

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

July 14, 2021

Present: Linda Moorhouse, Chairperson
Diane Horning
Ed Bott

Guest: James Kober
Jeri Kober

Marty Gascon and Steve Smith - Absent

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

L. Moorhouse introduced the Board Members.

L. Moorhouse - You have gone to the Planning Board and what did they say?

E. Bott - What did you present to the Planning Board?

Jeri Kober - All the blueprints from the surveyor and architect.

James Kober - We had the first meeting and we did not have the correct stuff. (Gave the site plan to the board to review)

D. Horning - Then you had to have the architect measure, because they thought it was too high.

James Kober - Right.

E. Bott - So, this is what you gave them? You have the deck right on there, the proposed deck. So that hasn't changed.

James Kober - Correct.

E. Bott - That hasn't changed.

James Kober - Correct.

E. Bott - They approved this site plan?

James Kober - Yes, and they had pictures of the deck.

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E. Bott - Who is questioning where the deck is?

James Kober - Steve.

E. Bott - So, the Planning Board approved this, now he's questioning where the deck is?

James Kober - Right.

L. Moorhouse - This is the original deck?

James Kober - Yes.

E. Bott - That the Planning Board approved? You're 26.1, which is more than 20ft. So, right off the bat, there is no need for a variance based on that. The only other thing is, they have this clause where you have to be a minimum of 20ft., but, the average of the two adjoining properties were greater than 20ft. The next question is, from a legal standpoint, where are the next property's decks?

James Kober - On May 5th, I had Steve come down, because I called the Zoning Board.

E. Bott - The only question is, if there is one, where are the properties on this side and that side?

James Kober - This was the property to our north. (Showing the board members the location)

E. Bott - So, there is nothing by the lake there now, because you moved the house?

James Kober - Right. He is in the process of building something. Right now, all there is, is a cement pad.

E. Bott - That's ok, because originally the house was only 27ft. from the lake. So, that didn't include the deck. So, that meant it was about 20ft. previously. So, that side wouldn't apply, there is no house right now. That can't affect your place, because it isn't there. Your place would affect where he can go with his, because it isn't built.

James Kober - Right.

E. Bott - So, the next question is, what is on the other side?

Jeri Kober - On the south side?

D. Horning - Because, what we are worried about is, where does the shoreline go?

E. Bott - Actually, the buildings. There are two clauses, one you are 26ft. There is no problem with that. The only thing they don't want to do, is if this guy is way back here, they don't want you jutting out in front of him.

James Kober - He is actually pretty close. He has a breakwall and our property, we have a beach.

E. Bott - The building is the important part, not the breakwall, not the beach. What was happening is, people were putting decks up and the next guy says, he's blocking my view, so I'm going to put my deck out here. It's what we call the race to the lake. Everybody was getting closer and closer to the lake. You are actually back farther than what your original footprint was. The Planning Board approved it. It's gone through the next level.

L. Moorhouse - You shouldn't have to be doing anything more. But, because Steve is questioning it, we have to do this.

E. Bott - He's not here, so we have to find out what the next part is. We are still going to have to go through the Public Hearing part and he will get an opportunity to explain his side of things, where the house is. I will be honest with you right now, because you've already gone to the Planning Board and this is the drawing you gave them and they approved it. Just like us, they are the level above him. They can approve it and he can say, no, that's not right, that ship has sailed.

James Kober - What Steve is telling me, he wants to measure off the new structure. I said, how can you measure off the new structure? The new structure that Mike Spurling is going to build. He wants to take the average of the two. Mike's farther back now.

E. Bott - Your construction pre-dates his.

L. Moorhouse - Right, that should have nothing to do with what you folks are doing.

E. Bott - No. They can't say that the new place isn't built yet. You've already got this approved. That's my opinion.

Jeri Kober - That was our opinion too.

D. Horning - We will go through the meeting and hope Steve is here and what he has to say.

E. Bott - If that is his approach, I absolutely do not agree with it. That place is being built and yours is already there and approved.

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E. Bott - I have all the information I need. The only thing I don't have is what is on the north and south side. If the north side is new, that is secondary.

James Kober - I don't know if I have anything on Emmons.

E. Bott - That is up to him to provide. He is the one making the determination that you are in the average. You can't make a determination for a place that isn't even built yet.

James Kober - If you look at the deck, on this side to the lot line, it needs to be 10ft. and it wasn't, so I am actually taking a foot off the deck to comply, so we don't have to have a variance for that.

L. Moorhouse - Off the side one?

James Kober - Correct.

E. Bott - Do you have a letter from the Planning Board, approving that? Look online, there should be minutes.

D. Horning - I will go look in the files. The files are gone from last year.

L. Moorhouse - We will go ahead and set up the date for the Public Hearing. We will have the Public Hearing on August 11, at 7:30p.m.

Jeri Kober - What happens on the 11th?

L. Moorhouse - We have the Public Hearing. Your neighbors are invited to come to the Public Hearing and anyone that wants to talk one way or the other, can give us their input, if they want. We, as a board, first we have to vote on the application to make sure that it is complete, then we discuss it and listen to input from the audience. If you have anything more to hand in, we look at that. After we vote on the completion of the application, then we vote on the variance. It's whether we agree or disagree.

E. Bott - There are two sets of votes. Up until the time we accept the application, you can make changes to it. Once we accept the application as it stands, then we vote to accept it. Then we do another vote to accept or deny the variance. If it was turned down, you wouldn't be able to do anything to the property for a year.

Preliminary Hearing concluded at 7:55 p.m.

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OLD BUSINESS

L. Moorhouse made a motion to accept the minutes from the June 9, 2021 Public Hearing, seconded by D. Horning, all in favor.

D. Horning made a motion to adjourn, seconded by E. Bott, all in favor.

The meeting adjourned at 8:00 p.m.

Respectfully,

Stephanie Seeley, Secretary