

Town of Washington
Zoning Board of Appeals

2-19-2009

A meeting and public hearing of the Zoning Board of Appeals was held on February 19, 2008 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, NY to consider the application of Edvard Jorgensen for area variances from the Town Zoning Code, Appendix B Schedule of Area and Bulk Regulations, to allow construction of an addition to the existing residence at 373 Shunpike. The property is zoned RR 10.

The members present were: Peter Audia, Jerry Baker, Donald Marshall, and John Parisi.
Absent: Chairman, Brad Roeller, due to a teaching assignment.

The meeting was called to order by board member Baker who chaired the meeting in Brad Roeller's absence at 7:30 P.M.

Acting Chairman Baker read the published public notice and stated that this application is a Type II Action, not subject to SEQRA review.

Dutchess County Tax Map Grid No.: 6766-00-082718

Previously submitted to the board were completed Application to Board of Appeals, Short Form Environmental Assessment Form, Full Scale Survey Map and reduced copy of same, photos of the east and west side of the Jorgensen residence, aerial photo of the property and adjoining lands, aerial photo of the Shunpike area, floor plan of proposed work, copy of Deed and Easements, copy of letters to adjoining neighbors, Ted and Nan Lindsay, Mrs. John C.R. Tompkins, and Mrs. Robert Trump under the signature of Amoret Jorgensen.

Mr. Jorgensen appeared before the board and described the proposal as requested by chairman Baker. Mr. Jorgensen said that his property on the Shunpike has a 19th century Colonial farmhouse that currently has two wings on it, sits about 45 feet from the Shunpike. The property consists of 13 acres. The existing house has a one-story wing on the east side, on the west side there is a two-story wing together with a one story enclosed porch.

Mr. Jorgensen said he would like to extend the wings giving one bedroom to each of his three children and add an interior staircase in each wing so that in the event of fire everyone can easily exit the house. Currently, the only staircase is up the center hall of the house.

Chairman Baker expressed that the board has a working guideline of about 25% area expansion for nonconforming buildings/structures, but is not a rule. He calculates the space to be between fifty and 60 percent, 1,400-1,500 sq. ft increase.

Board member Parisi questioned when the house wings were put in, if this was before 1970? Mr. Jorgensen said he doesn't know exactly; he purchased the house seven years ago.

Mr. Jorgensen expressed that both wings are on a stone foundation.

Chairman Baker said he calculated 2,432 total sq. footage for the existing house, plus the two wings. Mr. Jorgensen said the wings are currently ten feet wide, his request is twenty feet wide. The footprint is pretty close to 25%. The east wing does not have a second floor. Mr. Jorgensen expressed that the setback is not going to change. Board member Audia questioned if the rear of the house could be added onto? Mr. Jorgensen said that there is a septic system in the back so he cannot add to the rear. The board calculated that a 55 ft. front yard variance from setback requirements is needed to meet the 100 ft. setback requirement.

Mr. Jorgensen expressed that most of the sq. footage is needed to accommodate the stairs.

Board member Audia questioned if the existing chimney is being used? Mr. Jorgensen remarked that the chimney is thin, narrow, and will most likely be torn down. This was used to vent a wood stove by the former owner.

Board member Audia remarked that if the house could be moved back it would become conforming.

Mr. Jorgensen referred to the little addition that is on the west side, the peak of the ceiling height is about five feet, is a bedroom that only his five year old can use.

A motion to open the Jorgensen public hearing was made by board member Parisi, and seconded by board member Audia. 4 ayes, 1 absent.

There were no public comments. Mr. Jorgensen said he wrote to his adjoining neighbors, also talked about the proposed addition, submitted a copy of the letters with his application. A copy of the letters are on file.

Mr. Jorgensen was shown the list of adjoining neighbors who received a copy of the public notice by chairman Baker.

A motion to close the Jorgensen public hearing was made by board member Marshall, and seconded by board member Parisi. 4 ayes, 1 absent.

Board members discussed that if the house could be moved back to the 100 ft. boundary line, it would be conforming. The entire house is on a fieldstone foundation. Board members felt it might be worth trying to tear the wings down and move the house. Mr. Jorgensen explained that there is all ledge rock in the rear, there is a leech field where the ledge comes down. The only place that has leech is where the ledge comes down. Mr. Jorgensen said he considered moving the house. Chairman Baker remarked that when the wings are removed the house will look like a very small box. It may be feasible to have an engineer come to the site, inquire

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what might be involved. Mr. Jorgensen expressed that he is trying to do the least amount of work. Board member Audia expressed that the foundations under the wings will need to be dug out, will new foundations be needed. Mr. Jorgensen said that the east wing gets a new

foundation, the west wing uses part of the foundation, then gets a new foundation for the remainder.

Board member Audia expressed that this application is locking the house into nonconformity.

Board member Marshall suggested making the house smaller. Chairman Baker remarked when the stairs are built on both wings; the actual amount of useable floor space is not that great.

Mr. Jorgensen said that the house is on a rock ledge, has good drainage, has a drilled well. There is a sulfa odor to the house water. The house was built exactly on a hill, all parts of the house slope downward and drain perfectly.

Chairman Baker remarked that two area variances are being requested; a 55 ft. front yard variance from setback requirements and square footage expansion of the floor area for nonconforming structures.

A motion to grant the Jorgensen application a 55 ft. variance from front yard setback requirements, and to increase the square footage from 2,432 to 3,832 square feet, was made by board member Parisi, and seconded by board member Audia. 4 ayes, 1 absent.

Fee Status: \$150.00 application fee paid

Robert J. Campbell, Robert J. Campbell, Jr. and Sons, Inc., appeared before the board for discussion of possible changes to the list of business uses approved by the board for the addition to his building at 2610 Route 44. The current approval granted is for himself, and space for Williams Design Center. Mr. Campbell said that if his current tenant, Williams Design Center decides that they do not want to take the additional space he would have a list of uses already in place, approved, while looking for another tenant. Mr. Campbell said he would like it set up the same as the Millbrook Training Center, then he would only have to go before the Planning Board for final approval. Mr. Campbell said his list of uses is similar to the use that he already has and would fit in nicely with the current businesses in his building. The uses do not call for large amounts of water useage or a large amount of traffic. He has also tried not to compete with businesses already established in the Village.

Mr. Campbell said he plans to start his addition in one month. A list of possible business uses to both the Planning and Zoning Boards was submitted in January. A copy was distributed to both boards by secretary Caul.

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Mr. Campbell requested the board to cross off the first three business uses listed, Gun Shop, Lamp Store (Light Fixtures), Sporting Goods Store, and remarked that he is open to the removal of other businesses on the list that the Board disapproves.

Mr. Campbell expressed that the list of businesses are not high volume businesses, next referred to the former bowling alley - Millbrook Commons/Tuxis Corporation uses that he reviewed, said that he wants to look for tenants that are closely related to his current business.

Board member Baker remarked about the current approval being based on businesses having moderate to low traffic volume. This area is a high traffic area; persons are concerned about cars pulling out of the driveway/parking area. Mr. Campbell expressed that persons traveling on South Road drive through his parking lot so that they don't have to stop at the stop sign to go to Millbrook.

Board member Baker spoke to the current approval setup; Mr. Campbell needs to find a specific prospective tenant, then present this to the ZBA and Planning Board for each tenant. It is very difficult to look for tenants when there is no guarantee of an approval. Also, the amount of time that it takes for Mr. Campbell to obtain approval, makes it very difficult to negotiate with a prospective tenant.

Board member Baker expressed that he is not certain how this request is to be handled/addressed beyond this board appearance. Reference was made to the Millbrook Training Center who has various groups, St. Francis Hospital, St. Joseph's School, only having to appear before the Planning Board for approval.

Mr. Campbell presented the proposed addition site plan that was reviewed by the board.

Board member Baker expressed that this issue will need further discussion between all board members.

A Motion to adjourn the meeting was made by board member Parisi, and seconded by board member Audia. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Nikki Caul, secretary