

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, August 3, 2015 at the LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Paul Bisceglia called the meeting to order. Board members Nancy Swanson, Mark Christenson, Sandy Lane, and Leana Cropp were present. Christian Rohrbach was absent.

In the absence of Mr. Rohrbach, alternate Leana Cropp was a full voting member for this meeting.

Mr. Bisceglia made a motion to accept the minutes of July 6, 2015 as submitted. Ms. Lane seconded and the motion carried unanimously.

OLD BUSINESS:

9-14-03 USE VARIANCE: GARY E. BECK JR., Z3 CONSULTANTS (OWNER, JAMIE TURELL), 275 EMANS ROAD, LAGRANGEVILLE, NEW YORK
Grid No. 6559-01-465994

Seeking a use variance in order to permit light industry in an R-120 zoning district. Chapter 240-27 Schedule of Permitted Uses & Special Use Permits does not permit light industry in an R-120 zoning district. (*Zoning District designation changed pursuant to Town Resolution on September 10, 2014 from R-120 to RLD*)

This application has been adjourned to October 5, 2015 at the request of the applicant

12-14-02 USE VARIANCE (AMENDED): CHRIS NEJAME (OWNER: STEVEN AMB'S ENTERPRISES LLC), 1820 ROUTE 82, LAGRANGEVILLE, NEW YORK
Grid No. 6559-02-600783

Seeking a Use Variance in order to permit office/retail in an RLD (residential low density) zoning district. Chapter 240-27 Schedule of Permitted Uses & Special Use Permits does not permit office or retail space in an RLD zoning district.

This application has been postponed to the September 14, 2015 meeting.

07-15-01 AREA VARIANCE: RICHARD SMITH, 287 FREEDOM ROAD, TOWN OF LAGRANGE
Grid No. 6462-03-003186

Seeking relief of 20 feet from the side property line in order to construct a 16' x 30' shed with a proposed setback of 20 feet. Chapter 240-28 Schedule B requires a minimum setback of from the property line of 40 feet.

Mr. Smith was present.

Mr. Bisceglia said that Mr. Smith's application had been adjourned from the July meeting to the August meeting because the board had not heard back from Dutchess County Planning & Development. They have now received a response stating that this is a matter of local concern.

Mr. Bisceglia then made a motion to re-open the public hearing. Ms. Lane seconded and the motion carried unanimously.

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

Mr. Bisceglia asked if there was a picture of what the shed would look like. Mr. Smith said he had submitted architectural drawings, which the board then reviewed. Mr. Bisceglia said it was a single story structure. He asked how the shed would be finished. Mr. Smith said it would be one inch wood planking.

Mr. Bisceglia then addressed the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

This is a shed without a foundation. It is a one-story shed that will be finished in natural wood. It seems to fit within the character of the neighborhood and there have been no inquiries from the adjacent property owners who had been notified of the meeting date.

Alternative Methods for Achieving Benefit Sought by Applicant

Based upon the layout of the land this appears to be the best location. It is not a very large shed.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

The topography will not change by setting this shed in place. Stormwater will not be an issue. A bush and small pine tree will be removed.

Self-Creation of Difficulty

This is self created but it seems that the shape of the property dictates an appropriate location for the shed.

Ms. Swanson said she thought some trees would be coming down. Mr. Smith said there is a prickly bush and a small pine tree that would be removed. He said they were not taking down any pine trees on the edge of the property. They are all staying for privacy for the neighbor. Ms. Swanson asked the color of the wood. Mr. Smith said it would be natural wood that would age and darken with time. He said his house color is yellow or cream color vinyl siding.

Based on the Record of Findings, Mr. Bisceglia made a motion to grant Mr. Smith a variance for relief of 20 feet in order to construct a 16' x 30' shed with a setback of 20 feet. Ms. Lane seconded and the motion carried unanimously. AREA VARIANCE GRANTED

NEW BUSINESS:

08-15-01 AREA VARIANCE: BRIAN & BARBARA LENZ, 5 KUTNER ROAD,
LAGRANGEVILLE, NEW YORK Grid No. 6561-03-425385

Seeking relief of 15 feet from the rear property line in order to construct a 40' x 30' pole barn with a proposed setback of 10 feet. Chapter 240-29 G.(1) requires a minimum setback of 25 feet.

Brian and Barbara Lenz were present. Mr. Lenz said they were trying to get a variance for a 40' x 30' pole barn.

Mr. Bisceglia asked if they had any specifications for the barn. Mr. Lenz said they had already submitted plans and he had a photo of the wood that would be used. Ms. Swanson said they had written in "wood siding" and "shingles on roof".

Mr. Bisceglia asked where the well and septic are located. Mr. Lenz indicated on the plot plan where the septic and well were, more than 50 feet apart.

Mr. Bisceglia asked the secretary if all the adjoining property owners had been notified. The secretary said they had and no comments had been received.

Mr. Bisceglia said it appeared this would be a one-story wood barn. Mr. Lenz said that was correct. The height of the barn would be 12 feet to the ceiling, plus the peak. Mr. Bisceglia asked if any trees would have to be taken down. Mr. Lenz said looming locusts would come down because they are leaning. Mr. Lenz said he had spoken to his neighbor, Phil Messina, whose property they are on. He was going to take them down for him. Mr. Bisceglia asked if the topography would be changed. Mr. Lenz said it probably goes up about 2 ½ feet on a slight slope so he will be digging it out but he would not be adding anything. He said he has a low spot that collects water so it will work out well. He said he will set the poles in concrete. They are special 6" x 6" poles that are designed to go into the ground.

Ms. Swanson said she had taken a look at the property that afternoon and saw orange markings. Mr. Lenz said that is where it will go. He was marking the center of where the driveway was so he could see how far out everything was going to go. Ms. Swanson said it looked like there were a lot of trees between his property and Mr. Messina's property. She asked if they were all coming down. Ms. Lenz said absolutely not. There is a cluster of 5 locust trees which are leaning over, and there a lot that have uprooted from the wind which comes from the Wiltse farm. Ms. Swanson said she thought she saw Norway Maples. Mr. Lenz said they did not have those kind of trees. He said the locust trees are 50 feet or so high.

Ms. Swanson asked the difference between a pole barn and a garage. Mr. Lenz said a garage would have footings and a slab and then you would build on top of that. With a pole barn you put the posts in the ground and then build the building on top of that, like an Amish pole barn. There is no foundation. Ms. Swanson said she saw two pick-up trucks. Were they going to go into the pole barn? Mr. Lenz said they would, also their tractor, and an ATV. It would be nice to get the gas vehicles out of the basement. Ms. Swanson said she would like to see some plantings between the Lenz property and the Messina property so that he is not just looking at the side of the pole barn. Mr. Lenz said they had already talked about putting some Norway Spruces up the line. Ms. Swanson wondered whether the board could put that as a condition if the variance is granted. Mr. Bisceglia asked if they had any idea how many trees they planned on putting in. Mr. Lenz said he did not have a specific plan yet, but he had spoken to Mr. Messina that afternoon.

Mr. Bisceglia asked the board members how they felt about putting a condition on the granting of a variance. Mr. Christenson said he already had a rapport with his neighbor. Ms. Swanson said it is a substantial variance, more than 50% so she thought it would be fairer to the neighbor to look at some greenery rather than the side of a building. Mr. Bisceglia asked how close was the neighbor's house to the property line? Mr. Lenz said it is probably 75 feet.

The neighbor would be looking at the back of the barn from his porch. Mr. Messina said it would be privacy for both him and the Lenzes.

Ms. Swanson said she thought a row of evergreen trees to cover the area would be acceptable.

Ms. Lane said it would be a neighborly thing to put trees up. However, Mr. Messina was not present and it does not appear to be a concern of his. If a condition is put on the variance, who is going to enforce it? Mr. Bisceglia said the building inspector would enforce it because the variance would be contingent upon it.

Ms. Swanson said she would be OK with 3 to 5 trees being put in. Mr. Bisceglia asked Mr. Lenz if he would be OK with that. Mr. Lenz said yes.

Mrs. Lenz said there is already a natural tree line there. She said they had already agreed to keep some nice maples there so the neighbor wouldn't have to look at it.

Mr. Bisceglia said as he understood it, the part of the building that would actually be visible to the neighbor would be the 30 foot width, not the 40 foot width. Mr. Lenz said that was correct.

Ms. Swanson said they wouldn't want to get trees that would get too tall. She suggested that they come up with something that won't get much taller than 12 feet.

Mr. Bisceglia asked the board if they wanted to put a condition on the variance. Mr. Christenson said he had mixed feelings but he felt with a variance of this nature, it is protection for the neighbor.

Mr. Bisceglia then made a motion to open the public hearing. Ms. Lane seconded and the motion carried unanimously.

Les Jackson of Hopewell Junction said Mr. Lenz was his son-in-law so he is very much in favor of the request. If they have to put in trees, fine. However, he did not see a need for it because there is greenery all around the area.

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

Ms. Swanson said if there are already trees there, she would hate to see them cut down in order to put in other trees. Mr. Bisceglia said the trees they are planning on cutting down are locust trees and they grow quite tall and lose limbs frequently.

Mr. Christenson suggested that instead of them having to plant trees, that they just maintain the buffer that already exists. Mr. Bisceglia said it should be a consideration that the board establish that 3 or 5 trees be put on that one line. Ms. Lane said the applicant is open to it.

Ms. Lenz said when they talk about trees are they talking about evergreen or deciduous trees. Ms. Swanson said she had something not too tall in mind as they get out of hand. Ms. Lenz

said they had put up a line of burning bush along the road as a privacy buffer. She said they could plant something like that and landscape around it. Ms. Swanson said evergreen would be good because they have branches that serve as screening. Mr. Bisceglia suggested that they say they will put something there that will satisfy their needs and maintain a hedgerow. The board was in agreement with that.

Mr. Bisceglia then addressed the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The structure is large but will fit in with the character of the neighborhood.

Alternative Methods for Achieving Benefit Sought by Applicant

A smaller structure could be put there but this one fits the applicants' needs.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

Some trees will be removed. The topography will be changed a little bit but it is a pole barn. Stormwater drainage will have to be monitored.

Self-Creation of Difficulty

This is self-created, but based upon the topography of the land and the location of the driveway, this appears to be the best location for the pole barn.

Other Consideration

A hedgerow will be in place to suit the applicants' needs for landscaping and will be in the area of the pole barn to serve as screening.

Based upon the Record of Findings, Mr. Bisceglia made a motion to grant Brian & Barbara Lenz relief of 15 feet from the property line in order to construct a 30' x 40' pole barn with a setback of 10 feet. Ms. Lane seconded and the motion carried unanimously. AREA VARIANCE GRANTED

Mr. Bisceglia made a motion to close the meeting at 8:02 p.m. Ms. Swanson seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary