

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, July 11, 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 and Mark Christenson were present. Marc Komorsky and alternate Sandra Lane. were absent

Mr. Bisceglia made a motion to accept the minutes of June 6, 2011 as submitted. Ms. Swanson seconded and Mr. Bisceglia, Ms. Swanson and Mr. Christenson voted Aye. Mr. McPeck abstained as he was absent at the previous meeting. MINUTES ACCEPTED.

NEW BUSINESS:

7-11-01 AREA VARIANCE: RENEE TANNER, 11 DOWNING ROAD, PLEASANT VALLEY, NEW YORK Grid No. 6562-01-482509

Seeking relief of 38' from the side property line in order to legalize a 10' x 14' shed with a setback of 2.5' per Chapter 240-28 Schedule B

Ms. Tanner was present and was sworn in by Mr. McPeck.

Ms. Tanner explained that her husband passed away a year and a half ago and she has the house up for sale, and she finally has a buyer for the house. The shed was purchased in 1999 and she was told that if the shed was not on a permanent slab and did not have electric she would not need a permit. A few years later her husband put electric into the shed and now the buyer's attorney had identified that the shed had electric. Ms. Tanner said an electrical inspector had now approved the electrical. Ms. Tanner said although they have three acres, it is all uphill and there are woods. The reason the shed is located where it is, is because they had to walk down a steep hill to the garage so having the shed to put things in made it easier. Ms. Tanner said this is holding up the sale. Mr. Bisceglia asked if the buyer wants the shed. Ms. Tanner said yes. Mr. McPeck asked if the propane tank which is next to the shed is used for heating the shed. Ms. Tanner said the pipe from the propane tank goes to a recessed gas heater in the three season room, and it is not used to heat the shed.

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.

John Stinson of 3 Downing Road was sworn in by Mr. McPeck. Mr. Stinson said he objected to the shed. He did not have a problem with Ms. Tanner or the shed right now but he said in the future a new property owner might decide to do something like paint the backside of the shed fluorescent pink. Mr. Stinson said his property is adjacent to the Tanner property, at the bottom of the hill. His property line is right behind the shed and during the winter time he can see the shed.

Ruth Shook of 84 Gidley Road was sworn in by Mr. McPeck. Ms. Shook said she does not have a problem with the shed. It has been there since 1999. She lives on the south side of the corner of

Downing and Gidley Roads and she can see the shed in the wintertime. Ms. Shook also owns the parcel on the north side of the intersection.

Joe Agro of 61 Gidley Road was sworn in by Mr. McPeck. Mr. Agro said he was opposed to the shed. He said 40' is one thing but 2' is something else. The board referred to the map to see where Mr. Agro's property was.

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

Ms. Tanner said she had spoken to Mr. Stinson's wife and she was going to write a letter but she must have changed her mind. Ms. Tanner said she looks down on the Stinson property and the shed gives them some privacy. She added that in response to Mr. Stinson's comment about future owners possibly painting the shed pink, there would be nothing to stop them painting the house pink if they wanted to. Ms. Tanner also pointed out that Mr. Agro subdivided his property, creating the lot the Mr. Stinson lives at, while the shed was there. Ms. Tanner showed the board a photo of the shed so they could see that it is a pale green. Ms. Tanner said it matches the house.

Ms. Swanson said it appears the shed could be moved. Ms. Tanner said yes, but the property is all on a hill except down by the garage. Mr. McPeck said there was a flat area that could be used.

Mr. McPeck said he assumed there was only one electric line to the shed. Ms. Tanner said that was so and the electrical inspector had signed off on it. Mr. Bisceglia said he did not have an issue with the electric, just the location of the shed. He said it is extremely close to the line. Thirty eight feet is a significant amount of variance to ask for, especially when the shed is movable, and to move it is not that difficult.

Mr. Bisceglia asked for comments from the board. Mr. Christenson said the shed is too close to the property line and granting the variance would set a precedent. Ms. Swanson said there is a very large garage down the hill, although it is not as convenient as the shed. Mr. Christenson said he felt sure the buyers were not interested in the house for the shed. It was also mentioned that the shed could be re-sold if it could not be placed in a different location on the lot.

Mr. Bisceglia then proceeded with the findings:

Character of the Neighborhood and Detriment to Nearby Properties

The shed fits into the character of the neighborhood - it has been there for several years, but could be a detriment to the nearby property owner.

Alternative Methods for Achieving Benefit Sought by Applicant

The shed could be moved to another location as it is sitting on concrete blocks. The property contains a very large garage such that it may not be needed by the property purchaser. .

Substantiality of Variance Requested

This is a tremendous variance that is being sought.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is a physical impact

Self-Creation of Difficulty

This is a self-created difficulty.

Mr. Bisceglia then made a motion to deny the variance based upon the Record of Findings. Ms. Swanson seconded and the motion carried unanimously. AREA VARIANCE DENIED

7-11-02 AREA VARIANCE: JOSEPH COLCLOUGH, 176 MOUNTAIN ROAD,
PLEASANT VALLEY, NEW YORK Grid No. 6562-03-240071

Seeking relief from Chapter 240-29 G.(1) which states that a nonconforming structure cannot be enlarged unless the enlargement is conforming in order to construct a second floor addition with a proposed setback of 18'6" from the property line where 25' is required. Applicant is also seeking relief from Chapter 240-20 G.(1) fro relief of 7' from the property line.

Joseph Colclough was present and was sworn in by Mr. McPeck. Mr. Colclough explained that his house is just about 900 square feet now and he had an architect draw up plans for a second story to increase the space of the home. He said he has a setback of 18'6" from the property line bordering the Piersons farm. Mr. Colclough said he had spoken to the Piersons and they have no problem with the proposal.

Mr. Bisceglia made a motion to open the public hearing for public comment. Ms. Swanson seconded and the motion carried unanimously.

There being no public comments Mr. Bisceglia made a motion to close the public hearing. Ms. Swanson seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Ms. Swanson asked how old the house was. Mr. Colclough said the original structure was built around 1940 and the second half of the house was built in 1965. Ms. Swanson said on the architect drawings nothing is indicated for the use of the upper right hand corner of the first floor. Mr. Colclough said that is the dinette or eat-in kitchen. Mr. Bisceglia asked how high he was going up. Mr. Colclough said he would abide by the town requirements. The existing structure is 8' and the addition would also be 8' plus the 12 on 4 roof line. He said it could be a cape design.

Ms. Swanson said when she was out there that day she had asked Mr. Colclough about bedrooms. She understood that the existing bedroom downstairs would be moved upstairs. Mr. Colclough said the architect had indicated that it would remain a one bedroom house. Ms. Swanson referred to the architect's plan that showed a bedroom upstairs plus a study, entertainment room, loft, storage and walk-in closet. Mr. Colclough said there is a wood stove on the first floor so they wanted to open it up so the upstairs could be heated by the wood stove and that is the reason for the loft area. Ms. Swanson said she sees doors indicated on the entertainment room and study. She asked Mr. Colclough if that was correct. Mr. Colclough said he was not sure if they were going to leave it open or add doors. With regard to the storage area, they have no storage at all right now so they might make the whole section there for storage.

Ms. Swanson said the area below the walk-in closet looks as though it has a bathroom toilet and sink. Mr. Colclough said that room was not labeled as bathroom as they have been going back and forth regarding finances and they have not decided if that will be a bathroom or used just for storage.

Ms. Swanson said it looks as though they have a lot of non-bedroom rooms. Mr. Bisceglia asked how many acres is the parcel. Mr. Colclough said it is just under an acre. He said the house would be nicely re-sided. They considered moving and making the house a rental but they are close with their neighbors and they decided to fix up the house and make it nicer.

Mr. Bisceglia said he assumed they have a septic system on their property. Mr. Colclough said that was correct. Mr. Bisceglia asked if he knew the location of the septic and how big it was, because if bedrooms are added there it would be an issue for the septic system size. This would have to be cleared through the building department and there may be questions about the labeling of the rooms that could be turned into bedrooms. Mr. Bisceglia wanted Mr. Colclough to understand that he did not have an issue with making the house bigger but he could not increase the number of bedrooms to exceed any expansion necessary in the septic system. The lot is small for the size of the septic system if you put 3 bedrooms there. Mr. Colclough said that is why he wanted to keep to the same number of bedrooms. Mr. Bisceglia said by labeling the rooms "entertainment room", "study", "loft" it looks like he is making a 4-bedroom house. This is going to be an issue and the health department is going to want to size up the septic if he expands the size of the house. He might not be able to, depending on the soil and how big a septic system is required. Mr. Colclough said he spoke to the health department before he had the plans drawn up and they said as long as they don't increase the total number of bedrooms it would not go to the health department and so it would not be an issue. They said you could add bathrooms but that would not matter.

Ms. Swanson said it could also affect the neighbors' water. Ms. Swanson added that this could also affect the assessment because the number of bedrooms is part of the assessment criteria.

Mr. Bisceglia said as far as the variance is concerned he does not have a problem with issuing the variance but he said he should have plans that are labeled the way the rooms will be used, and not transfer them into bedrooms after the C.O. has been issued. Mr. Colclough said the long term use of the rooms is as stated in the plans.

Ms. Swanson felt that there should be a true survey of the property so that the board would know exactly what variance they would be granting. She said they don't know for sure that the house is 18'6" from the property line. Mr. Colclough said the measurements were taken from the town records exactly. Ms. Swanson said the town records do not show the location of the house.

Mr. Christenson said the usage is an issue for the building department and he does not have a problem with granting the variance.

Ms. Swanson said she did not have a problem either and if it is done nicely it would be a improvement for the neighborhood. However, she has a concern that it would not be monitored and inspected by the building department. When she was out to the site she was shown where the leach fields probably were and that was on a hill so the septic system may not be adequate for the house that is there now. Everyone has concerns with septic and water and if this is done correctly she thinks this is a good project.

Mr. Bisceglia asked Mr. Colclough to indicate on the hand drawn plot plan where the well and septic system are. Mr. Colclough also indicated to the board the surrounding neighbors. He said

he did not know where the neighboring well was. Mr. Bisceglia said his uphill septic had to be 200 feet from the neighboring well.

Mr. Bisceglia then addressed the record of findings:

Character of the Neighborhood and Detriment to Nearby Properties

This would be detrimental to nearby properties if there is an increase in the septic use. If it remains the same and there is no leakage then there would be no detriment.

Alternative Methods for Achieving Benefit Sought by Applicant

If it is kept the same then there would be no need for an alternative method, as long as the septic is not failing.

Substantiality of Variance Requested

This is not a significant request.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

The only impact could be leakage of septic into adjoining wells

Self-Creation of Difficulty

This was not a self-created difficulty.

Mr. Bisceglia made a motion to grant Joseph Colclough of 176 Mountain Road a setback variance of 6.4' where a side line setback of 25' is required, also increasing the nonconforming structure for a second floor addition with the added proviso that the building department will be monitoring any increase in the bedroom count. 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 8:08 p.m. Mr. Christenson seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary

