



Town of Canaan

Zoning Board of Appeals Regular Meeting Minutes – **UNAPPROVED**
April 29, 2025

Present: Craig Dillon, Acting Chair
Heather O’Grady
Spee Braun
Kevin Mulholland

Absent: David Cooper, Chair, recused; Patricia Liddle, excused

Others Present: Audience: Margaret Norway, Zoning Board of Appeals Clerk; Jennifer Capala, Applicant; Ginny Nightingale, Town Board Liaison; Audience 1

I. Meeting Called to Order

- Craig, as Acting Chair, calls the Regular Meeting of the ZBA to order at 7:00 PM.

II. Minutes Review/Approval

- The minutes of the March 2025 meeting are approved by a motion made by Heather and seconded by Spee. The vote carries, as follows:

David Cooper	[recused]
Patricia Liddle	[absent]
Heather O’Grady	Aye
Craig Dillon	Aye
Spee Braun	Aye
Kevin Mulholland	Aye

Motion carries.

III. Appeal Case #2025-001, Side Yard Setback Variance to the Zoning Ordinance for a 10’ x 16’ storage shed, Jennifer Capala, 232 County Route 24, East Chatham, Tax ID 68.-1-49.

- Craig opens with a Public Hearing for Appeal Case #2025-001. He reads aloud the Notice of Public Hearing and asks Applicant if she has additional information.
- Applicant distributes a proposed, informal site plan that moves the shed 5’ from the property line and indicates the location of the tree.
- Audience member addresses Applicant, and is directed to speak directly to the Board. She states that Applicant did not provide her with the dimensions of the shed.
- Spee explains to Audience Member the dimensions of the shed as stated in the Application.
- Craig explains to Applicant that if the shed height is under 12ft and less than 200 SQFT, she will not need a building permit; however, an area variance is still required. Conversely, if the shed is to exceed the aforesaid parameters, Applicant will need to obtain a building permit and an area variance.

- Applicant explains to the Board that she intends for the shed height to be 15ft to allow for lofted storage space. Potential flooding is a concern of the Applicant's, and she understands the requirement for a building permit in the event the shed will be built to the intended height.
- Craig indicates a requested change to Item #5 on the SEQR to indicate "Not Applicable" since Canaan does not have a Comprehensive Plan. Change was made at previous meeting and is marked on the Application.
- Craig recites DEC information that Indian Creek is a protected stream and requires a 10' buffer area from the stream bank edge. The shed is outside of the required parameters.
- Craig reads the decision by the Columbia County Planning Board that the proposed action has no significant county-wide or intercommunity impacts. Therefore, the decision states, the Zoning Board may take final action with a simple majority vote.
- Ginny Nightingale expresses to the Board her support for the Applicant, indicating she is a nearby neighbor and agrees that Applicant has limited options for proposed shed placement.
- Heather requests a copy of the Applicant's notice to abutters, and Applicant provides: a copy of the letter, an abutter map, receipts of the certified mailings, and directly signed letters.
- Craig motions to close the Public Hearing at 7:09PM, seconded by Spee, and the vote carries, as follows:

David Cooper	[recused]
Patricia Liddle	[absent]
Heather O'Grady	Aye
Craig Dillon	Aye
Spee Braun	Aye
Kevin Mulholland	Aye

Motion carries.

- Craig comments on the location of the shed, and states he would like to see the shed 10-15ft closer to the house if the shed will have a foundation, in order to protect the root systems of the large maple tree on the lot and the neighbor's nearby tree.
- Applicant states she will not have the shed on a foundation, despite concerns for flooding, and she will place the shed on skids.
- Craig and the Board discuss the requirements of "What must be proven in order to be granted an area variance?" per the "Guidelines for Applicants" form, and items 1-5 are read aloud and decided upon as follows:
 - Item (1) No
 - Item (2) No other solution
 - Item (3) No
 - Item (4) No
 - Item (5) No – Applicant purchased the property as-is and did not self-create the problem of the existing shed location.
- Craig drafts a Resolution with specific requirements in order to prevent the potential for radical changes in the future. The Resolution states that approval for the construction of a garden shed is conditioned upon the Applicant agreeing that:
 - 1) placing the new shed a reasonable distance from the tree to protect the root system;
 - 2) the shed will not have heat, water, or electricity;
 - 3) the shed will be placed 5' from the property boundary line; and
 - 4) the area variance is solely for the footprint of the new shed.

Commented [SB1]: Craig, please confirm one way or the other

Commented [SB2]: "trees to protect the root systems"? See above.

Commented [SB3R2]: Or was this, "placing the new shed a reasonable distance from the tree and closer to the house"?

- Craig makes a motion to grant the area variance, solely for the footprint of the shed, and is seconded by Spee, and the vote carries, as follows:

David Cooper	[recused]
Patricia Liddle	[absent]
Heather O’Grady	Aye
Craig Dillon	Aye
Spee Braun	Aye
Kevin Mulholland	Aye

Motion carries.

- **Meeting Adjourned**

- Meeting is adjourned at 7:20 PM, motion by Spee and seconded by Craig, all in favor.

Submitted by Margaret Norway, ZBA Clerk