

Town of Washington
Zoning Board of Appeals

A meeting and public hearing of the Zoning Board of Appeals was held on October 20, 2009 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York to consider the applications of 1) Donald and Katherine Wright for area variances from the Town Zoning Code, Appendix B, Area and Bulk Regulations, to allow construction of an addition to the existing residence at 114 Horse Road. The property is zoned R1. 2) Russell M. Healy and Laura Palmer for area variances from the Town Zoning Code, Appendix B, Area and Bulk Regulations, to allow construction of a two car attached garage to the existing residence at 450 Woodstock Road. The property is zoned RL 5.

Members Present: Chairman, Jerry Baker, Peter Audia, Donald Marshall, Diane Parker, John Parisi.

Chairman, Baker called the meeting to order at 7:33 P.M.

A motion to approve the July 21, 2009 meeting minutes as submitted was made by board member Parisi, and seconded by board member Audia. All ayes.

Board member Audia referred to the Evangelical Free Church application approval on June 16th, conditioned upon the Millbrook Fire Department endorsing the revised East Clinton Fire District Letter, questioned if the board received the letter? Chairman, Baker, acknowledged affirmatively, said the letter is under the signature of Fire Chief, Hawks is a one paragraph letter saying if the East Clinton Fire District is okay with the approval the Millbrook Fire Department is also okay with the approval. The letter is on file.

Previously submitted to the board for the Wright application were completed Application to Board of Appeals, Short Form Environmental Assessment Form, copy of Survey Map prepared for William S. BreMiller & Susan J. BreMiller dated November 13, 1986 under the signature of Harry J. Bly, Bly & Houston, LLP.

Mr. and Mrs. Wright appeared before the board.

Chairman, Baker read the published public notice.

Mr. Wright addressed the board, explained that his house is a split level, wants to add on a 16 ft. x 28 ft. addition, is bringing it forward to break up the roof line. The existing house is two stories with a garage underneath.

Board member Audia questioned if the property has been re-surveyed or if anything has changed since the surveyed map date that was submitted? Mr. Wright said no changes have been made. Chairman, Baker said the tax card indicates that the property consists of .7 acres, the lot shows

.8 of an acre, the district is zoned one acre so the lot is non-conforming. The one acre zone requires a 200 ft. lot width, 200 ft. road frontage. The rear of the lot is 237 ft., the front is 171 ft. There are two areas of nonconformity. If nonconforming, the board is limited to the 25% Rule. Mr. Wright said the existing residence was under 1,400 sq. ft. when purchased, nothing has changed.

Chairman, Baker remarked that the proposed addition is 16ft. x 28ft x2 floors. The Village uses footprint- area, the Town uses total gross sq. ft. floor space. The board can issue in addition to the setback variance, acknowledge that there may be a percentage increase. The 25% Rule As of Right; if less than 25% for nonconforming property is automatic, over 25% the board discusses this, is under consideration, can issue an acknowledgment. The addition is 28'x16', % increase of the 25% Rule As of Right would be 75 sq. ft. over the 25%. The consideration over the 25% Rule is 448 sq. ft. 1,800 sq. ft. includes the porch, is an addition of 900 sq. ft. or 50% increase. The three issues are- road frontage that is not 200 ft., % increase, add 4 ft. to setback. A 2.8 ft. front yard variance is needed.

Mr. Wright expressed that the house was built in 1959.

Chairman, Baker stated that this application is an Uncoordinated Review for area variance, classifies this application a Type II Action that falls under the DEC Law 617.5, C12 granting of individual setback and lot line variances are a Type II Action. **A motion to declare the Town of Washington Zoning Board of Appeals Lead Agency and classify the application a Type II Action was made by Chairman, Baker and seconded by board member Parisi. All ayes.**

A motion to open the Wright public hearing was made by board member Parker, and seconded by board member Marshall. All ayes.

No one from the public was in attendance to comment on this application. Board member Audia questioned if Mr. Wright has talked to his neighbors about the addition? Mr. Wright responded negatively. Chairman, Baker remarked that all of the adjoining neighbors five hundred feet from the property line were notified of the public hearing, sent a copy of the published public notice. Board member Marshall expressed that if the neighbors were concerned they would be here tonight, or would have contacted Chairman, Baker.

A motion to close the Wright public hearing was made by board member Parker, and seconded by board member Parisi. All ayes.

Board member Parisi questioned if the addition could be moved back four feet, giving a break in the front line? Mr. Wright said he is bringing the addition forward to break up the roof line giving the house appearance more aesthetically Board member Audia remarked that the porch is back, board member Parisi's point is to put the garage back. Mr. Wright said that the location of the well is in the front, pointed out the location on the map, the location of the septic is in the back, he would rather not put the garage to the back. Board member Audia questioned if the

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driveway would be brought further around the back? Mr. Wright responded affirmatively.

Chairman, Baker expressed that the lot is nonconforming, is less than one acre, the road frontage is

only 170 ft., is subject to the consideration of the 25% area increase, and the proposed addition is a 50% addition to the area of the house.

A motion to grant a 2.8 ft. variance from front yard setback requirements, and grant a variance approving the addition of 50% in consideration of the 25% area increase rule was made by Chairman, Baker and seconded by board member Audia. All ayes.

Fee Status: \$150.00 application fee paid

Previously submitted to the board for the Healy-Palmer application were completed Application to Board of Appeals, Short Form Environmental Assessment Form, Survey Map prepared by Harry J. Bly, dated September 7, 1999 and copies of front elevation, first floor plan, second floor plan, and side elevation of proposed garage.

Russell Healy and Laura Palmer appeared before the board.

Chairman, Baker read the published public notice.

Chairman Baker stated that this application is an Uncoordinated Review for area variance, classifies this application a Type II Action that falls under the DEC Law 617.5 C12 granting of individual setback and lot line variances, less than 4,000 sq. ft gross floor area, are a Type II Action, not subject to the SEQRA review. **A motion to declare the Town of Washington Zoning Board of Appeals Lead Agency and classify the application a Type II Action was made by Chairman, Baker and seconded by board member Parisi. All ayes.**

Chairman, Baker questioned the location of the property? Mr. Healy said the property is on the south side of Woodstock Road, one half mile off Stanford Road. No neighbors are visible from their property.

Ms. Palmer said that the location of the well is behind the house, the septic is to the southwest.

Chairman, Baker expressed that he researched the road frontage, added up enough to cover that issue. The board is dealing with side and front setback variances. The RL 5 district requires side yard setback of 75ft., the front yard setback requirement is 100 ft.

Board member Parisi questioned if the garage can be moved forward? Ms. Palmer said that they want to maintain the view from the front porch.

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A motion to open the Healy-Palmer public hearing was made by board member Audia, and seconded by board member Parisi. All ayes.

No one from the public was present to comment on this application

A motion to close the Healy-Palmer public hearing was made by board member Parisi, and seconded by board member Palmer. All ayes.

A motion to grant a 12.1 ft. variance from front yard setback requirements (the north side), and grant a 5 ft. variance from side yard setback requirements (the west side), was made by board member Palmer, and seconded by board member Parisi. All ayes.

Fee Status: \$150.00 application fee paid

A motion to adjourn the meeting was made by board member Parisi, and seconded by board member Audia. All ayes. The meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Nikki Caul, secretary

