

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, November 2, 2015 at the LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Deputy Chairman Christian Rohrbach called the meeting to order. Board members Nancy Swanson, Sandy Lane, and Alternate Leana Cropp were present. Chairman Paul Bisceglia and Mark Christenson were absent

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

Ms. Lane made a motion to accept the minutes of October 5, 2015 as submitted. Ms. Swanson 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*)

Mr. Rohrbach asked if the board members had had an opportunity to review the materials provided by the Planning Department. Mr. Rohrbach said that in summary the Town has adopted a new escrow policy and in light of that escrow policy and given that the Town has already spent a sum of money on this particular variance, the board will not be able to proceed any further unless they vote on establishing an escrow balance. The Planning Department has suggested a starting balance of \$2,000 for the escrow. The board did not have any comments or suggested changes on this amount. Mr. Rohrbach then made a motion to open an escrow balance for this application in the sum of \$2,000. Ms. Swanson seconded and the motion carried unanimously. ESCROW SET

There was no one appearing before the board on behalf of this application, therefore the board adjourned the application on a month by month basis until such time as an escrow is received.

Ms. Swanson asked if they would get a cut-off at some point. Mr. Rohrbach said he understands that it will be carried month by month because monies have been spent already. Mr. Rohrbach said the applicant could choose to withdraw the application.

NEW BUSINESS:

11-15-01 AREA VARIANCE: DANIEL & SALLY MURPHY, 7 MARION WAY,
LAGRANGEVILLE, NEW YORK 12540 Grid No. 6560-02-950803

Seeking relief of 20' from the side property line in order to erect a 10' x 14' shed with a proposed setback of 20'. §240-28 Schedule B requires a minimum property line setback of 40'.

Ms. Murphy was present and was sworn in by Mr. Rohrbach. She explained that she and her husband had purchased a 10' x 14' shed. They were misinformed at the time of purchase as they were planning on getting a 10' x 12'. However, the sales person talked them into a 10' x 14' and seemed to know the Town's setback requirements. Ms. Murphy said now they have a 10' x 14' shed which they would like to put in the most aesthetic location on the side of the driveway. If they put it 40 feet it would be in the middle of their yard and would look absurd. Their septic is also in that area. They plan on putting trees around it so it will not be an eyesore for their neighbors. Right now there are ladders and garbage cans off the driveway there.

Ms. Murphy said the paint and shingles and trim of the shed will match the house and there will be flower boxes on the front.

Mr. Rohrbach said the original application that was rejected by the Building Department referenced a setback of 10-15 feet. Ms. Murphy said they put that on the application because they were not sure exactly where the property line was. Since then they have measured from their survey and they know the property line location and 20 feet is where they want to put the shed.

Ms. Lane asked if there had been any responses from the surrounding property owners. The secretary said she had not heard from anyone.

Mr. Rohrbach asked if the shed would be on a pad. Ms. Murphy said yes.

Ms. Swanson said she had been out there that day and she saw the ladders. She asked if they had thought about putting the shed further back on the property so it would be less visible. Ms. Murphy said the reason they want to put it closer to the driveway is because the snow blower can be put there and it will be more accessible. There will be trees around the shed and it will also be a buffer from the garage doors.

Mr. Rohrbach said he understood the neighbor also had a shed. Ms. Murphy said they did but it is on the opposite side of the property. Mr. Rohrbach said he had been out at the site that day and had not seen the neighbor's shed. He asked if there was any screening where they were planning on putting the shed, or was it capable of having some screening, for example pine trees. Ms. Murphy said that is what they want to do. They plan on putting something so that the neighbors will not look at the back of the shed.

Ms. Lane said she understood from what had been said Ms. Murphy was planning on putting something to screen the shed and help with the garage doors. Ms. Murphy said they had already planted trees along the driveway but they stopped almost where the turnaround of the driveway is.

Mr. Rohrbach made a motion to open the public hearing. Ms. Swanson seconded, and the motion carried unanimously.

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

Mr. Rohrbach asked if there were any comments from the board members. Ms. Swanson said she would be in favor of granting the variance as long as there is year-round screening around the shed, like pine or fir or spruce.

Mr. Rohrbach then addressed the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The shed has been built and designed to fit in with the house. The shed will be shielded from the neighboring property with the placement of trees that will provide year-round screening behind the shed.

Alternative Methods for Achieving Benefit Sought by Applicant

The only other alternative would be to relocate the shed, but they could not put it over the septic system, and placing it too far back would mean the owners would not have ready access to the contents of the shed, especially in the snow season.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

Given that it is a relatively small shed located on a slab, this should not affect the groundwater.

Self-Creation of Difficulty

This is self-created and is the responsibility of the owner, even though they were advised, incorrectly, by the shed company that a 10' x 14' shed could be located 5 feet from the property line.

Other Consideration

The applicant had mentioned that they would be putting screening between the shed and the neighboring property, even though the board subsequently made that a requirement in their deliberations.

Based on the Record of Findings, Mr. Rohrbach offered the following Resolution to approve the application. The board had considered the facts of the case and the matters and evidence and interested parties had been duly heard, received and considered and due deliberation had been had, and therefore it was resolved that the Record of Findings be issued and Mr. Rohrbach made a motion to grant Daniel & Sally Murphy relief of 20 feet in order to construct a 10' x 14' shed with a setback of 20 feet from the side property line. Ms. Lane seconded and the motion carried unanimously. AREA VARIANCE GRANTED

11-15-02 AREA VARIANCE: HENRY HATFIELD, 16 HATFIELD LANE, TOWN OF LAGRANGE Grid No. 6261-02-805774

Seeking relief from §240-28 Schedule B which requires a minimum setback from the right of way of a county road of 165' and seeking relief from the residential district boundary line of 300' in order to erect a 30' x 60' pre-engineered steel building with a proposed setback of 114' and 190' respectively. The applicant is seeking relief of 51' and 110' respectively.

William Moreau, P.E. appeared to represent the owner and was sworn in by Mr. Rohrbach. Mr. Moreau explained that the project is a small storage building that will have no plumbing or heat, but will have electricity for light. The owner is a fabricator and after stuff gets done it has to wait, either to go out to be galvanized or they are waiting for a sub assembly to come to finish the product. Rather than store the items outside, which is what they have been doing, they would like to use this building in this particular spot, even though they have 20 acres but it wouldn't aid the work flow. It is out of sight of the road because of the grade change. It is about 35 feet below the road and it won't be the closest commercial building to

the street as there are 2 existing buildings, the ice cream place and the auto repair shop which are closer. Mr. Moreau said they would like to request the variances in order to situate the building where it will be most suited for the owner's needs. The building will be in the floodplain.

Mr. Rohrbach asked if Mr. Moreau would describe the building a little more. Mr. Moreau said it is a pre-engineered, butler type building. He showed the foundation plan with elevations indicating the front door, single slope roof, a typical steel frame building with metal siding. It will have a pass through as there will be 2 identical doors at opposite ends. Mr. Rohrbach asked the height of the building at its highest point. Mr. Moreau said it will be less than 30 feet. Mr. Rohrbach asked the height of the pre-existing building that it will be in front of. Mr. Moreau said the other building is about 35 feet so the new building will be a little shorter. He said the roof will slope towards Overlook Road because there is a driveway that goes between the buildings so the roof will shed the water away from there. The building will be open at both ends so they can drive through, unload and drive out. Mr. Moreau said the owner does have a lot of storage outside so the building may help clean up some of the outside storage.

Mr. Rohrbach asked the intent of the electric. Mr. Moreau said it is for lighting.

Ms. Swanson said the paperwork submitted mentioned prep work being done there. Mr. Moreau said some light grinding might be done there. Sometimes work that has to be sent out for galvanizing needs some prep work of the fabrication. There would be no welding or anything as part of the fabrication process. Mr. Rohrbach said that the work would be primarily prep-work, mostly storage. Mr. Moreau said it would be short term storage, cleaning and grinding of semi-completed sub assemblies.

Mr. Rohrbach said because it will be located close to a residential zoning district, what would be the hours of operation. Mr. Moreau said it would be normal business hours. They start at 8:00 a.m. or maybe 7:30 and they close before 5:00 p.m. They are usually open on Saturdays for a short day. Mr. Rohrbach said, if there was any noise generated by storing items out there and any prep work, it would be contained within normal business hours. Mr. Moreau said the other tenants in Hatfield Lane have similar hours.

Both Mr. Rohrbach and Ms. Swanson had been out that day to look at the site.

The secretary said they have not yet heard back from Dutchess County Dept of Planning & Development. Mr. Rohrbach said the board had received the Planning Board minutes from their October 15th meeting which referred to open applications before the Planning Board dating back to 2005 and 2006. The minutes stated that the Planning Board would like the earlier applications to be withdrawn.

Ms. Swanson asked why the building could not be placed by the gravel drive. Mr. Moreau said there is a lot of space for them to comply but his flow of fabrication goes between the two buildings. Mr. Moreau said there is a fire lane there so they need to separate the two buildings.

Ms. Swanson said when she met with Mr. Hatfield he had indicated that this particular spot was not in the flood plain. Mr. Moreau said it is and the boundary is indicated on the map. Mr. Rohrbach asked Mr. Moreau if he was familiar with the exact placement of the building. He judged that it looked like 75 feet from the other building was where the Royal Carting dumpster would be starting and then it would go back to about 10 or 20 feet from the large tree at the bottom of the hill. Mr. Moreau said they did not expect any major tree removal, and there would be no more than a foot or two of re-grading.

Ms. Swanson said it was mentioned in the environmental assessment form "no threatened or endangered species". She wondered what that was based on. Mr. Moreau said in some of the earlier applications there was a proposal for a fairly large development of the cornfield and at that time they were going to re-grade and put in large drainage retention area. The field has been farmed fairly regularly. Ms. Swanson said he had also checked off "no" for "does it require any permit from a government agency?" but then he referred to a flood development permit. Mr. Moreau said he was referring to agencies outside of the Town of LaGrange.

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

There being no comments from the public hearing, Mr. Rohrbach made a motion to adjourn the public hearing to December 7, 2015. Ms. Lane seconded and the motion carried unanimously. PUBLIC HEARING ADJOURNED

The secretary said she had not received any comments from any of the adjoining property owners.

There being no further business Mr. Rohrbach made a motion to close the meeting at 8:02 p.m. Ms. Lane seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary