

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

June 12, 2019

Present: Linda Moorhouse, Chairperson
Diane Horning, Ed Bott, Marty Gascon
Renee Boone

Guest: Roger Colegrove
Alice Colegrove
Janice Kriswell
Nancy Hogan
Paul Hogan
Mark Mosett
Sunita Patel
Ted Mayhood

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m.

L. Moorhouse introduced the Board Members and welcomed Rennee Boone to the board. Then invited Roger Colegrove and family to come and sit before the board.

L. Moorhouse - You want to divide your parcels into three separate parcels? And, you are asking for a 25ft. variance on the parcel closest to the gulley, correct?

R. Colegrove - Yes, this is a five generation family farm, we are just moving it to the next generation. We aren't building anything on it.

L. Moorhouse – Ok, the name Colegrove has been in Canadice for a long time. Are there any questions from the board?

E. Bott - Are there any utilities or anything like that?

R. Colegrove - It's just vacant land.

E. Bott - No gas lines running through there?

R. Colegrove - No.

E. Bott - Explained the process of the preliminary hearing and the public hearing to the Colegroves. If you have any questions for the board, now would be a good time to ask.

J. Kriswell - Will you let them know when the public hearing is scheduled?

L. Moorhouse - It will be July 10th.

Page 2

S. Smith - July 10th at 7:30 p.m.

J. Kriswell - Is that generally when you would make your decision?

L. Moorhouse - Yes. If you have neighbors that want to come and speak on your behalf, that is fine. It won't make any difference on our decision.

D. Horning - Each one of these lots will be 14 acres?

J. Kriswell - I think it's about that.

E. Bott - The surveyers will have to figure that out.

D. Horning - (Looking at the map) It says right here on the map, 14 acres.

E. Bott - So we are just looking at the 25ft.? They have a total of just under a 750ft.

S. Smith - They have a total of 725ft.

L. Moorhouse - Ok, if there are no other questions, we will see you in a month.

S. Smith - We don't require anything more from the Colegroves at all?

L. Moorhouse - I don't believe so.

E. Bott - There is no building, it's vacant land, it's just a subdivision.

T. Mayhood - Can I comment?

L. Moorhouse - Certainly.

T. Mayhood - We have spoken with the Colegroves. The bigger issue here is this is a landlocked parcel. They want to subdivide it into three additional landlocked parcels. The subdivision requirement is that they have 250ft. of road frontage. So we are talking about landlocked properties here. If you read the definition of a minor subdivision, which this will be eventually. Chapter 108, it says any subdivision containing not more than four lots fronting on an existing street. They have not yet presented to the Planning Board how to mitigate that. It seems to me that we are a little bit ahead of the game, asking for a variance on one of these proposed lots, until we work out a way for access. The code does have provisions for a private drive. And that would be the only provision. First of all, they would need approval from the State to make a private road across that existing right of way. Then create a private road, which then would

Page 3

give the frontage that each of these parcels need. So, it seems that we are a little bit ahead of the game here asking for a variance on one of these proposed lots, until the plan is presented to the Planning Board.

E. Bott - First of all, this should be saved for the Public Hearing.

T. Mayhood - I'm just giving you additional information.

E. Bott - That's part of the Public Hearing.

T. Mayhood - Well I can come back next month then.

E. Bott - Ok.

T. Mayhood - I would urge you, then to look at subdivision laws, Chapter 108, section 14, definition of a minor subdivision as well as 108-35, which describes private roads, which would be an eventual requirement, to create access to these newly created lots.

E. Bott - Sir, we just said that is part of the Public Hearing.

L. Moorhouse - We will address that next month.

A. Colegrove - We were contacted by Mr. Smith that we could apply for a variance.

R. Colegrove - What's the difference between a right of way and a private road?

L. Moorhouse - Easement, right of way and a public road.

R. Colegrove - We have forever right of ways, which the city granted when they forced the sale of the waterfront.

L. Moorhouse - Right.

E. Bott - That little strip of land in the front is now NYS property, right?

A. Colegrove - Yes.

R. Colegrove - We have two right of ways.

E. Bott - Where is your existing house?

The board discussed the map with the Colegroves.

Page 4

E. Bott - So, the house is not included in these parcels, it's a separate parcel?

R. Colegrove - Yes.

E. Bott - So, you are the sole owner of this property now?

A. Colegrove - No, he and his two sisters, that's why we want to divide it.

S. Smith - You all have a copy of the deed.

L. Moorhouse - We will have the Public Hearing on July 10th at 7:30 p.m. here.

A. Colegrove - Thank you.

The Preliminary Hearing for Colegrove concluded at 7:50 p.m.

L. Moorhouse invited Paul and Nancy Hogan to come and sit before the board.

L. Moorhouse - I want to compliment you on the information you provided to us. I don't know if your neighbors told you that Steve, Renee and I were down there enjoying your view.

P. Hogan - I'm glad you saw the property.

L. Moorhouse - What is it that you folks want to do?

P. Hogan - What we are looking to do is build a new building. We have owned this property since 2003. It's been 16 years and we have small buildings. 6165 is unusable. We use 6167 and 6161.

We would like to build something that can hold our whole family overnight and that would have a large enough table in it to hold everyone for dinner. It has been our goal all along to build something. Now we see an opportunity to do that. We have worked with an architect with the plans. The front cottage that we normally use, 6167, we always felt was a little too close to the lake, so we were thinking about moving it back further. Last year when I talked to Steve Smith, he came out and did these measurements and said that we would have to be 70.5 back from the lake. We were hoping to be around 51.6ft. If we did build this at that point, then these two cottages would be taken down.

The board went over the pictures with Mr. Hogan.

L. Moorhouse - Do you plan on making this a year-round home?

Page 5

P. Hogan - It could be, we are not intending it to be a year-round home. It would be all season.

E. Bott - How big is the building itself? 6167 is 34.5ft. by 16ft.

P. Hogan - 38X42 are the outside measurements.

N. Hogan - No, the existing building is 34.6ft by 16.2ft.

S. Smith - 38X42

P. Hogan - Minus this, it would be 38ft. of building.

E. Bott - Those two decks are only 4ft. long?

N. Hogan - No, they are 8ft.

E. Bott - So, subtract 16ft. off the 38ft.?

N. Hogan - No, because it is only on the front, facing the lake.

S. Smith - They would be considered a porch, because they have a roof over them. It's not actually a deck.

E. Bott - I'm talking about the actual living space. The size is about the same as 6167's area now, that you said was too small, right?

N. Hogan - 6167 has two bedrooms and this will only have one.

S. Smith - The 6167 is one story and the new building will be two.

P. Hogan - It will be 1 ½ story.

S. Smith - So, your gaining a little more height.

E. Bott - Ok.

E. Bott discussed the layout of the lot with the Hogans. Are there any physical barriers preventing you from putting the building, where you wouldn't need a variance? Did you know about the setback before you did all of this.

P. Hogan - We talked to Steve last year.

Page 6

S. Smith - I measured it last fall and I went out again this spring and came up with the exact same measurements.

N. Hogan - The new build would be 18.8ft. farther back than the original building.

L. Moorhouse - Are there any other questions from the Board Members.
There was more discussion of the lot and where the new building would be in reference to the neighbors.

L. Moorhouse - Do you have lake water there, or is there a well?

P. Hogan - We have lake water there.

E. Bott - Is there a septic system on this property?

N. Hogan - No, we have sewer.

E. Bott - No, originally?

N. Hogan - Originally, I have no idea.

E. Bott - You might want to find out where it was, they won't let you build on that. You would have to tear the whole thing out. Some didn't have septic systems, they went right straight to the lake.

P. Hogan - If there is a septic system there, we will just have to deal with it.

L. Moorhouse - Do we have any more questions?

L. Moorhouse - Ok, we will see you back here on July 10th, at 7:30 p.m.

P. Hogan - Is there anything else we need to do before then?

E. Bott - It will be a Public Hearing, so if any of your neighbors want to speak, they will be able to at that time. We will review all of this information again, then it will be open to the public for comments. Then we will have a discussion and vote, where we accept the application as it stands. Then we will vote on the variance.

N. Hogan - Do we find out that night?

E. Bott - Yes.

Page 7

L. Moorhouse - Steve will be posting signs about the Public Hearing.

Preliminary concluded at 8:15 p.m.

OLD BUSINESS

D. Horning made a motion to approve the minutes from the September 12, 2018 meeting,

L. Moorhouse seconded, all in favor.

D. Horning made a motion to adjourn, L. Moorhouse seconded, all in favor.

The meeting adjourned at 8:25 p.m.

Respectfully,

Stephanie Seeley, Secretary