

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, June 6, 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, Marc Komorsky, Mark Christenson and alternate Sandra Lane were present. Aaron McPeck was absent

Mr. Bisceglia made a motion to accept the minutes of May 2, 2011 as submitted. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

NEW BUSINESS

06-11-01 AREA VARIANCE: MARIA FAUSTINO, 81 CRAMER ROAD, POUGHKEEPSIE, NEW YORK Grid No. 6361-04-991304

Seeking relief of 21' from the right of way of Cramer Road in order to construct a 24' x 37' addition to a nonconforming house which is proposed to have a setback of 34.96' from the r.o.w. of a town road. Also seeking relief from Chapter 240-29 G.(1) which states that a nonconforming building shall not be enlarged unless the enlargement is conforming.

Rui Arraiano of the firm of Arraiano & Taborga Design Group was present to represent the application. Mr. Arraiano was sworn in by Mr. Bisceglia.

Mr. Arraiano explained the proposal. He said his client is proposing to construct a 9' x 15' kitchen addition with a 2-car garage and mud room which will be used to connect both of them. Because of the way the existing residence sits on the property they are requesting a front yard variance. The existing house is 13' from the front property line where 55' is required, and they are proposing a 34.96' front yard setback for the addition. He did not believe this would have an adverse affect on the neighbors and will enhance the existing residence and add value to the neighboring properties.

Mr. Bisceglia asked if there was a plot plan showing the neighboring properties and if the neighbors had been notified. The secretary acknowledged that the property owners within 150' of the property had been notified.

Mr. Komorsky asked Mr. Arraiano to explain the soil stockpiling. Mr. Arraiano said that was just for the excavating and is a temporary situation so there will be no erosion. Mr. Komorsky asked for assurance that this will not stay after completion. Mr. Arraiano said absolutely not, it is just temporary and the area will be graded.

A question was asked about the cultic units shown on the plan. Mr. Arraiano explained that they are dry wells. Because they are increasing the footprint of the residence they want to try to lessen the run off. They want to contain the run off on the property so it will slowly disperse. They are trying to avoid additional run off by providing the dry wells.

Mr. Bisceglia asked if there had been any other configurations that had been examined. Mr. Arraiano said the only other option would have been to go out the back but the well is located back there and it would be an increased cost for the property owner to drill a new well. Mr. Arraiano added that wherever the addition went a variance would be required.

Mr. Komorsky said the property is sloped from Cramer Road down to the back yard. He wondered whether by making a larger footprint it had been taken into consideration that there would be less of an area for drainage and absorption of the water. He wondered if the water would pool or if they had a solution to the pooling in front of the neighbor's house. Mr. Arraiano said that is why they placed the addition where it is, to minimize the driveway length. Also, that is why they are proposing the cultecs.

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

James Fava, 83 Cramer Road said his house is directly behind the applicant's house. He said he was concerned about any water that might be pooling and whether there might be any drainage funneling onto his yard or across his driveway. Mr. Bisceglia said, according to the law, he is expected to handle all the storm water from his property and it must not interfere with a neighboring property. There should be a storm water management plan approved and in place before a building permit is issued, and Mr. Fava might wish to contact the building department to take a look at what is proposed. Mr. Bisceglia added that it appeared that the storm water issue had been recognized and would be handled in the appropriate manner. Mr. Fava said he did not have any objection to the building.

There being no further comments from the public, Mr. Bisceglia made a motion to close the public hearing. Mr. Komorsky seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Ms. Swanson asked if the second story was being proposed for storage. Mr. Arraiano said that was correct. Currently, the basement is wet and the applicant does not have attic space, so they are proposing a walk-up stair to a storage space over the garage. Ms. Swanson asked if it would be built in such a way that it could be turned into a bedroom. Mr. Arraiano said if they wanted to do that in the future they would have to deal with the septic issues with the health department. Mr. Komorsky asked if there would be plumbing put in. Mr. Arraiano said there would be no plumbing, it would be unfinished storage space. There may be one or two lights installed. Mr. Arraiano said currently there are three bedrooms in the house.

Mr. Bisceglia then addressed the Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The house will be improved with the addition. The detriment is the storm water issue for the neighbor in the rear and this is being addressed on the plan..

Alternative Methods for Achieving Benefit Sought by Applicant

According to the architect they have tried different layouts but the well is located in the back and any other configuration would still need a variance.

Substantiality of Variance Requested

This is a considerable amount of variance being requested but the house is already nonconforming and in order to do the addition a variance will be required..

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

The larger footprint and the storm water issues are a concern. There is already a wet basement and it is hoped that a footing drain will be redone around the house to eliminate the wet basement and control the water around the property.

Self-Creation of Difficulty

This is a nonconforming house and it is a difficult situation to overcome in order to enlarge the house and make it functional.

Mr. Bisceglia asked the board for comments. Mr. Komorsky said he felt the proposal would be a plus for the existing homeowner and for the neighboring homes. He just wanted to make sure the issue of the storm water was handled correctly. Ms. Lane agreed. Mr. Bisceglia asked if the adjacent property owner had any objections. It was determined that Mr. Fava, the neighbor in the back has a flag shaped lot and his driveway is next to the Faustino lot.

Based upon the board's findings, Mr. Bisceglia made a motion to grant Maria Faustino, the owner of a .985 acre parcel at 81 Cramer Road in an R-40/60/80 zoning district, parcel #6361-04-991304 a variance to construct a 24' x 37' addition to an existing nonconforming house which will have a setback of 34.96 feet from the right of way of Cramer Road. The motion also included relief from the code that states that a nonconforming building shall not be enlarged unless the enlargement is conforming. Mr. Christenson seconded and the motion carried unanimously. AREA VARIANCE GRANTED

There being no other business before the board, Mr. Bisceglia made a motion to adjourn the meeting at 7:49 p.m. Mr. Christenson seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary

