



**Town of Canaan**

Zoning Board of Appeals Regular Meeting Minutes –  
August 27, 2024

**Present:**

Patricia Liddle  
Heather O’Grady  
Craig Dillon  
Christine (Spee) Braun

**Absent:**

David Cooper, Chair  
Kevin Mulholland, Alternate

**Others Present:**

Kristine Sigler, Zoning Board of Appeals Clerk; 7 Audience

**I. Meeting Called to Order**

- Craig Dillon called the Regular Meeting of the ZBA to order at 7:01 p.m.

**II. Minutes Review/Approval**

- The minutes of July 30, 2024 meeting were approved. By motion made by Craig Dillon and seconded by Christine (Spee) Braun. The vote carried, as follows:

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

Motion Passed

**III. Public Hearing 2024-3 area variance, 202 Queechy Lake Drive, Canaan**

The Town of Canaan Notice of Public Hearing signed by Chairman, David Cooper was read by Patricia Liddle to all in attendance.

Craig Dillion indicated there were questions for Peter Doyle who was in attendance. Craig asked if information has been provided by ENCON (Department of Environmental Conservation) and indicated that without written confirmation, the Board could not grant variance. Peter Doyle indicated that he has applied but has not yet received a response. Mr. Doyle said that it was indicated that he would not have a response by the time of today’s meeting but that it was suggested he continue with today’s meeting and update the Board when it is received in the future.

Patricia Liddle said that she had viewed the site and indicated there were two orange things on the property and asked what they were for. Mr. Doyle indicated that they marked the corners of the western border of the project as well as the distance from the lake. After the last meeting, he had four posts measured, but over time, only two remain. Patricia indicated that she asked this question to clarify their purpose.

Heather O’Grady (Board) indicated that when she viewed the property, the electric company was there and questioned what work they were conducting. Mr. Doyle indicated that the electric company was there for irrigation purposes and for the use of the well and to possibly add light to the shed.

No further questions were asked at that time.

Craig Dillon asked if there were any attendees to speak in favor. No response from attendees.

Further asked if there were any comments against,

Bill Wallace stood and introduced himself to the Board indicating that he was against the variance. Bill indicated that he and his wife, Denise recently purchased the lot across the street from Mr. Doyle and are in the process of remodeling their 1920 Craftsmen home and plan for this home to be their place of retirement. Mr. Wallace notes that the applicant refers to his plan as a shed which is to replace two small former sheds that were removed more than two years ago. Mr. Wallace also indicated that since the small shed were removed 2 or more years ago, this new proposed build would not be eligible for the non-conforming rights of replacement in the zoning laws. Mr. Wallace indicated that the term shed was an understatement as the current proposal is for an 18’ by 24’ 1½ story structure, “garage” that will be 19’ high. Mr. Wallace indicated that these measurements and description are from the manufacturer. Based on these measurements, this structure will be in the direct viewshed of the Wallace’s property and several neighboring properties. Mr. Wallace thereafter reviewed the consideration for an area variance and the review of several questions such as what effect it will have on neighborhood character, is there an alternative solution not in need of a variance, is this request substantial, what s the effect on the environment, and whether this need for a variance is self-created.

Mr. and Mrs. Wallace believe that this application for a variance does not meet the criteria, and that approval would negatively affect the neighbors view and would not be in harmony with the intent of the zoning laws.

Next speaking against is Mr. David Patzwahl who stated that he was against this structure being called a shed. Mr. Patzwahl said that he had attended a previous ZBA meeting some years ago on a similar matter seeking a variance to construct a garage. The applicant was asked if the second story of the garage would later be converted into an apartment. The applicant indicated that was not the plan and that it would not be converted as an apartment and could not “handle” the septic. Mr. Patzwahl-stated that despite this, the garage is finished with septic/water and electric which is a fully finished living space. Mr. Patzwahl indicated that he is explaining this because, the current request for a “shed” that is 18X26 that is similar in size to that other garage and is proposed to be placed on a parcel that recently had a well reinitiated, contains a grandfathered septic and has an Easement for access on the side being considered. Mr. Patzwahl indicated that there is adequate room to build without a variance, as there was once a ranch style home on the property. Mr. Patzwahl said that the only hardship will be created for the neighbors and community as a new structure blocks viewshed but leaves a developable parcel. Mr. Patzwahl also noted that Queechy Lake is a wetland and he, as well as others, would like to maintain the resource that is Queechy Lake and believes that this proposed build may lead to a residence on an “old broken down” septic.

Also against, William Better, Esq. Mr. Better indicated that he represents Jane Crellin Flagg and Thomas Flagg who own property located across the road from Mr. Doyle’s property, the property being reviewed for an area variance. Mr. Better indicated that this application does not contain statutory standards that are necessary and are mandatory. Mr. Better then reviewed the area variance standards for the State of New York. Herein, Patricia Liddle indicated the Boards understanding of these standards.

Mr. Better provided the Board with a letter to the Zoning Board of Appeals dated August 27, 2024, also providing Mr. Doyle with a copy.

Mr. Better indicated that Mr. Doyle has chosen to build in an area that will affect neighbors instead of building in an available area which he has plenty of space for. Mr. Better referred to this as a “spite build” while explaining to the Board what a shed is according to the NYS Fire Prevention and Building Code. Mr. Better indicated that what is being proposed is a “shell of a house with electricity” and that the setback is 25 feet, and this proposal is making the setback only 12 feet. Additionally, the purpose of a setback is to keep glare off of neighbors but with the electricity and outdoor lighting for this building, neighbors will have a large search light that will turn on. It was indicated that this build will be only 15 feet off Queechey Lake and that a perimeter build is not beneficial to the lake. It is believed that the only benefit the applicant is looking for is to himself without the consideration of the lake and surrounding neighbors.

Better indicated that this build will have an adverse effect on the neighborhood, there is a concern for runoff into Queechey Lake and there is not anything unique about this build as he could have chosen anywhere on his property but is looking for a variance to build in an area that will have an adverse effect on the visual of the neighborhood as well. Better concluded with “There is no basis to justify granting this variance. The DEC has been contacted to notify them of this application and how it may impact the lake.”

Craig Dillon asked if there were further comments to which, Mr. Doyle indicated that he would like to respond to those against the application.

Mr. Doyle stated that he has been accused and false information has been provided. The survey shows two sheds on the property when he and his wife purchased the lot. They purchased this property with the hope of keeping it from being developed and that continues to be their plan for his lifetime. The shed in question will be a boathouse. He understands that there are other possible locations but believes that moving it forward would cause more problems with viewshed. The Doyle’s are currently having difficulty with headlights in their home. Mr. Doyle asked to speak to his neighbors about their concerns indicating that they have not come to him regarding this. Mr. Doyle also indicated that he needs to review the paperwork Mr. Better distributed and that this project is currently pending with the DEC. Mr. Doyle requested that he have time for the aforementioned and to speak to neighbors to see if an amicable decision could be made prior to the Board making a decision.

Denise Wallace addressed the concern with the structure being called a shed and said that she is offended by that as it is not a shed and is referred to by the manufacturer as a garage.

Heather O’Grady confirmed that the application says Garage and Boat Shed.

Attorney Better pointed out that closing the public hearing would mandate a ZBA decision within 60 days. -

Subsequently, Craig made a motion to keep the hearing open and reconvene next month because the Board will need to wait for ENCON’s information to be received.

Bill Wallace asked for reasons not to close at this time as, he believes that, if changes are made, it would be a different application. Craig Dillon said that the project could possibly be moved to an area where a variance is not needed and in the meantime the Board is waiting to hear what ENCON says as that can be a deciding factor.

Patricia Liddle said that it does not affect anything and that it can be left open.

Craig Dillon indicated that the board has listened to their concerns and that the Board is closing the floor for comments. The next meeting will be September 24<sup>th</sup>, the last Tuesday of the month. \

Patricia Liddle Motion to adjourn.

Craig Dillon, second

All in favor.

**IV. Meeting Adjourned at 7:41 p.m.**

Submitted by Kristine Sigler, Clerk

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