

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK
April 26, 2016

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

Chairman Cooper opened the meeting at 7:00 p.m. with four people in the audience. Motion made by Pat Liddle with a second from Sandy Haakonsen to accept the March minutes as submitted. All in favor.

There is one deliberation on the agenda and one file to consider.

Deliberation on **file #2016-2**: Chairman Cooper asked Andy Didio to give a brief summary of the site plan that has been approved by the Planning Board. Mr. Didio said that the plan had been slightly altered since the last Zoning Board meeting. He had met with Highway Superintendent Bernie Meyer and together they decided that the driveway would be moved a bit south, which is just north of the existing residence. The storm water management pond is going to be slightly larger and essentially a holding pond. Other than that the plan is essentially the same. Pat Liddle asked if they would be entering from the other lot, and Mr. Didio said that they were and they may establish a loop between the two. Bill Wallace stated that the new entrance looked like it was really close to where the old driveway was and Mr. Didio agreed and said that it worked better grading wise. David said that it was approved by the Highway Superintendent.

Chairman Cooper asked what the hours of operation typically were going to be, and Mr. Didio said that deliveries do happen seven days a week and a lot of that is weather dependent. There are pretty consistent deliveries beginning at 6:00 a.m. most days, and typically they end around 5:00 p.m., but may run a little later during the summer.

David Cooper said that the Columbia County Planning Board had said this matter could be decided on locally. David's opinion is that this expansion is beneficial to the operation and it helps to simplify and get things under control. It also gives the company ownership of the property in the event that they should lose their lease, which he doesn't see happening. He also noted that with the zoning there can be two uses for the site as both business and residential. David commented that in his opinion the primary thing that really stuck in the public minds at the last meeting was the hours of operation and the noise this past Easter Sunday. The logs hitting together was determined to be accidental and not being done to knock mud off of the logs. Sandy Haakonsen noted that at the last meeting it was discussed that the Easter Sunday early delivery had been very atypical.

Chairman Cooper asked if there was anything else? He stated that 5:00 or 6:00 didn't seem to be unreasonable hours but if the company begins dropping logs at midnight the board could always revisit this. Pat Liddle wanted to know if the board really could revisit. David said that the Zoning Officer absolutely could if there were complaints. Pat said that it wouldn't be unreasonable to ask Gutches Lumber to close on certain days in order to give the residents a break, and Christy Ransford agreed. Bill Wallace mentioned that he originally brought up the hours of operation in the last meeting to try and be

friendly and accommodating, but when he went back to the site and measured he noted that the nearest home is more than a 1,000 feet away.

John Stelling noted that the board needed to be specific with holidays and David agreed. It was decided that Thanksgiving, Christmas, New Year's day and Easter are the four holidays that need to be addressed. Pat said she was trying to make sure that the public knew that the board was in fact listening to them. Andy Didio stated that since this was a seven day a week operation and very much weather dependent, closing the facility was not really an option. Business wise it would be much easier to limit the hours than to shut the business down completely. Pat noted that it didn't even need to be closed, but not start so early on these four major holidays. John Stelling asked if the Planning Board put any stipulations on the acceptance of the Site Plan? David said not that he heard at the meeting other than they were responsible for obtaining and implementing any and all of the permits, but nothing about hours of operation. David said that it was reasonable for the board to work with the representative of the company to come up with a rational compromise.

David asked if there were any other conditions to add. Pat wanted to make sure they would continue to sweep the road and David said they were to put in every effort to clean the road and keep up and manage the mud. He would include in the decision that the use of the heavy gravel continues to help control the mud. **Holiday Operations were to be set as 9:00 a.m. to 4:00 p.m.**

David asked if anyone wanted to move to accept the storage yard with all of the conditions being met, and Pat Liddle made the motion with a 2nd by Christy Ransford. 7:23 p.m. The clerk polled the board.

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| David Cooper: | Yes |
| Pat Liddle: | Yes |
| Bill Wallace: | Yes |
| Sandy Haakonsen: | Yes |
| Christy Ransford: | Yes |
| John Stelling: | Yes |

Audience member Vivian Vispo asked Chairman Cooper if the public was still allowed to use the road. David explained that they would be able to use the road and there would be no changes to that. Vivian wanted to make sure the trucks were not unloading right on the road. Chairman Cooper explained that the trucks were offloaded in the lot and not on the road. David stated that the issue the folks from Flint's Crossing Road had was what would they do in case something happened at the crossing. He went on to explain that there were other exits and entrances that the towns people could use. He also noted that between the town and Gutches Lumber there had been improvements made to the road.

Consideration of file **#2016-3** began at 7:26. Mark Meppen is representing the appellant Dorothy Meppen, 2524 State Route 295. **Tax ID #50.3-1-9**. David read the file which is for a boundary line adjustment. The file is coming from the Planning Board. Mrs. Meppen is looking to take property from her commercial property and add it to her residential property which is not up to minimum lot size. The planning Board after a long discussion may not be able to act because the lot was not going to reach minimum lot size, but it will be larger. The appellant is asking the Zoning Board of Appeals to ok the addition of the land to the existing lot.

David said that the map provided by the surveyor, Matthew Bowe was pretty descriptive and asked if Matthew would go over it. Bill Wallace said the immediate question would be, are we just looking at the boundary line adjustment, because there seems to be a bunch of proposals on here. Mark Meppen

responded that all proposals on the map are for future projects that have already been approved by the Planning Board, and are on file at the Town Hall. Matthew Bowe said that the Planning Board Chairman requested that all of that information be included on the map for the commercial expansion, which is separate from the boundary adjustment. Mrs. Meppen is looking to add .432 of an acre from her commercial property to her residential property, which is zoned combined residential and commercial. Bill Wallace pointed out what looked like a new access road and asked if that was what it was. Mr. Meppen stated that indeed that is where they would be accessing the property, but it has been well used by both his mother and her tenant for quite some time. He said the reason they are making this adjustment is because at some point in the future someone else will own a portion of the property, and he wants to make sure that his mother has sole access to the driveway.

Bill Wallace wants to put in writing that the Zoning board of Appeals is not approving anything but the boundary line adjustment. David stated that the only thing the board is doing has to do with adding one piece of property to the other, and both Mr. Meppen and Mr. Bowe agreed.

John Stelling asked what exactly the Planning Board said was the reason for denying this adjustment. David then read a letter from Planning Board Chairman Pierre Gontier. After reading the letter David noted that Matthew Bowe had brought this to his attention about five months ago, and the lot is nonconforming because it is too small, but it is still a legal lot. He went on to say that the only thing you are doing is making a legal lot less nonconforming. David stated that the appellant is seeking recourse and the board can offer relief. John Stelling said that the only thing that concerned him was that the Planning Board had not written why they denied the adjustment. Mr. Meppen said he was under the impression from what Chad Lindberg of the Planning Board said was that the Planning board was not allowed to make a nonconforming lot. (Even though the lot was already nonconforming.)

Chairman Cooper went on to say this boundary line adjustment is a listed type II action and the SEQR will reflect that. A type II action is one determined by the state to not have any significant environmental impact.

Mr. Cooper asked if the Planning board had said anything about the County? Mr. Meppen stated that for the Commercial Site Plan they had, but not for the boundary line adjustment.

David suggested that the file be accepted as is with a 2nd from Pat Liddle. All in favor. 7:40PM.

David explained the process of making sure all abutters are notified at least 15 days before the hearing which is scheduled for May 31st.

Pat Liddle moved to adjourn with a 2nd by Christy Ransford. All in favor. Adjourned 7:44.

For the Board,

Heather O'Grady,
Clerk.