

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, September 12, 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 Mark Christenson were present. Alternate Sandra Lane was absent.

Mr. Bisceglia made a motion to accept the minutes of August 1, 2011 as submitted. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

**NEW BUSINESS:**

9-11-01 AREA VARIANCE: FRANK MIELE, 153 BART DRIVE, POUGHKEEPSIE, NEW YORK Grid No. 6360-03-402154

Seeking relief of 7' from the rear property line in order to construct a 15' x 30' pool with deck with a proposed setback of 8' per Chapter 240-29 G.(1)

Frank Miele was present and was sworn in by Mr. McPeck.

Mr. Miele said he is planning on putting a pool in the back yard but because of the placement of the house on the lot there is not much of a back yard. He said the only option is to go behind the house; the side of the house is a tighter pinch than the rear and privacy was an issue also. Fifteen feet is required from either setback. Mr. Miele provided a letter from his neighbors in the rear, Brian and Sue Lavin of 11 Martin Drive, stating they had no objections to the requested variance.

Mr. McPeck asked if the pool would be inground or above ground. Mr. Miele said it would be an above ground pool.

Mr. Bisceglia asked how big would the deck be. Mr. Miele said the pool is 15' x 30' and with the deck it is 21' x 42' total. Mr. Miele added that his property is served by town water and sewer.

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

Robert Sweeting of 7 Martin Drive was sworn in by Mr. McPeck. Mr. Sweeting said he is adjacent to the Miele property. He said when his wife called the town she was told the pool would be an inground pool. He said, because of the hill and the run off of water from the Miele property, he would have had concerns if it had been an inground pool. Mr. Sweeting showed the board on the map where his property was located. Now that he understands it will be an above ground pool, he does not have any concerns.

Mr. Bisceglia asked Mr. Miele if he would be changing the topography. Mr. Miele said no major changes were planned. He said as they level the ground, the water might be driven more to the front. Mr. Bisceglia asked if there was any drainage in place on his property that is controlling the water. Mr. Miele said that he was not aware of any. Ms. Swanson said she had observed a PVC drainage pipe on the south side boundary leading to the back boundary line.

Ms. Swanson asked if the existing deck was going to be removed. Mr. Miele said they had not decided yet. He said it would be easier to tie the new deck into the old one and make a locking

staircase. Ms. Swanson asked if there was a particular reason they needed the deck on the side that needed the variance. Mr. Miele said it was so that there would be access all around the pool, especially when using the pool cover. Ms. Swanson said it looked as if they would need a significantly less variance if they did not have the deck on that side. Mr. Miele said he believed the deck was 3' on each side.

Mr. Bisceglia made a motion to close the public hearing. Ms. Swanson seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Ms. Swanson said she said it appeared that the pool was going to take up the whole of the back yard and in her opinion it was out of proportion to everything else in the neighborhood and she felt that if they eliminated the deck on the back it would not be so bad.

Mr. Bisceglia then addressed the findings:

**Character of the Neighborhood and Detriment to Nearby Properties**

The pool and deck generally fit the character of the neighborhood and should not be a detriment.

**Alternative Methods for Achieving Benefit Sought by Applicant**

An alternative would be to make the pool and deck smaller but it has to be feasible to meet the owner's requirements. Also, an above ground pool would be easy to take down.

**Substantiality of Variance Requested**

This is about a 50% variance so it is substantial, however there is supporting evidence from surrounding neighbors that they do not have a problem with the proposal.

**Effect or Impact on Physical or Environmental Conditions in the Neighborhood**

Water drainage might have been an issue but there will not be a change in the topography.

**Self-Creation of Difficulty**

This is self-created but they want a pool.

Mr. Bisceglia said that based on the record of findings, he made a motion to grant Frank Miele of 153 Bart Drive relief of 7 feet from the rear property line in order to construct a 15' x 30' pool with deck that will have a setback of 8 feet. Mr. McPeck seconded and the vote was as follows: Mr. Bisceglia, Mr. McPeck, Mr. Komorsky and Mr. Christenson voted Aye. Ms. Swanson voted Nay. The motion carried 4 – 1. AREA VARIANCE GRANTED

9-11-02 AREA VARIANCE; CHARLES LECAIN, 351 FREEDOM ROAD, PLEASANT VALLEY, NEW YORK Grid No. 6462-03-091486

Seeking relief of 51' from the center line of Freedom Road in order to construct a 24' x 24' accessory garage with a proposed setback of 69' per Chapter 240-28 Schedule B.

Charles LeCain was present and was sworn in by Mr. McPeck.

Ms. Swanson wished to put on the record that she lives just beyond the property owner notification area. She did not feel any bias one way or another but said that if Mr. LeCain had any issue with that she could refrain from voting on the matter. Mr. LeCain did not have a problem with this.

Mr. LeCain explained that he was proposing to construct an accessory garage that would have a setback of 69 feet from the center line of Freedom Road. Mr. Bisceglia asked if there was

another location where the garage could be placed. Mr. LeCain said this location is the closest for Mr. LeCain to walk to. It is a 24' x 24' one-story garage and the siding and roof will match the house. The garage will be in line with the house. Mr. Bisceglia calculated that the garage would be 15' or 16' high. Mr. LeCain explained that he bought the house 2 years ago and he does not want it to look like a house attached to a garage. He said he needs a garage and he needs it in that location. Mr. Bisceglia asked if the house has a garage now. Mr. LeCain said there is a garage under the house. Mr. Komorsky added that there is a pre-poured concrete slab with footings already in place. Mr. LeCain said he had poured that slab a number of years ago.

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

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

Mr. Komorsky asked whether electricity would be put into the garage. Mr. LeCain said he had no plans to put electricity in now, but maybe in the future. His only plan was to keep the vehicle out of the snow. Absolutely no plumbing would be put in.

Ms. Swanson asked the reason for another garage if he already has one under the house. Mr. LeCain said the existing garage is too small for his Dodge truck.

Ms. Swanson asked if the footprint of the garage is closer to the road than the existing house. Mr. LeCain said it is actually in line with the house.

Mr. Bisceglia asked how was he going to configure the driveway to enter the garage. Mr. LeCain showed on the plan the driveway and that the garage would be on an angle so that he could use the existing driveway. He added that it is difficult to exit his driveway onto Freedom Road because of the limited sight distance. Mr. Bisceglia asked what the size of the lot was. Mr. LeCain said it was one acre.

Mr. Bisceglia then proceeded with the findings:

**Character of the Neighborhood and Detriment to Nearby Properties**

Mr. LeCain is trying to match the garage to his existing house and this will be an enhancement to both his property and the nearby properties.

**Alternative Methods for Achieving Benefit Sought by Applicant**

The garage could be moved but a variance would still be required. Keeping it in line appears to be more aesthetically pleasing. The garage will follow the same nonconforming line as the house.

**Substantiality of Variance Requested**

This is a substantial variance but there were no objections from the adjacent property owners..

**Effect or Impact on Physical or Environmental Conditions in the Neighborhood**

The garage will enhance the area. There is an existing slab which does not appear to have caused a problem with the existing topography or the flow of water around the property.

**Self-Creation of Difficulty**

This is self created but the owner's truck cannot fit into the existing garage.

Based on the findings, Mr. Bisceglia made a motion to grant Charles LeCain relief of 51 feet from the center line of Freedom Road in order to construct a 24' x 24' accessory garage with a proposed setback of 69 feet. Mr. Komorsky seconded and the motion carried unanimously.  
AREA VARIANCE GRANTED

9-11-03 AREA VARIANCE: MICHAEL FIORISI, 289 DIDDELL ROAD,  
POUGHKEEPSIE, NEW YORK Grid No. 6359-02-994778

Seeking relief of 8' from the right of way of Diddell Road in order to construct a 42' x 8' front porch with a proposed setback of 47' per Chapter 240-28 Schedule B.

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

Mr. Fiorisi said he was interested in updating his home which was built around 1968. He had done little on the exterior of the house until now. He is planning on a new roof and new siding and he wanted to add a front porch. He said he is within a few feet of the required setback from the road but he felt the porch would enhance the house and the neighborhood.

Ms. Swanson asked if he had any photographs. Mr. Fiorisi said he had plans which he presented to the board.

Architect Steve Manzino was sworn in by Mr. McPeck. Mr. Manzino explained that the plan is a sketch of the proposed porch and a survey of the property was also presented. Ms. Swanson asked if the porch would be screened in. Mr. Manzino said it would not. The porch would be all along the front of the house. Mr. McPeck asked if the owner had considered a wider porch because in his opinion an 8' wide porch would not be enough. Mr. Fiorisi said there is a small deck on the back of the house. They are planning on putting a sun room there some time in the future.

Mr. Komorsky asked if there would be lighting included in the porch. Mr. Manzino said there would be lighting. Mr. Fiorisi said there was electricity there already.

Mr. Bisceglia asked if Mr. Fiorisi had a plan layout instead of an elevation. Mr. Manzini said that is all they have at the moment. The steps will meet up with the driveway on the left. Mr. Komorsky asked if he had taken into account the snow loads and Mr. Manzini said yes.

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

Mary Lou Karius of 297 Diddell Road was sworn in by Mr. McPeck. Ms. Karius said she lives next door to the Fiorisi family and she thinks this is a very good idea and will enhance the neighborhood.

There being no further 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 for comments from the board.

Ms. Swanson said currently the house has a bland look and the addition of a front porch will be an enhancement.

Mr. McPeck said they should have gone bigger.

There was discussion as to what they would need to do in order to change the size of the porch. It was determined that they would need to re-apply for an increased variance and go through the notification process again. Mr. Fiorisi decided to go with the application as it stands right now.

Mr. Bisceglia then proceeded with the findings:

**Character of the Neighborhood and Detriment to Nearby Properties**

The neighbor stated that this will be an enhancement of the property and the board agreed.

**Alternative Methods for Achieving Benefit Sought by Applicant**

There really is not an alternative in order to have a front porch.

**Substantiality of Variance Requested**

This is not a substantial variance..

**Effect or Impact on Physical or Environmental Conditions in the Neighborhood**

This will enhance the house and make the neighborhood better.

**Self-Creation of Difficulty**

This is a self-created difficulty but is justified because it will enhance the property.

Mr. Bisceglia made a motion to grant Michael Fiorisi of 289 Diddell Road relief of 8 feet from the right of way of Diddell Road in order to construct a 42' x 8' front porch with a setback of 47 feet. Mr. McPeck 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 8:12 p.m. Mr. McPeck seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary