

Town of Washington Zoning Board of Appeals
Meeting Minutes
August 16, 2022
Draft for Approval

The Town of Washington Zoning Board of Appeals met on Tuesday, August 16, 2022 for the discussion and Public Hearings regarding the following applications:

Anthony and Barbara Carbone: Area variance for a deck and sunroom at 103 Christian Hill Road, Parcel #6964-00-710342

Jason Palinkas: Area Variance for a front porch at 3606 Route 44, Parcel #6865-00-838613

Brian Cimms and Kellie O'Brien: Area Variance for the construction of a garage at 11 North Mabbettsville Road, Parcel #6865-03-331398

ZBA members in attendance in person were: Chair John Parisi, Katherine Briggs, Frank Redl, and Peter Audia. Also attending in person were consultant Aaron Werner and CAC member Howard Schuman.

The first application to be called was the Cimms/O'Brien Area Variance for a garage. Edward Loedy, architect, came with Mr. Cimms to discuss the application. Mr. Loedy and Mr. Cimms explained that there is no existing garage and the family of four is in need of storage space. Mr. Cimms' daughter will be driving in a couple of years so another car in their small driveway would be difficult. The basement gets water so nothing can be stored in it.

Chair Parisi asked why they cannot move it back. Mr. Cimms explained that the septic is there. To move the garage back would mean that it would be in the leach field. If the location of the garage was moved toward the road, the bay windows of the house would be blocked.

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

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

Chair Parisi asked if there were any questions or comments from the Board or the public. There were no comments. He asked for a motion to close the Public Hearing. Chair Parisi made the motion, seconded by Member Redl. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

Consultant Aaron Werner stated that there were no living quarters proposed and that there was an original application submission in 2020 that was withdrawn.

Chair Parisi stated that there was a letter submitted from Ruge's Chevrolet as well as other neighbors, in support of the application, as long as it was used for household storage.

Member Redl made a motion to approve this as a Type II action with a 25.6 sideyard variance on the south side with the condition that the garage will only be used for household garage use. Member Briggs seconded the motion. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

The sideyard variance was approved. Mr. Cimms will provide a notarized letter stating that the garage will only be utilized for the household. This letter was provided to the Planning Board on August 26, 2022 and is posted on the Town website.

Chair Parisi called Jason Palinkas to discuss his proposal of an area variance for a front porch.

There was a porch on the house originally, depicted in a copy of a photograph submitted with Mr. Palinkas' application, that had been torn down. He wishes to replace the porch as close to the original as possible.

Chair Parisi asked how far from the property line the porch would be. Mr. Palinkas stated that with the porch steps, it is 28.7 feet from the property line. Since the property is in the R10 Zone, the minimum setback from the property line is 100 feet. Mr. Palinkas is in need of a 71.3 foot variance.

Chair Parisi asked for a motion to open the Public Hearing. Member Redl made the motion, seconded by Member Briggs. Consultant Aaron Werner stated that the house was a nonconforming structure already.

There were no other comments from the ZBA or the public.

Chair Parisi asked for a motion to close the Public Hearing. Chair Parisi made the motion, seconded by Member Redl.

The CAC had no input on the application.

Mr. Werner stated that the house and porch predate zoning. The porch was demolished in 2018. James Finley had issued a building permit for the porch at the time, but the permit had to be closed because Mr. Palinkas did not have time to start building the porch due to refinancing the property. When he went back to James Finley for a new building permit, Mr. Finley directed Mr. Palinkas to come before the Zoning Board of Appeals. Mr. Werner feels this was due to the fact that the porch was expanding a nonconforming structure. This is addressed in Section 391.7 of the Zoning Code. It meets the 25% rule which means the addition of the porch is no more than 25% of the house. Mr. Palinkas needs a variance from the ZBA but must first go before the Planning Board for a Site Plan approval. Mr. Werner summarized by saying Mr. Palinkas would need an Area Variance and Special Permit from the ZBA, as well as Site Plan approval from the Planning Board.

Chair Parisi asked for a motion to approve the application as a Type II Action under SEQR. Member Redl made the motion, seconded by Member Briggs. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

Chair Parisi asked for a motion to approve the 71.3 area variance and issued a Special Permit on the condition that the Planning Board approve a Site Plan for the porch. Member Redl made the motion, seconded by Member Briggs. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

Chair Parisi announced the Area Variance application of Anthony and Barbara Carbone. The Carbones wish to construct a deck and sunroom. Mr. Carbone explained that the construction is off of a one-story framed garage. The proposed deck is 8' x 24' and the proposed sunroom is 14' x 24'. Mr. Carbone explained that placing the structures anywhere else would be too close to their nearest neighbor. The sunroom will be built around an existing pool so that the pool may be used all year. There will be 3' on each side of the pool in order to walk around it. There will be no discharge from the pool into the yard.

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

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

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

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

Chair Parisi asked for a motion to approve a side yard setback on the south side of the garage of 11.4' for the sunroom, and a side yard setback of 11.8' for the deck. Member Redl made the motion, seconded by Chair Parisi. The vote is as follows:

Chair Parisi	___AYE___
Member Coddington	___absent___
Member Audia	___AYE___
Member Redl	___AYE___
Member Briggs	___AYE___

The meeting closed at 8:11pm.