



Town of Canaan

Zoning Board of Appeals Regular Meeting Minutes – March 31, 2026

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

Alternate: Pat Liddle

Absent: none

Others Present: Jonathan Harty, Attorney Christina Meier and 1 audience member

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 December 18, 2025 meeting were approved by a motion made by Spee Braun and seconded by Craig Dillon. The vote carried, as follows:

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

Motion carries.

III. Appeal Case 2026-01, Interpretation, Jonathan Harty 13149-1 State Route 22, Canaan, Tax ID 60.-1-34.3

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- File was originally for a Use Variance to put a “mobile home” on a property in the C2 zone, but a Federal and State law that was passed in 1974 and then revised in 2019 standardized regulations for modular and manufactured homes, (formerly mobile homes). Mobile homes are now referred to as manufactured housing. This is from the Federal Manufactured Home Construction and Safety Standards Act.
- Chairman Cooper Stated that prior to this file he had been unaware of these regulations and knew that the Code Officer had not heard of them either.
- Chairman states that State and Federal Regulations probably supersede Town regulations.
- File if accepted will be a two-step process involving a Public Hearing for the interpretation and then if the Board finds that the Appellant is able to place a manufactured home on his property, he will then need to apply for a Special Permit.
- Chairman asks Appellant if he wants to change the application to an Interpretation.

- No referral to the County for an Interpretation
- Chairman explained the notice to Abutters that must be done at least fifteen days prior to the Public Hearing.
- Board member Craig Dillon said the Board of Assessment Review states that when the wheels come off it's assessed as a house, and there are no wheels so this is a house. He also stated that in Ghent there is a home that is identical to this one and the only thing that may give it away is the skirting around it.
- Chairman states the owners have a responsibility to affix the structure to a permanent foundation as per the manufacturer's recommendation.
- If the builder's plaque is still on the product, it should be photographed and put in with the application.
- Craig Dillon asked if this was the same lot that the ZBA had granted a variance to build a home on in 2021. The answer is that this is a property that was just acquired a year ago.
- Chairman stated that for the interpretation there does not need to be an Ag. Statement but if it goes onto a Special Permit, it will.
- Board member Spee Braun asked if there were going to be two Public Hearings and the answer is there will need to be a Public Hearing for the Interpretation, and if the Board decides that the Zoning Officer is not correct in his decision to deny the original building Permit, Mr. Harty will then be able to apply again and will need a Special Permit. In order to get the permit, he will need to come back in front of the Board and there will be another Public Hearing for that file. Mr. Harty will also have to go in front of the Planning Board for Site Plan Review.
- Attorney Meier asked if every Interpretation requires a Public Hearing, even though the Executive law clearly preempts the Town law and Town law defines a mobile home the same way the Executive law defines manufactured housing. The answer was that in New York, all Interpretations do require a Public Hearing.
- Board member Pat Liddle asked if there was any way that we could have the Public Hearing on the Interpretation, make a decision and if the Board finds for the Appellant, could the Board accept a file for a Special Permit that same night? Chairman Cooper explained that there still needs to be Site Plan Review, but there are timelines that need to be observed.
- Attorney questions that the Public is allowed to say that no single family manufactured homes allowed, even though executive law states that manufactured housing has to be considered a single family home.
- Attorney asks if Code Officer has authority to look at the Executive law and say that he has to treat this as a single family home under these circumstances. Chairman Cooper stated that he could not speak for the Code Officer.
- Craig asked if it was possible to do a joint meeting with the Planning Board and Chairman Cooper stated that he didn't know and that it is important to keep objectivity
- Motion by Craig Dillon to support the Appellant's application change to an Interpretation with the addition of a new cover page. Seconded by David Cooper. All in favor.
- Public Hearing scheduled for April 28, 2026.

IV. Meeting Adjourned

Meeting was adjourned at 7:48 pm, motion by Spee Braun and seconded by Craig Dillon

. Respectfully submitted by
Heather O'Grady

