



Town of Canaan

Zoning Board of Appeals Regular Meeting Minutes – Approved
July 29, 2025

Present: David Cooper
Craig Dillon
Heather O’Grady
Kevin Mulholland
Patricia Liddle

Absent: Spee Braun

Others Present: Audience: Margaret Norway, Zoning Board of Appeals Clerk; Applicant: Donna Knight;
Ginny Nightingale, Town Liaison

I. Meeting Called to Order

- Chair calls the Regular Meeting of the ZBA to order at 7:01 PM.

II. Minutes Review/Approval

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

David Cooper	Abstained
Patricia Liddle	Abstained
Heather O’Grady	Aye
Craig Dillon	Aye
Spee Braun	Absent
Kevin Mulholland	Aye

Motion carries.

- The May minutes are approved by a motion made by Heather and seconded by Patricia. The vote carries, as follows:

David Cooper	Aye
Patricia Liddle	Aye
Heather O’Grady	Aye
Craig Dillon	Abstained
Spee Braun	Absent
Kevin Mulholland	Abstained

Motion carries.

III. Appeal Case #2025-004, Area Variance to the Zoning Ordinance, Donna and Jeffrey Knight, 54 Queechy Lake Dr, Canaan, Tax ID 50.1-2-10.

- Chair presents the appeal to the Board and reads the application aloud. Appellant is seeking a variance to replace “an existing rotted deck and increase the depth of the deck by 2 feet.”
- Clerk notes a correction to the tax map ID number on the application. Presented as tax map ID 50.1-1-2-10, the correct tax map ID number is 50.1-2-10.
- Chair notes a correction in the application. The Applicant selected “Use” Variance; however, the correct variance Appellant is seeking is for an “Area” Variance.
- Chair reads aloud the building permit denial letter that caused Appellant to come before the board.
- Chair presents the originally submitted building permit application that was denied by Lee Heim, Code Enforcement Officer, due to the proposed deck not meeting the required front yard setbacks per Town of Canaan Zoning Article V, A, 1(c).
- Chair marks “RA-2” of Item 4 within the aforesaid building permit application.
- Heather requests clarification on the number of decks.
- Appellant explains that she had submitted a permit for two (2) decks: the replacement of the rotted deck that is nonconforming, and a “new 10’ x 15’ deck off the apartment” that is conforming to side yard setbacks.
- Chair continues reading the building permit application and obtains clarification of the location of the deck that is nonconforming
- Appellant explains the driveway on the submitted map is from an old survey and that the said driveway no longer exists. Instead, there is a retaining wall.
- Chair informs Appellant the Board will continue review and provide suggestions as needed.
- Heather reads aloud the SEQR to the Board.
- Patricia inquires about the .49 acres stated on the SEQR, and Appellant explains that she owns contiguous land and included the same on the SEQR.
- Chair suggests the submittal of a simplified map or plot plan.
- Appellant presents to the Board a correctly printed map as the one submitted was divided onto two separate pages. She proceeds to identify the line showing 60 feet distance from the centerline of the roadway to the edge of the proposed deck that is situated closest to the road.
- Chair states that the side yard setback is fine; he darkens the 60 feet line on the map to make it more legible.
- Chair explains the criteria that is required and would like Appellant to answer the following items:
 - (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
 - (3) whether the requested area variance is substantial;
 - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (5) whether an alleged difficulty is self-created.

- Chair questions the Board if an elaborate answer is needed beyond what has been presently submitted, and Board concurs that the present information is sufficient. Chair provides the printout of the above listed criteria to the Appellant to consider.
- Chair motions to accept the area variance application and is seconded by Heather. The vote carries as follows:

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

- The area variance is accepted and a public hearing is scheduled for Tuesday, August 26th, 2025 at 7:00PM to be located on the second floor of the Canaan Town Hall.
- Heather informs Appellant that she will need to notify abutters within 500 feet of all metes and bounds of her property line.
- Chair indicates that if neighbors/abutters are to sign off on a “Proof of Service” that it must be no less than fifteen (15) days prior to the public hearing date. The same criteria stands for sending certified mailings to abutters.

IV. Meeting Adjourned

- Meeting is adjourned at 7:41 PM, motion by Chair and seconded by Patricia, all in favor.

Submitted by Margaret Norway, ZBA Clerk