

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, June 2, 2014 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, Sandra Lane, Christian Rohrbach and alternate Leana Cropp were present. Nancy Swanson was absent. Ronald C. Blass, Jr. Esq. of the firm of Van DeWater & Van DeWater and John Lyons, Esq. of the firm of Grant & Lyons LLP were also present.

Mr. Bisceglia made a motion to accept the minutes of May 5, 2014 as written. Ms. Lane seconded and the motion carried unanimously.

OLD BUSINESS:

3-12-01 AREA VARIANCE: MYLES LANDSTEIN, 16 VELIE ROAD,
LAGRANGEVILLE, NEW YORK Grid No. 6560-01-138549

Seeking relief from Chapter 240-28 Schedule B that states that the maximum height of a building or structure in an R-120 zoning district is 35' and seeking relief from Chapter 240-31 F.(4)(f) Ridgeline Protection Overlay Zone which states that the proposed yard setbacks from the property line must be no less than 1.5 times the height of the proposed structure or the setback requirements in the existing zoning regulations, whichever are greater in order to construct a ham radio tower with boom antenna with a proposed height of 70' and a boom width of 23 feet and proposed setbacks of 40' and 70' from the side and rear yards.

Jon Adams Esq. of the firm of Corbally, Garland & Rappleyea was present to represent the applicant.

Mr. Adams said he had been provided with a letter dated June 2, 2014 from Clark Patterson Lee which requested additional information to permit Mr. Bolner to complete his analysis. He thought his request was reasonable and he would be happy to provide that information within the next two or three weeks. His client should be able to gather the visual information requested. He added that both his client and the neighbors have basically accepted the visual representation that the neighbors prepared, and that should be part of what Mr. Bolner considers because there is not a dispute as to the manner in which it was done. Mr. Adams said he will fill out the visual EAF and get that to the town within two or three weeks, which should allow Mr. Bolner to react before the next meeting.

Mr. Blass said the letter speaks for itself and Mr. Adams was offering to supplement the application materials to be responsive to it.

Mr. Blass said there is a suggestion that there be prepared a visual EAF to supplement the SEQRA record and Mr. Adams has offered to prepare one in a couple of weeks so Mr. Bolner can review it. Other than that there is a punch list of items that the applicant will be responding to. He therefore thought that two weeks would give CPL time to respond before the next meeting.

Mr. Bisceglia said two weeks from now will be June 16th. He asked if the board felt that was an acceptable time limit. The board was in agreement. Mr. Bisceglia said they would be awaiting that information by the 16th.

Mr. Bisceglia made a motion to adjourn the Landstein application to the July 7, 2014 meeting. Mr. Christenson seconded and the motion carried unanimously. PUBLIC HEARING ADJOURNED TO JULY 7, 2014

1-14-01 APPEAL: GROOMINGDALES DOGGIE DAY CARE & SALON LLC,
385 NOXON ROAD, LAGRANGEVILLE, NEW YORK Grid No. 6560-04-612217
Appealing the Building Inspector's decision that a Special Use Permit is required to operate Groomingdales Doggie Day Care & Salon LLC in an H (Hamlet) zoning district

Frank Redl was present to represent the application. Mr. Redl said he did not have anything further add at that time. He said he understood that at the last meeting the board expressed their intent to re-open the public hearing at the June meeting.

Mr. Bisceglia asked if all the board members had read the complete Building Inspector/Zoning Administrator's file that had been provided to them. All the board members replied that they had read the file and were familiar with what had happened between the applicant, the Building Inspector and the Planning Board. The board members did not have any questions or comments at that time.

There being no further comments, Mr. Bisceglia made a motion to re-open the public hearing. Mr. Rohrbach seconded and the motion carried unanimously.

Dawn Ward, 10 Wright Road said she had sent a note to the board. She wanted to add that if the board determines that Groomingdales is a kennel, then she is opposed to it. If the board determines that it is not a kennel, she was asking that there be some kind of compromise so that they could live peacefully.

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

John Lyons, Esq. said that at the last meeting there was a closed session at which time he gave the board some legal advice. The board then decided they would re-open the public hearing at the June meeting. Mr. Lyons asked if the board needed any additional legal advice before proceeding with the deliberations. He said that Mr. McLaughlin had the opportunity to appear before the board but he had chosen not to do so.

The board members agreed that they would like to have a further closed session with Mr. Lyons before proceeding. Mr. Redl said he understood that the public comment period had closed but he wanted to add that he knew that Mr. Lyons had submitted a memorandum to the board members which is protected by attorney/client privilege. Mr. Redl said that unfortunately he may or may not have taken positions that he could respond to, but he can't because he does not know the content of that memo. He added that if Mr. McLaughlin was invited to appear before the meeting that night, they had not received anything from him and he had failed to appear, he asked that the board take into consideration his failure to cooperate and he felt by his silence that he is not opposing the relief that he was asking for from the board.

Mr. Lyons said that the memo is covered by attorney/client privilege, however that having taken positions with regard to the outcome of this matter the memo only pointed out to the board members the legal issues and they are only trying to make sense of the record.

Mr. Bisceglia said that hopefully they would be voting on the matter that night. Mr. Lyons said that the public hearing was closed and the board has 62 days in which to make a decision. They could make a decision that night if they chose to do so but his suggestion was that, given everything that has gone on, the board and the town would probably be best served with a written decision that sets forth the board's reasoning in a logical fashion in the instance that there may be litigation that arises from the decision that the board makes.

Mr. Bisceglia then made a motion at 8:10 p.m. to go into closed session to obtain legal advice. Ms. Lane seconded and the motion carried unanimously.

At 8:44 p.m. the board returned from closed session and Mr. Bisceglia made a motion to reconvene the meeting. Ms. Lane seconded and the motion carried unanimously.

Mr. Bisceglia said that after careful review of the transcripts and deliberation with the town attorney, it was the consensus of the ZBA that Groomingdales needs a use permit completed and paid in full. A special use permit is not required due to the use not changing. It is still retail goods and services. This is not a kennel. The board was not going to vote that night but was directing John Lyons Esq., the town attorney to prepare a written decision to reflect the items that he had stated and any other items associated with the application to be written as a narrative in absolute detail that will be reviewed and voted upon at the next meeting.

Mr. Lyons asked if the board members wished to discuss the reasons for their decision.

Mr. Rohrbach said that in looking at all the letters that went back and forth, it seemed that the Town Zoning Administrator/Building Inspector were fairly consistent from the beginning in stating that this use was a continuation of retail goods and services that had been established previously. If that was the case the board felt that was very relevant to this use permit requirement.

Mr. Christenson said the application in front of them was to determine the decision of the special use permit and they have found that, because of what Mr. Rohrbach had already mentioned, it is not necessary. That was the board's task, to determine if a special use permit was necessary.

Mr. Bisceglia said the time frame was from October 16, 2012 to the present. He said this will bring closure, based on those particular facts that the board has seen in writing, and not even knowing what transpired verbally between the zoning administrator and the applicant.

Mr. Rohrbach said one of the seemingly important issues that was brought up a number of times had to do with the outdoor use. In his thinking, there are some required outdoor uses when you have dogs as part of the services provided. They have to be taken outside. His feeling was that as long as this is a minimal use it will be consistent with the continued retail goods and services discussion that they had.

Mr. Bisceglia said that primarily that is the position of the board. It has taken a long time and that is the decision the board has come up with. Based on the information that has been discussed, Mr. Lyons would prepare a written narrative which the board will go through at the next meeting and take a final vote.

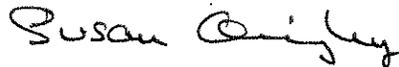
Mr. Redl asked if he should be present at the next meeting. Mr. Bisceglia said yes. The next meeting will be on July 7, 2014.

Mr. Redl thanked each and every board member. He said it has been a long and trying experience for them. There have been a lot of issues from himself and the public. He thanked the board for their patience, diligence and hard work. Mr. Bisceglia said it would have helped if Mr. McLaughlin had been here. Unfortunately he was not able to be present.

Mr. Bisceglia made a motion to adjourn the Groomingdales application to July 7, 2014. Ms. Lane seconded and the motion carried unanimously. APPLICATION ADJOURNED TO JULY 7, 2014.

Mr. Bisceglia made a motion to close the meeting at 8:50 p.m. Ms. Lane seconded and the motion carried unanimously.

Respectfully submitted



Susan Quigley, Secretary