



***Environmental, Planning, and Engineering Consultants***

34 South Broadway  
Suite 300  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

---

**To:** Town of Washington Zoning Board of Appeals  
**From:** Alicia Moore  
**Date:** April 12, 2024  
**Re:** Hall Residence (351 South Road) – Area Variance for Accessory Structure  
**cc:** Anna Hall and James Hall (property owner)  
Aaron Werner, AICP (AKRF, Inc.)  
Kyle Barnett; Joe Eriole (ZBA/PB Attorney)

---

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Area Variance Application notarized 3/26/2024.
- Property Survey prepared by Kirk Horton, L.S. and dated 6/17/2015.
- Elevations and Floor Plans (3 sheets) prepared by D. Freeman Architect and dated 3/6/2024.
- Subject Property Deed.
- Short Environmental Assessment Form (EAF) dated 3/22/2024.
- Owners Endorsement signed by Anna Hall 3/26/2024.
- Owners Affidavit signed by Anna Hall 3/26/2024.
- Consent to Inspection dated 3/22/2024.
- Photos (6) of subject structure.

### PROJECT DESCRIPTION

The Applicant requests an area variance to renovate an existing accessory shed on a 15.75-acre lot in the RL-5 zoning district located at 351 South Road (tax parcel: 135889-6664-00-667638). In addition to the subject shed, the property is currently improved with a single-family home and accessory cottage. The subject shed currently includes a main area with a basement and an attached greenhouse on a slab at-grade. The project would add plumbing, renovate the main area as a workspace, remove the greenhouse and existing chimney, and add a kitchen in place of the greenhouse. The existing roof would be extended over the new kitchen area, which would have shake siding and brick veneer to match the existing exterior. Exterior renovations also include new windows and doors. The existing shed is preexisting nonconforming, as it is within the front yard setback (52.4 ft provided where 100 feet is required). The project therefore requires a front setback variance.

**COMMENTS***APPLICATION COMPLETENESS*

1. The Owners Endorsement must be signed by all property owners. The application is missing an Owners Endorsement by James Hall.
2. It appears that the new structure would have a similar or slightly smaller footprint than the existing structure; however, the existing and proposed footprints and square footage are not provided.

*CODE COMPLIANCE*

3. Section 330 of the Zoning Code (Special Permits for Conversion of Barns and Accessory Buildings) does not appear to apply to this application because this section of the Code as written is intended for conversions that provide residential units for individuals and families. The structure in question would be used (presumably) as a secondary kitchen for the property owner.
4. As shown on the survey, the existing shed is located 52.4 feet from the front lot line, where 100 feet is required. However, the renovated shed would have a slightly different footprint. To determine the variance necessary, the Applicant should provide the distance between the closest point of the renovated shed to the front lot line.
5. The survey shows that the east side of the subject property contains an intermittent stream that crosses beneath South Road through a culvert. The same intermittent stream is also shown on the Town's wetlands map. The distance between the shed to be renovated and the stream is not provided on the survey, but appears to be greater than 100 feet. The Applicant should provide the distance between the closest point of the renovated shed and the stream.
6. As provided in the application, the renovated shed would be used as a kitchen. Presumably, this would be a secondary kitchen. The Applicant should confirm that if the secondary kitchen would be used to produce goods for sale, that there would be no on-site, in-person sales nor customers, clients, business partners, etc. coming to the property.
7. If there would be on-site, in-person sales, customers coming to the property, etc., then the Applicant must apply for a Planning Board Special Permit for a "home occupation" pursuant to Zoning Code Section 321. AKRF recommends that if the ZBA grants the requested variance, that the approval should include a reference to this requirement per Section 321.
8. Although no increase in residential density (i.e. bedrooms) is proposed as part of this application, the ZBA may be interested in receiving confirmation that the property's septic system (assumed to be shared by the principal residence and the accessory structure) is adequately sized to support the new plumbing proposed for the kitchen space.
9. Zoning Code Section 481.A.2 states that "[a]ll uses requiring a variance" also require Planning Board site plan approval, except that the ZBA "shall have discretion with regard to variance requests for one and two family residences, by specific finding, to (i) grant the variance without any further need for site plan approval, (ii) grant the variance with conditions without any further need for site plan approval or (iii) refer the application to the Planning Board to complete the Site Plan Review and Approval process."

Given the relatively minor impacts associated with the instant application, combined with the general ZBA practice of not requiring site plan approval for similar applications (i.e., requests for an area variance for residential use), AKRF recommends that the ZBA approval, if granted, should include a specific finding "to grant the variance," with or without conditions, "without any further need for site plan approval" (§ 481.A.2(i) or (ii)).

**REFERRALS**

10. The subject parcel is within 500 feet of a farm operation in an agricultural district (AD 21). This application is therefore subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County. However, under the Referral Reduction Agreement between the Town and Dutchess County, area variances for residential uses are exempt from referral.

**SEQRA**

11. This application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. The applicable Type II citation is as follows:

*“6 NYCRR 617.5(c)(16) – granting of individual setback and lot line variances and adjustments”*

**RECOMMENDATION**

At the April 16, 2024 ZBA meeting, AKRF recommends that the ZBA discuss the application and consultant comments, classify the application as Type II under SEQRA (6 NYCRR 617.5(c)(16)), and open the public hearing if prepared to do so.