part in the Town of Stanford.

A motion to grant a 74.9 ft. variance was made by board member Coddington, seconded by board member Redl. 3 ayes, 2 absent.

There being no further discussion, business, a motion to adjourn the meeting was made by chairman Parisi, seconded by board member Coddington.. The meeting was adjourned at 7:46 P.M.

Fee Status: \$150.00 application fee paid

Respectfully submitted,

Nikki Caul, secretary

