

## Town of Washington Zoning Board of Appeals

A meeting and public hearing of the Town of Washington Zoning Board of Appeals was held on **June 18, 2019** at 7:30 P.M. the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the following applications: 1) Helen Litt for area variances from the Zoning Code, Article III, Section 310, Paragraph 2, Schedule of Area and Bulk Regulations (Appendix B), Article III, Section 391 Paragraph 7, Nonconforming Uses, Building and Structures to allow construction of an addition to an existing garage located at 185 Valley Farm Road for the purpose of a private art studio. The property is zoned R5. **Dutchess County Tax Parcel Number: 6765-00-350882** 2) Paul Brandow for area variances from the Town Zoning Code Article III, Section 310, Paragraph 2, Schedule of Area and Bulk Regulations (Appendix B) to allow continuing use of existing structure located at 479 Butts Hollow Road, Dover Plains, NY, Town of Washington. The property is zoned RR 10. **Dutchess County Tax Map Parcel Number: 7064-00-066911 (previously shown 118966)**

Members Present: Chairman, John Parisi, Peter Audia, Fletcher Coddington, Frank Redl, also, Al DeBonis, Councilman/Liaison, Howard Schuman, Conservation Advisory Commission Representative.

Chairman Parisi called the meeting to order at 7:30 P.M., read the Litt and Brandow published public notices. Next called for a motion to accept the March 19, 2019 meeting minutes. **A motion to accept the March 19, 2019 meeting minutes as submitted was made by board member Redl, seconded by board member Coddington. 4 ayes.**

Mark Olson, Olson+Partners, Poughkeepsie, NY appeared before the board representing the applicant, described the proposal as requested by Chairman, Parisi. Mr. Olson said his client is interested in putting a small addition on the back side of her existing garage, improving the garage itself. This would mean raising the roof a little to improve the structure of the roof, in addition, putting in a stairway going up to access storage and a stairway that would go down one half a flight to an art studio. The art studio is approximately 20x24 ft, would be built similar in keeping with the same architectural style of the existing garage and house.

Chairman Parisi asked Mr. Olson to describe the art studio. Mr. Olsen said Ms. Litt develops textile designs. Chairman Parisi questioned what type of chemicals are used? Mr. Olson said Ms. Litt uses dyes. Chairman Parisi questioned if they are nontoxic. Mr. Olson said he doesn't have the name of the dyes. The plan is to hook into the existing septic system. Chairman Parisi questioned the location of the septic system? The septic tank is located between the house and the barn, was pointed out on the site plan.

Chairman Parisi questioned if new electrical lines will be added? Mr. Olson said there is existing power, there will be lighting in the art studio, the size of existing line may need to be increased.

Chairman Parisi questioned why this location was chosen when there is 6 ½ acres in this parcel, can it be made less obtrusive by moving it back from the road? Mr. Olson said they are interested in utilizing the existing structure, not disturbing any more of the property. Chairman Parisi questioned why not tie it to the house? Mr. Olson said they did an addition to the house one year ago, it is the desire to get away from the house. Is a nonconforming house, given the nature of the lot, slopes down, would involve putting in more impervious surface like blacktop.

Chairman Parisi said according to the property card there is a 440 sq ft garage, we are talking about a 674 sq. ft. building, are increasing the garage that is there on the first floor, are adding a second floor of 674 sq. ft. another 443 sq ft. in the art studio. It is a nonconforming building to start of 440 sq. ft., want to increase it by 300 percent.

Board member Redl is concerned about the size of the expansion.

Board member Coddington said he is concerned about the chemicals being used, except the organic dyes, knows they use a lot of vinegar, a lot of hydroxide. Mr. Olson said Ms. Litt uses these as a hobby, they are stored in containers. Board member Coddington said he is also concerned about the leech field, septic system, runoff.

Chairman Parisi called for a motion to open the public hearing. **A motion to open the Litt public hearing was made by board member Redl, seconded by board member Audia. 4 ayes.**

Wilma Cole, adjoining neighbor, 167 Valley Farm Road, requested to view the zoning map. Chairman Parisi pointed out the zoning map that is displayed on the wall near the door entrance. The zoning map shows Valley Farm Road is zoned R5 acres. Chairman Parisi said the property card also shows R5. Howard Schuman stated that this is the correct map that is filed with the County. Persons looking at a certain property will see incorrect zoning, is not the assessors, are using these web sites that are not responsible for errors on the web site. The official map is the map that is displayed on the wall in this courtroom that is filed with the County. Said, the town has not made any zoning changes since the 1989 Master Plan. That Master Plan set all of the zoning for the town.

Chairman Parisi said the garage is located ten feet from the road, they are adding to the second floor of the existing structure.

**A motion to close the Litt public hearing was made by board member Coddington, seconded by board member Redl. 4 ayes.**

Chairman Parisi stated, this is a self created situation, it is a substantial request, is not comfortable giving a variance unless they can place the art studio somewhere else on the property. Also has concerns over the potential use of dyes, chemicals, which may be going into the septic system.

Board member Audia questioned about the Board of Health approval tying into the existing septic system. Chairman Parisi said if they are not adding a bedroom there is no requirement to change the size of septic system.

Mr. Olson remarked that the concern is about the grade of the property, is steep once you move away from the house, 30 ft deep. Councilman DeBonis said he walked the backside of the property, it is very steep, winding.

Board member Redl said he doesn't have too much of a problem with the front yard setback because of the zoning of the existing structure, is twenty three feet from the property line, but the size over the expansion of twenty five percent is what is concerning him, also the chemicals and septic.

Board member Coddington questioned if they did not raise the roof on the garage, made the floor plans of the studio a little larger, put the storage on top of it, would that be more agreeable?

Board member Redl said one problem that he sees is that there may be a problem with the one hundred foot buffer from the wetlands in the rear, Adding on to the house as suggested is less of a variance that is greater distance from the property line, perhaps the applicant should consider a lesser variance.

Board member Audia thinks the board needs a better idea of the scope, more definition of the useage of the art studio.

Chairman Parisi said the board could ask the applicant to return next month with the topographic of the property and photos, giving the board a better definition of the art studio,. Questioned, rather have the board not make a decision now, have the applicant, Helen Litt, come before the board to answer questions. Chairman Parisi said the board can either vote now or have the applicant appear before the board with additional materials, information on the dyes, photos. Mr. Olson said he has plenty of photos of the property, didn't know that the board would be interested in seeing them.

**A motion to table this application, adjourn to July 16, 2019 was made by board member Audia, seconded by board member Redl. 4 ayes. The applicant is to appear before the board July 16, 2019.**

The application request of Paul Brandow, 479 Butts Hollow Road is for a variance to allow continuing use of the existing structure located at this address. The property is zoned RS 10.

Larry Dumoff and Paul Brandow appeared before the board.

Chairman Parisi said he believes the structure that is being talked about is located at 487 Butts Hollow Road. Mr. Brandow said no, is located at 479 Butts Hollow Road. Chairman Parisi said there is a problem then because he has not researched 479 Butts Hollow Road, questioned if the applicant has a map showing this. Board member Redl questioned if it is lot no. 066911 that we are discussing, there are two lots? Mr. Brandow said yes, 066911 is correct, presented copy of Parcel Access Map of the property.

Mr. Brandow said the house on the property was removed, was demolished, the only structure on the property is the barn. The barn that is being discussed was pointed out on the Parcel Access Map. The barn was built in 1998 without a permit.

Chairman Parisi questioned the intent of the barn? Mr. Brandow said, for storage, there will be no water, no toilet, no septic. There is some electrical power to the barn now but they want to move the meter from the house to the barn.

Mr. Brandow said he purchased the property about a year ago at a foreclosure, the intent was to own this land that is next to 479 Butts Hollow Road that he owns with a house on it. Because it was in foreclosure he was concerned what might be done with the property so he purchased the property.

Chairman Parisi questioned if he has considered merging this property with the 487 Butts Hollow Road property? Mr. Brandow said he could but hasn't discussed that. He just purchased the house, purchased the land, will consider joining the parcels if he can. Said, the house is located far away from traffic. Review of the Parcel Access Map followed. Board member Coddington pointed out the property he owns, questioned who owns the other parcel? Mr. Brandow said, his daughter, Arlene Shepley. Mr. Brandow said the two pieces of property consist of one hundred acres, one is thirty three acres, one is sixty five acres.

Board member Redl said one of the things he can't tell from looking at this map is what the setbacks are. Mr. Brandow said he believes it is a 100 ft. setback. The distance from the side of the barn is about 8 ft.

Board member Coddington questioned where the entrance to the barn is? Mr. Brandow said it faces the road. The driveway is right by the house to the barn. Board member Audia remarked since we don't have a survey map we don't know what the setbacks are. Chairman Parisi stated that the board really needs a survey map to see how far the house is from the property line and the barn. Board member Audia said the board needs the exact measurements in order to grant a variance, cannot go by the lines of the Parcel Access Map.

Board member Redl stated that it is not a self created hardship. Agrees with chairman Parisi that in order for the board to review the variances needs specifics about how far each side is off the property line.

Board member Audia said perhaps there is an old survey of the house. Board member Redl said if there is an old survey of the house it probably doesn't have the barn on it. The applicant needs a survey map. Board member Audia questioned if the barn is on a foundation? The barn is on a slab.

Board member Redl suggested to consider combining this lot with his other lot, he might save on taxes but the down side to that is if he ever wants to sell that piece he wouldn't be able to do that. He would have to subdivide it out. Mr. Brandow said he did talk to his lawyer about that when he purchased the property.

The applicant is to return to the July 16, 2019 meeting if he has the survey map, if not, will be placed on the August agenda.

**A motion to adjourn the Brandow application to July 16, 2019 was made by board member Redl, seconded by board member Audia. 4 ayes.**

**A motion to adjourn the meeting was made by board member Coddington, seconded by board member Redl. The meeting was adjourned at 8:45 P.M.**

Respectfully submitted,

Nikki Caul, secretary

