

A special meeting of the Town of LaGrange Zoning Board of Appeals was held on Thursday, August 20, 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 and Leana Cropp were present. Sandy Lane, Christian Rohrbach and Mark Christenson were absent.

AREA VARIANCE: MARGARET & PETER SCHMITZ, 81 VELIE ROAD, LAGRANGEVILLE, NEW YORK Grid No. 6560-01-095839

Seeking relief of 22 feet from the side property line in order to legalize an existing accessory garage with a setback of 3.5 feet. Town of LaGrange Zoning Code Chapter 240-29 G.(1) requires a minimum side yard setback of 25 feet.

Margaret Schmitz and Peter Schmitz were present.

Ms. Schmitz explained that they are in the process of selling their house. During that process a survey was done and it revealed that the garage is too close to the property line. A question was raised as to whether the garage was built with a building permit. During research it was found that a building permit was issued for the garage at the time the house was built. Further down in the file it was discovered that there was an addition to the garage two years later for which there was no certificate of occupancy but a building permit had been issued. Margaret and Peter Schmitz purchased the house with the garage there. They did not realize the property line was so close to the garage because visually the property line looked farther away and there was a fence between. Unfortunately they did not have a survey done. The purchasers of the house had a survey done. Mr. Schmitz said he purchased the house from the original owners who were the builders. They bought the property from the developer who did the subdivision. Mr. Schmitz was taken around and shown the property line. He said everything was where he said it was except for the side by the garage. He had pointed out a large cherry tree in the corner and told Mr. Schmitz it was the back corner of the lot and extends all the way to the street. Mr. Schmitz said there is a stone wall to the left side facing the street. He was told that was the property line and they had 32 feet. Actually 16 feet extends into the Cullen's property. He said there is an old cattle fence between their property and the Cullens which is intertwined with 30 year old trees. That is why he put his chicken coop on the wrong side of the property.

Ms. Swanson asked when the Schmitzes bought the property. Ms. Schmitz said it was in 2003.

Mr. Bisceglia said the survey that the board had before them disclosed the fact that the applicants have a 3½ foot setback instead of the 25 feet required, so they are looking for a variance of 22 feet.

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

Raymond Jurina said he is the attorney for the applicants. He said there are telephone poles that provides service from the road to the residence. The survey revealed that 2 of the poles are not on their property even though they own the poles. Mr. Jurina said he had prepared an easement for the next door neighbor to sign so that the poles can remain where they are.

Mr. Bisceglia the item they were discussing that night was a variance for the garage. It has nothing to do with the telephone poles or an easement.

Mr. Bisceglia asked the secretary if all the adjoining neighbors had been notified. The secretary said they had. She said one neighbor, Danielle Cullen, the neighbor most closely affected, asked how the granting of a variance to the Schmitzes would affect her. Ms. Quigley said there would be no effect. Ms. Cullen asked if she could put up a fence on her property line. Ms. Quigley said she could put up a fence as close to the property line as she wished as long as it met the maximum height requirement of 6 feet.

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

Ms. Swanson asked how close is the Cullens house to the garage. Mr. Schmitz said their house is probably set back 50 – 75 feet from the street and is probably 30 or 40 feet from the driveway. His driveway is about 300 feet long. From the garage to the back is probably another 100 feet. From her house you cannot even see the garage because there are trees and shrubs there. Ms. Swanson said the Cullens would have control as to how much greenery is between their property and the garage.

Mr. Bisceglia then addressed the Record of Findings:

Character of the Neighborhood and Detriment to Nearby Properties

The building has been there since 1989.

Alternative Methods for Achieving Benefit Sought by Applicant

The only alternative method would be to move the structure, which would not be feasible.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no impact on the property since the garage has been there for some time.

Self-Creation of Difficulty

This is an inherited condition that the current owners are trying to clear up.

Other Consideration

The applicants did not realize the property line was so close to the garage because visually the property line looked farther away and there was a fence between.

Mr. Bisceglia made a motion to close the meeting at 7:40 p.m. Ms. Cropp seconded and the motion carried unanimously.

Respectfully submitted



Susan Quigley, Secretary