

Town of Copake Zoning Board of Appeals

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Meeting Minutes of March 22, 2018

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The meeting of the Zoning Board of Appeals of the Town of Copake was held on March 22, 2018 at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

1) Roll call:

The meeting was called to order at 7:03 PM by Jon Strom ZBA Chairman. Present were; Frank E. Peteroy, Jeffrey Judd, Thomas Goldsworthy, and Michael DiPeri.

Town Board Liaison Stanley Gansowski was present.

Town attorney Ken Dow as well as Mark Miller were excused.

Veronique Fabio was present to record the minutes.

2) Reading and approval of the minutes:

~ On a motion by Tom Goldsworthy, seconded by Jeffrey Judd, the November 16, 2017, and January 25, 2018 minutes were accepted.

The review of the February 22nd minutes was deferred to the April meeting.

3) Correspondence:

The following correspondence was acknowledged and reviewed.

3-10 From Planning Board, ref. on Copake Fire Dept. and Camp Pontiac.

3-14 From Chris Knox for Vargas/Machado, variance application supplement.

4) New Applications:

There is no new application this month.

5) Public Hearing:

1) 2018-01 Kevin & Hildy Dier, 129 Birch Hill Rd. Tax map 155.1-64.122

Area variance for a 10x14 shed located in the front yard.

The public hearing for this application was already opened on February 22nd.

~ Kevin Dier presented his request for a variance for a 10'x14' storage shed that he would like to install in his front yard, 146' from the front property line in a crop of trees. That particular location would allow him to save on costly excavation as his property is hilly and a flat surface would have to be created in order to install a shed.

Two variances are needed:

232-8D (4) for location of a storage shed in the front yard.

232-9T (1) for the larger than allowed shed size.

~ Jeffrey Judd suggested that a smaller shed could be installed instead of a 10'x14'.

~ Mr. Dier responded that he had already purchased the shed.

~ Tom Goldsworthy showed the board members pictures he had taken of the proposed location.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Jeffrey Judd 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: 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;

232-8D (4) for location of a storage shed in the front yard.

232-9T (1) for the larger than allowed shed size, in this case 120 square feet.

Vote: Frank Peteroy; YES Jeffrey Judd; YES

Jon Strom; YES Michael Diperi; YES Thomas Goldsworthy; NO

Variance is granted.

**2) 2018-02 Michael Etra & Camp Pontiac, 2044 County Road 7 –
Tax Map 186.-2-38-100.**

Represented by Evan Young of Crawford & Associates.

Frank Peteroy recused himself.

~ Jon Strom asked for a motion to open the public hearing, Jeffrey Judd made the motion, Michael DiPeri seconded.

The applicant is seeking a Special Use Permit as per 232-20 of the town code for accessory dwellings.

~ Evan Young of Crawford & Associates represents the applicant, he was present at the meeting.

~ Mr. Young explained that four Special Use permits are needed for the 2 accessory dwellings that the owners will use themselves, the additional

constructions of an arts & crafts activity center under 1000 square feet and the fitness center/bunk house for campers.

The planned accessory dwellings will be 40'x21', one story, 3 bedrooms construction and a one bedroom dwelling under 1000 square feet.

Every new construction will be connected to the existing septic system and pumped up to the sewer treatment plant.

The completion of the project is expected over a period of 5 years.

~ Jon Strom read part of the 232-20 code details; in his opinion the board cannot make a decision without plans for the future proposed constructions. He suggested that Mr. Young presents to the ZBA more detailed plans next month.

~ Evan Young noted that he will be meeting with the Planning Board on April 5th. It was noted that the abutters have been notified

A decision on this application is postponed at this time.

3) 2018-3 Copake Fire District, 390 County Route 7A

Tax Map 176.3-4-12

Zoning Board approval needed as per Zoning Code Section 232-14,H for a new electronic sign at the fire house.

~ Jon Strom asked for a motion to open the public hearing, Michael DiPeri made the motion, Jeffrey Judd seconded, all agreed.

~ Jon Strom indicated for the records that he was an investor in Farmland Renewal; one of the abutters to the fire house, however there is no need for him to recuse himself from this application.

Jon also noted that with regard to waiving the application fee, he wanted the town board to take an official action on the matter.

The Fire Department wants to install an electronic sign 99" x 41" to replace the existing sign. Fire Chief Randy Shadic and Herald Jensen came to the table.

The existing sign is 32 years old, the fire house has the possibility to apply for a grant to pay for the proposed improvement but they need the authorization to install a new LED sign prior to apply for funding.

~ Jon Strom read the town building code, relief from the following is necessary; 232-14H "*An existing sign that is to be reused for a different business or any other change shall be considered new and require approval*"

and 232-14 I "Identification signs may be interior lighted with non-glaring lights or illuminated with shielded lights. Intermittent, flashing, neon or colored lights shall not be used. Revolving signs are not allowed"

~ Frank Peteroy suggested that the sign should be installed higher-up for safety reasons.

32 square feet is the estimated size of the future sign.

The abutters were notified, there were not more questions.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Jeffrey Judd 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.

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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 relief from;
232-14 H, 232-14 I, and 232-14 S.

Vote: Frank Peteroy; YES Jeffrey Judd; YES
 Jon Strom; YES Michael Diperi; YES Thomas Goldsworthy; YES

Variance is granted.

Closed Public Hearing

2017-25 Vargas/Machado, 123 Golf Course Rd. Tax Map 165.5-6 & 165.5-1-18

Relief from 232-8 front & side yard variance.

232-23, A, cost of construction & proposed square footage.

232-24, B, 2, a, 5 modification of a non-conforming structure

~ Chris Knox is present on behalf of the owners of the property. He presented new documents; a letter from the architect responding to each point made by the ZBA at the February meeting.

~ Frank Peteroy commented on the new information provided, he pointed out that the proposed lot coverage of 21% is under the maximum allowed coverage of 25% and it includes the attached garage and decks, no variance is necessary there.

The vote from February on the 232-8 front and side yard variance can be revisited today.

~ Tom Goldsworthy talked about his negative vote for that variance.

~ Michael Diperi whom was not present at the February meeting noted that the applicant moved the house away from the side yard property line as much as it was possible.

1) ~ Because it was a tie vote at the February 22nd, 2018 meeting, Jon Strom proposed a re-vote on Relief from 232-8 front & side yard variance, Michael Diperi made the motion to re-vote, Frank Peteroy seconded, all agreed.

Vote: Frank Peteroy; YES Jeffrey Judd; NO Jon Strom; NO
 Thomas Goldsworthy; NO Michael Diperi; YES

Variance is denied.

2) Vote on relief from 232-23, A, cost of construction & proposed square footage.

Vote: Frank Peteroy; YES Jeffrey Judd; NO Jon Strom; YES

Thomas Goldsworthy; NO Michael Diperi; YES

Variance is granted

3) Vote on relief from 232-24 B 2b modification or replacement of a non-conforming structure.

Vote: Frank Peteroy; YES Jeffrey Judd; NO Jon Strom; YES

Thomas Goldsworthy; NO Michael Diperi; YES

Variance is granted

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

Internal Business.

~ Jon Strom indicated that the December 2016 minutes were amended. He also noted that the ZBA has no new public hearings for April and the meeting might be canceled.

On a motion by Thomas Goldsworthy, seconded by Jeffrey Judd and agreed upon by all members, the meeting was adjourned at 8:35

Respectfully submitted.
Veronique Fabio.