

Town of Copake Zoning Board of Appeals

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Meeting Minutes of February 28, 2019

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The meeting of the Zoning Board of Appeals of the Town of Copake was held on February 28, 2019 at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

1) Roll call:

The meeting was called to order at 7:00 PM by Jon Strom ZBA Chairman. Present were; Jon Strom, Frank E. Peteroy, Thomas Goldsworthy, Michael Diperi and Dionisio Fontana.

Town Board Liaison, Stosh Gansowski was also present.
Town attorney, Ken Dow and Jeffrey Judd were excused.
Veronique Fabio recorded the minutes.
An audience of about 7 was present.

2) Reading and approval of the minutes:

On a motion by Michael Diperi, seconded by Tom Goldsworthy, the minutes from December 20, 2018 and January 24, 2019 were accepted.

3) Correspondence:

The following correspondence was reviewed;

02-13 from F. Peteroy about December 2018 Minutes.
02-13 Jeffrey Judd won't be able to attend the ZBA meeting of Feb.
02-20 Training opportunity
02-20 Referrals from Planning Board for 2019-02, 2019-03, 2019-04
02-27 from Ken Dow in ref. to notification of final decision to CCPB

~ Jon Strom asked Stosh Gansowski if the Town Board had agreed to have the “Violence in the work place” training count for ZBA training.
~ Stosh will follow up and let the ZBA know.

4) New Applications:

No new application.

5) Public Hearing:

1) 2019-02, M. & P. Savard, 1004 Lake View Rd.

Area Variance for a 12’ x 20’ deck attached to the existing house.

~ Jon Strom asked for a motion to open the public hearing. Michael Diperi made the motion, Tom Goldsworthy seconded, all agreed.

~ Mrs. Savard was present.

~ Jon Strom read the Planning Board recommendation on this application.

“At the February 7, 2019 meeting the Planning Board reviewed the application of Peter Savard for the addition of a deck to the side of his house. Ms. Becker acknowledged the a set-back variance for the right front yard however she pointed out that a variance from the water is also needed inasmuch as there will be construction within fifty feet (50’) from the water which increases the non-conformity. She also noted that an outdoor shower is being added however two locations are shown for this, one in the garage and the other on the side of the house.”

~ Mrs. Savard explained that the proposed deck will not obstruct views of Robinson Pound for anyone.

She noted that the final choice for the outdoor shower will be near the garage as it offers more privacy.

A DEC permit to build the deck was issued and extended to 06-30-2019.

~ Tom Goldsworthy noted that in the code book under 232-11, D, 2

“Open porches and decks attached to a residence shall be exempt from the restriction on development within 100feet of a body of water” Therefore no variance is needed for the location of the deck close to the water.

Relief from 232-20, B, 2a “Modification or extension of a non-conforming structure is needed as well as a 29foot right (South) side yard variance. The deck will be 6.5 feet from the property line.

Abutters were notified, there were no comments.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Tom Goldsworthy seconded, all in favor.

Jon Strom indicated that the ZBA had 62 days before rendering a decision, but he believed that the members will be able to make a decision tonight.

He proceeded to read the 267-b Permitted action by board of appeals.

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall consider:

1; Whether an undesirable change will be produced in the character of the Neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: NO

2; Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

Answer: NO

3; Whether the requested area variance is substantial;

Answer: YES

4; Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Answer: NO

5; Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Answer: YES

Tonight the Zoning Board of Appeals will be voting on the variances aforementioned.

Vote: Frank Peteroy; YES Jon Strom; YES Michael Diperi; YES

Tom Goldsworthy; YES Dionisio Fontana; YES

Variances are granted.

2) 2019-03, K. & G. Anderson, 6 Washington Dr., 165.15-1-42

Linda Chernewsky represents the owners.

~ Jon Strom asked for a motion to open the public hearing. Michael Diperi made the motion, Tom Goldsworthy seconded, all agreed.

~ Jon Read the Planning Board recommendation.

“At the February 7, 2019 meeting the Planning Board reviewed the application of Kevin & Gloria Anderson who will be demolishing their existing house and constructing a new house with a deck and porch. Ms. Chernewsky advised the Board that Mike DeRuzzio of the Department of Health is requiring a new septic system and she will return for Site Plan when the design is complete. The Board has no recommendations at this time. “

~ Dionisio Fontana asked Linda if the artesian well issue has been resolved.

~ Linda responded that she is still waiting for the engineer to take a look at it. The new foundation, the septic and the perk tests will be done when the weather permits.

It was noted that Norma Sweet a direct neighbor had called the ZBA to ask for details on the project. She was given the distance between the proposed deck and her side of the property line.

A discussion went on among the ZBA members in reference to non-conforming structures.

The variances needed are as follow;

Relief from 232-20, B, 2, a, 2: Replacement of a non-conforming structure.

Front yard setback variance of 5.79’

Rear yard setback variance of 60.77’

Right (North) side yard variance of 17.74’

Left (South) side yard Variance of 18.81’

Abutters were notified, there were no other comments.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Tom Goldsworthy seconded, all in favor.

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He proceeded to read the 267-b Permitted action by board of appeals.

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1; Whether an undesirable change will be produced in the character of the Neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: NO

2; Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

Answer: NO

3; Whether the requested area variance is substantial;

Answer: YES

4; Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Answer: NO

5; Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Answer: YES

~ Jon Strom noted that the obtention of the building permit is contingent to the Planning Board, DEC and Dept. of Health final approvals.

Tonight the Zoning Board of Appeals will be voting on the variances aforementioned.

Vote: Frank Peteroy; YES Jon Strom; YES Michael Diperi; YES
Tom Goldsworthy; YES Dionisio Fontana; YES

Variances are granted.

3) 2019-04, Tamburrino, 8 Melvin Rd. Tax Map 155.18-2-16

Addition to a non-conforming structure.

The owners, Brian Tamburrino and Gwen Menshenfriend were present.

Brian Tamburrino explained that now the house is about 780 squares feet, with the proposed addition a master bedroom will be created, freeing the existing 12' x 12' bedroom for his son. A dining room will also be added.

The addition will extend towards Melvin Rd.

The house cannot be extended towards Leroy Rd. because the septic is located in that area.

The variances needed are as follow;

Relief from 232-20, B, 2, a, 2: Replacement of a non-conforming structure.

North front yard (Melvin Rd.) setback variance of 12'

Right (West) side yard setback variance of 7'

Left (East) side yard setback variance of 13'

Abutters were notified, there were no comments.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Tom Goldsworthy seconded, all in favor.

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1; Whether an undesirable change will be produced in the character of the Neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: NO

2; Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

Answer: NO

3; Whether the requested area variance is substantial;

Answer: NO

4; Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Answer: NO

5; Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Answer: YES

Tonight the Zoning Board of Appeals will be voting on the variances aforementioned.

Vote: Frank Peteroy; YES Jon Strom; YES Michael Diperi; YES
 Tom Goldsworthy; YES Dionisio Fontana; YES

Variations are granted.

6: Closed Public Hearing:

None

7: Internal Business:

None

On a motion by Jon Strom, seconded by Michael Diperi and agreed upon by all members, the meeting was adjourned at 8:05.

Respectfully submitted.
Veronique Fabio.