

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK

October 31, 2017

Present: David Cooper, Pat Liddle, Christy Ransford, Jack Steffek
Absent: Sandy Haakonsen, Bill Wallace

Chairman Cooper opened the meeting at 7:00 PM with 5 people in the audience. There are two items on the agenda.

Motion made by Pat Liddle with a 2nd from Christy Ransford to accept the September minutes as submitted. All in favor.

7:02 Public Hearing for File #2017-8 for Nancy Peck and Leigh Rice, 120 Beebe Pond Road, **Tax ID#50.3-1-25**, for an area variance for an above ground pool with deck and privacy fence.

David read the legal notice as well as the response from the Columbia County Planning Board, which stated that the proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Canaan Zoning Board of Appeals may take final action.

David stated that he had gone to speak to Highway Superintendent Bernie Meyer, only to find that the Appellant's had already done so, and had asked him to look at their situation. Bernie was kind enough to provide the Board with the letter that he sent them in regards to where he would like to see the fence put. The letter can be found in the official file at the Town Clerks office.

Chairman Cooper said that for the purpose of the SEQR this is a listed type II action, which is one that logically doesn't have any significant adverse effects. In this case nothing is really changing on the property as such and is primarily an issue of setbacks.

David asked if the Appellants had their receipts pertaining to the Notice to Abutters, and they did not have receipts. They stated that they had mailed out notices shortly after the August meeting. They went on to say that they had spoken to at least one of their neighbors in person, and she was fine with the project. They had also had one of the letters returned, so they will bring that to the Town Clerks office so that at least the date they were mailed can be seen. They will also bring the list of Abutters. ***

There was nothing to submit other than some photographs showing where the fence was to be going. Both Nancy and Leigh voiced how happy they were with Bernie's ideas. David explained that the Highway Superintendents main objective was a balancing act between getting them a fence and allowing the town to safely and securely be able to plow. He also stated that Bernie wanted to make sure that with the fence being so close to the road on a corner lot that the people traveling Beebe Pond would be able to see at the intersection.

David asked if any of the neighbors had acted adversely or positively about the pool over the summer, and Leigh said the only comments were from people that slowed down to ask if they could come and swim.

Pat asked how high the fence would be and if it would be stockade. The answer was that it would be 6' and something like a stockade.

No one in the audience nor on the Board had any other questions, and Pat made a motion to close the hearing, with a 2nd from Christy. All in favor. 7:12

7:12 Deliberation: David stated that this is an above ground pool, and is almost a temporary structure. The fact is, that it could be fairly easily moved if need be. David also mentioned that the front yard setback in the CII zone is 100' which is a lot on a corner parcel. Pat mentioned that the plan should be modified to meet Bernie's requirements.

Christy asked that the decision be contingent that the Board receive some kind of documentation that Abutters were notified.

David resolved that this file is approved as submitted but the Board is incorporating the recommendations of the Superintendent of Highways with regards to the fence and the setbacks for that. Also included in that would be a mutual agreement between the Appellants and the Board that in case the fence gets trashed while snow is being cleared after a bad storm, that the Town is not responsible. The Appellants agreed.

Pat with the 2nd to David's resolution and reiterated that there needs to be proof for the notice to Abutters.

The Clerk polled the Board:

David: Yes

Pat: Yes

Christy: Yes

Jack: Yes

7:20 All in favor

The Appellants will bring their notices along with the \$25.00 fee to the Town Clerks office.

7:21 Consideration of File 2017-9, David Patzwahl and Brian Lossow for an area Variance for a Subdivision of property located at 25 Queechy Lake Drive, Tax ID#50.1-2-3.200.

David Patzwahl has Power of Attorney.

David Patzwahl gave the Board an updated map of the property. He pointed out where the right of way road was and where the cottages are. He also pointed out the property owned by Charles Goldberg, which surrounds three sides of the property. He stated that the cottages have their own septic and wells. The family who sold it, sold the property with both cottages on it and didn't separate them. He would like to separate the parcel into two sections, with the upper cottage having 1.96 acres of the property and the bottom cottage will be left with the other 1.04 acres. Chairman Cooper asked if this had been part of the Les Pyreneese, which was affirmed.

This project was denied by the Planning Board because of Density requirements, Front Yard Setbacks off the private roadway, and the Width of the driveway. David Patzwahl said he was asked to put the Deeded Right of Way on the map, which he had done. This right of way comes out on Whitings Pond

Road, and even though the right of way is open, Mr. Patzwahl would like to use the driveway, and keep things as they are.

Chairman Cooper pointed out that all of the issues involve Area Variances, so the Board can take them on as a whole. He also pointed out that while the Density needs to be addressed, this will also help with the fact that there are, multiple residences on the same property.

David read the file. The parcel is located in an RAll district. He pointed out that the standing came from the decision of the Planning Board, where they did deny an exempt subdivision. Mr. Patzwahl pointed out that when 911 came about, they never gave any of the cottages separate addresses. Therefore, the Goldberg property also has an address of 25 Queechy Lake drive. This is another factor that will be taken care of with a subdivision.

Chairman Cooper read the short form SEQR and said this will be a listed type II, so needs no further SEQR review. He then read a narrative written by Mr. Patzwahl, which can be found in the official file.

David mentioned that the Board had been copied on an email from Town Attorney, Andrew Howard to Planning Board Chairman Pierre Gontier. It was in response to questions that Pierre had posed, and can be found in the file.

David asked if there was any information missing, and Pat asked for proof that the driveway is included in the Deed. Mr. Patzwahl showed the Board a copy of the Deed which shows the driveway. It spoke of both the Whittings Pond entrance as well as the County Route 30 entrance. Mr Patzwahl provided the Board with their own copy. Pat also asked if there was a Title search and the answer was yes. Chairman Cooper pointed out that this had not been a Tax Sale, and there should be no issues.

Chairman Cooper asked if there was anything else that the Board wanted included, and Pat wanted to know how the property was to be divided, and what was going to happen with the third foundation. Mr, Patzwahl is keeping the front parcel with the 1.04 acres and Mr. Lossow will have the bigger 1.96 acre back parcel.

Pat made a motion to accept the file with a 2nd from Christy. All in favor. The hearing date will be November 28, 2017. Pat and David explained to Mr. Patzwahl about the notice to Abutters.

7:52. Chairman Cooper said that he had spoken to Pat, and on occasion he would like to have Board Members conduct meetings. He believes this is good training, and in an emergency, anyone could lead a meeting. All agreed, but asked that they have notice and time to prepare.

Pat made a motion to adjourn with a 2nd from Christy. All in favor. 8:02.

For the Board,
Heather O'Grady

** The Clerk received email confirmation from Nelson Furlano and his wife who are one of the Abutters, that they had received the letter quite some time ago and were happy to see this project going forward.

The email is in the official file. The clerk also spoke to Elizabeth Keefner who also stated that she was notified and had no issue.