

**TOWN OF WASHINGTON  
ZONING BOARD OF APPEALS**

September 18, 2007

A meeting and public hearing of the Zoning Board of Appeals was held on September 18, 2007 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the applications of 1) Barbara A. McNulty for area variances from the Town Zoning Code Appendix B, Schedule of Area and Bulk Regulations, to allow a two lot subdivision at 72 Old Coach Lane.

The property is zoned RR 10. 2) Tina S. Rechner for area variances from the Town Zoning Code Appendix B, Schedule of Area and Bulk Regulations, to allow construction of a detached garage at 170 Jameson Hill Road. The property is zoned RL 5. 3) Mary and Francis Hurley for an area variance from the Town Zoning Code Appendix B, Schedule of Area and Bulk Regulations, to allow construction of a 20'x14' deck at 54 State Route 343. The property is zoned RH 1.

4) JPN Ventures (Christopher Lynch) for area variances from the Town Zoning Code Appendix B, Schedule of Area and Bulk Regulations to allow construction of a two and one half story wood frame house at Hammond Hill Road. The property is zoned RR 10.

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

The meeting was called to order at 7:30 P.M. by board member Jerry Baker, who chaired the meeting in the absence of Chairman Roeller.

**A motion to approve the August 21, 2007 meeting minutes as written was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

Acting Chairman, Baker introduced himself and board members present, explained that the board constitutes five members, two members are absent this evening, a quorum, three board members, are present to hold a legal meeting, a three vote majority of the board needs to be constituted in order to pass, and next read the order in which the application requests were to be heard.

Previously submitted to the board for the McNulty application were cover letter dated August 8, 2007 under the signature of Harry J. Bly, completed Application to Board of Appeals, Short Form Environmental Assessment Form, Agents Authorization, Tax Parcel Map, and Subdivision Map prepared by Harry J. Bly dated July 18, 2007.

**Dutchess County Tax Map Grid No.: 6865-00-305568**

Harry J. Bly, L.S., Bly & Houston, LLP and Barbara A. McNulty, owner, appeared before the board.

Acting Chairman, Baker read the published public notice.

Mr. Bly questioned if board members had an opportunity to visit the site? Board members responded affirmatively. Mrs. McNulty said she saw the members when the site visit was made.

Mr. Bly presented an enlarged aerial photo of the McNulty property and explained that there are two accessory buildings as a result of the proposed subdivision, which will be less than 100 feet to a side line. The horse barn with apartment is 90.9 feet from the proposed division line and the garage on Lot No.1 will be 66.6 feet from the division line. The RR 10 zone requires 100 feet.

The division line, as proposed, is in the most practical location and will not change the character of the neighborhood and will not adversely affect the health, safety, and welfare of the community.

Mr. Bly said that application has been previously made to the Town of Washington Planning Board. At their meeting, no objection was made.

The proposed two lot subdivision for Lot #1=39.37 acres, Lot #2=26.13 acres, are held in easement with the Dutchess Land Conservancy and will not be further subdivided. Mrs. McNulty expressed that she signed the entire property to Dutchess Land Conservancy last fall; DLC accepted that division line for the proposed two lot subdivision. The two lots will remain as Lot #1=39.37 acres, Lot #2=26.13 acres. Mrs. McNulty said that her lot will contain her existing residence, and a new garage, nothing else. She is dividing off the working complex, the two barns, the shed, and the original house. Mrs. McNulty related that the DLC easement agreement includes an allowed indoor arena to be built behind the barn, which would be attached to the barn, at some point in the future, if so desired by the new owner, or upon her demise/or sale of her parcel. A caretaker's house and a small barn can also be built.

Board member Parisi questioned if a second driveway is being proposed? Mr. Bly explained that there is a proposed driveway entrance application with DOT for approval, has conceptual approval; the second driveway will be connected to the existing driveway.

Mr. Bly said that they realized in creating the lots configuration and utilizing the natural boundary that two side yard variances from setback requirements are needed.

Mr. Bly expressed that granting the variance for the proposed subdivision will not make any visual difference.

Board member Audia questioned if DLC allowed Mrs. McNulty an envelope to build any additional structures? Mrs. McNulty pointed out her residence, where she is allowed to build a barn, and a small caretakers apartment. Acting Chairman Baker said that DLC placed a restriction on one side of the property, there is no restriction on the other side where the house might be placed. Mrs. McNulty said DLC restricted the size of the house for a maximum of 5,000 sq. ft.

**A motion to declare the McNulty application/proposal a Type II Action was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

**A motion to open the McNulty public hearing was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

There were no public comments.

**A motion to close the McNulty public hearing was made by board member Parisi and seconded by board member Audia. 3 ayes, 2 absent.**

**A motion to grant the McNulty application two side yard variances from setback requirements, Lot #2 containing the barn - 9.1 ft variance, Lot #1 containing the garage - 33.4 ft variance, was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

Fee Status: \$150.00 application fee paid

Previously submitted to the board for the Rechner application were completed Application to Board of Appeals, Short Form Environmental Assessment Form, Property Deed, and Subdivision of Lands of Schor dated April 15, 1980 prepared by Hayward and Pakan Associates, Poughkeepsie, New York.

**Dutchess County Tax Map Grid No.: 6566-00-891818**

Tina Rechner, and partner, appeared before the board.

Ms. Rechner explained that the proposed detached garage would be sixty-two feet from the road, and fifty-four feet from the property line. The stone wall that is on the back corner was pointed out on the map by Ms. Rechner when questioned by board member Parisi.

Review of the site plan map and private driveway followed. Ms. Rechner expressed that Andy Schor, adjoining neighbor, has a right-of-way to the existing driveway. Ms. Rechner said that Mr. Schor intends to add on to the driveway further down the drive sometime in the future. Board member Audia requested that the location of the proposed driveway and garage be pointed out on the survey map. Ms. Rechner said the two pine trees are to be removed but the bushes will remain. The garage will be right on the edge of the existing driveway. Board member Audia questioned if the right-of-way is a legal right-of-way or just a mutual consent agreement? Ms. Rechner said it is a legal right-of-way; when Mr. Schor built the Rechner house, he asked for a right-of-way since his house is located in the rear; the right-of-way is recorded in the property deed.

Chairman Baker remarked about the septic area and suggested that it is not obstructed before the garage is built, persons with trucks may back over the septic system.. Ms. Rechner said a

construction fence will be installed.

Board member Parisi questioned why the proposed garage cannot be placed on the other side of the house? On the other side of house is a 6 ft bank and a very large oak tree. Most of Jameson Hill is rock, everything from the tree that was pointed out, actually sits on a hill. You would have to dig into the rock to put in a garage. There is a six inch pitch from the driveway into the proposed garage, to get a nice grade from the driveway to the garage they will need to come down about two feet. The rock varies in this yard, the rock drops off, if the proposed garage is on solid rock they are going to propose a launch slab, if it is not on solid rock they will do a full forty-two inches, a footing and block wall.

Board member Audia questioned if the stone wall is considered to be the property line? The surveyor has placed the property line along the stone wall as a natural division line.

**A motion to declare the Rechner application/proposal a Type II Action was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

**A motion to open the Rechner public hearing was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

No one from the public was in attendance to comment.

**A motion to close the Rechner public hearing was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

The size of the proposed garage is 24'x30', according to the grades of the property there are no options to build the proposed garage in another location. The proposed garage is higher than the existing driveway.

Board member Audia questioned the direction of the leach field? The leach field runs parallel to the adjacent driveway.

**A motion to grant the Rechner application a 21 ft. side yard variance from setback requirements on the side lot, and a 50 ft. variance toward the lot line on front toward the road, was made by board member Parisi, and seconded by board member Audia. 3 ayes, 3 absent.**

Fee Status: \$150.00 application fee paid

Board of Appeals, Short Form Environmental Assessment Form, Attachment to question #5, A & B 1,2,3, and Survey Map prepared by Harry J. Bly, dated May, 1990.

**Dutchess County Tax Map Grid No.: 6764-01-345684**

Mary and Francis Hurley appeared before the board.

Mr. Hurley explained that they wish to build a 20'x14' deck off of their existing back porch. The deck is to be built away from the property line. The property has 60 ft. access. The existing 8'x12' porch will remain. Mrs. Hurley remarked that there are bushes along the fence line that are nine feet height that ensure privacy.

Board member Parisi questioned where the egress from the house onto the porch to the proposed deck is located. Mrs. Hurley pointed out the location on the survey map.

**A motion to declare the Hurley application/proposal a Type II Action was made by board member Audia, and seconded by board member Parisi. 3 ayes, 2 absent.**

**A motion to open the Hurley public hearing was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

No one from the public was present to comment.

**A motion to close the Hurley public hearing was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

Board members felt that there are no options in the location for the construction of the proposed deck. **A motion to grant the Hurley application a 22.5 ft side yard variance from the 30 ft. setback requirements was made by board member Audia, and seconded by board member Parisi. 3 ayes, 2 absent.**

Fee Status: \$150.00 application fee paid

Previously submitted to the board for JPN Ventures (Christopher Lynch) application were completed Application to Board of Appeals, Short Form Environmental Assessment Form, Site Plan Map and Septic Design Plan prepared by Patrick Normoyle, Kellard Engineering and Consulting, PC, Armonk, NY.

**Dutchess County Tax Map Grid No.: 6964-00-612107**

Christopher Lynch, owner, appeared before the board.

Page 5

Mr. Lynch said that he met with Town Highway Superintendent, Jim Brownell, at the site a couple of days ago, regarding the proposed driveway, who did not see any issues, and will

write up his approval for the planning board. Superintendent Brownell's only comment/recommendation was for a pipe size that is needed, also what should be done for the culverts.

Mr. Lynch described his proposal to build a typical two and one-half story colonial, two car garage structure, which will face toward the front of the property. The house is a four bedroom residence. The house is situated in such a way that works best both for the neighbors as well as access onto the property.

Mr. Lynch expressed that he attempted to visit the adjoining neighbors however no one was at home and will try again.

Board member Parisi questioned the distance of the front corner of the proposed house from the road? Mr. Lynch said the proposed house is 92.5 feet from the front corner of the property, the distances from the side are 45 ft, and 68 ft.

Board member Parisi questioned if Mr. Lynch can place the house back approximately 8 feet? Mr. Lynch said that he would move the house back 8 feet if the board is adamant in their request, and mentioned the swale that has to be put in. Chairman Baker expressed that moving the proposed house location back 8 feet would be a negative; he feels that the space is needed to catch the water coming down that hill.

Chairman Baker questioned the square footage of the proposed house? Mr. Lynch said the house is about 2,600 sq. ft. Mr. Lynch said the garage is attached, is on the first floor, the bedrooms are over the garage.

Board member Audia recommended that the well be dug before construction of the house. Board member Parisi questioned if the Board of Health has approved the well?

Board members emphasized that at the pre-application discussion in August, the driveway was a concern. Mr. Lynch reiterated that he met with Town Highway Superintendent, Brownell who said that if a 40 ft. pipe is put in, he approves of the driveway, and will submit his approval to the planning board for site plan approval recommendation.

**A motion to declare the JPN Ventures application/proposal a Type II Action was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent.**

**A motion to grant JPN Ventures three (3) variances: a 32 ft. side yard variance on the northeast side lot, a 56 ft. side yard variance on the southwest side lot, an 8 ft. front yard variance from setback requirements was made by board member Audia, and seconded by board member Parisi. 3 ayes, 2 absent.**

Fee Status: \$150.00 application fee paid

Page 6

All applications being heard **a motion to adjourn the meeting was made by board member Parisi, and seconded by board member Audia. 3 ayes, 2 absent. The meeting was**

**adjourned at 9:00 P.M.**

Respectfully submitted,

Nikki Caul, secretary