



Town of Canaan

Zoning Board of Appeals Regular Meeting Minutes – **APPROVED**

June 22, 2023

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

Absent: none

Others Present: Jillian Kasow, Zoning Board of Appeals Clerk; Audience: 3

I. Meeting Called to Order

- Chair called the Regular Meeting of the ZBA to order at 6:58 p.m.

II. Minutes Review/Approval

- The minutes of the May 30, 2023 meeting were approved by a motion made by Pat Liddle and seconded by Craig Dillon. The vote carried, as follows:

David Cooper	Aye
Patricia Liddle	Aye
Heather O’Grady	Aye
Craig Dillon	Aye
Brian Lossow	Abstain
Spee Braun	Abstain

Motion carries.

III. Appeal Case 2023-01, Area Variance, Bridget Shaw, 3014 Co Rt 9, East Chatham, Tax ID 37.-1-57.1

Public Hearing:

- Applicants showing notices sent and submitted certified mail and has receipts.
- Chair reads public notice.
- County says no county wide/big impact – remains a town decision.
- Discussion of any requirements for area variances in agricultural districts (Ag & Mkts Law section 305-a and NYS Town Law section 283-a), concluding that area variances are not included in requirements for further review.
- Chair reasons do not need to do an agricultural statement for the property.
- Pam Joern present: lives on adjoining property. Do not understand agricultural data statement that county planning board states via letter is required to be submitted, but Chair stating not required. Chair responds that the requirement for agricultural data statement is for special permitted uses and encroachment against ag district and use variances—does not include area variances. Area variances are specifically not mentioned. The state law also leaves out any reference to area

variance. If either of these sources referenced area variance, would do an agricultural data statement. Chair states has discussed with town attorney.

- i. Applicant explains that garage use is personal and not commercial.
 - ii. Chair clarifies that zoning officer cannot issue zoning permit because of the setback requirement against another neighbor's property.
 - iii. After reviewing project map and further discussion with applicant, Pam Joern states no issue with the placement of the garage.
- Chair seeks motion to close public hearing. Motion by Pat Liddle seconded by Craig Dillon. Motion passes:

David Cooper	Aye
Patricia Liddle	Aye
Heather O'Grady	Aye
Craig Dillon	Aye
Brian Lossow	Aye
Spee Braun	Aye

Deliberation:

- Craig Dillon motion to accept application for approval as submitted. Mitigating factors are location (front yard not feasible because wide open to 295 and sloping downhill), tilling of side yard, location of the driveway, explaining that building will be tucked away and one story.
- Motion to accept application as complete made by Craig Dillon and seconded by Heather O'Grady. Motion passes:

David Cooper	Aye
Patricia Liddle	Aye
Heather O'Grady	Aye
Craig Dillon	Aye
Brian Lossow	Aye
Spee Braun	Aye

- Chair will notify zoning officer of approval and will send decision to applicant in a couple of days, which will be mailed and emailed, it will state all facts and rationale for approval.

IV. Meeting Adjourned

Meeting was adjourned at 7:21pm, motion by Brian Lossow and seconded by Craig Dillon, all in favor.

Submitted by Jillian Kasow, Clerk