



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Washington Zoning Board of Appeals
From: Alicia Moore
Date: July 12, 2024; REVISED July 15, 2024
Re: Florack Area Variance and Special Permit (677 Deep Hollow Rd)
cc: Jim Florack and Tracy Kimmel (property owner)
Julie Kalberer, AIA (Turino Kalberer Architects)
Aaron Werner, AICP (AKRF, Inc.)
Kyle Barnett (ZBA Attorney)

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

- Cover Letter to Kim Hand, Zoning Administrator, from Julie Kalberer, AIA (Turino Kalberer Architects) dated 6/13/24.
- Area Variance Application notarized 6/11/24.
- Property Survey prepared by Kevin Cunningham dated 6/15/10.
- Sketch Map (updated survey) prepared by Bly and Houston dated 4/26/24.
- Architectural Drawings (9 sheets) prepared by Turino Kalberer Architects and dated 5/22/24.
- Deed.
- Environmental Assessment Form (EAF) dated 6/11/24.
- Owners Endorsement by James Florack notarized 6/3/24.
- Owners Endorsement by Tracy Kimmel notarized 6,4/24.
- Conservation Easement by Dutchess Land Conservancy (DLC) dated 1994.
- Letter of Approval from DLC dated 6/12/24.
- Aerial Photo (parcel access) undated.
- Photos (11) of the existing house.

PROJECT DESCRIPTION

The Applicant proposes to construct a one-story addition to an existing single-family home located at 677 Deep Hollow Road, a 23.45-acre lot in the RR-10 zoning district (tax parcel 135889-6966-493540) and Agricultural District 21. The subject property is currently improved with a 2-story house (built 1810), guest house, two barns, and accessory structures. The house is preexisting nonconforming as it has a front setback of 43.8 feet where 100 feet is required. The project proposes to remove the existing 225-sf laundry room,

porch, rear landing and steps and add a new entry, laundry room, mudroom, and porch. The proposed net increase is 389 sf of which 228 sf would be within the front setback. The new addition would be made to the side (southeast) of the house, and at its closest point, would be 80.1 feet from the front lot line. The proposed addition has been designed to match the historic character of the existing house. The project is 670± from the nearest wetland. The project requires 19.9-foot area variance to reduce the front setback, as well as a special permit to increase the size of the house (as a nonconforming structure) by approximately 7.4%. The special permit, if approved, also requires Planning Board site plan approval.

COMMENTS

APPLICATION COMPLETENESS

1. Per the cover letter, the Applicant received confirmation from the Town Building Inspector that a certificate of occupancy (CO) is not required, as the subject house, constructed in 1810, predates the CO requirement.
2. The application includes an approval letter from DLC in accordance with the terms of the easement (section 3.12).

CODE COMPLIANCE

3. The existing house is preexisting nonconforming for encroaching the front yard setback (43.8' provided; 100' required). Zoning Code Section 391.7 allows a nonconforming structure to be expanded by up to 25% of the gross floor area with a special permit. Per Dutchess County Parcel Access, the existing house has a gross floor area of 5,233 sf; this should be confirmed. The total proposed net increase in square footage is 389 sf¹, which would amount to an increase of approximately 7.4%. As this percentage is well below the 25% maximum, the project would comply with § 391.7 even allowing for leeway in the exactness of the existing and proposed floor area. (The special permit also requires site plan review and approval by the Planning Board.)
4. As described in the application, the proposed addition would add 228 sf within the reduced front yard. However, as the addition would be made to the side of the house (southeast), it would not further reduce the distance to the front lot line, which is and would remain at 43.8 feet. At its closest point, the new addition would be 80.1 feet from the front lot line. Therefore, as the minimum required front setback is 100 feet, an area variance is required for 19.9 feet.
5. As shown on the submitted NYS Wetlands Map (Sheet A2) and the Town Wetlands Map (NRI #12), there are nearby offsite state and federal wetlands, as well as a freshwater pond (identified as not wetlands). However, as illustrated on the submitted NYS Wetlands Map, the project site is 670± feet from the nearest wetland (federal wetlands north of the project site). As the project is clearly beyond the 100-foot buffer area, a wetland permit and CAC referral are not required.

REFERRALS

6. The subject parcel is within 500 feet of a County road (Route 44) and 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. (Note that the Planning Board, as part of its site plan review, will be required to refer this application to the County, as site plans for any use are not exempt under the Referral Reduction Agreement.)

¹ The amount of the proposed increase in "floor area," as that term is defined in the Zoning Code, may be even lower than 389 sf, as it is not clear whether the entire proposed new entry and porch would be covered. The definition of floor area implies that uncovered areas are excluded.

7. The property is not located within the Millbrook watershed (NRI #8). Therefore, referrals to the Village of Millbrook and the NYS Department of Health under NYCRR Section 112.5 are not required.

SEQRA

8. 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 July 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.