

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK
March 2, 2017

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

Chairman Cooper opened the meeting at 7:00 p.m. with eight people in the audience. Motion made by Bill Wallace with 2nd by Christy Ransford to accept the January minutes as submitted. All in favor.

There are three items on the agenda: File **#2017-1** Public hearing for a Special Permit for a Home Occupation for **Harry McMann**, File **#2017-2** for a Special Permit for **TJB Land Corp** for a photovoltaic project, and file **#2017-3** for a special permit for **David Gliner** for an Earth and Berm Pond.

7:02 David read the legal notice for the Public Hearing on file **#2017-1**, Harry McMann, who then turned in his receipts for notification to abutters. The clerk noted that Mr. McMann had also paid \$25.00 for his Special Permit.

David asked if there was anything to add to the file and Harry said that nothing had changed since the consideration. David stated that he had gone to the site and walked the property. He wanted to know about the fence that was to be erected. Harry said that it would be a two sided 6' high by 75' long privacy fence that faced the roadway and toward the neighbors. David asked how long Harry had been doing this from his home, and the answer was three years. At the moment, there are 7 cars on the property. 5 to 10 cars are generally worked on total in the course of a year. Generally, it may take 3 months to restore a car, and then they are sold at car shows. There is no intention to sell cars at the house. Most of the cars belong to Harry, but at the moment one is being worked on for someone else. Mr. McMann stated that he is not looking to expand or be a big business. There will be no signage, and most of the work will take place in the garage.

Christy Ransford asked what kind of ventilation, and the response was that there is a fan inside the garage to help dissipate fumes when they hit the air.

Bill Wallace asked how close to the lot line Harry is going to place the fence and park the cars. He thought that it was probably around 350' to 500'. ***** (See bottom.)**

Audience member Jennifer Ambrosio who is a neighbor to the McMann's was asked if during the period of three years that Harry has been working from home, had there been a lot of noise? Jennifer said that no, there had not been a lot of noise and that she had never been bothered. She had noticed there were a lot of cars however. David then explained the concept of a home occupation and said that for the most part this is not to be a shop. This is to be a modest thing that an individual does from home. Jennifer also wanted to make sure that if the McMann's sell the land, that the permit does not remain with the house. Chairman Cooper said that it did not.

David read a letter from Charles and Jennifer Baum who had some concerns regarding this hearing but were not going to be able to be there in person. These questions were addressed at the meeting, and a copy of the letter can be found in the file.

Pat Liddle wanted to know if a limit of seven cars was reasonable. Harry said that he would like to be able to purchase more if he got a great deal, but would do what was asked. Pat was concerned that if there were more cars that sat for a long time then there would be more of a chance that fluids could leak. She also said that there should not be parts all over the place. Harry said there was not and if Pat were to drive by and see something off, then she should stop and tell him.

With motion made by Bill Wallace and 2nd by Christy the public hearing closed at 7:41. All in favor.

Deliberation: Bill said that he had three things to cover. First, he wanted to get the dimensions of the lot line and be sure the fence was three hundred feet from the neighbors. He wanted to make sure the fence was to be 6' high, and lastly limit the number of cars to 5 outside and two in the garage. However, if he wanted to register the cars then there could be more. Christy stated that her thought had been a total of ten cars, and that was registered/unregistered, or just the frame of a car. David said that if there came a time that the inventory wasn't going to be enough then it could be revisited.

Bill made a motion to accept as long as the following conditions were met: Total of Seven cars, a 6' fence on two sides, Fence 300' from the Eastern property line, noise level to remain low, and proper handling of all waste oil and fluids. David with a 2nd to the motion.

Clerk polled the board:

David Cooper: Aye

Pat Liddle: Aye

Bill Wallace: Aye

Christy Ransford: Aye

Approved unanimously.

Harry will get a permit to begin the fence.

7:53 Consideration of file **#2017-2 for TJB Land Corp, 35 Flints crossing Road, Tax ID#70.-4.100** for a special permit for a photovoltaic project. TJB Land Corp is being represented by Andrew Petersen from Monolith Solar.

Andrew gave the board new paperwork, as he has just taken this project over.

David read the file which is for a roof mounted PV Solar system, for a business in a commercial district. David explained that this file will also have to go to the Planning Board for Site Plan review. He also noted that in the file is the original permit that was denied by ZEO Lee Heim.

David said that he was probably paraphrasing, but that the amount of Solar potential is 110% of usage. He asked Andrew where they were in terms of the project? Would they not fall in the norm? Andrew said that there would be a surplus of electricity and they would fall around 150%, but not a solar farm. The surplus will go back into the system.

Chairman Cooper said that what is needed is the reason that the project has to exceed the maximum allowance and the criteria for determining usage and where it goes. Also, need certification that the roof can actually hold all of the solar panels.

David asked that Andrew get all information to the clerk by Wednesday, March 8. David made motion to accept as long as documents provided on time. Christy with a 2nd.

8:09 Chairman Cooper recused himself due to being an abutter to the next file up for consideration. Bill Wallace will act as Chairman.

Consideration of file #2017-3 for David Gliner of 530 County Route 24, East Chatham, Tax ID# 68.-1-16, for an Earth and Berm pond began at 8:15.

Bill read the file and made corrections to the application and short environmental form submitted by Mr. Gliner. The board went over all the submitted permits, letters from the DEC and also the building inspector. All of the permits are for a flat land Pond and have expired.

Bill spoke to the DEC and they have no issues with the pond as long as it is at least 30' away from Indian Creek. The drawings submitted show the pond to be 35' plus a bit away from the creek. The Army Corp. of Engineers are also not concerned.

Chairman Wallace stated that he didn't see a building permit for the bridge, and Mr. Gliner wasn't sure if he had one. Bill advised Mr. Gliner to check on that.

The pond is shown to be 40' on either end with the middle being approximately 90' and the length around 230'. The dam portion of the pond is 3'x12'. The dam has a cement box overflow with an 18" drain. There is also a secondary overflow.

Mr. Gliner explained that they would like to eventually have a farm and use the pond for an irrigation water source. The portion of land chosen for the pond was the flattest piece on the parcel. Mr. Gliner said they didn't really want to put a berm, but had no choice. He also stated that it was twice as thick as a normal berm. Chairman Wallace stated that he wanted an engineer to do a drawing, to which Mr. Gliner replied that the DEC and Army Corp. of Engineers had no problem. Bill said it had nothing to do with them, because it was out of their jurisdiction. Bill said that as long as it is structurally sound he didn't think there would be any other issues.

Mrs. Gliner said that the building inspector came out to the property and since then nothing has changed. She said that he never mentioned they needed an engineer. Bill said this is because it was for a flat bottom pond. Mrs. Gliner said the inspector told them what to do and they did what was said, and now she doesn't understand why they are going to have to incur this expense. Pat said that this was a **prior building inspector**, and they may have made an error. Even if the building inspector was wrong, the board doesn't need to keep it going. Chairman Wallace then read a letter from ZEO Lee Heim, that stated the Gliners needed to stop because their permit was for a Flat Land pond and expired in January.

David Gliner asked that if he gets an engineer to sign off will they be good to go? Bill said that if they show an engineered stamped drawing he would feel better. Building a dam means you need to make sure it is structurally sound. Needs to be a drawing that shows all the outlets and details of the pond.

Pat made a motion to accept conditionally as long as the engineered drawing was to the board 7 days prior to the hearing. Christy 2nd. All in favor.

Bill made a motion to adjourn and Pat with the 2nd. All in favor. Meeting adjourned at 8:46.

*****Mr. McMann informed the clerk on Friday March, 3, 2017 that he was incorrect as to how far away the fence would be from the lot line. He measured it out to be 170'.**

For the Board,

Heather O'Grady,
Clerk