

ZONING BOARD OF APPEALS  
TOWN OF CANAAN  
COLUMBIA COUNTY, NEW YORK  
November 26, 2019

Present: David Cooper, Pat Liddle, Heather O'Grady, Craig Dillon  
Absent: Jack Steffek, Sandy Haakonsen

Chairman Cooper opened the meeting at 7:00 p.m. with fifteen people in the audience. There is one item on the agenda, which is a Public Hearing for an Area Variance for Bridget Vasquez of 97 Luke Hill Road in Canaan.

David proposed a motion to accept the October minutes as submitted with so moved by Craig and 2<sup>nd</sup> from Heather. Pat abstained.  
All in favor.

**7:02: Public Hearing for file #2019-4**, for an area variance for Bridgett Vasquez of 97 Luke Hill Road, Canaan, **Tax ID# 50.1-1-34**. David read the legal notice and the short form SEQR. After two site visits the review was completed on 11-20-2019 and this filing is a listed type II which means no further review is needed because it will have little or no impact. This site was also reviewed in file 2005-1 and returned the same results. The parcel is located within the buffered area on Queechy Lake. The existing residence will be moved and is less than 50' from the lake shore. The proposed project will occupy essentially the same footprint as the existing structure. Prior to any destruction, demolition or to any soil being disturbed or removed the New York State DEC should be notified of the project.

Chairman Cooper opened the Hearing to the Public and Dan Tuczinski said that he had been hired by Kevin Richards to represent the Appellants. They are hoping to be able to build this summer and they have a few more approvals that they have to obtain. He said that he wanted to clear up a few misunderstandings and that the porch will stay where it is and not change. The building will not come out further. David said that was essentially how it was represented and he understood that because of the cost of excavation that they would work as much as possible within the original footprint.

Mr. Tuczinski said that the Appellants were looking into new technology for the septic system because the original approval was fifteen years ago and there have been some changes. The appellants need to meet requirements from NY State as well as DEC. He believes this is just an amendment to the last approval. He said that he believes this application meets all the criteria for an area variance. This residence is over 100 years old and they want to improve it because it is falling apart and there have been other applications for enhancement on the lake, such as Bob and Debbie Dwyer as well as Jim and Cathy McNamee, so basically what they are doing is consistent with community character. Benefit can't be achieved by another method because the house was configured this way when they bought it and to fix it, they really need to go through this process. This is basically the same footprint, so it is not substantial. The project will not have an adverse effect on the neighborhood because the septic will be updated which is always better for the houses on the lake. It is going to be a nicer property and will probably increase property values because it is an improvement to the lake. Finally, it is not a self-created hardship because the house is in disrepair and they want to fix it.

Mark Greenberg who is an attorney representing the Longabardi's who are abutting neighbors gave a map to the board which showed both properties. He thought it was helpful because it showed the hill. The Longabardi's are not adverse, to the renovation of the house, but want to make sure that nothing happens to the hill. The problem is that the application doesn't show clearly what is going to happen to the hill. \*\*He stated that maybe the Board could keep the Public Hearing open until because he really wants a better map to show that this application is not going to impact the hillside.

Mr. Greenberg asked what the footprint was on the map that the Appellants gave. David and Pat pointed it out to him on the drawing, and explained that the approval from 2005 was giving them permission to cut into the hill, but the new application does not involve the hill. David thinks it is easy for the board to understand where the house is and what is going to happen.

Pat Liddle asked if the current building was bothering the hillside and Mr. Greenburg said no. Pat said that the new building will not impact it either. Mr. Greenberg said that if the Board could say this application will have no implication on the hillside, then he can bring that back to his client.

Board member Craig Dillon said he initially was concerned about the small retaining wall that needed to be moved. Mr. Greenberg said he didn't see any retaining wall on the map, and Craig pointed it out. Mr. Greenberg said this should be drawn by an engineer.

Mr. Tuczinski said that Jim McNamee did all the work and the measurements which will show that they have gone away from the cliff. He provided all of this. his clients are concerned with cost and that is why this is not an engineered drawing.

David said that he feels confident that he understands the drawing and the representation, partly because he visited the site four times and studied it.

Mr. Greenberg stated that his clients also wanted to make sure that their views were not going to be affected by this project. He said there is concern that if someone builds a new, bigger house it can block someone else's views.

Kathy Leaman asked what was meant by the same footprint, and Bridgett Vasquez told her that they would build out to the concrete pads that were already there. Kathy asked if it would be taller and the answer was yes. They were going to put a foundation, because there isn't an existing one. David wanted to indicate that the blue colored area on the drawing submitted showed the existing area variance for the property and said one of the reasons you chose to amend this is so you don't have to deal with major excavations or a disturbance of a feature that you don't want to fix. The whole purpose is to simplify. Bridgett said they do not want to touch the hill.

Craig asked how many floors the new home would be and Bridgett said she wasn't sure but they would stay within the limits.

\*\*Mr. Greenfield asked James McNamee for an explanation of how he got his measurements and he said it was a combination of digitally online, and by measuring tape.

Pat was wondering if the view was a consideration in the zoning laws and David said no that it was a balancing act for granting the area variance. Pat said it had not occurred to her that there would be a view issue. She had been to the property and doesn't believe it will be a problem.

David said for this project to proceed there was going to be a considerable amount of energy put into getting appropriate permits and approvals from N.Y. State DEC to do this properly and safely.

Audience member Cathy McNamee stated that we are trying to keep these homes and cottages so they can last another hundred years.

Lauree Hickok stated that there are a lot of people there to show support and thought they should raise their hands so the Board would know.

David told the audience that the reason they were notified was because State Law feels that everyone within 500' of this project is impacted.

Debbie Dwyer said they rebuilt their house on the channel, and that this is just the beginning. The state is great to work with and they are very strict, but tell you exactly what needs to be done. She is very happy for the m.

**7:48** Pat made a motion to close the Public Hearing with a 2<sup>nd</sup> from Craig. All in favor.

**Deliberation:** Pat thinks the Appellants have provided all the necessary information and she understands that the height would be 35' at most but maybe less. David said he thinks they have just set up a concept and we can physically see the relationship between the residence and the lake. We know the septic is going to be dealt with because of the NYSDEC involvement. The back of the house is stable and there is no rational reason for any disturbance any further into the potential ledge.

Craig said based on the fact that we visited the site I think the information provide is enough. I was the only one who expressed any concern over that little stone wall which is really just two hours with a mini digger. I don't consider this an existing variance.

David said that as part of the decision, that the variance that is in place now should be rescinded and this be taken as a new area variance. The important thing to remember is that the previous variance doesn't go away and would travel with the property if it isn't rescinded. Pat is in agreement.

Craig knows it is beyond the scope of this boards ability, but a 35' house would look very strange but he is very sympathetic to the cost of having that done before you know you will be able to build.

David said we already approved a variance for this property which included a new septic system. The septic that will need to be put in now will be better than the one that would have gone in, in 2005. We have the distinct advantage of having been able to observe this structure. The property line is well defined and there is a reasonable amount of existing timber between this project and the abutters. Heather stated that she thinks the project is pretty cut and dry, but she feels good that the appellants will have to work with the state. She thinks that the previous area variance does need to be rescinded before a new variance happens. David said the old variance is too cumbersome and some of the concerns raised today, that old variance being removed will take care of that. The issue of the hill will no longer be an issue.

Craig made a motion to grant the variance as submitted with the withdrawal of the existing variance that was recorded in decision 2005-1.

Pat with the 2<sup>nd</sup>.

The acting clerk polled the board.

David: Yes

Pat: Yes

Craig: Yes

Heather: Yes

The motion passed.

Chairman Cooper told the audience that on occasion there are openings on the Board. We are looking for a clerk which we may have found and we are also looking for an alternate. The alternate sits with the Board and only have a voice or vote when one of the other members is not here. It's helpful to the Town and the Appellants to be sure there is a full board, and it also takes pressure off the membership because the last Tuesday of the month you can't always plan to be here.

Pat thanked Heather for filling in as clerk.

David made a motion to adjourn with a 2<sup>nd</sup> from Pat.

All in favor

Meeting adjourned 7:59

For the Board,  
Heather O'Grady

\*\* Sentences changed from the draft minutes