

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, September 14, 2015 at the LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Paul Bisceglia called the meeting to order. Board members Mark Christenson, Sandy Lane and Christian Rohrbach were present. Nancy Swanson and Leana Cropp were absent.

Mr. Bisceglia made a motion to accept the minutes of August 3, 2015 and August 20, 2015 as submitted. Mr. Rohrbach 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 AMES 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 business in an RLD zoning district.

Mr. Bisceglia said that the board had received a request from the applicant to withdraw the application.

9-15-01 AREA VARIANCE: JEROME SCHICK, 26 KUCHLER DRIVE,
LAGRANGEVILLE, NEW YORK Grid No. 6560-01-061603

Seeking relief of 17 feet from the side property line in order to legalize a 28' above ground pool with a setback of 23 feet. §Schedule B requires a minimum side yard setback of 40 feet.

Mr. Schick was present.

Mr. Bisceglia reviewed the plan and noted that the pool had been there since 1982. He asked why Mr. Schick was before the board now.

Mr. Schick said they are selling the property and in order to get a clear title they need to get a variance and a building permit for the pool. Mr. Schick added that they have resided at this location since 1975.

Mr. Rohrbach said he believed Mr. Schick had said that the pool could not be moved because of rock underground as well as a previously installed septic system. Mr. Schick said the

septic tank was put in, in 1975. Mr. Rohrbach said that could possibly have been why the installers chose that particular location. Mr. Schick said it could have been. As he recalled they had little if any input into the location. The installers were just told to put it in the back yard and Kind Pools made the decision on the location. It has been there for 33 years. Mr. Rohrbach asked how long have the neighbors been there who are closest to the infringement. Mr. Schick said there have been two sets of neighbors. The first one was there for 10 or 12 years. Now Carl Forrestieri and Maria Bhalla are the residents and they have been there for some time. Mr. Rohrbach asked if they had had any objections to the fact that the pool was close to their property line. Mr. Schick said they may not have even been aware of the fact. The secretary said Mr. Forrestieri had called that day and had said he did not have a problem with the location of the pool but he wondered if he was to sell, would the new property owners have a problem with it. The secretary advised Mr. Forrestieri that if he had any concerns he could either come to the meeting or provide something in writing that would be made available to the board.

Mr. Rohrbach said he believed there was screening vegetation between the two properties. Mr. Schick said the neighbor cannot see Mr. Schick's pool and Mr. Schick cannot see Mr. Forrestieri's pool that is parallel to theirs. Mr. Schick said the buyers are a young couple with no children.

Mr. Bisceglia asked the secretary if all the adjoining property owners had been notified. The secretary said they had.

Mr. Christenson said the Town had gone through numerous zoning changes over the years. He asked if this zoning was in effect in 1982. The secretary said the current zoning was not in effect in 1982. It could quite possibly have met the zoning requirement at that time. Unfortunately it is not grandfathered because a building permit was never granted. Mr. Schick said he had no hint from those who had the authority to put the pool in but he believed they had a practice of doing that.

Mr. Rohrbach said Mr. Schick's property is a little over 3 acres and the other adjoining properties seem to be equivalent.

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

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

Mr. Bisceglia then addressed the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The pool has been there since 1982 and there have been no objections from the neighbors.

Alternative Methods for Achieving Benefit Sought by Applicant

The pool could be moved but the septic is in the area and there is rock

Substantiality of Variance Requested

It is less than a 50% variance.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no effect on the environment as the pool has been in place for such a long period of time and has been acclimated to the location.

Self-Creation of Difficulty

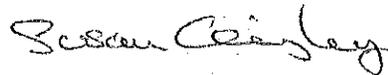
The pool company created the situation

Mr. Bisceglia said that, based on the Record of Findings, he made a motion to grant Mr. Schick relief of 17 feet from the side property line in order to legalize a 28' above ground pool with a setback of 23 feet. Ms. Lane seconded and the motion carried unanimously.

AREA VARIANCE GRANTED

Mr. Bisceglia made a motion to close the meeting at 7:45 p.m. Ms. Lane seconded and the motion carried unanimously.

Respectfully submitted



Susan Quigley, Secretary