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Final  
as written  
8/17/15

SPECIAL PLANNING BOARD MEETING  
CANAAN, NY 12029

AUGUST 4, 2015

The meeting was called to order at 6:45pm. Marlene Tuczinski was absent.

The purpose of the meeting was to meet to consider the continued application from the July meeting for the BLA between Wilber/Helen Clark and Marcella Shaw and Brian Shaw at 3014 and 3032 County Route 9 and an Exempt Subdivision of the Clark property.

Ms. Hunt presented new maps showing the setbacks, septic, well and new house location as requested. She also presented additional information on her new double wide trailer such as pictures and a floor plan.

Pierre said he had spoken to the Town Attorney who said the new home was allowed as long as it met setbacks. The subsequent subdivision will **not** cancel out the grandfathering.

Pierre said he and Jens walked the property. The maps show the location of the house is on a hill. Ms. Hunt said that is incorrect, that it is near the septic system on the flats. Also the surveyor shows the existing shed encroaching on the area for the house so it does not meet setbacks. Chad said he was concerned since this Board is the one who sets setbacks as part of subdivisions. He said if setbacks can't be met, then a variance is needed. He said it does not meet requirements.

Jens asked why the house has to be moved to a new site? Ms. Hunt said she has a handicapped daughter in a wheelchair and the bus needs to be able to get closer to the house. Also, the house was too close to the hedge and it created mold in the old house. That caused it to be torn down. The Board said the house could be on the roadside of the septic system. The well is about 7 feet off the road.

Chad said the Board is creating a non-conforming condition by having the subdivision as shown on the map and putting the house as its shown on the map. He said it can't be approved as shown.

Pierre told Ms. Hunt to get a hold of the surveyor to reconfigure the lines and still maintain the 2 acres and have the house within the needed setbacks.

The following items must be fixed/reconfigured:

1. The boundary line between the mother's house and Ms. Hunt's new house. The line has to be 25 feet from the barn(shed) to the property line. The shed cannot be within the

building envelope and can't be within the setback.

2. Must show the measurements of the house to show it meets all setbacks, within the building envelope.

Ms. Hunt asked if she should have another surveyor do the work? Pierre said he can't advise her on that. She said she has paid some but won't pay the rest until the maps are correct.

3. Move the line to the side but still meet the septic setbacks per Columbia County Health Dept. Chad said he believes this to be 10 feet but it is not addressed in our zoning. It should meet the 25 foot setback from the shed and 10 foot setback from the septic. Pierre thinks that needs to be decided by County Health or our ZEO but not the Planning Board. Chad said the surveyor must do it; it is his responsibility to show everything and meet all requirements.

4. Show the septic setbacks. When the line is moved, there still must be enough room (setback) from the septic to get around it with the driveway.

Pierre asked Ms. Hunt if she was clear on what the Board requires so she can tell the surveyor. She said she was still confused about moving the subdivision line. The Clerk suggested the Board write on one of the maps (since the maps will not be approved anyway) to show the surveyor exactly what has to be done. The Board could show exactly what line(s) need to be moved, show the septic setback etc. Chad and Pierre did this. Ms. Hunt will take the map to the surveyor.

The Board will plan on Ms. Hunt being at the August meeting unless they hear otherwise.

MOTION TO ADJOURN-Jens Braun

Second-Pierre Gontier

All in Favor

The meeting adjourned at 7:40pm.

Respectfully submitted,

Tammy C. Flaherty  
Planning Board Clerk