

Town of Washington Zoning Board of Appeals
May 15, 2018

A meeting and public hearing of the Town of Washington Zoning Board of Appeals was held on May 15, 2018 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the application of Gustav L. Villa. 287 North Mabbettsville Road, for area variances from the Town Zoning Code, Article III, Section 352 & Appendix B, Schedule of Area and Bulk Regulations to allow for an addition to the existing structure at 287 North Mabbettsville Road. The property is zoned RR 10.

Dutchess County Tax Parcel Number: 6866-00-362078

Members Present: Chairman, John Paris, Peter Audia, Ken Holzberg, Frank Redl, also, Al DeBonis, councilman/zba liaison and Howard Schuman, Conservation Advisory Commission representative.

Previously submitted to the Board, completed Application to Board of Appeals, Short Environmental Assessment Form, Schedule A Description, Survey Reading, Large Scale Survey Map Sheet Set dated March 30, 2018. Revised Plan Preparation prepared by Josh Flowers, Brookfield, CT.

Chairman Paris called the meeting to order at 7:31 P.M, read the published public notice and the Conservation Advisory Commission Report dated May 14, 2018, called for a motion to approve the January 23, 2018 meeting minutes. **A motion to approve the January 23, 2018 meeting minutes as submitted was made by board member Redl, seconded by board member Holzberg. 4 ayes, 1 absent.**

Chairman Parisi read the following Conservation Advisory Commission Report Re 287 North Mabbettsville Road Application, dated May 14, 2018. “ The Town of Washington Wetlands Map and the Dutchess County Parcel Access Map use the same data set for wetlands.”

“According to Parcel Access, part of an NWI wetlands extends approximately 20 feet or so onto the property in question. While the applicant has indicated their project to be 100 feet from the parcel boundary, the wetlands overrun that boundary.”

“The fit of the different map overlay layers is not always a one hundred percent match, but it is the accepted basis for proceeding until an on site evaluation can be made, if needed. In this case, the wetlands could be a several feet closer to the house or a several feet further away from the house than shown on the map. It would require a wetlands delineation survey, or at the very least flagging by a qualified delineator to know for

sure. We have had these required in the past on certain parcels where it was an issue.”

“If part or all of the project turns out to be within the wetlands buffer it would require a wetlands permit application to be made to the planning board.”

Gustavo Vila, 287 North Mabbettsville Road property owner appeared before the board, spoke to the amended plan that was submitted by architect, Josh Flowers . Said, according to the NYS GIS Environmental Resources Map the addition is 800 ft. away from the State regulated freshwater wetlands, 290 ft. away from the State regulated wetlands check zone. According to this same map the freshwater emerging wetlands are based upon National Wetlands Inventory which are not on his property, by staying 100 ft from his property line, lastly, over 100 ft. away from the wetland itself, or in the buffer zone.

From the original plan moved the addition further away about 30 degrees, are now way beyond the original plan that they submitted which could have been a little over or a little under. Rather than work with that, they decided to move the entire proposed structure thirty degrees further away from the wetlands in the rear. The existing structure is nonconforming, built in the eighteen hundreds. They are not disturbing the outside of the structure, are working on the inside, adding two bedrooms. The existing structure just had two bedrooms. They are making a kitchen, family room and two bedrooms. Originally, there was a garage in the back which covered the same spot where they are building but no insurance company would insure it because they came to inspect the garage, said it was completely hazardous and had to be destroyed. They obtained a permit to demolish it so that left them with no garage. They are trying to keep away from the road with the new structure, diagonally, so that they wouldn't go into the wetland.

Chairman Parisi questioned about the two existing bedrooms that they are deleting? Mr. Vila said, yes, because the structure had a second floor, the main floor had one bedroom with a made shift wall inside that was there of sheet rock. They took the sheet rock off, is now one big square room which is an eleven hundred square feet apartment. There will be a kitchen, family room, no expansion there, are adding two bedrooms, one for he and his wife, the small bedroom as a guest room, a bathroom and a garage. Mr. Vila said he plans to maintain the same farm look on the exterior. Chairman Parisi questioned whether it will be classified a two or three bedroom house when he is done? It will be a two bedroom house.

Chairman Parisi questioned about having an adequate septic system. Mr. Vila said he found an old receipt from the company who installed the septic, they came to the premises, was shown exactly where the cement container is located, the septic fields run toward the north side of the property, completely opposite the side where he is building, there is no interference, is not even close to the septic or the water well. Mr. Vila pointed out the septic and well location on the site plan, said both are sufficient for just he and his wife residing there.

Board member Holzberg questioned if there is any reason why Mr. Vila decided to move to the side he pointed out on the map? The reason given, he didn't go left or right because they would be very close to the road, the existing structure is very close to the road. They decided to go angular to get the right footage to the wetland and the property behind him. He did so by going on an angle, respecting the regulation, still one section will be nonconforming but this is the only way to attach the addition. He was also concerned about going too close to the septic field, wanted to keep a large area in the event something goes wrong with the septic field, being able to build a new field.

Board member Redl said he reviewed the Dutchess County Parcel Access Map and the Town of Washington Wetlands Map, was unable to determine how far, or if, the wetlands extend into the Vila property. When he enlarged the map it does appear that the wetlands do extend a little into the western boundary. He is not sure how far, or if at all. Because of the wetlands doesn't know if the proposed addition is located in the wetland. If so, this board will not be able to grant any variance because Mr. Vila will need to go before the Planning Board for a wetlands permit. Mr. Vila said if one walks the property the wetlands are not even close, said he had a survey completed in October, no wetlands were detected.

Chairman Parisi and board members concluded that Mr. Vila needs to get the wetlands delineated before a decision on the variance can be made. Mr. Vila needs to hire a professional to delineate the wetlands. The border line shown may not be where it is supposed to be.

Mr. Vila was uncertain who to contact to delineate the wetlands. The board suggested he contact Steve Marino, Town of Washington Planning Board Wetlands Consultant. Secretary Caul volunteered that she has Steve Marino contact information. Mr. Vila is to contact secretary Caul for this information.

A motion to adjourn the Vila Public Hearing to June 19, 2018 was made by board member Redl, seconded by board member Holzberg. 4 ayes, 1 absent.

There being no further discussion, business, **A motion to adjourn the meeting was made by board member Redl, seconded by Audia. The meeting was adjourned at 8:00 p.m.**

Respectfully submitted,

Nikki Caul, secretary