

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, April 5, 2010 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, Aaron McPeck and alternate Marc Komorsky were present.

Mr. Johnson made a motion to accept the minutes of March 1, 2010 as corrected. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

NEW BUSINESS

04-10-01 AREA VARIANCE: LOUIS & ADELE CHUGERMAN, 10 EXETER ROAD, POUGHKEEPSIE, NEW YORK. Grid No. 6460-03-403022
Seeking relief from Chapter 240-28 of the LaGrange Zoning Code which requires a setback of 55' from the right of way of a town road and 20' from the property line in order to construct a 24' x 24' garage with a proposed setback of 22' from the r.o.w. and 8' from the property line.

Michael Berta, architect for the applicant was present to represent the application. Mr. Berta was sworn in by Mr. Johnson. Mr. and Mrs. Chugerman were also present.

Mr. Berta said Mr. & Mrs. Chugerman have an existing single family residence that, because of the lot constraints, was put in sideways with the front door facing the side yard. There was a small shed in the front that was converted into a garage many years ago. The garage is beginning to fall down and is an eyesore. Mr. & Mrs. Chugerman would like to tear down the existing garage and construct a 2-car garage which will not be an eyesore to the neighborhood and will allow them internal access from the garage into the house via a stair through the basement. The garage will keep to the same architecture as the house and some of the other houses in the neighborhood.

Mr. Johnson referred to a drawing of the garage that the board had received. He described the garage as having 2 bays, a sloping roof and was one story or less. Mr. Berta said he was coming at mid level, working with the grade that is there. The floor line is mid way, similar to a raised ranch. Because of the way the house was laid out, there is no other place to put the garage.

Mr. McPeck asked where the entrance way to the house from the garage would be. Mr. Berta showed the board on the map where the entrance way would be. It was shown that the roof would slope out. Mr. Berta said it would be easy to get from the existing deck to the roof to clear snow off.

Mr. Johnson asked if the entrance way from the garage to the house was flat. Mr. Berta said there are about three steps. Mr. Johnson said he understood that is why the garage is needed to be 4' away. Mr. Berta said he tried to keep it as minimal as possible but the steps do come into the garage. He couldn't get it any closer or one bay would have been useless. Mr. Johnson said as he understood it, the garage could not be moved closer to the house because of the steps. Mr. Berta said he needed to provide a landing at the

bottom of the steps just in case any water got in, so it would not flood out the basement. He was putting in a drain and a sump pump.

Mr. Komorsky asked if drainage was also the reason for the pitch on the roof. Mr. Berta said that is one reason for it. Instead of keeping a flat roof he was trying to get a little bit of a pitch but a steeper pitch would not go with the house or the neighborhood.

Mr. Johnson noted for the record that this particular development is unusual in that there are town roads on both sides of the lots and a number of variances have been granted in the neighborhood because of the setback issues from the roads.

Ms. Swanson asked what the setback from the side property line would be for the new garage. Mr. Berta said it would be 8'. Ms. Swanson asked what the difference would be between what is there now and the new garage. Mr. Berta said the existing garage has a setback of 21.4'. Mr. Berta added that there is a row of pines that run down the side yard and they will be maintained, and if necessary one or two more trees could be added. Mr. Berta said, although the neighbor at 8 Exeter Road was not there that night, he had indicated that whatever the Chugermans did to get rid of the existing garage would be alright with him because it is an eyesore. Ms. Swanson asked if the macadam would be standard. Mr. Berta said yes. Ms. Swanson asked if the slope heading towards the house would be a problem. Mr. Berta said it would not be a problem because the water running off would be collected. There is a double roof system. One roof is higher and there will be a gutter on the whole thing. It will pitch to both sides of the garage, front and back so some water will drain to the front and some to the back and collect it into a drywell and store it on site. There is a storm sewer on the street and in a worst case scenario it could be tied into that. Ms. Swanson asked if Mr. Berta had checked to see if drywells were OK. Mr. Berta said drywells are OK for water retention. Drywells are not good for septic systems. As part of the mitigation it is required that they must retain the stormwater runoff on property. There is no choice in the matter.

Mr. Polhemus asked if the original garage had an entrance from the basement. Mr. Berta said it was his understanding that originally it was a shed and a car port lean-to that was enclosed, he believed illegally 38 years ago. Mr. Polhemus asked would it not be practical to put this garage 4 feet over and not have the entrance into the basement. Mr. Berta said if they did that there would not be an internal entrance. It would not be practical but it would be feasible. The owners would like to be able to pull into the garage and enter the house without encountering the elements. Mr. Polhemus again mentioned that the entrance would be through the basement and up into the house. Mr. Berta said this is a raised ranch, it will be a half a flight in and the owners would be dry. Mr. Berta said this would also be a selling feature.

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

Mr. McPeck made a motion to grant Mr. & Mrs. Chugerman relief from Town Code Chapter 240-28 which requires a setback of 55' from the right of way of a town road and

20' from the property line in order to construct a 24' x 24' garage with a proposed setback of 22' from the right of way and 8' from the property line. Mr. Johnson seconded and the motion carried unanimously. AREA VARIANCE GRANTED

Mr. Johnson then went through the record of findings.

In considering the Character of the Neighborhood and Detriment to Neighboring Properties, it was determined that the neighborhood was created before current zoning, consisting of small lots with town roads in front and back which strains the ability for owners to improve their lots. The current garage needs repair and the proposed garage will be an improvement to the neighborhood, so there does not appear to be any detriment to nearby properties or character of the neighborhood.

Alternative Methods for Achieving Benefit Sought by Applicant – Given the constraints on the lot size and the desire to have a walk-through entrance from the garage to the house, it does not appear that there are any viable alternative methods of achieving a 2-car garage.

Substantiality of Variance Requested – The variance is quite substantial, however 8' off the property line is quite reasonable given the small size of the lot.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood – The garage will provide a little more impervious surface, however this is being considered and mitigated with the drainage plan that the applicants have indicated. Otherwise the garage seems to be consistent with the structure of the house and the other houses in the general neighborhood.

Self-Creation of Difficulty – The difficulty is self created, however the benefit to the applicant would seem to outweigh the difficulty.

Ms. Swanson stated for the record that she had visited the site that day.

Concerning the KONDAS AREA VARIANCE which was on the March 2010 agenda, Ms. Swanson wanted to add to the record that a letter had been received from Robert J. Kondas agreeing to the proposed division of the land. This had been a condition for granting the variance.

There being no other business before the board, Mr. Johnson made a motion to adjourn the meeting at 7:50 p.m. Mr. Bisceglia seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley
Zoning Board of Appeals Secretary