

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, October 5, 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, Sandy Lane, Christian Rohrbach and Alternate Leana Cropp were present. Mark Christenson was absent

Ms. Cropp became a full voting member for this meeting.

Mr. Bisceglia made a motion to accept the minutes of September 14, 2015 as submitted. Mr. Rohrbach seconded and the motion carried with Ms. Lane voting aye. Ms. Swanson and Ms. Cropp abstained because they were not present at the September 14, 2015 meeting.

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*)

Mr. Bisceglia said that this application had been adjourned to October 5, 2015 at the request of the applicant. Mr. Bisceglia made a motion to adjourn this application for 30 days so that they could receive clarity on this application. Ms. Lane seconded and the motion carried unanimously. APPLICATION ADJOURNED TO THE NOVEMBER 2, 2015 MEETING

10-15-01 AREA VARIANCE: FLOYD SCHOLZ, 26-28 OLD NOXON ROAD, TOWN OF LAGRANGE Grid No. 6360-04-960085

Seeking relief from §240-29 F.(1) which states that *Any nonconforming use of land shall not be enlarged, extended or altered, and any building or any structure or part thereof devoted to a nonconforming use shall not be enlarged, extended, reconstructed or altered, except where the result of such changes is to reduce or eliminate the nonconformity* in order to renovate and expand one of the pre-existing nonconforming dwellings.

Brian Stokosa, P.E. of the firm of M. Gillespie & Associates was present with the owner, Floyd Scholz. He produced a reduced version of the plan for the property and explained that his client has purchased the property and there are two dwellings on it. There is a larger house of about 2,900 sq.ft. and a secondary dwelling of about 950 sq.ft. Both structures were built around 1911. The parcel is about 4.4 acres in size and it fronts on Old Noxon Road with a small portion on Noxon Road. The applicant's son lives in the larger house and they would like to re-model and slightly expand the cottage. The parents will live in the cottage and the kids and grand kids will live in the larger residence.

Mr. Stokosa showed a few pictures of the cottage. He said it looked like there were a couple of additions to the cottage over the years. They would like to take down some of the aspects of the cottage as the foundation is in poor condition. They will pour foundation footings, slab on grade and then expand from that. There are two bedrooms in the cottage right now and

Town only allows one principal structure on a lot. Mr. Bisceglia said they are trying to eliminate nonconformities that exist in the Town and this is one of them.

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

Sheila Burke of Debra Hill, the cul de sac behind the property in question. She has lived there for 44 years. She is well aware of the prior owners, the Gillmans and then the Crocker, at which time there was always a tenant. She did not understand why this has not been picked up before if it is an issue. Ms. Burke said she did not see a problem with the new owners using the structure.

Dianne Weber, 15 Old Noxon Road asked if the board received enough responses to have a legal basis for the meeting. Mr. Bisceglia explained that the application had been advertized and all the adjoining property owners had been notified of the date and time of the meeting. Ms. Weber asked how many residents had been notified. Mr. Bisceglia said 13 property owners had been notified. Ms. Weber asked what was the distance from the property that the neighboring properties had to be notified legally. Mr. Bisceglia said 150 feet.

There were no further comments from the public.

Mr. Bisceglia asked for comments from the board.

Ms. Swanson said her feeling was that it is a large parcel and has been used as a residence. It is not a huge addition that is being proposed and it wouldn't create real change in the use of the property so she would be inclined to vote for the variance.

Mr. Rohrbach said he tended to feel the same way. He said from the description of the building as it stands right now it appears that something needs to be done to make it properly livable. Perhaps the standard of what was acceptable at the time this building was built has changed over time so the question in his mind was whether the expansion is an acceptable amount. He said they are not adding bedrooms and they are not making additional areas that would change the character of the building. Mr. Bisceglia asked the size of the addition. He was told 600 sq.ft. was being added and that is on one level.

Mr. Bisceglia asked if there was adequate parking available. Mr. Stokosa showed on the plan where the driveway was located.

Ms. Lane said the board had received a letter from the next door neighbors. She said if anyone would be impacted it would be them and they don't seem to have a problem with it. She said it seems from testimony from other property owners that it has been used as a second residence and that use will be continued. It seemed obvious to her that the structure needed to be updated.

Because of the ages of the houses there are no C.O.'s. Mr. Bisceglia said if they receive the variance and carry out all the work, the building will be safer than it is right now and a C.O. will be issued.

An alternative method would be to subdivide the property so that each dwelling would have its own deed but this would be costly and the family community will be in place as the occupants will be related.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is hardly any impact on the physical or environmental conditions. Some foundation work will be done and the groundwater will have to be addressed

Self-Creation of Difficulty

The two houses have existed since 1911. There were no violations on the property identified by the Building Department.

Other Consideration

Comments had been made concerning tree removal on the property. The board felt this was a normal part of having trees. They need to be trimmed and sometimes cut down as part of normal maintenance.

Based on the Record of Findings, Mr. Bisceglia made a motion to grant Mr. Scholz relief from §240-29 F.(1) which states that *Any nonconforming use of land shall not be enlarged, extended or altered, and any building or any structure or part thereof devoted to a nonconforming use shall not be enlarged, extended, reconstructed or altered, except where the result of such changes is to reduce or eliminate the nonconformity* in order to renovate and expand one of the pre-existing nonconforming dwellings. Ms. Lane seconded and the motion carried unanimously. AREA VARIANCE GRANTED

REFERRAL FROM PLANNING BOARD:

Mr. Bisceglia said that the board had received a request from the Planning Board seeking a response from the ZBA concerning the Planning Board's intent to be lead agency for the Central Hudson G Line North Transmission Line Rebuild Project.

Mr. Rohrbach made a motion to consent to the Planning Board being lead agency for the Central Hudson project. Ms. Swanson seconded and the motion carried unanimously.

Mr. Bisceglia made a motion to close the meeting at 8:05 p.m. Ms. Lane seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary