

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, October 4, 2010 at LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Gary Polhemus called the meeting to order. Board members Nancy Swanson, Marc Komorsky, and alternate Mark Christenson were present. Paul Bisceglia and Aaron McPeck were absent.

Mr. Komorsky made a motion to accept the minutes of September 13, 2010 as submitted. Mr. Polhemus seconded and the motion carried unanimously. MINUTES ACCEPTED.

OLD BUSINESS

06-10-01 AREA VARIANCE: ORANGE COUNTY – POUGHKEEPSIE LIMITED PARTNERSHIP dba VERIZON WIRELESS, ROSSWAY ROAD, PLEASANT VALLEY, NEW YORK (OWNER: MARIA IOZZO) Grid No. 6562-03-370380 Seeking relief from Chapter 240-28 Schedule B, Chapter 240-49 G.(2), (5) in order to locate a wireless monopole with a proposed height of 136', and a setback of 231' from side yard and 341' from rear (tower) and 300' (accessory structure)

Mr. Polhemus announced that the Verizon Wireless application is not on the agenda because it is still before the Planning Board.

09-10-01 JOHN BARGER AREA VARIANCE, POND GUT ROAD, PLEASANT VALLEY, NEW YORK Grid No. 6562-02-819904 Seeking relief from Chapter 240-26 E. in order to carry out a 3-lot subdivision in which all three lots would be encumbered by wetlands and/or steep slopes. Also seeking an interpretation of the code concerning width of lot at any point.

Mr. Polhemus said this application was referred to the town attorney at the last meeting for a determination on the conflict within the code. The board does not have a determination back yet so the application will remain adjourned to the next meeting.

NEW BUSINESS

10-10-01 AREA VARIANCE: EDNA HARGRAVE, ROMBOUT ROAD, POUGHKEEPSIE, NEW YORK Grid No. 6362-03-474392 Seeking relief from Chapter 240-26 E. in order to carry out a 2-lot subdivision in which Lot #1 and Lot #2 are not within the 200' square that contains no steep slopes over 25%.

10-10-02 Seeking an interpretation of the code concerning width of lot at any point

George Cronk of the Chazen Companies was present to represent the applications. Mr. Cronk was sworn in by Mr. Komorsky.

Mr. Cronk explained that they are proposing a 2-lot subdivision. The proposal was submitted to the Planning Department and the application was denied without prejudice. They are before the zoning board with two applications. One is for an area variance for the 200' square. The other application is for a width variance. The site has a little over 11 acres on

Rombout Road in an R-120 zoning district. Lot #1 is proposed to be 6 acres and Lot #2 is proposed to be 5¼ acres. There is some steepness to the slopes and the dark shaded areas on the plan show slopes of more than 25%. The first plan they have presented shows how they would like to subdivide the property. Mr. Cronk wanted to point out that on Rombout Road the two parcels extend into the property about 3 or 4 hundred feet with each lot having 112' width of lot. The second drawing shows the same block configuration and meets all the requirements of the subdivision with the exception of the lot width which is an outstanding question. What it is showing is two lots at the bottom of the slope which shows that they can provide the 200' x 200' building square. The reason they are not crazy about this set up is that although it conforms to the zoning, it requires that the lots be all the way at the bottom, about 1,000 feet from the road and he feels that is an awful lot of driveway. What they would like to do is bring the two properties up a little bit higher, about two thirds of the way up on the property but the houses would not be in the building square. They would still have the septic systems further down. They would both be well driven lots and both lots would have access off of Rombout Road. This design shows a shared driveway. The purpose of this configuration is to show that technically they can provide the building square.

Mr. Cronk continued that the last drawing shows the two houses pulled up and one sits about 40 – 50' downhill from the existing lot and the other house lies along a ridge line. Both lots are, for the most part, completely out of the steep slopes area. The problem is that they do not meet the 200' x 200' at that point. The first thing they are looking for is a variance for relief from that.

The second issue is that the two lots have a width of less than 150' and this goes into a code interpretation. In the event that the town attorney decides that the lot width needs to be 150', they would have to extend a cul de sac for two properties just to meet the requirements of the code.

Mr. Polhemus asked the board if they had any questions.

Mr. Komorsky asked what is the degree of grade from the existing house in the front lot to the proposed house location. Mr. Cronk said the existing house is at an elevation of 380 and the proposed house would be at an elevation of 330 or 332 so it would be a 40' or 50' drop. He said the site overall has a 10% slope (inaudible comment)

Mr. Komorsky said if he remembered it correctly, where the proposed house is to be built there was an orange flag on one of the trees back there. He wondered if that was the proposed house location or where perc tests had been done. Mr. Cronk was not aware of the orange flag.

Ms. Swanson asked if the lot with the existing house was once part of the Hargrave property. Mr. Cronk said he believed it was, in fact most of the parcels in the area were part of the Hargrave property. Ms. Swanson asked if he knew when that lot was created. Mr. Cronk said he was not sure, maybe in the 1980's. Ms. Swanson said the house was not there until a few years ago. Mr. Cronk said he could look at the records to find out when the lot was created. Ms. Swanson said the lot appears to be less than the 120,000 sq.ft. required by zoning. Mr.

Cronk said that entire area was rezoned to R-120 recently. Ms. Swanson asked if Mr. Cronk knew who did the building on that lot. Mr. Cronk did not know.

Mr. Christenson said obviously there was going to be a lot of excavation no matter where the houses go. He wondered how much land fill would be brought in. Mr. Cronk said they had not done a cut fill analysis yet because they have not been to the Planning Board. The Planning Board will weigh in on whether they can have single or shared driveways (inaudible).

Mr. Polhemus said it appears the leach field sites moved when they moved the houses. Mr. Cronk said that was just purely to accommodate the location of the houses. He said there is plenty of good area down at the bottom.

Mr. Polhemus said he sees they are further away from the property lines than the original proposal but he didn't know how the soil was. Mr. Cronk said there was a 10 to 12 perc rate but this has not been witnessed yet, but they were good sites. (inaudible)

Ms. Swanson asked Mr. Polhemus when he was referring to the original proposal, what was he referring to. Mr. Polhemus indicated on the maps where the septic systems are now. Where they were originally proposed to be, the septic systems were back closer to the line, and the front one is almost against the line. Mr. Cronk said when they are done the septic systems will be at least 10' off the property line.

Mr. Polhemus asked if the area is just as flat or better or worse as far as slopes in the new squares that are being proposed. Mr. Cronk answered by indicating on the plan the areas concerned. He said there is still a good amount of area around the house, it just doesn't meet the whole 200' x 200'. In the back they can meet the 200' x 200' and is a better footprint for the houses, it just causes a lot more environmental problems.

Mr. Polhemus asked what the area of the smaller square would be. He felt they would need to know that. Mr. Cronk said there would still be a 200' x 200' square on each lot, it just would not include the house.

Ms. Swanson said she was hoping the board would schedule a site visit and have everything marked out according to what the plan would be as to where the new building square would be.

Mr. Komorsky asked whether a site visit should be done before an interpretation is received on the width of lot. Mr. Polhemus said if the determination comes back saying no, then they would have done the site visit for nothing but if it is a positive determination, then the board is going to want to know what the topography looks like.

Mr. Cronk asked if it would be necessary to request a variance from the minimum width of lot, would they need to visit the site again. Mr. Polhemus said it would depend upon how good the visit would be the first time. Mr. Cronk said he could put a couple of stakes in to show the approximate center line of where the subdivision line would be. He would also

show the two areas where the homes could be, at the bottom of the hill and pulled up the hill and a shared driveway or separate driveways.

Mr. Cronk said he believed he could be ready by the 16th of October and if not he could let the board know. The board agreed to set a potential site visit for Saturday, October 16th at 9:00 a.m.

Ms. Swanson said there was a statement in the application stating that they would not know the exact footprint of the houses because it would depend on the buyer. Ms. Swanson asked if they could set what the dimensions of the house should be so it fits within what they are proposing. Mr. Cronk said the houses would still need to meet the setback requirements, and typically when a subdivision is approved, as long as there is no more than a 2 to 3 foot mean variation of the first floor elevation, nothing more is required on top of that.

Ms. Swanson said if the house will not be within the building square it's hard for the board to make a decision. Mr. Cronk asked if the board would like a limit set on the footprint of the house. Ms. Swanson felt it was something that might come up. Mr. Cronk said they would not be able to put a 4,000 sq.ft. house on either of the pulled up lots because they would be too close to the steep slopes.

Mr. Polhemus asked if there was anyone in the audience who wished to speak for or against the application. There being no comments Mr. Polhemus made a motion to adjourn the public hearing concerning the building square to the next meeting with the site visit to be held on October 16th at 9:00 a.m. and also adjourning the pending interpretation of the code concerning the discrepancies within the code with reference to the width of lot. Ms. Swanson seconded and the motion carried unanimously. PUBLIC HEARINGS ADJOURNED

There being no other business before the board, Mr. Polhemus made a motion to adjourn the meeting at 7:56 p.m. Ms. Swanson seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary
Zoning Board of Appeals