

ZONING BOARD OF APPEALS
TOWN OF CANAAN COLUMBIA
COUNTY, NEW YORK July 28,
2015

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

Audience: 3

Chairman Cooper called the meeting to order at 7:00 p.m. Only item on the agenda is continued review of file 2015-2, Charles A. Goldberg, for a variance and subdivision for parcel #50.1-2-3.1 at 25 Queechy Lake Drive.

Motion by Pat Liddle with 2nd by Sandy Haakonsen to approve the minutes as submitted. All in favor.

Chairman Cooper addressed Mr. Frederick Haley, who continues to represent Mr. Goldberg. At the last meeting we said we are not going to approve a subdivision, as that is beyond our scope. We can examine variances based on the planning board minutes and the submitted maps.

The ZBA is happy to keep going but we don't want to be in a position where we are trying to design someone else's subdivision. We cannot initiate. We are sort of doing that by doing this review. David agrees with the planning board that there is a framework here for a minor subdivision. There would be deficiencies in some of the lots and one of the area deficiencies has been removed.

There does not appear to be a real access. With subdivided lots there is a reasonable expectation that they are buildable and conforming. For non-conforming lots you have every right to come before us.

Regarding the road width: The right of way or way as defined in the law has specific characteristics. It is a deeded use and is not included in the area of new lots. A driveway is different. It has no specific requirements. Your maps do not show driveways. Earlier, driveways had a minimum slope where they enter a road. Originally a 2% grade.

In the Canaan subdivision law, Mr. Haley agrees a "way" cannot be called a "driveway." David said an advantage to having a designated right of way is frontage can be taken off it. It must actually be there physically. Mr. Haley doesn't have an answer for way, driveway etc. tonight. He modified one of the lots to 2 acres and submitted maps showing that. David drove it. If you look at the way it is laid out, if you look at the land that goes in front of the houses, based on the map it should be easy. But it is steep. Right now the property can only be sold as one 25-acre property with 2 houses on it. Mr. Haley has discussed with Mr. Goldberg in the case of driveways, rights of way etc. there needs to be an agreement for the right of way. Mr. Haley is still waiting for the legal written agreement. David said because the ZBA cannot initiate, we cannot write the agreement for the owner.

Mr. Haley said the planning board rules specifically ignore the situation at Queechy Lake. Pat Liddle commented that Mr. Goldberg knew what he was buying when he bought it.

David commented that the ZBA is not in a position to say it cannot be done. You have standing because the planning board denied the review of a subdivision. The responsibility for helping you get this firmed up is the obligation of the planning board but it has fallen on us. We are in the uncomfortable position

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of trying to facilitate your map drawing, etc. It goes beyond the ZBA scope. We will take it one step at a time.

We want the file to be as complete as possible so the board understands what we are reviewing. We will work through this patiently. We do not normally get involved in this type of file.

This is an area variance. Mr. Haley said asking for a variance so that this property can be sold as properties around Queechy Lake have been sold in the past. Asking for something to be done so that this can happen.

David said there may not be a completely rational way to do this. The law provides for an auxiliary unit. You have 2 there and you are almost at 5 acres. The way goes through the property but doesn't necessarily divide the property. The variance could apply to only the area of the way that doesn't meet the requirements of the law. Mr. Haley said the applicant will do anything that we will approve. Pat Liddle said that Mr. Haley needs to read the rules and do whatever he can to meet the rules and come to us for variances where he can't.

David said after we get a complete file we will schedule a public hearing. Mr. Haley said he could do as Pat suggested. He will draw whatever he can and come in with what he cannot.

John Stelling and David discussed whether frontage or minimum lot width was required by the law.

Pat commented that Mr. Haley will still need planning board approval.

David told Mr. Haley to come back next month on August 25th at 7:00 p.m., doing what he can according to the law and coming back with requests for variances where he cannot meet the law's requirements.

There being nothing else before the board, motion by Pat Liddle with 2nd by Christy Ransford to adjourn. All in favor. Adjourned at 7:30 p.m.

For the board,

Julie Alexander
Clerk