

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK
November 24, 2015

Present: David Cooper, Pat Liddle Bill Wallace, Christy Ransford

Absent: Sandy Haakonsen, John Stelling

Chairman Cooper opened the meeting at 7:00 p.m. with four people in the audience. There are two files to consider and two files to deliberate on. Both Bemiss and TM-APG LLC's site plans have been approved by the Planning Board.

Motion by Pat Liddle with 2nd by Christy Ransford to approve the minutes as corrected by the addition of the meeting date. All in favor.

Deliberation on File #2015-3 Bemiss Properties LLC:

The site plan is rather thorough. Pat Liddle reiterated that the facility is for the storage and maintenance of their own trucks. David said if there had been another building on the property, this would have been an acceptable use as an accessory building. Motion by David Cooper to approve this application as submitted with the stipulation that the appellants implement the site plan as approved. Any changes would require review by the Planning Board. Second by Bill Wallace. The clerk polled the Board:

David Cooper: yes}
Pat Liddle: yes} Unanimous Approval
Bill Wallace: yes}
Christy Ransford: yes}

Consideration of File #2015- 5, Susan Newman, 79 Luke Hill Road, Tax Map ID #50.1-1-27.2:

David advised Ms. Newman that she has standing before the ZBA because she was denied something by the Planning Board. After the ZBA activity she will go back to the Planning Board to implement. Surveyor Matthew Bowe said Ms. Newman is seeking a boundary line adjustment and presented before and after maps to the board. In the 1990's Jon J. Cohen sought an area variance to install a bathroom two feet from the other property. We approved, but if he modified the septic system at all, he would have had to get approval from DEC. As a result the Cohen dining room wound up on the Newman property. David read the file. She wants to convey a portion of her property to Cohen. Both plots are non-conforming and would be 19' from one and 26.3' from the other after the adjustment. This is an attempt to improve a non-conforming situation. David advised the board we would be approving an agreement between two landowners to do a boundary line adjustment. It is here because one of the lots is decreasing in area while the other one is increasing. This is a listed Type II action – it deals with an area variance for one, two or three family residential use – no further review required. Motion by David Cooper to accept the file with 2nd by Christy Ransford. All in favor. Hearing will take place on December 29, 2015. We have the maps that Matthew Bowe provided.

Consideration of File# 2015-4 Brian Wood, 626 County Route 5, Tax Map ID # 68.-1-83.112:

David read the file. The board looked at the submitted map, noted major points – septic, well, etc. The file contained a simple schematic of the proposed garage, a list of abutters, the short form SEQR. Bill Wallace expressed concerns about how close the garage would be to the lot line. David described how this came to light – from the old map, the appellant thought he needed a 15' variance on a 50'

requirement, but it was resurveyed and he had less area than he thought. The Zoning Officer raised the issue. The abutters are willing to do a boundary line adjustment. Bill Wallace would like the map to show dimensions and distances and the required setbacks (50' not 25'). He would also like the map to show USGS contours in the proposed building area to show the steep grades. That would help to demonstrate why alternatives aren't possible. Mr. Wood has a new map and can move the building 4' which lessens the problem. The new map is not drawn showing the garage in the correct position. Mr. Wood says the correct position is now staked out, as is the property line. David said the problem lies in the 5-acre zoning that requires a 50' setback. David feels the narrative describes the situation accurately. Motion by David Cooper with 2nd by Pat Liddle to accept the file on the condition that the appellant provide the board with a revised, corrected map no later than 15 days prior to the hearing, which will be on December 29, 2015.

Deliberation on File # 2014-4, TM-APG, LLC

David read the Planning Board resolution. We have the site plan drawings by Pat Prendergast. Does the board want anything else? Christy is concerned about a new pole barn on the plan. David said we are approving a special permitted use, and the requested use hasn't changed. The pole barn would be an accessory use, which is permitted. It is up to the ZEO. Discussion of "house addition" on the plan. He can continue existing, non-conforming setbacks. The scope has not changed. There are no issues with the special use and no problems with the approved site plan. Motion by Christy Ransford to approve this special permit as submitted, recognizing they are entitled to use the property consistent with the zoning. 2nd by Pat Liddle. The clerk polled the board:

David Cooper	yes)	
Pat Liddle	yes)	unanimous approval
Bill Wallace	yes)	
Christy Ransford	yes)	

Motion by Pat Liddle with 2nd by Christy Ransford to adjourn. All in favor. Adjourned at 8:30 p.m.

For the board,

Julie Alexander,
Clerk