

March 10, 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 supplemental 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 address the Cornells' newly asserted argument that the proposed pool equipment constitutes a separate "structure" under § 165-140 of the Town Code, apparently in an effort to argue that the equipment's placement in the shed somehow independently violates the Code, even though the equipment is to be housed entirely within the existing shed.

A. The Current Argument Regarding whether the Equipment is a "Structure" is not Properly before the ZBA

At the outset, that particular argument was neither properly identified nor preserved in the Cornells' December 15, 2025 Notice of Appeal and is therefore not properly before the ZBA. The Notice of Appeal repeatedly and only argued that placing the equipment in the shed allegedly improperly alters the shed's *use* in violation of § 165-84 governing nonconforming uses. Any newly advanced theory that the equipment instead constitutes a separate structure is not properly before the ZBA, as it is not within the ZBA's jurisdiction to adjudicate a legal argument asserted for the first time mid-proceeding. Considering such an unpreserved issue on appeal would exceed the Board's limited appellate authority and constitute an action wholly outside of the scope of the appeal before it.

B. Pool Equipment is Unequivocally Not a Structure

Even if the argument were properly before the Board, it again fails under the plain language of the Code. While opposing counsel may rely on the definition of “Structure” in § 165-140 as “[a]ny building or thing constructed or erected on the ground or by attachment to something on the ground,” that definition cannot reasonably be stretched to convert equipment into a separately regulated zoning structure. Black’s Law Dictionary (2d Ed.) defines a structure as “[a] framework or construction with elements identifiable giving stability and form and able to resist strains and stresses.” Pool equipment, by definition, is machinery which performs a mechanical function. It is not a constructed framework providing stability or form.

Additionally, the Town Code’s own definition of “Storage Shed” further confirms this same point. Section 165-140 defines a storage shed as “a structure used for the storage of household items, *equipment*, *machinery*, and similar personal property customarily used or owned by homeowners in connection with the use, operation and maintenance of residences.” The Code therefore expressly acknowledges that equipment and machinery are not separate structures themselves but items stored within a structure. That is precisely the Code’s contemplated purpose for which Mr. Yadgard wishes to use his shed—to house pool equipment and machinery associated with the operation and maintenance of the lawful accessory use of the proposed pool on his residential property.

Moreover, at this Board’s prior public hearing, a photograph of the state of existing vegetation between the two properties was submitted by the Cornells which clearly depicts their own gas-powered backup generator installed on a concrete slab immediately adjacent to the shared property line. Such a generator (same as the pool equipment) requires a building permit but not a variance because it is not considered a structure under the Town Code. Publicly available ZBA records reflect no application for, or grant of, any variance in connection with that installation, notwithstanding its location at the property line and its permanent placement on a concrete foundation. If a permanently installed, gas-powered generator placed directly adjacent to the property line did not previously constitute a “structure” under the Code, then pool equipment to be housed entirely within an existing shed cannot possibly, let alone reasonably, be deemed one either.

C. Conclusion

There is absolutely nothing improper about the proposed installation of the pool equipment inside the existing shed. This newly raised argument by the Cornells is not only procedurally barred from the ZBA's consideration, but is further substantively incorrect and directly contradicted by the plain language of the Town Code. The proposed action does not transform mechanical machinery into a building and will not alter or intensify any preexisting lawful nonconformity. The Zoning Administrator's November 5 and December 10, 2025 determinations correctly apply the Code as written, and there is absolutely no legal or factual basis to disturb them. The instant appeal should therefore be denied in its entirety so that this matter may finally be concluded to permit Mr. Yadgard to 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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