

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, December 7, 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, Aaron McPeck, Gary Polhemus and alternate Marc Komorsky were present.

Mr. Johnson made a motion to accept the minutes of November 2, 2009 as amended. Mr. McPeck seconded and the motion carried unanimously. MINUTES ACCEPTED.

OLD BUSINESS

09-09-02 USE VARIANCE: ADAM WESNER, 22 FELLER ROAD,
POUGHKEEPSIE, NEW YORK. Grid No. 6360-01-167575

Seeking a use variance to have a 2-family residence in an R-40/60/80 zoning district in violation of Chapter 240-27 Schedule of Permitted Uses

Harold Mangold Esq. and applicant Adam Wesner were present to represent the application. Mr. Johnson asked Mr. Mangold how he wanted to proceed as the board had received a letter from Mr. Mangold indicating that they were thinking about withdrawing the application. Mr. Mangold said he had talked to the town attorney that morning and he said they had run out of some options. His client is no longer employed full time and he cannot afford the cost of continuing the procedure. Mr. Wesner had requested that Mr. Mangold withdraw the application. Mr. Mangold said there is a tenant downstairs and there is a tenant upstairs. All of the compliance issues had been completed except that there is some work to be done concerning sheet-rocking. If the use variance had been granted it would have complied.

Mr. Johnson made a motion to accept the request to withdraw the application, noting that there are some circumstances which the town is aware of and they will take into consideration as the town proceeds with this issue. Mr. Mangold added that he is in the process of arranging a meeting with the building inspector. Mr. Johnson said the Zoning Board of Appeals has no jurisdiction over the enforcement of codes but he had been made aware that there are some issues and the town is cognizant of them.

Following Mr. Johnson's motion, Mr. Polhemus seconded and the motion carried unanimously. USE VARIANCE APPLICATION WITHDRAWN

Mr. Mangold thanked the board for their time.

NEW BUSINESS

12-09-01 AREA VARIANCE: JOHN COLACCHIO, 460 ROSSWAY ROAD,
PLEASANT VALLEY Grid No. 6562-01-231603

Seeking relief of 2' from the required minimum property line setback of 25' in order to construct a rear kitchen extension with a proposed setback of 23'.

Mr. Colacchio was not immediately present but Mr. Johnson suggested that the board go ahead and review the application as it appears to be a fairly minor variance.

Ms. Swanson wished to state for the record that she knows the Colacchios and if there were anything controversial she would consider recusing herself.

Mr. Johnson said, according to the map, the house is one of a number of lots that are long and narrow. Most of the houses in the area are set close to the road but they are staggered. The area is a fairly wooded and rugged area and is moderately rural even though the houses are fairly close together. On the Colacchio property there is a garage which extends to the south of the house which is approximately 20 feet from the property line so it is not feasible to extend the kitchen in that direction and there is a patio on the north side. The house itself, which is at an angle, is 24' from the property line, making it slightly nonconforming. The addition will be 6' coming off the back of the house which, because of the angle will make it about 23' from the property line. Mr. Johnson noticed when he visited the site that there were a number of large trees along the north side of the property line so that the house is well screened from the neighbor's house, which is also set back 20 – 30 feet from the Colacchio property.

At this point owner and applicant John Colacchio arrived. Mr. Colacchio introduced himself and said he is seeking a variance to extend a kitchen at 460 Rossway Road. Mr. McPeck led the swearing in of Mr. Colacchio.

Mr. Johnson asked Mr. Colacchio if he is trying to put an addition on the back of the house. Mr. Colacchio said he is extending the kitchen at the back of the house. Mr. Colacchio said the septic is in the front on the northern side of the house.

Mr. Johnson said when he visited the site that afternoon he had noticed a number of large trees along the property line where the kitchen extension would go and the house on the neighboring lot is setback a bit from his house.

Mr. Bisceglia asked if the extension would be a single story. Mr. Colacchio said there would be a 12 on 12 pitch on the roof and there would be attic space on top for now, He said he might convert it later on into a bedroom.

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. Johnson then addressed the findings:

Character of the Neighborhood and Detriment to Nearby Properties: This is a relatively small addition to the rear of the house. There is a tree buffer screening the neighbor to the north and there were no comments from any of the neighbors.

Alternate Methods for Achieving Benefit Sought by Applicant: The applicant is trying to extend the kitchen so that the extension would be where the existing kitchen is so it would be difficult to place the addition in any other place.

Substantiality of Variance Requested: This is a relatively minor variance being 2' out of a 25' requirement.

Effect or Impact on Physical or Environmental Condition in the Neighborhood: There would be none as this is a small addition and it is an existing development.

Self Creation of Difficulty: The difficulty is self created in that the house was situated on the lot that way. However, the benefit to the applicant would outweigh any difficulty.

As an area variance this is a Type II action and exempt from SEQR review.

Mr. McPeck made a motion to grant John Colacchio of 460 Rossway Road relief of 2 feet from the required minimum setback of 25 feet from the property line in order to construct a rear kitchen extension with a proposed setback of 23 feet. Mr. Johnson 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. McPeck seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley
Zoning Board of Appeals Secretary