

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, January 4, 2009 at LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Tracy Johnson called the meeting to order. Board members Paul Bisceglia, Nancy Swanson, Gary Polhemus and alternate Marc Komorsky were present. Aaron McPeck was absent.

Mr. Johnson made a motion to accept the minutes of December 7, 2009 as amended. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

NEW BUSINESS

01-10-01 AREA VARIANCE: MICHAEL BERTA, 7 ROBERT ROAD,
POUGHKEEPSIE, NEW YORK Grid No. 6361-03-100026

Seeking relief from Chapter 240-29 G.(1) Nonconformity in order to construct a second floor addition to an existing nonconforming single family residence

Michael Berta was present. Mr. Johnson conducted the swearing in of Mr. Berta.

Mr. Berta said he is the owner of the property and the architect for the project. He has an existing one car attached garage with a flat roof which has been there since 1954. He would like to build a family room and a bedroom on top for his mother. The existing bedroom count will remain the same as another bedroom has already been converted into an office. The house has been a 2-bedroom house for a long time. The addition will be a 2-story addition on top of the garage, keeping the same architecture and going in style with what is already there.

Mr. Polhemus said the survey shows the driveway going over the property line. He wondered if Mr. Berta would be correcting that. Mr. Berta said he wasn't planning on it. The next door owner and he have an agreement that the driveway can stay and they can use his driveway to service the oil tank on their property. It's been that way for 17 years, and it has never become an issue. It is a blacktop driveway. Mr. Polhemus asked if the hedgerow between the properties would remain. Mr. Berta said it would remain. The hedge is about a foot above the existing garage and there is an access walkway along the side between the garage and the hedge with an access path to Mr. Berta's back yard.

No response had been received from the neighbor.

Mr. Polhemus said it appeared the garage was built at the same time as the house. Mr. Berta said the records show it was built in 1954, at the same time as the house. He said it appeared from the construction that it was originally the intention to finish above the garage.

Mr. Komorsky asked if he was going to shore up the garage. Mr. Berta said he had done that a number of years ago because of the water coming in the back, causing one of the walls to collapse.

Mr. Polhemus said it appeared that no responses had been received from any of the neighbors. Mr. Johnson said there had been one telephone call from Gerda Bruder of 10 Robert Road indicating that she had no problems with the proposal.

Mr. Johnson asked if there was anyone in the audience who wished to speak for or against the application. There being no comments, Mr. Johnson made a motion to close the public hearing. Ms. Swanson seconded and the motion carried unanimously.
PUBLIC HEARING CLOSED

Mr. Berta said the only certificate of occupancy he had was for an addition he put on in 2004.

Mr. Johnson then addressed the findings:

Character of the Neighborhood and Detriment to Nearby Properties

The board had received no comments from any of the neighbors indicating a problem with the proposal. The building will maintain its current footprint. The building will be a little more visually noticeable with the addition over the garage. The architecture will make it consistent with the current structure, which would be a mitigating factor in terms of any visual change to the property.

Alternative Methods for Achieving Benefit Sought by Applicant

This is currently a nonconforming lot, and is very small. With the well and structures behind the house it would be difficult to do any building to the rear. The garage forms a reasonable place for the new construction.

Substantiality of Variance Requested

The variance is substantial but there is no increase in the variance being requested for the building.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

The building itself will become larger so it will be more visible but the architectural renderings of the new construction indicate it will be a well-designed building so that the overall effect on the neighborhood would be positive because a more valuable house will bring up the value of the surrounding properties.

Self-Creation of Difficulty

The difficulty is self-created in the sense that when the applicant purchased the building it was clear that it would be difficult to do an expansion without a variance, however the benefit to the applicant would appear to outweigh the problem of self-creation of the difficulty.

Given those findings Mr. Johnson made a motion to grant Mr. Berta relief from Chapter 240-29 G.(1) that says that a nonconforming residence cannot be improved in order to construct a second story addition on his existing nonconforming residence. Mr.

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LAGRANGE ZONING BOARD OF APPEALS

JANUARY 4, 2010

Polhemus seconded and the motion carried unanimously. AREA VARIANCE
GRANTED

There being no other business before the board, Mr. Johnson made a motion to adjourn
the meeting at 7:45 p.m. Mr. Bisceglia seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley
Zoning Board of Appeals Secretary