

**ZONING BOARD OF APPEALS  
TOWN OF CANADICE**

Canadice Town Hall

October 9, 2019

Present: Linda Moorhouse, Chairperson  
Diane Horning  
Renee Boone  
Steve Smith, CEO

Guest: Jacquelyn Paterson

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

L. Moorhouse introduced the Board Members and invited Jacquelyn Paterson to come and sit before the board.

L. Moorhouse - This is not an eligible building lot. How long ago did you buy this?

J. Peterson - 2 years.

L. Moorhouse - This has not changed in any way? This wasn't part of someone else's property?

J. Peterson - No.

L. Moorhouse - This is not grandfathered in, Steve?

S. Smith - There is no building on there, so I don't know why it would be grandfathered in. Since there is no existing building on there, it would be grandfathered.

D. Horning - It's a non-conforming lot, that was created before zoning and before land use. I found the original deed in the Assessor's Office.

S. Smith - They still have to meet the health code.

D. Horning - What is the health code?

S. Smith - It's for the septic. If they are going to put a building on there, they have to meet the health code for septic.

D. Horning - Ok, so what are the set-backs for the septic.

S. Smith - 80 ft., North and South.

D. Horning - Ok, 80 ft. all around.

S. Smith - That's 160 ft.

L. Moorhouse - There is only 101 ft.

D. Horning - I didn't think of septic.

S. Smith - If you are going to put up a building, there has to be a septic. There is no sewer there. It's on 36, but on the other side of the road.

D. Horning - They wouldn't go across the road, so they could hook up to it?

S. Smith - No, the county isn't going to do that.

J. Paterson - Across the street, in the lake district, where it is a half acre lot, the septic over there, what are the set-backs on those?

S. Smith - They have public sewer there.

J. Paterson - Before they changed the zoning, what were the set-back on the septic?

D. Horning - I don't know. Where is your septic?

J. Paterson - On mine?

D. Horning - Yes.

J. Paterson - About 10 ft. from the road.

L. Moorhouse - From Holden Rd.?

J. Paterson - Yes. The one on the next lot, is about 15 ft.

L. Moorhouse - These are pre-existing lots?

J. Paterson - Yes.

L. Moorhouse - They already have buildings on them?

Page 3

J. Paterson - Yes.

L. Moorhouse - That is why they are allowed to be that close to property lines. This is just vacant land, there is nothing on there?

J. Paterson - Correct.

L. Moorhouse - Asked Renee and Diane if they had any questions. The answer was no.

D. Horning - That is the part that I wanted to get straight. The septic is the reason and it's a non-conforming lot, that has been there for years.

L. Moorhouse - Right, she could sell it. However, somebody can't build on it for a living place, because you have to have a septic. With the new laws, there is no way that you could put a septic on there.

S. Smith - Unless you could find an engineer that can find a way to put it in there.

L. Moorhouse - Or, maybe a raised bed. Of course, that's \$25,000 to put one in.

J. Paterson - So, if there was a raised bed?

S. Smith - It would have to be done by an Engineer.

J. Paterson - Then it wouldn't have to comply with the septic set-backs?

S. Smith - It would still have to comply with the set-backs. The set-backs would probably change with the Health Department.

D. Horning - So, you can ask an engineer.

S. Smith - There are still set-backs on those.

L. Moorhouse - I don't understand how the raised bed works. Do they have the 300 ft. of leach lines?

S. Smith - They have an aerobic system. In fact, we have one right here. It works on aeration and pumps.

L. Moorhouse - Ok, this town is not known for being able to perc very well.

Page 4

S. Smith - The suggestion I would have for Jackie is to contact Ontario County Water and Sewer. Tadd Gerace, I have his number in my office. I think he charges something to come down and

evaluate what you have. You would have to discuss that with him. See if he can come up with a better idea, before the next meeting.

J. Peterson - It is so interesting to me, clearly at some point you didn't need 80 ft. away from the lot line to have a septic system. Clearly that lot was designed like the whole neighborhood. You think on 1.1 acre, they could put a septic system.

L. Moorhouse - Well, from what I have read, this came from Cratsleys and they had a whole subdivision down there. Back in the 1900's. There is even a subdivision map that is available at the county. There were no rules at that time. Which is why we have rules now.

S. Smith - This map was filed in 1948, under the name of Walter and Carrie Cratsley.

L. Moorhouse - That's Walter and Carrie, but there were other Cratsleys' before that. We were told that the subdivision on the west side of West Lake Rd., when it was made into lots, it was bulldozed down into Twin Bay and other places down there.

D. Horning - If you could make this a building lot, what did you plan on doing?

J. Paterson - Well, actually, I would like to retire, a lot. I was hoping to sell it, so that I could retire.

D. Horning - Oh, ok.

J. Paterson - That was my plan. What I was originally planning to do, I went to the Planning Department and I was going to split it. I sat down with Mr. Mayhood and he thought it was in the lake district.

S. Smith - They actually approved her subdivision.

J. Paterson - I was going to sell off half an acre, which was the minimum. Then, I was going to take this part and attach it to this. Showing the board members on the map. I thought that was a good plan, someone could have a nice lot across the street from the lake. Then I got a phone call and they said there had been an error. I was in the water district, not the lake district. That is what has brought me to you people. Mr. Smith has been very good about trying to educate me on the limitations of this area. He did mention the set-back for the septic. I don't know how anyone builds on half an acre these days.

L. Moorhouse - They don't, not in this town. If there had been a building here and someone took it

down and built in the same footprint, that would be fine. Because this is just vacant land, you aren't able to do anything with it. Because of the fact, you just can't meet the set-back.

J. Paterson - If I demolish this trailer here, as long as I put it back on the same footprint, which I have 2 years since it is grandfathered in. That trailer is like 10 ft. X 40 something. Could I ask to get a variance for something that is like 12 ft. wide and the right length? The reason I ask is I was discussing this with a manufactured home builder and he said as long as I get the variance, can I ask for another 2 ft.?

L. Moorhouse - Is that a possibility, Steve?

S. Smith - Not that I am aware. It specifically states that it has to be in the same footprint. The law reads, if you put another building there within the 2 years, it has to be in the same footprint. I don't think there is any variation. I don't think it is subject to review.

L. Moorhouse - No, I don't either.

S. Smith - It is what it is.

J. Paterson - It's gone now, it was really nasty.

L. Moorhouse - I'm thinking this may just be a waste of your time.

D. Horning - Read the law to the board members regarding demolishing a building and building in the same footprint.

L. Moorhouse - Could she build a stick frame with the same dimensions?

S. Smith - I don't see why not.

L. Moorhouse - So, if you wanted to go that route.

S. Smith - That would be pretty expensive.

L. Moorhouse - Did that have its own septic and well?

J. Paterson - Yes, it had its own septic.

S. Smith - The shed there is still existing?

J. Paterson - Yes, the shed is still there.

Page 6

They discussed the map.

R. Boone - Could she parcel off that one piece?

S. Smith - She still won't meet the set-backs.

R. Boone - The well and septic is already there.

S. Smith - Yes, for that property.

L. Moorhouse - If she combine the two parcels together?

S. Smith - It would have to go before the Planning Board. It would still be a non-conforming lot.

The Board Members and J. Paterson discussed different options she might have.

J. Paterson - Should I just go talk to Tadd Gerace to see if there is any possibility? I appreciate very much the time you have taken to explain this to me. Can I talk to Tadd Gerace to see if there is any kind of work around?

S. Smith - We can table this so we can stop the time on it. So, the next meeting can also be a preliminary.

L. Moorhouse made a motion to table the variance request, D. Horning seconded, all in favor.

J. Paterson - Thank you very much.

S. Smith - If Tadd approves a septic in there, then it won't require the set-backs that we have in our code. It would have to be engineered.

L. Moorhouse - Just let Steve know when you have some answers.

J. Paterson - Thank you.

Preliminary concluded at 7:50 p.m.

### **OLD BUSINESS**

D. Horning made a motion to approve the minutes from the September 11, 2019 meeting,  
R. Boone seconded, all in favor.

Page 7

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

The meeting adjourned at 8:00 p.m.

Respectfully,

Stephanie Seeley, Secretary