



Town of Canaan

Zoning Board of Appeals Regular Meeting Minutes –
August 30, 2022

Present: David Cooper
Brian Lossow
Patricia Liddle
Craig Dillon
Heather O’Grady

Absent: Spee Braun

Others Present: Jillian Kasow, Zoning Board of Appeals Clerk; Ginny Nightingale, Town Board Liaison;
Audience: 4

I. Meeting Call to Order

- Chairman David Cooper called the Regular Meeting of the ZBA to order at 6:57 p.m.

II. Minutes Review/Approval

- The minutes of the June 21, 2022 meeting were approved by a motion made by Pat Liddle and seconded by Brian Lossow. The vote carried, as follows:

David Cooper, Chair	Aye
Brian Lossow	Aye
Patricia Liddle	Aye
Heather O’Grady	Aye
Craig Dillon	Aye
Spee Braun	Absent

III. New Application, Appeal 2022-03, Applicant Dan Dutton, Tax ID No. 60.-1-21

- Permanent roadside farm stand in zoning C2.
- All members have read narrative.
- SEQR short form, including draft paper map drawings for site plan and building.
- Chair requests whether any components are missing. Referral to county must be made because the property abuts Route 22.
- Craig Dillon: Is the house, barn, and proposed addition on a separate lot than the farm itself? Applicant confirms, this is a separate lot.
- Chair requests copy of tax map from applicant. Further discussion concludes that an existing map in the application is sufficient.
- Chair requests motion to accept file as submitted. Moved by Craig Dillon, seconded by Brian Lossow.
- Carried as follows:

David Cooper, Chair	Aye
Brian Lossow	Aye
Patricia Liddle	Aye
Heather O’Grady	Aye
Craig Dillon	Aye
Spee Braun	Absent

Motion is approved. Hearing will be on Sept 27, 2022. Chair will not be in attendance; Craig Dillon will chair the hearing. Fee will be \$25.

IV. Brief recess; Heather O’Grady now recused for remainder of meeting and has left.

V. Appeal Number 2021-02, Ellen Austin Interpretation, 1584 County Rte 5, Tax ID 49.1-1-6RA1

- Chair narrates public notice and memo to Applicant Austin regarding today’s interpretation.
- Applicant’s representative seeking motion to overturn interpretation of code enforcement officer. Recites Pat Liddle’s motion and distributes transcript regarding that quote. Provides photographs that representative states shows compliance with the decision. Stating that moving posts as code enforcement officer interprets would remove part of Austin’s lawn, a tree, and a bird bath. First post along the lane, to the third post to the east, is in compliance with the decision.
- Chair counting pickets in the fence, counting 12. The fence has been moved to the inside skew point. Zoning officer in his decision was, along county route 5 – connect from first post to third post along the length (reciting from decision).
- Austin states that corner post has never had to be moved since 2002. Chair explains, not proposing to move the corner post.
- Austin neighbor in attendance, stating that in case of emergency, would yield to emergency vehicles, there has never been a problem with access on the road and there is space on her property to give permission in an emergency without question.
- Chair mentions rights of way, and old deeds contributing to this particular issue. Also, a utility pole is present.
- Chair concludes the public hearing to deliberate.
- Motion by Pat Liddle to close the public hearing, seconded by Craig Dillon.

David Cooper, Chair	Aye
Brian Lossow	Aye
Patricia Liddle	Aye
Heather O’Grady	Absent (recused)
Craig Dillon	Aye
Spee Braun	Absent

Motion carried.

- Chair: based on counting pickets from tree out to the corner, believes appellant complied with the decision and can make sure the zoning officer is aware of that and removes the issue.
- Brian Lossow: his interpretation that the corner was an anchor post, did not believe it would go back to the other post, and that the fence was going to be straightened.
- Chair: in decision making, concurred that gate had to go in, and discussed right of way, turning radiuses, larger vehicles have to swing into opposite lane to enter going from one direction.
- Craig Dillon: thought this was eliminating corner. Chair clarifies, decision was to keep corner post and straighten fence line going from that post. Photographs are conferred. Brian Lossow concurs;

eliminating corner post would have eliminated part of property and that result would have been part of discussion.

- Motion by Chair to accept the following finding: based on the original deliberation and the evidence reviewed at the public hearing, including photographs and counting pickets, that the appellant followed the intent of the board in altering the fence slightly to make the turning easier. ZBA will inform the zoning officer of this interpretation decision, that the board believes the appellant has complied with the decision. Pat Liddle seconds.

David Cooper, Chair	Aye
Brian Lossow	Aye
Patricia Liddle	Aye
Heather O'Grady	Absent (recused)
Craig Dillon	Aye
Spee Braun	Absent

Motion carried. Chair will draft decision and send to zoning officer.

VI. Other Business

- Chair requests whether Board would like to appoint a Deputy Chair. Board declines, not necessary at this time, business can be conducted without.
- Chair will not be present for next meeting; there is a file to review involving setback issue for an existing pool. It may be that not all necessary information has been received; seeking an area variance. Copies are available to board members.

VII. Meeting Adjourned

Meeting was adjourned at 7:40pm, motion by Pat Liddle and seconded by Brian Lossow, all in favor.

Submitted by Jillian Kasow, Clerk