

**ZONING BOARD OF APPEALS  
TOWN OF CANAAN  
COLUMBIA COUNTY, NEW YORK  
July 27<sup>th</sup>, 2021**

Present: David Cooper, Pat Liddle, Craig Dillon, Heather O'Grady

Chairman Cooper opened the meeting at 6:59 pm there was one item on the agenda the Public Hearing for Jeffery and Donna Knight's application for an area variance for a setback issue. Property is located at 54 Queechy Lake Drive (also known as County Route 30), Canaan NY, Tax Map ID #50.1-2-8. There were two people in the audience the appellant Donna Knight and an abutter Dave Patzwhal.

Pat Liddle made a motion to accept the minutes for the Special Meeting July 8<sup>th</sup> 2021. 2<sup>nd</sup> by Heather O'Grady. All in favor.

Craig Dillon made a motion to accept the minutes for the June regular meeting with the provision that the mention of the property merge be changed to boundary line adjustment. 2<sup>nd</sup> by Pat Liddle. All in favor.

David Cooper discussed with the board an email received from one of board member that could not attend the Public Hearing. The email contained their questions and concerns, which was not forward to the appellant. The board discussed how they wanted to handle it since it is not clear if the email violated the open meeting laws since it went to all members of the Board. David apologized to the appellant for not providing her a copy of the email prior to the meeting and let her know that talking points in the email were of a nature that will most likely come up in the Public Hearing naturally. A motion was made by Craig Dillion to table the talking points in the email till the board has a better idea of how to handle it. 2<sup>nd</sup> by David Cooper. All in favor.

The Public Hearing for Jeffery and Donna Knight's appeal File# 2021-04 was opened at 7:06 by David Cooper reading the Public Notice and the Columbia County Planning Boards response the appeal, which for a local decision with a vote of a majority plus one, also known as a supermajority. David went on to provide more information regarding his site visit with the County Highway Superintendent for this zone, where they walked the road and discussed that due to the curve of the road the line of site distance is pretty good and that the building cannot be within the 19-foot right away for the county highway. The SEQR came back as a Type II action, making it so no further review was required. The initial review highlighted a potential traffic issue, however the Columbia Highway Department's decision was that as long as it is outside of the 19-foot right of way it is not of significance.

David Cooper asked Donna if the site had been marked, since it hadn't been when he looked at it last. Donna replied that the flooding from the storms made it so boats needed to be removed from the lake. Two of the pins were accidentally pulled out by the boat removalists and they hadn't notice till the date of the Public Hearing and have been replaced. David asked Donna if the garage will encroach or block off the boat ramp. Donna replied that it will encroach on the boat ramp, and that they will be moving the stone wall to make more room to access the boat launch and garage. David asked Donna if the garage will be in line with the house and if the NYDEC is willing to work with the location and orientation of the

garage. Donna replied that the NYDEC didn't want the garage to be parallel to the launch since they wanted to keep the garage as far away from the lake as possible.

Dave Patzwhal asked Donna if the garage will affect Janet and Doug's (another neighbor not in attendance) right of way. Donna replied that their right of way is by the well cap and will not be affected.

Heather O'Grady asked if there is going to be plumbing in the garage. Donna replied that they are not sure if they would be installing plumbing at this time. They have not talked to the building inspector about plumbing yet. The office space above the garage will not be an apartment just an open room.

Dave Patzwhal questioned the safety of the location. The area is dense and he is worried about people walking on the road being in danger from people backing out onto the road from The Backwater Grille. David Cooper asked if the speed limit was 35 mph at the point of the road. Donna confirmed that it is 35 mph. The parking situation at the Backwater Grille was discussed. Donna mentioned that the max capacity of the Grille is only 45 people, the special affairs where capacity went over 45 people should not have been happening. Dave Patzwhal brought up his concern for safety again and mentioned that plowing of the parking lot for the Backwater Grille has always been to that side of the lot and he is concerned as to where they will put the snow once the garage is there. He also wanted to know if someone is hit or there is an accident would the town be held accountable. Craig Dillon mentioned that no one can know if there is an accident who will be held accountable. Dave Patzwhal asked Donna if the storage building on the other side could be converted to a garage. Donna replied that it could not be converted since there is not enough room for a garage, the county does not want the garage to be oriented so that you can pull straight into the garage from the road. The proposed site has it so that the vehicle would pull off the road and then pull into the garage. The stone wall by the boat launch will be moved to create more room for the car to maneuver.

Dave Patzwhal said that he was unsure of where the garage would be since there were only two markers. Craig showed Dave the marked-up survey map showing the location of the garage. David Cooper and Heather discussed with Donna the neighbor's mailbox which will need to be moved and the 19-foot setback requirement from the County Highway Dept.

Donna mentioned that The Backwater Grille has sold to Melanie Hunt the owner of The Blueberry Hill Market Café. Melanie mentioned to Donna that she may be using the part of the building towards Donna's property as her home making so it might be used as both commercial and residential but is not definite. Melanie is currently looking into septic systems. Donna mentioned that the closer to the lake they build the more it will obstruct the view from the house if Melanie does use the property for her home. Dave Patzwhal wanted to know if the garage could be moved to the other side of the boat launch closer to the house. Donna said that that was the site the NYDEC wants for the garage. Dave Patzwhal mentioned that with the garage that people using the boat launch for a 20-foot boat would be coming out between two buildings making it so that they would need a person in the road to direct traffic. Donna mentioned that that is what they have to do now. They do not charge to use the boat launch and only let people use it in the spring and fall unless there is an issue. Dave Patzwhal mentioned that when the Backwater Grille does open up again it will make traffic worse. Heather mentioned that Melanie doesn't seem to be too concerned or she would have shown up for the Public Hearing. Craig mentioned that parking issue at The Backwater Grille is an existing problem, if people back out onto the road now

they will do it when it is reopened. David Cooper mentioned it would be safer if the Grille had people back into park so they can pull forward into the road. It would make the parking lot safer. The parking lot is large enough if they are not parking two cars deep that they would have room to maneuver.

Pat Liddle asked Donna to confirm that the garage will not be converted into an apartment later. Apartments are not allowed by the current zoning rules. Donna confirmed that it will not be converted to an apartment. David Cooper mentioned that they could make it a condition that it cannot have plumbing. Donna mentioned that plumbing doesn't make it an apartment and that it is only 16 by 21 feet which is too small to be an apartment. In addition the land could not handle an apartment as far as septic. Due to her son's needs the house has been completely customized and they intend to stay there for the rest of their lives.

Dave Patzwhal mentioned the safety issue again.

Pat Liddle made a motion to close the Public Hearing at 7:50 pm. 2<sup>nd</sup> by Heather O'Grady. All in favor

The Board started deliberations. Pat Liddle mentioned that she would like to see more space from the road and the 19-foot right of way for the county highway. She would like to have it set back more in line with the house. David Cooper mentioned that when walking the site and the road he didn't feel uncomfortable with cars passing. The Highway Commissioner said that the line of sight was good there due to the way the road curves. He agreed that the garage should be moved back to be in line with the house at its closest point to the road. Pat mentioned that standing on a road without a building is different than being on a road with no place to go to get out of the way of traffic. David mentioned that he felt that moving it back from the county right of way would make it much better. Craig mentioned that the traffic backing out of the Backwater Grille is a preexisting problem and that a garage being there would be the same as the van being parked there as far as visibility. Moving it back a couple feet would make a big difference. Pat mentioned that previous appellants wanted their fences closer to the road and then had issues with plowing. David suggested that the iron pipe that was set to show the right of way for the county highway could be used as a reference and that the garage could be moved back 4 feet from the iron pipe. Craig agreed that 4 feet would help with the Backwater Grille parking. David asked if the boundary to the other side should remain the same. The board agreed that the other boundary could remain the same.

Craig Dillon made a motion at 8:05 pm to approve with the conditions that the site be moved back 4 feet from the iron pipe, with the existing orientation, and that the stone wall be moved to open up the area for vehicles to access the garage. 2<sup>nd</sup> by Pat Liddle. The Clerk polled the board.

David Copper	Aye
Heather O'Grady	Aye
Pat Liddle	Aye
Craig Dillon	Aye

All in favor. The application was approved with conditions.

David Cooper will write up the decision and sent it out as soon as possible with copies to be sent to the Columbia County Planning Board, County Highway Dept, the Zoning Officer and the NYDEC.

David Cooper asked if there was any other business. There was none.  
The meeting adjourned at 8:07.

For the Board,

Adrienne Fletcher, ZBA Clerk