

## Town of Washington Zoning Board of Appeals

A Zoom Meeting and Public Hearing of the Town of Washington Zoning Board of Appeals was held on January 19, 2021 to consider the application of George Ouimet, 406 Verbank Road.

Be advised that due to the novel corona virus pandemic and Governor Como's Executive Order 202.1 the Board decided to hold this meeting without permitting public in-person access and to hold the meeting via "Zoom."

Members present by voice roll call, Chairman, John Parisi, Peter Audia, Fletcher Coddington, Ken Holzberg, also Bob Audia, Town Board Councilman, Howard Schuman, Conservation Advisory Commission Representative.

Chairman Parisi called the meeting to order at 7:30 P.M., read the Coved 19 advisory, read the Ouimet public notice, next called for a motion to approve the November meeting minutes. **A motion to approve the November 17, 2020 meeting minutes as submitted was made by board member Coddington, seconded by board member Holzberg.**  
**4 ayes**

The application of George Ouimet for area variances from the Town Zoning Code, Article VII, Schedule of Area and Bulk Regulations ( Appendix B) is to install an 18x40 inground rectangle vinyl pool at 406 Verbank Road. The property is zoned RL 5.

Michael Todd, President, Rainbow Pools appeared before the board to review the application. Said Mr. And Mrs. Ouimet want to put in a pool, their house is setup on a hill on Verbank Road. Because of that hill the only flat spot is where they put the house, in order to put in a pool without encroaching on the actual foundation of the house, they want to keep the pool fifteen feet away from the house, they end up in the setback. There is no other place to put in the pool, the house sits on a cliff on three sides. There is one flat spot however they would need to ask for a larger variance.

Looking at the site plan that was provided, chairman Parisi said it shows fifty foot to the edge, questioned where the pool equipment is to be located? Mr. Todd said the equipment is going next to the house. Said, there is an existing wooden deck that is almost an L shape, believes they will change the wooden deck to a patio. Chairman Parisi said he questioned this because if it is a deck they would want a variance from the side yard property line to the deck to the edge of the pool. . Mr. Todd said there would be

no structures between the wooden deck.

Chairman Parisi questioned what is on the west side of the proposed variance of the property? Mr. Todd said a very large hill, referred to the topography that was submitted, if you walked another fifteen feet you would go down a hill, end up on Verbank Road.

Board member Audia said he is looking at the map, looks like an old survey, questioned if the well is upstream? Mr. Todd said, ‘correct.’”

Board member Holzberg questioned what is to the south where the setback is proposed? Mr. Todd said he doesn’t know the answer to that, you can’t see a house, you can see a good distance. Board member Audia said that was his question, what is on the proposed variance perimeter?

Board member Audia had a questioned on the proposed variance? Does the board use the actual pool edge, the fence, the walkway? Chairman Parisi said he thinks we always use the pool edge. Said he read something in the documentation about a deck, if he did, would need a greater variance. Mr. Todd said anything that wouldn’t normally need a permit, like a patio which would not need a permit, that would be the only thing, that is only going another four feet from the pool edge itself.

Chairman Parisi said if it’s a fence it would go to the property line, the fence doesn’t count in a variance. Board member Audia questioned, in the town a permit is not needed for a fence unless its 6 ft. correct? “Right,” Next questioned the height of the fence? Mr. Todd said they plan a four foot fence, said, they want to preserve the distance from the pool to the property line. They have grandchildren, when the grandchildren play in the yard they want to keep that as a play area. The fence is not going to be anywhere near the property line. The fence is going to be four feet, metal or aluminum. If needed he can give the board the documentation. Board member Audia said that would be needed for the building permit. There have been issues throughout the town, not the zoning board, with people who install pools, then for some reason don’t put a fence up, thinks this is part of the permit process. Chairman Parisi interjected if they don’t put up a fence they don’t get a C of O for the pool and would be closed down by the zoning administrator.

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

There were no public comments. Councilman Audia said he was to the property years ago, that property is pretty close to heaven on that hill.

**A motion to close the Ouimet Public Hearing was made by board member Audia, seconded by board member Coddington. 4 ayes**

Chairman Parisi called for a SEQRA motion of non-significance. **A motion to issue a Negative Declaration of Determination of Non-Significance was made by board member Audia, seconded by chairman Parisi. 4 ayes.**

**A motion to grant the Ouimet application a 25 ft. side yard variance on the southern side was made by chairman Parisi, seconded by board member Coddington. 4 ayes.**

**A motion to close the meeting was made by board member Audia, seconded by board member Holzberg.**

.

Respectfully submitted,

Nikki Caul, secretary