

ZONING BOARD OF APPEALS  
TOWN OF CANAAN  
COLUMBIA COUNTY, NEW YORK  
**December 17, 2019**

Present: David Cooper, Pat Liddle, Heather O'Grady, Craig Dillon

Absent: Sandy Haakonsen, Jack Steffek

Chairman Cooper opened the meeting at 7:00 PM with 2 people in the audience. There is one item on the agenda, which is consideration of File 2019-5.

There were two corrections to the November meeting minutes which are marked with \*\*. The original sentences and amendments are as follows:

He 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.

Amended to: \*\* Mr Greenberg 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.

The second sentence:

He really wants a better map to show that this application is not going to impact the hillside.

Amended to: \*\*He stated that maybe the Board could keep the Public Hearing open because he really wants a better map to show that this application is not going to impact the hillside.

Motion made by Pat Liddle with a 2<sup>nd</sup> from David Cooper to accept the November minutes as amended. All in favor.

**7:06 Consideration of File #2019-5**

Chairman Cooper read the file for Lauree and Greg Hickock, 89 Luke Hill Road, Canaan, **Tax ID #50.1-1-31**, for an area variance to add a one story, first floor bathroom, which will add approximately 50 square foot to the cottage. The height will not change.

The file included a narrative, as well as the following attachments which are included in the minutes by reference and can be seen in entirety at the Canaan Town Hall.

Attachment 5.C.1: Undue Hardship

Attachment 5.C.2: Unique Hardship

Attachment 5.C.3: Neighborhood Character

Attachment A: Building Permit Application with sketch

- Attachment #1: Schedule of Setbacks
- Attachment #2: Location Map (from NYS DEC permit application)
- Attachment #2A: Location Map (from Google Maps)
- Attachment #3: Survey of 89 Luke Hill Road
- Attachment #4: Enlarged excerpt of survey (to show setbacks)
- Attachment #5: Photos of corner of cottage, looking NE, N and NW

Chairman Cooper read the denial from Zoning Enforcement officer Lee Heim which made reference to Article V section (A), (1), (B): A non-conforming structure cannot be enlarged. David said there was a caveat to that, that if the structure has a nonconforming front yard setback the building can be enlarged within that nonconforming setback but can't further exasperate the setback.

Board Member Craig Dillon asked the Appellants if they were going to finish all the way over and move the entry door to the front. Lauree Hickok said that was interesting and they hadn't thought of that. Craig said it would give them a couple extra square feet. You get the extra finish space. David said it didn't make any difference to the Board, whether they put in a shower or whatever in there. In terms of the Zoning Officer, as you've indicated already the number of bedrooms determines the stress on your septic system.

David said the Hickok's had laid out pretty much what we need to know which is that you're squaring off the building and expanding an allowed nonconforming use because your setback is changing in that area.

Chairman Cooper pointed out the permit from the DEC which granted them permission for the project, as well as the list of abutters to be notified.

David wanted to make a note that this was one of the more exemplary files that the Board had received. David told the Hickok's that they could be facilitators for people who were applying. Greg Hickok said Lee Heim and David had been very helpful guides. David said he thought the town was served well by the Zoning Officer. He appreciates the fact that the town has someone that wants to help people.

David made a motion to accept the file as submitted with a 2<sup>nd</sup> from Heather.  
All in favor.

David set the hearing date for January 28,2020 and explained the process for notifying abutters.

Craig wondered if there needed to be an application amendment so that when the variance is issued,they have the right to finish the entire space and then they can decide later to move the entry?

Pat said that we were only approving the setback. David said he would ask the ZEO if it is possible to morph the building permit to enclose that space. Just so they have the option.

David made a motion to adjourn  
So moved Pat  
2<sup>nd</sup> Craig.  
All in favor.

**Meeting adjourned 7:41.**

For the Board,

Heather O'Grady  
Acting Clerk