

## Memorandum

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**To:** Town of Washington Zoning Board of Appeals  
**From:** AKRF, Inc. (A. Werner, AICP, A. Moore, AICP)  
**Date:** April 11, 2025  
**Re:** Casertano Special Permit and Variance (20 Short Road)  
**cc:** Anthony Frisenda (Applicants' architect / representative)  
Kyle Barnett (ZBA Attorney)

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

- Area Variance Application notarized 3/24/25.
- Property survey prepared by Johnson Surveying and dated 8/30/21.
- Site Plan and Architectural Drawings (4 sheets) prepared by Frisenda Architects and dated 3/25/25.
- Property Deed.
- Short Environmental Assessment Form (EAF), unsigned, undated.
- Owners Endorsement dated 3/23/25.
- Owners Affidavit dated 3/23/25.
- Photos (4) of existing house, undated.

### PROJECT DESCRIPTION

The Applicants and property owners, Alexander and Renee Casertano, propose to expand a preexisting nonconforming house on a 1.2-acre lot located at 20 Short Road (tax ID: 6965-00-041827-0000) in the RR-10 zoning district. According to the Applicants' architect, the existing 2-story, 3-bedroom, 1 bathroom house is 1,086 sf including a roofed porch and finished basement. The house is preexisting nonconforming due to a reduced front yard setback (15' feet from the property line; 35' from the edge of Short Road; 100' required) and a reduced (southern) side yard setback of 60' (100' required). In addition, the lot is undersized, as the minimum lot size in the RR-10 district is 10 acres. The proposed two-story addition would extend from the eastern (rear) side of the house, adding 1,889 sf consisting of a new finished basement; new living room, mud room, and half bath on the first floor; and a new bedroom and full bath on the second floor. According to the architect there will be no net increase in bedrooms with the addition (i.e. the house would remain 3 bedrooms) because the 3 bedrooms on the second floor of the existing house (before the addition) will be consolidated into 2 bedrooms following the addition. The addition would increase the size of the house by 174% and would be located 45' from the southern side lot line (no change to the front yard setback). The project requires a ZBA special permit to expand the nonconforming house (§ 165-84.G) (which, if approved, also requires Planning Board site plan approval) and 3 area variances: 1) to exceed the 25% expansion permitted by the special permit (174% proposed), 2) to allow a side yard setback of 45' where 100' is permitted (55' of setback relief requested), and 3) to increase bulk within the reduced southern side yard setback. The Applicants' have stated that the proposed addition to the rear of the house is necessary to support a growing family.

**COMMENTS**

*APPLICATION COMPLETENESS*

1. The information on setbacks, square footage, and architectural floor plans contained in this memorandum is based partially on correspondence with the Applicant clarifying some information following submission of the application. The Applicant has been instructed to provide updated versions of the application and plans for the April 15, 2025 ZBA meeting.
2. A Certificate of Occupancy is required for variance applications. This can be obtained from the Building Department.
3. If the application proceeds to the Planning Board following the ZBA's review, the site plan should be revised to include the correct zoning district (RR-10), the existing/proposed setbacks for the house and the approximate location of the septic system.

*CODE COMPLIANCE*

Summary of required approvals:

**Required Approvals**

<b>Approvals Required</b>	<b>Description</b>	<b>Code Section</b>
<b>ZBA</b>		
Special Permit	Expand nonconforming structure	165-84.G
Area Variance	Expansion by 174% where 25% permitted	165-84.G
Area Variance	Side yard setback of 45 feet where 100 feet is permitted	165 Attach. 2
Area Variance	Increase bulk within reduced side yard setback	165 Attach. 2
<b>Planning Board</b>		
Site Plan Approval	Expand nonconforming structure	165-41.G

4. The subject house is preexisting nonconforming due to a due to a reduced front yard setback (15' feet from the property line; 35' from the edge of Short Road; 100' required) and a reduced southern side yard setback of 60' (100' required). Zoning Code Section 165-84.G permits the expansion of a preexisting nonconforming house by up to 25% with a ZBA special permit and Planning Board site plan approval. As the project proposes to expand the house, a ZBA special permit (and Planning Board site plan approval) is required.
5. As the maximum expansion permitted under Section 165-84.G is 25%, an area variance is required for the 149% difference (174% - 25%).
6. At its closest point, the existing house is 60' from the southern side yard lot line. The proposed addition, which would extend from the eastern (rear) side of the house, would be 45' feet from the same southern lot line, and therefore, would further encroach into the side yard setback. As the addition would also be located within the reduced setback, an area variance is required to increase the bulk within the reduced setback.
7. According to the application, the subject property is 1.2 acres (52,272 sf) allowing a maximum lot coverage of 5,227 sf (10% for the RR-10 district). The application states that the existing structural coverage on the property (house, garage, barn) is approximately 1,990 sf (approximately 3.8%) which is below the maximum allowable coverage of 10% for the RR-10 district. With the proposed addition (approximately 846 sf of additional coverage per the application) the coverage would increase to approximately 5.4% which remains below the maximum allowable coverage.
8. Per the submitted floor plans, the addition would consist of a new finished basement space; new living room, mud room, and half bath on the first floor; and a new bedroom and full bath on the second floor. According to the architect there will be no net increase in bedrooms with the addition (i.e. the house would remain at 3 bedrooms) because the 3 bedrooms on the second floor of the existing house (before the addition) will be consolidated into 2 bedrooms following the addition.

If the septic system is currently sized for a 3-bedroom house, no additional information on the adequacy of the septic system should be required.

9. According to the Town's Natural Resource Inventory (NRI) Map 12 and the New York State Dept. of Environmental Conservation (NYSDEC) Environmental Resource Mapper, the project property does not contain wetlands or watercourses, and the site of the proposed addition is beyond 100 feet of any off-site wetlands/watercourses. No wetland permits should be necessary.



#### REFERRALS

10. The property is within 500 feet of a State 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. However, under the Referral Reduction Agreement between the Town and Dutchess County, special use permits and area variances for residential uses are exempt from referral to the County. Referral is not required for this application. (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.)

#### 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 citations are as follows:

*“6 NYCRR 617.5(c)(11) – construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith.”*

and

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

#### RECOMMENDATION

At the April 15, 2025 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)(11), (16)), and open the public hearing if prepared to do so.