

February 11, 2026

VIA EMAIL

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

Dear Chairman Redl and Members of the ZBA:

RE: Cornell Appeal of ZA's Recent Determinations
Our File No.: 14163.40525

This submission is provided on behalf of Daniel Yadgard in support of Zoning Administrator Jonathan Ialongo's November 5 and December 10, 2025 determinations and to dispel the patently incorrect claims asserted in opposition to those determinations within the instant appeal. Appellants argue that the placement of pool equipment inside the existing shed at 610 Stanford Road requires a building permit and/or improperly alters the use of the shed in violation of the Town Zoning Code. These assertions have no merit. As confirmed by Mr. Ialongo, and as more fully provided below, the proposed placement of the equipment within the shed poses no zoning issues and is expressly permitted under the plain language of the Town Code.

A. The Shed's Nonconforming Status in No Way Bars the Equipment's Installation.

Appellants' December 15, 2025 appeal letter argues that housing the pool equipment inside the existing shed constitutes a change to a prohibited nonconforming use and/or an unlawful alteration of a nonconforming structure under Town Code § 165-84. This argument improperly confuses and collapses the analyses of two distinct concepts under the zoning law, nonconforming uses versus nonconforming structures, and is further meritless.

As a threshold matter, the placement of pool equipment within the shed does not alter the shed's use in any way. Both the shed and the proposed pool themselves remain, as they always have, perfectly legal accessory structures to the principal residential use of the Yadgard property which are permitted as of right in the district ("RR-10") where the property is located. The shed's status as a nonconformity has nothing to do with its use and is solely due to the shed's physical location on the lot, which encroaches into the required yard setbacks. Merely deciding to now house pool equipment inside the shed does not equate to any change in the shed's current conforming use as an accessory structure to the Yadgard's residential property, nor does it alter the structure itself or the degree of existing nonconformity.

Appellants have already attempted and failed (twice) to challenge the ZBA's and the Zoning Administrator's prior interpretations of the Town Code in multiple Article 78 actions before the Dutchess County Supreme Court. The Hon. Maria G. Rosa's August 28, 2024 Decision and Order affirmatively upheld the ZBA's prior interpretation that any Town Code provisions governing nonconforming uses simply do not apply to accessory uses and structures permitted as of right, and dismissed Appellants' attempts to overturn the ZBA's prior actions on that basis. Judge Roas's Order confirms that the same argument Appellants now attempt to repackage and reassert with respect to the shed must also be squarely rejected, as claims that such permitted accessory structures somehow constitute prohibited uses have already been fully litigated to the point of exhaustion. Therefore, the appeal's attempt to bar the equipment's installation by invoking the restrictions contained in Town Code § 165-84(C) fails as a matter of law, as nearly all subsections of § 165-84, specifically subsections A-E, solely address restrictions regarding nonconforming uses (as opposed to nonconforming structures) and, as already confirmed by the Zoning Administrator, the ZBA, and Judge Rosa's August 28, 2024 Decision and Order, are plainly inapplicable here.

The only portion of Town Code § 165-84 which is specifically applicable to both nonconforming structures *and* nonconforming uses is subsection G, which provides that "nonconforming structures or structures containing nonconforming uses may be enlarged, extended, reconstructed, or altered by a maximum of 25% of the aggregate gross floor area of the structure sought to be enlarged," and that such expansion may only proceed upon receipt of a special permit from the Zoning Board of Appeals pursuant to § 165-116. Therefore, § 165-84(G) is further inapplicable, as the provision does not apply where, as here, no enlargement, extension, or reconstruction of the nonconforming shed is proposed.

Here, the pool equipment will be installed entirely within the shed as it currently exists. The installation will not increase or expand the size of the

structure, nor intensify its existing setback encroachment in any way. Because no activity regulated by § 165-84(G) is proposed, Town Code § 165-84 provides no basis to prohibit the installation of the pool equipment inside the existing shed, and the appeal must be dismissed on this basis.

B. The Installation of the Equipment does not Trigger Requirements for a Building Permit

Appellants further argue that the proposed placement of pool equipment inside the existing shed requires the issuance of a building permit under the Town Code. This assertion is again unsupported by any cited authority, directly contradicted by the Zoning Administrator's recent determinations and further contrary to the Code's plain language.

Town Code § 165-113 requires a building permit only where a building or structure is "erected, added to, or structurally altered," and further prohibits issuance of a permit where the proposed work would violate other provisions of the Code. As already established above, the installation of pool equipment does not involve any such erection, addition, or structural alteration of the existing shed and does not violate any other provision of the Code.

Nor does Chapter 74 of the Town Code impose a permit requirement for the proposed installation. Town Code § 74-5 confirms, and Appellants themselves acknowledge, that even the wholesale new construction of a detached shed (under 144 square feet) is entirely exempt from the building permit requirement. Appellants assert that the modification of an existing, nonconforming shed is not exempt from a building permit, yet their appeal letter cites to no Code provision or any other authority in support of this assertion, because none exists. It would defy both basic logic and the intent of Chapter 74 to require a building permit for minor alterations such as venting to an existing shed to accommodate pool equipment, where the Town Code expressly exempts from the permit requirement the far more substantial undertaking of constructing an entirely new shed from the ground up.

Consistent with the Town Code, and as the Zoning Administrator correctly found within his November 5 and December 10, 2025 determinations, as long as the proposed modifications to the shed do not constitute an expansion of or structural changes to the shed, which they do not, the installation may proceed without any requirement for a building permit. Despite Appellants' unsupported assertions, no Town Code provision or any other authority dictates otherwise, and the appeal must again be denied on this basis.

C. Conclusion

For the foregoing reasons, this latest appeal is again without merit and should be denied in its entirety. The proposed placement of the pool equipment inside the existing shed does not alter the shed's use to be nonconforming, does not improperly alter a nonconforming structure, and does not trigger any requirement for a building permit under the Town Code. The Zoning Administrator's November 5 and December 10, 2025 determinations correctly apply the Code's plain language and should be affirmed in all respects. For these reasons, we respectfully request that the ZBA deny the instant appeal in its entirety and allow Mr. Yadgard to exercise his lawful right to construct the pool and enjoy the reasonable use of his property without further delay, expense, or harassment.

Respectfully yours,



Marc A. Romanowski

cc: Kyle Barnett, Esq., Town of Washington Attorney
Jonathan Ialongo, Town of Washington
Building Inspector and Zoning Administrator

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