



Town of Canaan

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

April 30, 2024

Present: David Cooper, Chair
Patricia Liddle
Heather O’Grady
Craig Dillon
Kevin Mulholland, Alternate
Christine (Spee) Braun

Absent: none

Others Present: Kristine Sigler, Zoning Board of Appeals Clerk; Audience: 1, including Town Board representative Ginny Nightingale

I. Meeting Called to Order

- Chair called the Regular Meeting of the ZBA to order at 7:00 p.m.

II. Minutes Review/Approval

- The minutes of the March 26, 2024 meeting were approved with one requested change of adding Alternate Kevin Mulholland in attendance by a motion made by Craig Dillon and seconded by Christine (Spee) Braun. The vote carried, as follows:

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

Motion passes.

Public Hearing 2024-2 area variance

Administrative functions for prehearing – short environmental assessment. ZBA Part three narrative reviewed and read. Found to be Legally existing non-conforming. 4.20.22

Article 5 regulations – reviewed and. Indicated that 5Ab is being used for this property. Issue at hand is the fact that at the review noticed that the setback is 11.5 feet. This is different, doing a look back as the owner has asked to make them whole.

Hearing opened at 7:06. Hearing notice red and reviewed.

III. Public Hearing 02-2024, Janet Dickinson, 35 Pine Tree Lane, Canaan, Tax ID #50.1-2-12

Referral previously made to County Planning Board, hereafter known as CCPB, because of the county road this property is on. Letter to CCPB read and reviewed.

Response and voting results received from the County on April 16, 2024 and are as follows:

“The CCPD finds that this proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Canaan Zoning Board of Appeals may take final action with a simple majority vote. However, the following informal comments are offered for consideration”:

1. “Septic: The CCPB suggests that the applicant provide information on the existing on-lot Septic system, any proposed improvements that may be necessary, and delineate the location on the site plan. It also suggests that the applicant provide information on any required review and approval by the Columbia County Department of Health.”

It was indicated by the property owner that there is no Leitchfield just a cesspool that is clearly identifiable and has been seen by professionals. David Cooper read and reviewed an explanation of a septic system. It was found that this property only has a cesspool – discussion as to whether or not it needs to be pumped took place and Property Owner, Janet Dickinson said it has a natural leaching system and does not need to be pumped.

2. “Water Supply – The CCPB suggests that the applicant provides information on the existing water supply and delineate the location on the site plan.”

It was agreed that this information would be added to the site plan. It was also requested by Patricia Liddle that an updated and accurate plan be provided with all necessary information as to have one plan available for all information, measurements and plans as opposed to the various pages currently available.

3. “Access – The CCPB suggests that the driveway and access off of Queechy Lake Drive (County Route 30) be included on the site plan.”

As indicated previously, when an updated site plan with all information is provided, the access driveway will be included. Additionally, a discussion took place regarding the access road where in the following questions and answers were discussed: Q: the access road who owns it or is it a co-op road? A: It is a right of way road and Dickson indicated that she maintains the road that is used by her and the next-door neighbor. Dickson has plans to repair the road, most likely over the summer.

4. “Emergency Access – The CCPB suggests that the local Fire Chief review the Site Plan.”

It was indicated this could occur by that it would most likely be difficult, if not, impossible for a fire truck to reach the structure if needed and, in that, this addition would lead to a larger structure but still the same access.

“The CCPB noted that within thirty (30) days after final action is taken, the Town of Canaan Zoning Board of Appeals shall file a report of the final action it has taken with the CCPB.”

After further deliberation, it was found that the square feet assessment is accurate on the description. Janet Dickinson found that her original description overestimated the size in an effort to compensate for possibilities and has since found that there is not enough space for her original explanation. She is requesting an actual number of 640 square feet with a kitchen on the first floor and a bedroom and bathroom on the second floor. Being, 20X18 = 640 square feet.

David Cooper indicated that the Existing setback is the actual issue at hand and that the Zoning Board of Appeals may be overstepping their authority. An area variance to conform is needed and the purpose of the ZBA is to approve the variance of 11.5 feet.

A review of the surrounding parcels and neighbors took place and it was found that there will not be a negative impact on surrounding neighborhood.

The location of the variance on the property was reviewed and the non-conforming side is 11.5 feet from property with the following discussion (question and answer)

Q: What is the setback for the side yard?

A: looking at property on hill – cabin setback is 11.5 feet. A new addition will be 35.5 feet out towards yard and attached to the cabin. Other side 94 feet from property line. Front is 124 feet from the property line with the back being 179 feet from the property line. The proposed addition will be 20X18.

Q: Which way is the 20 feet?

A: Towards the side yard. 20 feet from 159 feet from the property line – the edge of the new addition. New setback is 77 feet from other side of property.

Patricia Liddle requested one piece of paper with everything listed/indicated.

David Cooper indicated that this should be put into the decision

Information regarding environmental impact was requested and it was indicated by Janet Dickinson that there is the possibility of one tree being cut down but only if necessary and, if not necessary, then no trees.

Q: asking Dickinson if there was anything she would like to add before conclusion of the meeting.

A: Dickinson indicated that she did not have any additional information at the time and asked the ZBA to refer back to the Addendum previously provided. Additionally, she is not increasing the capacity of the cabin in adding a bedroom and the occupancy will remain the same.

Board anymore question – no comments.

David Cooper motioned to close Public Hearing

All in Favor

IV. Read criteria for area variance – read and reviewed

V. Deliberation

Original zoning should be considered.

Concur that everyone in the neighborhood is used to the house and ZBA does not think that people will notice the addition or that it will have an effect on anyone especially with the seclusion.

Patricia indicated that while she is not the fire chief, she will say that the Fire Department will not go up to the structure due to the access road and seclusion, it will not be possible and in that, it is a larger structure that may burn.

David indicated that the structure and the addition has nothing to do but due to the lack of various needs to be reviewed, is the area of variance substantial? Yes, it is about 50% and the property is very isolated. The ZBA recently visited and saw the property.

David Motioned to go with the original number provided as the addition as this is not the issue as long as they maintain the occupancy, the larger number can be used but it should say, no larger than. The issue being the nonconforming strip of land that needs to be resolved.

David Cooper Motioned to approve side yard setback and move on while indicating the need to maintain occupancy.

Vote:

David Cooper – Aye

Heather O’Grady– Aye

Patricia Liddle – Aye

Craig Dillon – Aye

Spee Braun– Aye

PASSED

The addition of: Size no larger than included in the Motion and should be indicated in the Decision.

VI. Other business – Board member, Heather O’Grady requested the \$25 fee from Ms. Dickinson which was paid at that time.

**VII. David Cooper Motion to adjourn
Pat Liddle - second
All in favor**

Meeting Adjourned at 7:46 p.m.

Submitted by Kristine Sigler, Clerk
