

ZONING BOARD OF APPEALS
March 21, 2017

A meeting and public hearing of the Town of Washington Zoning Board of Appeals was held on March 21, 2017 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the application of Lawrence C. Ham for area variances from the Town Zoning Code, Article III, Section 391 (7) Nonconforming Uses Buildings and Structures to allow an addition to the existing residence located at 18 Shady Dell Road. The property is zoned RL 5.

Dutchess County Tas Map Grid No. 6664-00-426633

Previously submitted to the Board, completed Application to Board of Appeals, Short Environmental Assessment Form, large scale map and zoning data.

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

Chairman Parisi opened the meeting at 7:30 P.M., read the published public notice, called for a motion to approve the January 17, '17 meeting minutes. **A motion to approve the January 17, '17 meeting minutes as submitted was made by board member Coddington, seconded by board member Redl. All ayes.**

Chairman Parisi announced that two additional variances are needed on this application although the structure is already nonconforming and is adding a structure, is within the 100 ft. setback from the road and 75 ft. from the rear yard, needs two additional variances. Chairman Parisi checked the distance from the wetland zone, is 105-106 feet.

Larry Ham appeared before the Board, described the proposal, a 1900 schoolhouse structure, is trying to keep as it currently is without changing it, not any more than is necessary. The structure needs to be a working, functioning house. Larry plans to adjoin the two existing buildings, the original schoolhouse and a two story garage built in 2004. Said, he probably should have done things differently, was not very well thought out. They were living in Manhattan at the time, trying to make it work as a second property. He has moved here permanently, sold the Manhattan property and is looking to make the structure a fully functioning family home. By joining the two buildings he will be able to make the second floor what is the new construction, closing that off from the ground floor which is the garage, will allow that to become bedroom space, creating a third bedroom and entry area in the new construction. By putting in the addition, the structure will be a working home, meeting the criteria of a typical family.

Chairman Parisi questioned about the septic system? The septic system is an existing holding tank. There is an existing leech field in the rear which he thinks is not 100 ft. from the wet area. The septic system and leech field were pointed out on the survey map. The existing holding tank/septic tank that is close to the house needs to be moved.

Board member Coddington questioned if there is to be a basement or is to just have a crawl space? Larry said it will be on a slab.

Board member Redl questioned the existing square feet of the structure? The new construction is 24'x30', the two car garage is extra deep. Chairman Parisi stated that the property record read that the original building is 1,120 square feet, questioned the square footage of the addition, said it is 582 square feet. Chairman Parisi questioned if there is to be two floors? Larry said, no, only one floor, although they had discussed putting in a small second floor on the new addition to put in the bathroom upstairs, which would be upstairs in the current garage space.

Board member Audia questioned about the garage? Larry said the garage is on a slab. Board member Coddington suggested putting some crawl space underneath it so he would have access to the drains and plumbing. He could put a pipe underneath the slab. Board member Audia questioned the location of the well? Larry pointed out the well on the survey map, is alongside the old schoolhouse, is uphill from the septic. Chairman Parisi remarked if he is putting in another bathroom, bedroom, will need to check for the correct size septic tank. Board member Redl remarked that for three or more bedrooms there are a different standard of regulations.

Board member Redl questioned if the Board determines the size of the area variance based on the old schoolhouse because that existed in '71, not the extra garage? Chairman Parisi said Larry is allowed twenty five percent, but in 2003 went over that amount, got a variance to put that on, technically is over the 25 percent, anything that the Board approves is beyond the 25 percent.

Board member Redl questioned if any of the neighbors have a problem with his proposal, since no neighbors are in attendance at this meeting? Larry said the neighbors don't have a problem with the proposal, he has spoken with Brigit Steller, directly across from him, she didn't seem to have any concerns. Board member Redl remarked that the proposal would not change the character of the neighborhood, the addition wouldn't be seen.

A motion to open the Ham Public Hearing was made by board member Coddington, seconded by board member Redl. All ayes.

Howard Schuman spoke to the wetland area, that there could be an error, plus or minus, the CAC just wanted to convey this information.

A motion to close the Ham Public Hearing was made by board member Redl, seconded by board member Coddington. All ayes.

Board member Coddington suggested before Larry builds anything, he hire a plumber before putting the slab down, also talk to Building Inspector Neubauer relative to the distance separation of the well, he is adding on a bedroom, bathroom, is to make sure it passes Board of Health inspection. Larry expressed his appreciation for the advice.

Board member Redl spoke to the issuance of a Negative Declaration of Determination of No Significance, said, there would not be any undesirable change to the neighborhood, there is no other feasible way for the applicant to add on to the existing house because he is trying to preserve the historical nature of the old schoolhouse. While it is a substantial variance that is being requested for the area, he doesn't see where there is any undesirable effect on the neighborhood. Personally, feels that all of the criteria has been met for the application under the circumstances. **The motion was seconded by board member Coddington. All ayes.**

A motion to grant a 27 square foot front yard variance, a 65 square foot rear yard variance, and 582 additional square feet variance was made by board member Coddington, seconded by board member Redl. All ayes.

There being no further discussion, business, a motion to adjourn the meeting was made by board member Redl, seconded by board member Coddington. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Nikki Caul, secretary

