

WILENTZ

—ATTORNEYS AT LAW—

JONATHAN J. BART, ESQ.

T: 215.636.4466
F: 215.636.3999
jbart@wilentz.com

Two Penn Center Plaza
Suite 910
Philadelphia, PA 19102

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Via First Class Mail and Email: supervisor@canaannewyork.org

Brenda Adams
Supervisor
Town of Canaan
P.O. Box 459
Canaan, NY 12029

Re: Continued Concerns Regarding Canaan Comprehensive Plan

Dear Supervisor Adams:

As you are aware, I represent the task force of concerned Queecchy Lake residents whose concerns about the procedures utilized and substantive content of the November 2025 draft of the Canaan Comprehensive Plan led to the Task Force's letter to you dated December 18, 2025 which, *inter alia* set forth our views as to the procedural defects and substantive deficiencies in the Comprehensive Plan. By email dated February 12, 2026 you have requested that we advise you of our position going forward.

We have had an opportunity to review the redlined revised Comprehensive Plan. While it is clear that an effort has been made to emphasize the need to protect Queecchy Lake from over development, nothing has been done to either ascertain the effect of changing the zoning around the Lake to allow for greater density, including but not limited to the creation of a hamlet at the Berkshire Farm campus (p. 38);¹ considering the removal of the 2 acre/5 acre split in Zone RA-2 (p. 36, point 1); allowing cluster housing such that smaller, more affordable lot sizes can be created (p. 36; point 1); allowing averaging of lot sizes (p. 40, point m); allowing accessory dwelling units, two family, tiny houses and co-housing (p. 7 and theme 2); and “address[ing]” access to Queecchy Lake (p. 53, point 16).

¹ We believe the reference on p. 39 that the “areas east of Route 22 are not currently protected with [a conservation] easement,” is incorrect. It is the area west of Route 22 that is not protected and that is our major concern as the Comprehensive Plan will have unknown effects on this area.

While these are areas of concern, the far more important issue is that neither we, nor you (meaning the Comprehensive Plan Committee, Town Board, or Planning Committee) have any idea as to the environmental effects of any of these proposed changes. You have acknowledged that approximately 70% of the watershed of Queechy Lake is constituted within the Berkshire Farm. *See* Figure 16. Unless the Queechy Lake watershed is explicitly removed from the recommended changes, there incontrovertibly are environmental impacts from the Comprehensive Plan, which are nowhere studied nor addressed in the Comprehensive Plan.

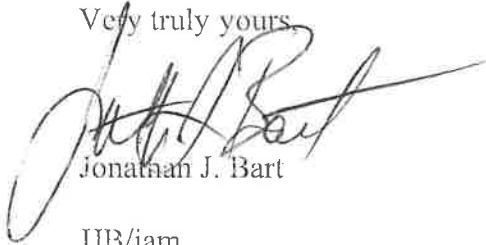
We believe the Town is poorly advised if you seriously contend that an environmental impact review is not required for a Comp Plan because it does not result in changes to any land use laws. There is a fundamental legal maxim that laws are not to be interpreted as to render language superfluous or meaningless. *Cutner v. City of Rye Board of Appeals*, 247 N.Y.S. 3d 502 (2d Dept. 2026). SEQRA defines a Comprehensive Plan as a “Type I Action”, which “carries with it the presumption that it is likely to have a significant adverse impact on the environment.” 6 NYCRR 617.4[a]; *see Troy Sand & Gravel Co., Inc. v. Town of Nassau*, 82 A.D. 3d 1377, 1379 (3d Dept. 2011) (and cases cited therein). A Comprehensive Plan, by itself, is never a change to land use laws—rather, it is a guide to future zoning and land use regulations with which they must comply. The failure by a Town Board to prepare a GEIS and simply declare without any factual foundation that it will not have a significant effect on the environment renders SEQRA’s “presumption” of environmental impact in a Comprehensive Plan meaningless and will be annulled in a subsequent Article 78 Proceeding. *Troy Sand & Gravel, supra*; *Land Master Montg. I LLC v. Town of Montgomery*, 54 A.D. 3d 408, 409 (2d Dept. 2008).

The Comprehensive Plan Committee has no environmental expertise, nor has there been any analysis in the Plan of the potential effect of the recommendations discussed previously. The contention that the Town has done anything more than simply checked off the assertion that there are no adverse environmental consequences on advice of counsel and/or its consultant would be without merit. A Comprehensive Plan is not merely a set of altruistic goals. It is a blueprint for future development that mandates compliance going forward.

We therefore reiterate our demand, which I stressed when we met for breakfast several weeks ago, that absent either the retention of environmental experts and the creation of a GEIS per the requirements of SEQRA or the express exclusion of the Queechy Lake watershed from any recommended changes in the Comprehensive Plan, we will not agree to stand down. The Plan recognized the central importance of Queechy Lake and the threat to its waters by over development. That concern warrants the expense of proper environmental impact studies as plainly required by SEQRA. Moreover, per the provisions of SEQRA, if a GEIS is prepared now, it will not have to be prepared again with respect to any zoning changes which comply with the Plan. 6 NYCRR 617.10[d][1]; *Troy Sand, supra*. So it is baffling to us why the Town is so reluctant to engage environmental consultants and perform an EIS—it will have to do so subsequently otherwise. We do not understand the rush to pass a Comprehensive Plan, especially where it will be subject to annulment for failure to comply with SEQRA if no environmental experts are engaged and a proper study of environmental impact study is not performed. In the long run, it will not cost the Town any more money to do what is required now.

We remain willing to discuss these matters further.

Very truly yours,



Jonathan J. Bart

JJB/jam

cc by separate cover:

Task Force Members: Bridget Vasquez, Jonny Frank, Roger Long, John Renwick,
Lisa Robinson Schoeller, Lauren Shaffer, Bileen Bott, Patricia McDonald, David Patzwahl
Town Board of Canaan