

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, April 4, 2011 at LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Paul Bisceglia called the meeting to order. Board members Nancy Swanson, Aaron McPeck, Marc Komorsky and alternate Mark Christenson were present.

Mr. McPeck made a motion to accept the minutes of March 7, 2011 as submitted. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

OLD BUSINESS

09-10-01 JOHN BARGER AREA VARIANCE, POND GUT ROAD, PLEASANT VALLEY, NEW YORK Grid No. 6562-02-819904

Seeking relief from Chapter 240-28 Schedule B which requires a minimum width of lot of 100' in order to carry out a 3-lot subdivision where Lot #2 and Lot #3 are proposed to have a minimum width of lot of 50±.

This application is awaiting a SEQR determination from the Planning Board. Mr. Bisceglia said this application will be dropped from the agenda until such time that they are ready to proceed with their variance application.

3-11-01 AREA VARIANCE: PAGE PARK ASSOCIATES – PLANET FITNESS, RTE 55/TACONIC PARKWAY Grid No. 6460-02-945946

Seeking relief from Chapter 240-43 D.(5)(d) Table 3 which permits a maximum of 10% of surface area to a maximum of 50 sq.ft. for a façade or wall sign in a C-2 zoning district in order to install a wall sign that is 143 sq.ft.

Applicant Kelly Libolt of Page Park Associates was present to represent the application.

Ms. Libolt said that at the last meeting the board had asked if the applicant could show the difference between the allowable sign of 50 sq.ft. and the proposed sign of 143 sq.ft. She has now provided two different renderings and she also installed temporary “pla” letters on the building, the smaller letters depicting the 50 sq.ft. sign and the larger ones the 143 sq.ft. sign. Ms. Libolt said it is challenging to see the smaller letters on the face of the building.

Ms. Libolt said there was an issue that kept recurring at the last meeting concerning the glow from the light of the sign spreading to some of the lots up in the back and she drive around the neighborhood on several nights trying to see the parking lot lights which are now on but she was challenged to find those lights shining up into the residential areas. She said Todd Lanthier was present with the sign manufacturer to answer any questions about the difference between the LED light fixture, which this will be, versus a conventional light fixture.

Todd Lanthier was sworn in by Mr. McPeck.

Mr. Lanthier explained that they had arranged for the engineer from the manufacturer of the LED's to do a lumen test at their factory using the same components that the sign will be manufactured from, which is an aluminum can with LEDs inside, which he has brought with him to show how the sign will be manufactured. One of the contributing factors to what the outcome

of the lumens would be is that this test is done when the face is on, which is how the sign will be in reality, which is 3/16th plexiglass face which is made specifically for LEDs with a translucent vinyl overlay. The results were an average of 78.75 lux, which when you convert to lumens is 7.316 lumens per square foot. Mr. Lanthier continued that if the entire 143 sq.ft. sign was illuminated then you would take that 7.3 x 143, but as the sign is calculated it is a rectangle with a pi r² circle to come up with the square footage for the logo. Therefore, less than half of the sign is illuminated in regard to the square footage calculations. A 100 watt metal (halight?) is 85 hundred lumens.

Mr. Bisceglia asked the board if they had a chance to see the sample “pla” signs on the building. All the board members said they had seen the signs.

Mr. Lanthier then lit up the sample sign. Mr. Bisceglia asked if the emblem would be lit also. Mr. Lanthier said it would. The actual size of the letters would be 3 feet; but the test is done per square foot.

Mr. McPeck made a motion to re-open the public hearing. Ms. Swanson seconded and the motion carried unanimously.

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

Mr. Bisceglia asked what the feelings of the board were. Mr. Komorsky said he had concerns about the Dutchess County Planning suggestion and how that plays into this sign issue. He said he drove by the site several times at different speeds and could see both sample signs from the road. He said there would also be a monument sign.

Mr. Bisceglia said in order for this proposal to pass the vote would have to be a majority plus one because of the County’s comments.

Mr. Christenson said his main concern was the setting of a precedent by allowing a sign of that size. He had asked the secretary to provide a copy of the minutes from when the Walgreens sign had been approved for 123 sq.ft. so in his opinion the precedent was already set and the board did not have to prove differently to the County.

Ms. Swanson said she was on the board in 2008 when the variance was granted to Walgreens. At that time the code allowed on multi-tenant lots 6 sq.ft. for a façade sign. The board knew that there would be some changes to the sign code just because 6 sq.ft. was so small. They didn’t know what the changes would be so when the request came in for 120 sq.ft. they considered it. The chairman of the Planning Board, Alan Bell, came before the ZBA and spoke in favor of the variance as “part of a piece of a broader application that has been before the Planning Board for some time to create improvements to the entire plaza”. Ms. Swanson said this was something that had been worked out concerning that plaza which needed some improvement. Based on that recommendation from the Planning Board who had been working with Walgreens and Freshtown for quite a while, they granted the variance as requested. At that time they really didn’t know what that would look like but now that she sees it now, it looks too big, too bright. In 2009 the

Town Board did amend the sign code and allowed a maximum of 50 sq.ft. for a façade sign and that was after Walgreens had been built. The Town Board knew what the sign looked like and they deemed 50 sq.ft. to be reasonable, not 120 sq.ft. If they had wanted to condition the size of the façade sign with the distance from the road they could have done so at the time but they didn't. Ms. Swanson added that Walgreens is a retail business, not a membership club. They do have repeat business but they also depend upon those driving by on Route 55. It is also the anchor store for the plaza.

Mr. McPeck said he feels the town code is sufficient. He said his taxes are not going to go down, his quality of life is not going to improve, and the value of his house is not going to go up with a sign that big.

Ms. Swanson said the purple awnings are a symbol of Planet Fitness. You see it on the billboards and you see it on the logo and when you drive by you can see those awnings. They are not counted in the 50 sq.ft. She said each awning is about 25 square feet and there are 6 of them that would make 150 square feet of "purpleness". This indicates to people that this is Planet Fitness. Similarly, Gulf has orange and blue and Mobil has blue and white. Ms. Swanson said Planet Fitness could have been designed so they did not have awnings and she feels they are up there as an indicator with the purple color. Ms. Swanson said that last time the argument was made that it's a corner lot and they can't have a wall sign so they added in the size of the wall sign to the façade sign and argued for 84 square feet. What might have been a corner would be the Taconic and our code section 240-43 D.(1)(p) Prohibited signs, states that no sign located, designed and intended to be read primarily from the Taconic State Parkway shall be permitted in any district. Ms. Swanson said she did not see any reason to allow the extra 34 square feet to be added into the front sign just because it is arguably a corner lot.

Ms. Swanson said today when she went by there were no parking spaces, there were cars parked on the grass near Route 55 so it seemed to her that people were not having any trouble finding Planet Fitness. There will be a monument sign so it was her feeling that they should go with the town code.

Mr. Komorsky asked if the other three structures are going to be built on the lot. Ms. Libolt explained that currently they have SEQR approval for a full build out of the site but they don't have site plan approval for the balance of the site, which is what they anticipate as they continue to find additional tenants. Mr. Komorsky said when he goes by now, the lot is unobstructed but he wondered how it would be if the other buildings were there. Mr. Bisceglia said if there were other buildings there the size of the letters would be hidden. Mr. Komorsky also wondered what the county's position would be if there was a change in the variance requested.

Mr. Bisceglia said his feeling was that the 50 square foot size of the sign should be adequate. As far as the Walgreens sign is concerned, as the code has been changed, it is a moot situation. and was not a precedent.

David Lamazzi, owner of Planet Fitness said at the last meeting he heard the board's concerns about the infringement of privacy of the lighting. He said he had personally traveled across the street and up Velie Road and the lights cannot be seen from anywhere in that vicinity and that is without foliage on the trees. In his opinion that issue should be taken off the table. Concerning the awnings, Mr. Lamazzi said they are on the south side and they cut the solar heat gain so they

clearly serve a purpose. Mr. Lamazzi said when you take the artist's rendition and put a 50 sq.ft. sign on it, it looks like they have run out of money because the sign is so small. Mr. Lamazzi understands that Walgreens is a moot point but he wanted to say that there is no analogy between 64 feet from the road for a 120 square foot sign for Walgreens and 500 plus feet from Route 55 for a 143 square feet sign. Because they are brand new they do need the exposure. They are at a peak right now but that will settle out. They are fitness for beginners, the Walmart of the industry. They bring value to the community. This is their seventh gym. At their place in Newburgh they changed the complexion of the mall which was run down when they first moved in. Mr. Lamazzo said residents would not see a reduction in their taxes right now but they may in the future because they will become a destination along the Route 55 and Taconic corridor. He asked that the board consider the 143 square foot sign so that people will not think they ran out of money. He closed his comments by thanking the board for their time and understanding.

Mr. Bisceglia said just to be clear about the size of the letters, they would be either 36" and the code would be 21". Was that correct?

Mr. McPeck then made a motion to deny Page Park Associates and Planet Fitness located on Route 55 and the Taconic Parkway relief from Chapter 240-43 D.(5)(d) Table 3 which permits a maximum of 10% of surface area to a maximum of 50 sq.ft. for a façade or wall sign in a C-2 zoning district in order to install a wall sign that is 143 sq.ft. Mr. Bisceglia seconded. The vote was as follows: Mr. Bisceglia, Ms. Swanson and Mr. McPeck voted Aye. Mr. Komorsky and Mr. Christenson voted Nay. Motion carried. VARIANCE DENIED

Mr. Bisceglia addressed the record of findings:

Character of the Neighborhood and Detriment to Nearby Properties

The size of the sign was a concern. The sign code had been established and the board felt that was the guide to follow.

Alternative Methods for Achieving Benefit Sought by Applicant

It was felt that the 50 sq.ft. sign was perfectly visible. There was a significant change between the 50 sq.ft. sign and the 143 sq.ft. sign but it appeared that the 50 sq.ft. sign was adequate.

Substantiality of Variance Requested

This is a substantial variance

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

This would be creating something that, generally speaking, people do not want It was felt that having a 50 sq.ft. sign would not have a negative impact on the business.

Self-Creation of Difficulty

The applicant wanted a bigger sign than was necessary.

NEW BUSINESS

4-11-01 AREA VARIANCE: GREG LETTERII, 18 PADDOCK KNOLL,
LAGRANGEVILLE, NEW YORK Grid No. 6560-01-173846

Seeking relief from Chapter 240-28 Schedule B which requires a minimum setback from the property line of 40' in order to legalize an inground pool with a setback of 35.2'

Mr. Letterii was present and was sworn in by Mr. McPeck.

Mr. Letterii explained that he had a pool installed on his property without him realizing that it was located about 35' from the property line. It did not come to light until he applied for a permit for a cabana. Mr. Bisceglia asked when the pool was installed. Mr. Letterii said it was installed in April/May of 2010. Mr. McPeck asked who installed the pool. Mr. Letterii said it was George Fritatas of Fritatas Pools. Mr. Komorsky said as he understood it, it was the hot tub that had a setback of 35' from the property line. Mr. Letterii said that was right. He said they had a minimal area to work with because they had to locate the pool on the side as they couldn't go in front of the house. He thought they had plenty of room. He made a mistake.

Mr. Bisceglia asked what the pool is made of. Mr. Letterii said it is aluminum. The hot tub which is on the side of the pool is a plastic base and is integral to the pool. Mr. Letterii said the neighboring property consists of 26 acres and the property owner did not have any concerns.

Mr. Bisceglia made a motion to open the public hearing. Mr. Komorsky seconded and the motion carried unanimously.

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

Mr. Bisceglia made a motion to grant Greg Letterii of 18 Paddock Knoll a variance from Chapter 240-28 Schedule B which requires a minimum setback of 40' from the property line in order to legalize an inground pool with a setback of 35.2. Mr. Komorsky seconded and the motion carried unanimously. VARIANCE GRANTED

Mr. Bisceglia then addressed the Findings:

Character of the Neighborhood and Detriment to Nearby Properties

There is no detriment to nearby properties as the parcel is adjacent to a 26 acre parcel. This appeared to be a mistake when installing the pool too close to the property line.

Alternative Methods for Achieving Benefit Sought by Applicant

The only alternative method would be to demolish the pool and re-construct it but that would not be feasible.

Substantiality of Variance Requested

5 feet is a small variance.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There does not appear to be any effect or impact on the physical or environmental conditions in the neighborhood. There were no objections from the neighboring property owners.

Self-Creation of Difficulty

This was self-created. Mr. Letterii could have an issue with his contractor but this is something beyond the board's purview.

4-11-02 AREA VARIANCE: EDWARD C. DEGUISTO III, 94 SMITH ROAD,
POUGHKEEPSIE Grid No. 6360-04-911476

Seeking relief from Chapter 240-29 G.(1) which requires a minimum property line setback of 20' in order to construct a 44' x 23'3" garage with a proposed setback of 10'.

Edward C.DeGuisto III was present and was sworn in by Mr. McPeck.

Mr. DeGuisto explained that he has a 20' x 50' barn on his property that is 5' from the property line. He plans to tear it down and construct another one 10' off the property line. The required setback is 20' so he is looking for a 10' variance.

Mr. Bisceglia asked why he is seeking a variance. Mr. DeGuisto said a 20' setback would push the garage closer to the road, which also would bring it closer to his septic fields and tank. Even though this is a smaller structure it would look bigger if it is closer to the road.

Mr. Bisceglia said that, based on the drawing he had submitted, the walls are 10' high and the ridge of the building is about another 6 or 7 feet higher than that, so this would be a 17' high structure. Mr. DeGuisto said the existing structure is about 18 or 19 feet to the peak. It's 50' wide where the new one will be 44' but it is 20' deep instead of 24' deep.

Mr. Bisceglia said this is a smaller structure that will be further away from his property line. Mr. DeGuisto said yes, but it would be closer to the road. Mr. Bisceglia said he had not been able to visit the site and asked if any of the board members had. Mr. McPeck said he had and he had noticed that there were no other garages attached to his dwelling and he asked Mr. DeGuisto if this would be a garage for his vehicles. Mr. DeGuisto said it would. There would be no plumbing, just electric for lighting and maybe a pellet stove. The structure would be insulated.

Mr. Bisceglia made a motion to open the public hearing. Mr. McPeck seconded and the motion carried unanimously.

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

Mr. Bisceglia asked how the board felt about the application. Mr. McPeck said he had no problem. Mr. Christenson said he thought it was beneficial for what was there.

Mr. McPeck made a motion to grant Edward DeGuisto III of 94 Smith Road relief from Chapter 240-29 G.(1) which requires a minimum property line setback of 20' in order to construct a 44' x 23'3" garage with a proposed setback of 10'.

At this time Mr. Komorsky addressed the Findings:

Character of the Neighborhood and Detriment to Nearby Properties

This is an enhancement to improve the neighborhood.

Alternative Methods for Achieving Benefit Sought by Applicant

It is to be used for garage purposes and is sorely needed..

Substantiality of Variance Requested

This is a fairly substantial variance but will have a lesser setback than the garage to be demolished.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no negative impact.

Self-Creation of Difficulty

This is not a self-created difficulty.

A motion having been made by Mr. McPeck, Mr. Bisceglia seconded and the motion carried unanimously. AREA VARIANCE GRANTED

2-11-03 AREA VARIANCE: JEN DUNN, BUSINESS RESOURCE DEVELOPMENT, 460 FREEDOM PLAINS ROAD, POUGHKEEPSIE, NEW YORK Grid No. 6261-04-999267

Mr. Biseceglia said the Jenn Dunn application received variances at the March 7, 2011 meeting. but the Findings were not addressed at that time. He then proceeded with the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The use will be an improvement to the neighborhood

Alternative Methods for Achieving Benefit Sought by Applicant

There are alternative methods but the method they are seeking will be of benefit to the town.

Substantiality of Variance Requested

3 variances were requested so it is quite substantial but the substantiality was not tremendous and improving this area would be of benefit to the town and the people.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

This will improve the neighborhood and make the area look much nicer.

Self-Creation of Difficulty

This is not self-created and is a great improvement.

There being no other business before the board, Mr. Bisceglia made a motion to adjourn the meeting at 8:20 p.m. Mr. Komorsky seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary