

Since 1876

February 17, 2026

Via Email

Rena M. O'Connor
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Town of Washington Zoning Board of Appeals

10 Reservoir Drive

Paul O. Sullivan*
Of Counsel

Millbrook, New York 12545

1733 Main Street
Pleasant Valley, NY 12569
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Re: Yadgard Building Permit and Conditions

Dear ZBA Members:

30 Front Street
PO Box 679
Millbrook, NY 12545
tel 845 677 5539
fax 845 698 4087

The ZBA secretary forwarded the Yadgard counsel's letter of February 11, 2026, which I have read. That letter does not accurately address the issues.

11 2nd Ave NE, Suite 360
St Petersburg, FL 33701

I want to remind the Board that the only reason we are now before the ZBA is because, after all the variances for the installation of a pool were granted, Mr. Yadgard made alterations to the location of the pool equipment as well as the screening requirements that were specified by the Board in its variance decision.

*Licensed in FL & NY
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First, Mr. Yadgard proposed installing a fence directly on the Cornell's boundary. The ZBA thankfully said no this. Then, having withdrawn his variance request for the pool equipment prior to the ZBA's rulemaking, he now seeks to locate that same equipment into an existing "storage shed" that is located within the rear and side yard setbacks. Finally, although he promised new plantings to completely screen the pool and fencing, he now proposes to install only six plants of unspecified species and size to fill undefined gaps in screening that was installed and paid for by the Cornells, which I will address below.

In respect to Mr. Yadgard's attempt to convert his "storage shed" from passive storage to housing for a pool-related mechanical system there is no dispute that this will require significant structural alterations. It must in order to accommodate the electrical

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service, the water and propane lines, and the venting required for a gas heater. This shed is more than thirty years old, and its condition reflects its age. Holes will need to be cut for the plumbing, propane, electrical and water lines in addition to the ventilation pipe. Since a building plan has not been required, we don't know what else will need to be done. Counsel's letter does not acknowledge all this necessary work. It seems he is unaware of it.

Building plans are normally required to know what's being changed and installed. In this case they are also required. Section 74-5(1) of the Code exempts construction or installation of a small shed. The proposal here is not construction of a shed, but installation of permanently operating mechanical equipment within an existing one. There is no question that alterations are going to be needed.

The shed also sits well within the required side and rear yard setbacks. While it may remain as a lawful pre-existing structure, its boundary location makes the intensity of its use important. Converting it from passive storage to housing operating mechanical equipment fueled by propane materially changes the functional character of that structure at the property line.

It is untrue that Judge Rosa somehow already sanctioned this work or use, as counsel suggests. As the Board knows, the applicant withdrew his side yard variance application for the pool equipment. The first time the equipment was proposed for the shed was after you granted all the requested variances. The impact of this work and dangers it will impose on the Cornells was never discussed before the ZBA.

A Board Member brought up the definition of "Storage Shed" at the last meeting. A "Storage Shed" is defined as:

A structure which is accessory to a residential building, and which is used for the storage of household items, equipment, machinery, and similar personal property customarily used or owned by homeowners in connection with use, operation and maintenance of residences. (emphasis supplied).

Nothing in this definition supports mechanized pool equipment. "Household" is the qualifier for the type of item, and a pool heater, filter, piping, venting and other components are not "household items". They are mechanical systems for a pool.

Furthermore, "storage" means to place items impermanently, and to remove, use and replace them from time to time. This definition covers mowers, bikes, baby pools and things that people keep in sheds. Clearly, the pumps, filter and heater that would be located in this "storage shed" will not be removed, used and replaced. Instead, the intention is for permanent operation.

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In fact, were this allowed, the Cornells could convert their non-conforming “storage shed” to a music studio, by “storing” a gas heater, wash basin and electrical equipment, in the “storage shed”. No one would live there, but people could enter to use the systems that were being “stored” there. Of course, the Town of Washington Code wouldn’t permit this without the required variance and building permit, but this is when Mr. Yardgard is asking you to allow.

Propane pool heaters are also dangerous, and locating mechanical equipment in an old shed never built for that purpose presents clear dangers to the Cornells. The proposed equipment would be located less than approximately twenty feet from the Cornell garage and roughly fifty feet from their residence. The Yadgards have more than enough property to locate the equipment outside the rear and side yard setbacks. Instead, they are proposing to shift the risks associated with the pool equipment to the Cornells without a showing of hardship, physical constraint, or infeasibility of relocation. Relocating the equipment to the interior of the property would materially reduce the impact on the Cornells without preventing use of the pool. In balancing property rights and neighbor impacts, location outside of the rear and side yard setbacks appears to be a very reasonable alternative.

In order to understand the potential risks associated with pool heaters I found several articles, one of which I enclose. It states in relevant part:

1. Carbon monoxide. Just like a car engine, gas pool heaters cause carbon monoxide poisoning if inhaled for too long, as demonstrated by this news story. To avoid this danger, make sure your pool heater is properly ventilated. If it’s located indoors, it should be vented outside. If it’s outside, make sure it’s not too close to windows. Check venting regularly to make sure it hasn’t become blocked or broken. It’s also a good idea to get a carbon monoxide detector.

2. Fire: Pool heater gas lines can become blocked with anything from leaves to dead animals, which can cause a variety of ignition problems that lead to flame “roll-out” or even an explosion. Blockage can also cause exhausting issues, which can lead to flames or violent explosions.

3. Leaks. Gas is delivered to the heater through a number of connections. All of these connections can develop leaks, which can lead to fire or explosions. Sometimes, leaks have a smell because gas suppliers add a “rotten egg” smell. But otherwise, natural gas is odorless and colorless. If you smell a leak, contact your gas supplier immediately for service

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The ZBA should not allow these risks to be imposed on the Cornells when an alternative site that has no impact on either neighbor is clearly available. The pool equipment can and should be located outside the setbacks so it doesn't require either a variance or a building permit, and, more importantly, doesn't export a host of potential problems onto a neighbor.

The Yadgards do not dispute that, on multiple occasions, the applicants promised new screening to mitigate the pool and its components. Yet they continue to refuse to commit to these plantings, likely due to cost.

The Cornells, not Mr. Yadgard, have already spent approximately \$28,524.00 to install new, dense plantings along their common property line in order to screen the pool construction site. I have marked a Yadgard photograph to show what the Cornells did and enclose the invoice from Perfect Nature Landscaping (the cost of the plantings that were not installed for screening have been deducted from the total invoice). This was not natural screening. The bushes were installed to buffer the proposed pool. This was paid for by the Cornells.

Mr. Yadgard now proposes what appears to be 6 bushes, or of unknown height, that are intended to fill in gaps in the existing screening. In making his case, Mr. Yadgard provides a partial view of the common property line. That view is the one containing the landscaping that the Cornell's installed and paid for. It does not show the very open, unscreened view along the other part of the boundary.

The attached picture shows the common property line extending from the back of the Cornell's house to their front yard. The orange construction fencing in the background is where the proposed pool is located. It is clearly visible, as the pool and fencing will be. Mr. Yadgard must be required to install a quantity of plantings that are sufficient to screen 100% of the Cornell's viewshed, not just fill gaps in landscaping that the Cornells have already installed at a significant expense.

In conclusion, the Cornells are not seeking to prevent reasonable residential use. They ask only that before affirming the installation of permanently operating pool equipment inside the rear and side yard setbacks and a screening plan that fails to meet the requirements set forth in its variance decision, the Board require:

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1. Clear building plans sufficient to understand the scope of the pool equipment installation and determine why this does not require variances;
2. Consideration of the relocation of all pool mechanical equipment into the interior of the Yadgard's property, or an explanation as to why relocation is not feasible and is instead more appropriate on a neighbor's boundary; and
3. A defined, complete and enforceable screening plan that provides 100% screening of the pool and the pool fencing, identifies the plant species, the plants sizes at installation, the plant spacing and the ongoing maintenance responsibilities as required by this Board's variance decision.

These steps would provide clarity, reduce neighbor conflict, and allow the Board to affirm its determination with defined conditions and a complete record.

Thank you for your consideration.

Very truly yours,

CORBALLY, GARTLAND AND RAPPLEYEA, LLP



Allan B. Rappleyea

ABR/s

encl.

cc: Kyle Barnett, Esq. (emailed)

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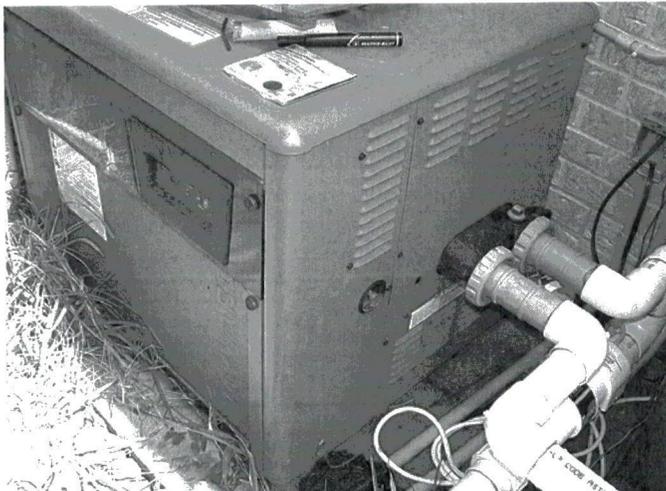
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Knowing these 4 pool heater dangers could save your life

Gary Thill |

A dozen different businesses are embroiled in a lawsuit over a pool heater explosion that injured two people. The courts will ultimately decide who's at fault in this dispute, but it points out a hidden pool danger many swimmers don't know about until it's too late.



Pool heaters can pose serious fire and carbon monoxide hazards. From Bill Jacobus.

An estimated 900,000 pools in the U.S. are heated with natural gas or propane. While these heaters make pools more enjoyable, they can also become dangerous when not properly installed, maintained or understood.

"I've been on calls where the whole garage burnt down, and all the cars inside were destroyed, because of an improper heater installation," says Brian Diglio, president of Blue Wave Pool Service and Supplies Inc. in Hamden, Conn. in Pool & Spa News. "It's unbelievable how careless some installers are."

Before you start to think that your pool heater is just waiting to explode, remember that today's pool heaters come with safeguards to prevent most common problems. But just in case, here are three common heater dangers to avoid:

1. Carbon monoxide. Just like a car engine, gas pool heaters cause carbon monoxide poisoning if inhaled for too long, as demonstrated by this news story. To avoid this danger, make sure your pool heater is properly ventilated. If it's located indoors, it should be vented outside. If it's outside, make sure it's not too close to windows. Check venting regularly to make sure it hasn't become blocked or broken. It's also a good idea to get a carbon monoxide detector.
2. Fire: Pool heater gas lines can become blocked with anything from leaves to dead animals, which can cause a variety of ignition problems that lead to flame "roll-out" or even an explosion. Blockage can also cause exhausting issues, which can lead to flames or violent explosions.
3. Leaks. Gas is delivered to the heater through a number of connections. All of these connections can develop leaks, which can lead to fire or explosions. Sometimes, leaks have a smell because gas suppliers add a "rotten egg" smell. But otherwise natural gas is odorless and colorless. If you smell a leak contact your gas supplier immediately for service.
4. Neglect. With so many working parts — pipes, igniters, circuit boards — pool heaters need regular care to operate properly and safely. They're also complicated enough that homeowners shouldn't try to service them on their own. If you have a regular pool service, make sure the heater is being checked. If not, it's a good idea to have it checked annually.

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Pool Closed Signs



Pool Safety Signs

Tags: carbon monoxide, pool, safety, safety tips

Category: Equipment, Pools, Safety

About the Author (Author Profile)

Gary Thill is the former editor of Aquatics International, an award-winning magazine for the commercial pool and waterpark markets. He is a nationally recognized writer and editor with an extensive communications background that includes print, online and social media.

« 3 ways pool owners can combat drought – and save green

Knowing this gross truth about swimming could save you from illness »

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35'x15'
POOL

90.8'
SIDE VARIANCE

40'
BACK VARIANCE

*NO
Screening.*

*at
all*



4' POST & RAIL FENCE



STONE RETAINING WALL



POOL EQUIPMENT - (inside existing shed)



ADDITIONAL PLANTINGS

(to be positioned to fill in where existing foliage does not already exist between 610 and 620 Stanford Road - rear yards)

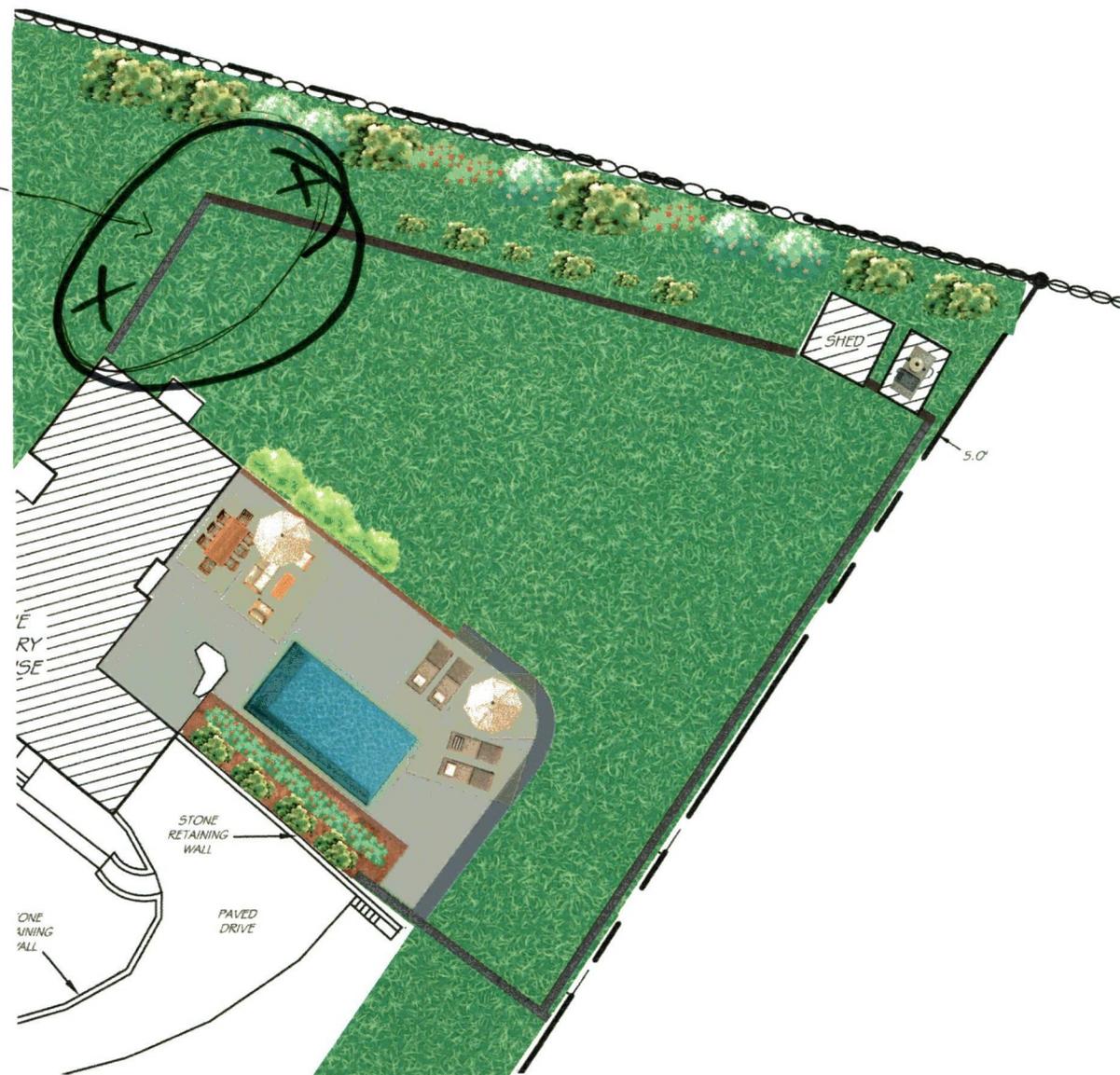




Image from 610 Stanford Road roof
looking at the side yard the is
shared with 620 Stanford Rd.
Virtually NO views of the neighbors
property aside from small parts of
their roof.



added by
Carnellis
nr
Yadgrod

Approximate area of
undersky screening
↑
↑

From: Perfect Nature Landscaping Inc quickbooks@notification.intuit.com
Subject: New payment request from Perfect Nature Landscaping Inc - invoice 1633
Date: July 24, 2024 at 6:42 PM
To: Leacornell88@gmail.com



INVOICE 1633 DETAILS



Perfect Nature Landscaping Inc

DUE 08/23/2024

\$35,458.51

[Review and pay](#)

Powered by QuickBooks

Dear Lea cornell,

Please find your invoice attached. It has been a pleasure to work with you.

Have a great day!

Perfect Nature Landscaping Inc

Bill to

Lea cornell
620 Stanfor rd
Millbrook, NY

Ship to

Lea cornell
620 Stanfor rd
Millbrook, NY

Terms

Net 30

SPRING SCREENING PLANTING

Remove some unwanted vegetation and planting arborvitae and
mariesii viburnum along property line to provide screening.

) x

1 X \$0.00

\$0.00T

Green giant arborvitae 10'-12'

11 X \$955.00

\$10,505.00T

Shasta viburnum 4'-5'

7 X \$312.00

\$2,184.00T

Planting trees at the property corner to screen neighbors house.

) x

1 X \$0.00	\$0.00T
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Eastern White pine 12'-14'

3 X \$1,545.00	\$4,635.00T
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ADDITIONAL NORWAY SPRUCE TO SCREEN ROAD SIDE

Norway spruce 12'-14'

1 X \$1,545.00	\$1,545.00T
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Temporary irrigation

1 X \$375.00	\$375.00T
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Planting crew to deliver and install all listed above, all equipment needed for installation and mobilization, price includes amending soil with organic compost and mulching

1 X \$11,200.00	\$11,200.00T
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CLEAN UP FRONT GARDEN AND ROAD BEDS
Weeding planting beds, hand edging and mulching

30 X \$65.00	\$1,950.00T
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Pine bark mulch

5 X \$80.00	\$400.00T
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Warranty Information

-Includes amending soil, mulching, staking & guying, if necessary.
-Includes a 1 Year Warranty on Plant Materials; warranty does not include the cost of labor and equipment mobilization. PLANTS MUST HAVE 1" OF RAIN OR SUPPLEMENTAL EQUIVALENT OF WATER PER WEEK. We do offer temporary irrigation at an additional cost if this cannot be accomplished by the owner. Additionally, plants must be protected from deer during the winter months. This warranty does not include replacing trees damaged by deer, sap suckers, drought or other acts of nature.

1 X \$0.00

\$0.00T

Warranty Information

Replacements are not included under our 1 year warranty policy.
-PLANTS MUST HAVE 1" OF RAIN OR SUPPLEMENTAL EQUIVALENT OF WATER PER WEEK. We do offer temporary irrigation at an additional cost if this cannot be accomplished by the owner. Additionally, plants must be protected from deer during the winter months.

1 X \$0.00

\$0.00T

Many installation projects qualify as a Capitol Improvement projects. To find out if your project is classified as such, reach out to your tax advisor. A copy of the Certificate of Capitol Improvement must be given to Perfect Nature upon accepting an estimate. Go to perfectnaturelandscaping.com/installations to find a copy of our certificate.

1 X \$0.00

\$0.00

Subtotal

\$32,794.00

Tax	\$2,664.51
Total	\$35,458.51
Balance due	\$35,458.51

Review and pay

Perfect Nature Landscaping Inc
676 Oak Summit Road Millbrook, NY 12545 US
perfectnature16@gmail.com

If you receive an email that seems fraudulent, please check with the business owner before paying.



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