

Since 1876

March 17, 2026

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Via Email

Town of Washington Zoning Board of Appeals
10 Reservoir Drive
Millbrook, New York 12545

Re: Yadgard Building Permit and Conditions

Dear ZBA Members:

At the close of the last meeting the ZBA members requested that the applicant provide the Board with details of what was proposed to be planted (meaning, size, species, etc.), and where the plantings would be placed. The ZBA members also requested details regarding the shed, its size, if it could be moved, and details regarding all the mechanical equipment they planned to install inside it.

I am aware that plantings information has been provided, but that is all.

Using Parcel Access and the measuring device it provides, the proposed mechanical building and propane exhaust venting is 59 feet from the Cornell's living room and windows. The building is also higher in elevation than their living room. As you can see from the enclosed AI search, attached as Exhibit 1, during the summer months, the prevailing wind is from the west, and the Cornell's living room is to the west of where the exhaust will be vented. Thus, if the mechanicals are installed there, the noise and exhaust from the equipment will be fed towards the Cornell's living area.

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On the other hand, the shed is 114 feet from the Yadgard home. I have enclosed these measurements from Parcel Access, Exhibit 2. It is clear from this that the primary motivation behind the Yadgard's desire to locate the pool equipment into the existing shed is to export the equipment's negative impact from their property to the Cornell's. Why else would they be proposing to locate the equipment in a non-conforming structure that sits within both the rear yard and side yard setbacks, and only a few feet from the Cornell's property line. This is further confirmed by the fact that there are numerous locations outside of the setbacks where these mechanicals can be placed without requiring any variance approval.

When the Yadgards submitted their original variance application to the ZBA it did not include a provision for the pool equipment. At the first review meeting the ZBA brought this to their attention and informed them that a side-yard setback variance was required if they wanted to locate the equipment forty feet from the Cornell's property line. That is because the pool equipment is considered a "structure" pursuant to the Town of Washington code and a variance, is required if you want to install it within the prescribed setbacks. Following this the Yadgard's modified their application to include a variance request for the pool equipment.

I have attached as Exhibit 3 the ZBA minutes from November 12, 2022, ZBA meeting. No neighbors were notified of their application, so none were present. However, the ZBA clearly stated that a slab for equipment would need rear yard and side yard variances. Thus, the ZBA clearly required variances, yet none were ever applied for.

Now the Yadgard counsel is claiming that if you place a roof over the planned mechanical systems that somehow eliminates the need for a variance. If that were the case the ZBA would have informed the Yadgards during the initial application meeting that they could avoid the need for a variance by simply installing a roof over the equipment. Of course, they didn't do that because they knew that would have been flawed guidance.

"Structure" under the Code is a thing constructed or erected on the ground or by attachment to something on the ground. This planned mechanical equipment will either be on the ground, or on top of something on the ground. Therefore, they are structures and must meet all setback requirements. There is nothing in the Code which states that you can avoid the need to obtain a variance by installing mechanical systems in a non-conforming shed. The ZBA's earlier decision in this matter confirmed that.

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Furthermore, this is not a “storage shed”, because it is unrelated to a residence. A residence is a house, not a pool. The definition of “storage shed” clearly relates only to a home. Furthermore, even if it was a storage shed not needing a building permit, it is not exempt from needing variances for the structures being placed within it.

The Code, at 165-109 B. relating to variances states:

Appeals for variance. The Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction, or alteration of buildings or structures.

The addition of mechanicals, on the ground or a floor, or on a pad to be built on the ground, is the construction and alteration of a new and/old structure, thus requiring variances.

The arguments contained in Mr. Yadgard’s counsel’s letter of March 10, 2026, are incorrect and cite no applicable law, as we have done here. All issues before the ZBA have been preserved in this appeal. These contentions are arguments of law, all of which are preserved.

The Yadgard’s counsel makes a new argument that the Cornell’s generator was installed without obtaining a variance and therefore it isn’t necessary for the Yadgards to obtain a variance for their pool equipment. That might be helpful to his case if it was true but his claim that “publicly available ZBA records reflect no application for, or grant of, any variance in connection with that installation” is misleading.

In fact, the ZBA’s online records don’t go back beyond 2020. This is important because Parcel Access data indicates that the generator in question was installed in 2019. Our clients purchased their property on September 8, 2021, and believe that all approvals that were required to install the generator were issued because they confirmed that there were no existing violations on the property at the time of purchase. I enclosed as Exhibit 4 the certificate of “no violations” from the Town in 2021, as well as so, whatever the prior owner was required to do in 2019, she did. The certificate of compliance for the generator.

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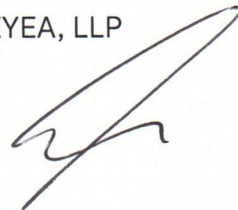
In any event, the matter before the ZBA involves entirely new structures, not something added before either of these parties owned their homes.

In closing, I ask that you one, if it hasn't been provided already require a detailed landscape plan and the requested shed and equipment details, two, ensure that plantings which provide full screening are installed before any certificate of occupancy is issued for a pool, and three, that the ZBA determine that the planned mechanical systems not be permitted within any setbacks, unless variances are applied for and obtained. These determinations are within your authority on these appeals.

Thank you for your consideration.

Very truly yours,

CORBALLY, GARTLAND AND
RAPPLEYEA, LLP



Allan B. Rappleyea

ABR/s

encl.

cc: Kyle Barnett, Esq. (emailed)

Exhibit “1”

what is the prevailing wind in millbrook ny in s



AI Mode All News Images Forums Shopping Videos More Tools

AI Overview

In Millbrook, NY, the prevailing wind direction during the summer months is predominantly from the west, particularly from mid-June through July. A south-to-southwesterly wind also frequently occurs in early summer (mid-May to mid-June) and again in August. The air flow is generally gentle, with average speeds around 5-6 mph.

- June & July: The wind is most often from the west (June 10 to July 30).
August: Winds tend to shift toward the south/southwest (July 30 to August 15) before transitioning back to northern or western flows late in the month.
Summer Characteristics: The wind tends to be lighter compared to the stronger, more westerly winds experienced in autumn and winter.

Note: The data is based on regional climate trends near Millbrook and Dutchess County Airport.

Millbrook Climate, Weather By Month, Average Temperature ...

The wind is most often from the north for 2.9 months, from February 15 to May 12; for 1.1 months, from August 15 to September 18; ...

Weather Spark



Dutchess County Airport Climate, Weather By Month, Average ...

The predominant average hourly wind direction at Dutchess County Airport varies throughout the year. The wind is most often from t...

Weather Spark



Climate & Weather Averages in Millbrook, New York, USA

Mean Temp: 68 °F. Precipitation: 3.73" Humidity: 70% Dew Point: 58 °F. Wind: 7 mph. Pressure: 29.95 "Hg. Visibility: 10 mi. July C...

timeanddate.com

Exhibit “2”



Measure Tool

Use this tool to measure distance and area by sketching directly onto the map. The measurements provided are intended for general use only and are not suitable for survey-grade use.

 Measure Distance
  Measure Area

Distances

	Miles	Feet
Total	0.01	59
Segment 1	0.01	59
Segment 2	0.00	0

New Sketch














Select a scale...

Measure Tool

Use this tool to measure distance and area by sketching directly onto the map. The measurements provided are intended for general use only and are not suitable for survey-grade use.

Measure Distance

Measure Area

Distances

	Miles	Feet
Total	0.02	114
Segment 1	0.02	114
Segment 2	0.00	0

New Sketch



Exhibit “3”

Town of Washington Zoning Board of Appeals

Meeting Minutes

X **November 15, 2022**

Draft for Approval

The Town of Washington Zoning Board of Appeals met on Tuesday, November 15, 2022 at 7:30pm for the discussion and Public Hearings regarding the following applications:

Daniel Yadgard: Area variance for a pool installation at 610 Stanford Road, Parcel #042590

Micha and Denise Magid: Area Variance for a barn
245 Hammond Hill Road, Parcel #514140

White Rock Farm: Area Variance and Relief from 25% rule
43 Butts Hollow Road, Parcel #059898

ZBA members in attendance in person were: Chair John Parisi, Frank Redl, and Fletcher Coddington. Also attending in person were consultant Aaron Werner, CAC member Howard Schuman, and Town Board member Leslie Heaney.

Chair John Parisi called the meeting to order at 7:30pm. The first application announced was the Daniel Yadgard application for an Area Variance for the installation of a swimming pool. Owner Daniel Yadgard, as well as Andi Eisermann from Four Seasons Swimming Pool Service Incorporated were in attendance. All information requested at the last meeting was provided- location of water line, propane tank, pool filter, pool pump as well as what type of fencing will be used around the pool. Ms. Eisermann gave each Board member a copy of the plans which depict the locations of the items.

X Chair Parisi summarized that there is currently a buried propane tank from the back property line and the mechanicals for the pump and filter are in the corner. He asked the owner, Daniel Yadgard if he had spoken to his neighbor regarding

* the mechanicals for the pool being so close to the neighbors' house. Mr. Yadgard indicated that he had not spoken to the neighbors about it.

Chair Parisi asked if it was possible to rotate the pool which would result in less of a required variance. Ms. Eisermann explained that it would be difficult with the location of the water line. Mr. Yadgard explained that he was trying to stay as far away from his neighbors' house as possible while his children are using the pool. He will also be installing a 4-foot, black chain link fence around the pool and may put fillers in it to block more of the view.

* Chair Parisi asked Mr. Yadgard why the planned fence is not closer to the pool. Mr. Yadgard replied that he had the shed that will house the pool equipment close by. He is trying to confine everything to one area.

Member Coddington asked if the pool could be rotated off a corner of the house. Mr. Yadgard explained that he could but then the deep end would be closest to the neighbors and that is where the children would spend most of their time. Member Coddington asked if he could change the deep end and the shallow end. Mr. Yadgard was not sure if he would want the deep end closest to the patio. He and Member Coddington continued to discuss the possibility of rotating the pool. Mr. Yadgard also commented that the positioning of the pool the way he is requesting, is more aesthetically pleasing when one arrives at the house.

* Chair Parisi stated that Mr. Yadgard is really asking for four variances: which includes the pool equipment. Pool equipment, such as the propane tank, filter, etc., is considered 'part of the pool'. It would require a sideyard setback and a backyard setback.

Mr. Yadgard asked if he could put the pool equipment in a pre-existing shed on the property. Mr. Werner replied that it would probably be a question for the Building Department.

Chair Parisi asked Mr. Yadgard if the shed is a permanent structure with a foundation. Mr. Yadgard was not sure, but it does have a wood floor.

Member Redl stated that he did not have a problem with the propane tank or the position of the pool, as long as the water line is moved. Mr. Yadgard confirmed that the water line would be moved.

* Member Coddington stated that it made more sense to him to place the mechanicals for the pool close to the house chimney or the A/C equipment because it is less of a variance and farther from the property line.

Ms. Eisermann stated that her company uses a 4' x 8' slab for the pool equipment. Chair Parisi stated that the propane tank is buried but at some point, a measurement will need to be taken to show the distance between the property line and the slab. He went on to say that there is a 40 foot variance in one place and a 'to be determined' variance from the slab to the property line. Chair Parisi asked Ms. Eisermann to advise the ZBA of the measurement between the concrete slab and the property line.

Chair Parisi asked for a motion to open the Public Hearing. Chair Parisi made the motion, seconded by Member Coddington. The vote is as follows:

- Chair Parisi ___ AYE ___
- Member Coddington ___ AYE ___
- Member Redl ___ AYE ___
- Member Briggs ___ absent ___

There were no questions or comments from the public. Chair Parisi made the motion to close the Public Hearing, seconded by Member Redl. The vote is as follows:

- Chair Parisi ___ AYE ___
- Member Coddington ___ AYE ___
- Member Redl ___ AYE ___
- Member Briggs ___ absent ___

Chair Parisi stated that he feels moving the mechanicals closer to the house will lessen the impact on the neighbor. He made a motion to grant a conditional

variance of 40 feet from the back and that the measurement from the concrete slab (mechanicals) to the property line must be submitted. Member Coddington seconded the motion. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___AYE___
Member Redl	___ AYE___
Member Briggs	___absent___

Ms. Eisermann agreed to submit a satellite image of the property with the slab and measurements depicted.

The next item on the agenda was an Area Variance for Micha and Denise Magid of 245 Hammond Hill Road for the construction of a barn. Their builder, Joe DeLucia represented the Magids at the meeting. He explained that the property is a 22-acre parcel. The Magids wish to construct a barn to for storage of a tractor, etc. They are only able to put the barn in the proposed location since the property is sloped. Mr. DeLucia discussed the features of the property with the Board. He also mentioned that the Magids own the property adjacent to the proposed variance. There is also a huge septic system on the eastern part of the lot. The proposed barn is 24 ' x 40'.

Member Coddington asked whether or not the Magids could combine the two properties which would eliminate the need for a variance. Mr. DeLucia replied that they do not want to do that.

Chair Parisi asked why the applicants are not seeking a simple Lot Line Adjustment which would also eliminate the need for a variance. Mr. DeLucia stated that they do not want to do that either, but he is not sure of the reason.

Chair Parisi stated that if the applicant has a choice of routes other than a variance, that should be the priority. Mr. DeLucia stated that Mr. Magid had

Exhibit “4”



**TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT
P.O. Box 667, 10 Reservoir Drive
Millbrook, NY 12545
Phone (845) 677-3419 Fax (845) 677-1195
www.washingtonny.org**

06/03/2021

Major Abstract Corp.
1110 Route 55
Suite 205
LaGrangeville, NY 12540

Re: 620 Stanford Road, Tax Grid # 6766-00-053619

Owner: Tara Kelly
Title No. MAC-12616

To Whom it May Concern:

Please be advised that the above mentioned property:
This is to certify that this parcel is coded Residential: One Family Year Round Residence (210)

Description of Property: 2.03 Acres.

One Family Year Round Residence, 1 story, built in 1964 and remodeled in 2004. 1 kitchen, 2 bath, 3 bedroom, 1 fireplace. Full basement, 460 square foot attached garage built in 1964. 469 and 105 square foot decks built in 2004, 320 square foot shed built in 2005, and a Certificate of Occupancy was issued 3/29/2005 for a renovation and is attached. A Certificate of Compliance was issued 1/22/2018 for prior work, two non weight bearing doorways and a fireplace, copy attached. On 12/5/2018 a Certificate of Compliance was issued for a generator, copy attached.

A site visit has not been conducted to confirm the findings of this search.

Any improvements made after 1984 require a Building Permit followed by a Certificate of Occupancy or Compliance.

A search of the Town of Washington Building Department records indicates that no violations exist.

Additionally, the fire department is volunteer.

Stanford Road is maintained by the Town of Washington.

Sincerely,

A handwritten signature in black ink, appearing to read "James Finley". The signature is written in a cursive style with a large, sweeping flourish at the end.

James Finley
Building Inspector and Zoning Administrator



**TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT**

10 Reservoir Road
P.O. Box 667
Millbrook, NY 12545
Phone (845) 677-8321 Fax (845) 677-2085
Email: zoning@washingtontny.org

CERTIFICATE OF COMPLIANCE

Certificate No.: 18-2284

Location of Property: 6766-00-053619-0000, 620 Stanford Rd

Property Owner: Tara Kelly

Description of Completed Project: generator

I have examined the premises described in the "Application for Building or Zoning Permit" No. 02284 and find the work performed is in compliance with the work described in the approved application; therefore, the completed project may be used for the purposes described in the "Application for Building Permit" No. 02284 . No Violations on record.

Signature

Building Inspector
Town of Washington

Date Signed

12/5/18

Post this Certificate of Compliance on the property for one month after receipt, so that it may be read by the public.