

**ZONING BOARD OF APPEALS  
TOWN OF CANADICE**

Canadice Town Hall

June 8, 2022

Present: Linda Moorhouse, Chairperson  
Diane Horning  
Ed Bott  
Kris Singer

Guest: David Hudak  
J. Cratsley, LLC

Jesse Hallett Absent

**PRELIMINARY HEARING – Christine & David Hudak**

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

L. Moorhouse introduced the Board Members and invited Mr. Hudak to sit before the board.

L. Moorhouse - You have a house on Old West Lake Road?

D. Hudak - N. Old West Lake Road, which is south of Old West Lake Road and north of S. Old West Lake Road.

K. Singer - It's the one across from Pine Haven.

L. Moorhouse - Ok, the other Old West Lake Road is up in Richmond. You want to build a 24 X 32 pole barn?

D. Hudak - Yes, I'm applying for a variance for a 15ft. set back instead of the 50ft. for rural zoning.

E. Bott - Is the pole barn all you are doing? You have little boxes all over the drawing.

D. Hudak - Yes, sorry about that.

E. Bott - So there is existing, 8 X 12 and you want to put in a 24 X 32?

D. Hudak - Yes.

D. Horning - Do to the fact that it is nothing but hills, it's the only flat spot.

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K. Singer - The flattest spot! That goes up pretty severe right behind where he wants to put it.

D. Hudak - Yes, it does. So, from the road is the highest point, then there is a pretty steep hill down to a relatively flat spot and then another slope all the way down through, unfortunately. I did include a Topo map in the package there.

E. Bott - So, the one question I have is there any reason why, because it's a different footprint. That's why you have to go through this process. Is there any reason why you couldn't keep the entire corner, so it's still 18ft. from the property line?

D. Hudak - The wider building would put a good chunk of it down the next hill, which would require a lot of back filling.

E. Bott - Ok, that's why I am asking.

D. Hudak - It's not a great place to build a pole barn. I do have some larger pictures that I took that do a little better job of showing the hill area there.

There was discussion of the pictures and the placement of the pole barn and the hills in the area.

D. Hudak - Our house is actually only 5ft. off the property line. The whole street is non-conforming.

E. Bott - This is flat for Canadice.

L. Moorhouse - How old is the barn there?

D. Hudak - The shed?

L. Moorhouse - No, the barn that is now your house.

D. Hudak - That was built in 1892. The rest of the houses on the street are much newer. It has a lot of character.

E. Bott - Nothing lines up.

D. Hudak - The floors are a little slanted. It's home.

L. Moorhouse - Got character.

D. Hudak - That's exactly what my wife says.

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L. Moorhouse - So, what we are looking at here, we need a 50ft. setback.

K. Singer - There is 15 so it is 35 difference.

L. Moorhouse - You don't have sewer down there?

D. Hudak - No, I don't have a sewer, but I did show the leach fields in the gray box on that side. That's the other flat part that I was trying to look at and a driveway off new West Lake Rd. , or County Rd. 36, but it would put me into the hill where the leach lines are and I don't want to touch that.

L. Moorhouse - Ok, approximately how from the house do you plan on putting this?

D. Hudak - 80-100ft.

L. Moorhouse - The septic will be between the house and the proposed barn?

D. Hudak - Yes, and I have had that serviced, so I have a good idea where it is. The snow doesn't stick there first. I know where that is and I am quite a distance away from that.

L. Moorhouse - Is it a good working septic?

D. Hudak - I haven't had any problems with it.

L. Moorhouse - Are there any questions from the Board Members?

E. Bott - You are in between two roads.

D. Hudak - Yes, which makes it a little weird.

E. Bott - But the main road, you're already 80ft. back from that.

K. Singer - What are the sidewall heights going to be? I kind of have a personal issue with height of buildings.

D. Hudak - I was hoping to have 14ft. eaves, so it would be 19ft. to the peak.

L. Moorhouse - So, there is no view that would be obstructed?

D. Hudak - On the white house?

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L. Moorhouse - Right, because the barn will be down from the white house, right?

D. Hudak - Yes, it would be down from that. We just looked, their view of the lake, which actually improved when the folks across from us cut down some pine trees.

E. Bott - He's on the other side of 36. It's not on the lake side.

K. Singer - So, where the white house is, they will be looking over where the septic tank is?

D. Hudak - Yes.

K. Singer - Between the house and the barn?

D. Hudak - Exactly.

L. Moorhouse - Well, if we don't have any questions from anybody.

D. Horning - Lovely pictures, you spent a lot of time doing this.

D. Hudak - Thank you, I tried, it's my first variance application, so I wanted to be thorough.

E. Bott - Pictures help.

L. Moorhouse - Most definitely. Ok, I will call for a vote that the application is complete.

E. Bott - We don't do that until the next meeting.

L. Moorhouse - I thought we did it at both.

E. Bott - It's not complete until we have the Public Hearing.

D. Horning - We just set the date for the Public Hearing in July.

S. Seeley - July 13th at 7:30.

D. Hudak - The 13th at 7:30?

S. Seeley - Yes.

E. Bott - Explained the two part process at the Public Hearing, first accepting the application and

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then voting on the variance.

D. Hudak - Based on what I have submitted, is there anything lacking?

E. Bott - No.

K. Singer - There will be road signs put out front, so people know that there is a Public Hearing.

S. Smith - About a week before. You might get two, one on 36 and the other on N. Old West Lake Rd.

L. Moorhouse - Ok, we will see you on July 13th at 7:30.

D. Hudak - Do I hang around to the end, or am I free to go?

E. Bott - No, you are all set.

D. Hudak - Thank you very much. Have a good night.

Preliminary Hearing for Hudak concluded at 7:43 p.m.

**PRELIMINARY HEARING – J. Cratsley, LLC**

L. Moorhouse - Invited Mr. Cratsley to come and sit before the board.

L. Moorhouse - Ok, what is it that you want a variance for?

J. Cratsley - My parents are deceased and they left me with two houses on Sweet Pea Lane, which is right off of West Lake Rd. The landlord thing was their thing, it's not really my thing. I grew up down there and I like the bottom house. I would like to keep that and draw a line between the two that are on the lot.

K. Singer - You already have orange flags down there where you want to have the lot line. I have a colored one that kind of helps, because I went down there, because of how congested it is.

K. Singer - Explained the colored pictures she had taken to the board. Access to each home.

J. Cratsley - You would access that bottom house the same way everybody else does down there.

E. Bott - The top one is straight off the road?

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K. Singer - Yes. The top one is off the first 50ft. of Sweet Pea. You can't drive from one to the other. There is kind of like a natural ravine right there.

J. Cratsley - My truck makes it down through there.

K. Singer - I bet it would.

S. Smith - It still drops off pretty fast.

E. Bott - So, they rented out the other house?

J. Cratsley - I have intentions of selling the top one, just so I can do something with the bottom one. I know where the walleye are down there and I kind of would like a little hang out.

E. Bott - I meant before, they rented out the other house?

J. Cratsley - There are people in there right now.

E. Bott - So, that is an occupiable building?

K. Singer - Yes, they both are.

J. Cratsley - I have a handyman in there right now. He did the water lines, that we weren't to happy with, but it was done. And, he actually has interest in buying the place. I don't know if it is going to go that route or not. There are other people on that tract that are interested in buying it. I guess money talks.

E. Bott - About how big would the lots be?

J. Cratsley - Just as big as the other lots down there, if not bigger.

S. Smith - I agree there, probably bigger than any other lot down there on the lake.

J. Cratsley - That whole lot takes up a quarter of the tract, with all of them combined.

L. Moorhouse - But, we need numbers.

E. Bott - Just approximate, because you don't have it surveyed. How big is the lot un-split right now?

The board reviewed the property map for the dimensions of the lot.

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L. Moorhouse - 151.55 X 225

E. Bott - It's just under an acre. So, each one would be a little bit bigger than a 1/4 acre. The other places down there are 50X100, right?

K. Singer - Right.

L. Moorhouse - You said that you wanted to divide it, so they are pretty much equal?

E. Bott - That's what it looks like.

J. Cratsley - Yes.

D. Horning - So, are you going to have this surveyed before you split?

E. Bott - He has to get permission before he goes through that expense.

J. Cratsley - Yes, I need an answer from here before I do that.

D. Horning - You still have to go to the Planning Board.

S. Smith - Yes, he knows.

D. Horning - Ok.

S. Smith - The next meeting here will be July 13th, I believe.

K. Singer - You have to go to the Planning Board for subdivision.

S. Smith - Yes, because he doesn't have over 1/2 an acre.

K. Singer - Right. We have to give you approval for the variance here, then go to the Planning Board for the subdivision.

E. Bott - I don't have a problem with what you are wanting to do here, but you are going to have to have some specifics on distances on where you want to split this before you go to the next step. You can't just say you want to split the property.

J. Cratsley - Right. There is a corner stake right now, where the one line goes to and somehow I have to figure out where the bottom line is. If I could tell you where that other stake is?

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E. Bott - If you have one of the lots, then the other is just a deduction. For instance, if you had the distance from here to there (pointing at the map).

J. Cratsley - I know it is 23 from that house and 21 from that house.

E. Bott - That's good, because that comes into the variance part. If you can, get the distance from here to here and from there to there. (pointing at the map)

J. Cratsley - Ok.

E. Bott - You don't need to do the second set of calculations, because you have the whole distances. It's just a matter of deduction. You are going to have discussions with the subdivision part and they are going to want to know all the dimensions.

S. Smith - They need to know what is there now and what is going to be proposed.

E. Bott - Yes. As long as you get half of it the other is a matter of deducting it.

J. Cratsley - To do that, I need to identify this line and that corner, right?

E. Bott - Yes, you are going to need to know where your corners are.

J. Cratsley - I hope I can find it. Otherwise, I will have to get a surveyor involved, right? To put that line there, so I have the dimensions down and up.

E. Bott - Well, if you mark 23ft. from there and mark 21ft. from there, you can pretty much put a string between the two of them and then come out with a mark here, but you don't know where your other end is. That's going to be the trick, if you can find either one of the corners, then you can give them a distance. They are going to want to know, 75ft. from here.

K. Singer - If you have a general idea, get a metal detector you might be able to find the rod that is down in the ground.

J. Cratsley - Now, one other thing I would like you guys to know is, you have your drive, there are 4 other houses up here. All 4 of these houses share a 40ft. of lake frontage down here, so I'm aware that I have 20ft, but these two houses have 10ft. each. They actually have to share a dock to get a hoist in and a boat in there. I actually have to do the same thing, because my boat hoist is 9ft. and I have a 1ft. plank.

E. Bott - A lot of places down there have those right of ways.



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J. Cratsley - There is 40ft. of shared lake frontage down there, between the 4 houses.

L. Moorhouse - And you are sure there is nobody down there on the west side of West Lake Rd. that also has it across there. That's happened before.

E. Bott - On the other side of West Lake Rd., on the uphill side, quite often the people have access to the lake across 36 to the lake. We have several of those.

J. Cratsley - I'm not sure, I have never seen them use it.

E. Bott - It should be deduced.

J. Cratsley - If they do have access down there, they have never put anything in the water.

L. Moorhouse - Is that access across lot 5?

There was discussion of lake access between the houses.

E. Bott - Try to get those distances to the best of your ability. The key thing is probably going to be those two distances you already have measured out there. It's better if you can go from the corner of a house, so you have a set point. I'm not sure where you got your lines from. Go from the corners, so you can have a set point. It will help the surveyor. Go from the corners of the house to where you want the property line to be on both of them. That will help and if you can get someone to help you and get the posts in and run your line. Try to find your corner pins.

There was discussion of the map and where the pins could be.

S. Smith - You can have a preliminary with Ted. He has office hours on Thursdays and you can go over the particulars. And, he will tell you exactly what he requires. Ted Mayhood is the Chairman.

J. Cratsley - On Thursdays?

D. Horning - Call him and make an appointment.

J. Cratsley - Ok.

K. Singer - He has appointments between 5 and 7 on Thursdays.

S. Smith - You could actually get in there and go to the Planning Board. They are here on the 4th Monday of the month at 7:00.

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E. Bott - Yes, get on their schedule.

J. Cratsley - Ok, so you want me to try to find the dimensions and get with Ted and see if he has any questions.

E. Bott - That's actually independent of what we are doing. We are just trying to tell you that you need to get that for the next step.

S. Smith - It saves you money.

E. Bott - It doesn't make any sense for you to go get a surveyor until you get the variance. Once you get the variance, you are definitely going to have to get that before the next step.

S. Smith - Ted has an answering machine here too, it's extension 6. He also has an email address, you can go to the website for the Planning Board. His address will be there. The ZBA next meeting will be the 13th at 7:30. The next meeting here for the public.

J. Cratsley - That's a public meeting?

S. Smith - Yes.

J. Cratsley - So Ted first?

S. Smith - Yes, get a hold of Ted as soon as you can. Thursdays, he meets with clients.

L. Moorhouse - One question, Mr. Cratsley. Both these houses are on this parcel correct?

J. Cratsley - Yes.

L. Moorhouse - What I am getting at is, there is only a definition for one. It's the one that was built in 1959. It has nothing to do with our board. There should be two descriptions here.

E. Bott - Someone missed the boat on that one a long time ago.

L. Moorhouse - Evidently. You may want to bring that up to the Assessor, because it only has a single residence.

E. Bott - Don't worry, when you split it.

K. Singer - It's got to be right, because he has 1.5 units for the water, which means there is a primary and a secondary residence.

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L. Moorhouse - Well, that's good.

K. Singer - The records have to be right, or our units would have been off.

L. Moorhouse - Do you see what I meant?

K. Singer - I do.

E. Bott - You don't have to worry about it, once you split it, that will all be taken care of.

L. Moorhouse - The only thing I'm thinking is, when you go to sell it. They ask for a description of the property. You can't take it off of here.

S. Smith - OnCor, you can go on there and get more details.

K. Singer - There might be secondary details for accessory structure. Secondary structure is on another page. This is just the front page. Obviously, her records are right, because it is from her records that we pull the units.

L. Moorhouse - What I am getting at, is to be aware of the fact that you only have one description on here. If for some reason the assessment should be different, because there's two houses. Just be aware.

E. Bott - Any more questions?

L. Moorhouse - I'm all set.

E. Bott - I'm all set.

L. Moorhouse - Ok, we will see you on July 13th at 7:30.

J. Cratsley - Ok, thank you.

E. Bott - Do the best you can with the measurements.

Preliminary Hearing concluded at 8:00.

## **OLD BUSINESS**

The Board reviewed and discussed the letter from the attorney for Tony Castronova.

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E. Bott made a motion to accept the minutes from the May 11, 2022 Public Hearing, seconded by D. Horning, all in favor.

K. Singer made a motion to adjourn, seconded by E. Bott all in favor.

The meeting adjourned at 8:25 p.m.

Respectfully,

Stephanie Seeley, Secretary