

**Town of Copake
Zoning Board of Appeals**

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Meeting Minutes of May 24, 2018
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The meeting of the Zoning Board of Appeals of the Town of Copake was held on May 24, 2018 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; Frank E. Peteroy, Mark Miller, Jeffrey Judd, Michael Diperi and Thomas Goldsworthy. Town attorney Ken Dow was present as well as Town Board Liaison Stanley Gansowski. Veronique Fabio recorded record the minutes.

2) Reading and approval of the minutes:

The approval of the April 26 minutes was tabled until the next meeting.

3) Correspondence:

The following correspondence was acknowledged and reviewed.

5-3 from Perry Patrice in ref. to training for planning officials

5-4 from Barbara & Steve Smith in ref. to GRJH

5-10 from Crawford & Associate additional information for Camp Pontiac application

4) New Applications:

1) 2018-04 Dawn Gardina, 46 Robin Rd. Tax Map 165.7-1-9

Area variance for fence higher than 4" in front yard.

Dawn Gardina came to present her application.

She is running a dog boarding and grooming business out of her home. She would like to install a 6' high fence in her front yard in order to prevent the dogs from jumping over in the street. She is planning wood horse fence type with a black wire mesh behind. Her home is the last house on a dead end road. There is an existing 6' fence on the sides and back of the property. The new front fence would be attached to the existing fence.

It was noted that the Highway Department will not have to be contacted as the new fence will not obstruct visibility in any way.

~ Jon Strom asked for a motion to accept the application for public hearing next month. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

2) 2018-05 Lazarus, 308 Lake Shore Drive, Tax Map 176.3-3-4

Side yards and back yard setbacks variances and work within 100 feet of Robinson Pond.

~ Christie Billeci of CWB Architect and Cristal Lazarus the owner were present. The plan is to demolish the existing house located on the .48 acre lot and rebuild a new home. The future house will be centered on the lot however a right side and rear area variance are necessary.

~ Christie explained that the distance from the new house to Robinson Pond will remain the same as the existing construction except for a "bump out" of 7' part of the living room. That extension will be 55.5' 1/2 from the pond. The whole design could be moved forward towards the front lot line however a large old maple tree would have to be cut down. The owners would like to keep that tree.

The new septic system has been approved by DOH as per letter dated May 10, 2018 in the file. The sewage will be pumped up.

The lot coverage will be 15% with a proposed house foot print of 2,224 square feet.

A 10' x 12' storage shed located 10' from the side property line but within 100' feet of the pond is planned. A screened porch on the left side yard (20.7' 1/2 from left

side line), a covered front patio, a new rear deck (50.4' from pond) and a rear patio with a fire pit near the water are proposed.

The house will be 1.5 story with shake siding, a walk out basement with a rec room and a bath, a main level with a master bedroom and 2 baths and a second level with 2 bedrooms and one bath.

~ Thomas Goldsworthy explored other options to minimize the number of variances. He noted that the right-side variance is only inches and if the whole plan was moved forward that would remove the need of a rear variance.

~ Christie Bellici said she will look at the suggested changes.

~ Jon Strom asked for a motion to accept the application for public hearing next month. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

3) 2018-06 Vargas/Machado, 123 Golf Course Rd. Tax Map 165.5-6 & 165.5-1-18

Side yard setback area variance on new house construction.

Chris Knox from Crawford & Associates represents Javier Vargas and Monica Machado the owners. Attorney Lawrence Howard was also present.

~ Lawrence Howard indicated that on this new application the left side yard setback was increased to 20', it would match the neighboring house set back from the property line. The large right side yard will be kept as a play area for the owner's children. The steps of the rear deck were reduced by 4feet. The house itself will be 50 feet from the lake and 14 feet from the front property line. The property consists of 2 lots that were combined. The lot coverage for this project is 19%.

Lawrence Howard stated that there is no substantial evidence which demonstrate that the project would be detrimental to the character of the neighborhood or community.

~ Jon Strom asked for a motion to accept the application for public hearing next month. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

4) 2018-07 Kirk Kneller, aka Black Point Association, 179 County Rt 7A 187.1-1-23

Relief from 232-11 A (1). Number of parking spaces.

Kirk Kneller came to the table to present his project. He is the owner of the property.

Frank Peteroy recused himself.

The property in question is occupied by the Green County Bank, Mr. Kneller want to build an addition to the existing building and set up his insurance business in the new construction.

Mr. Kneller met with the Planning Board and the members expressed concern regarding the proposed number of parking spaces.

Because of the future two businesses on the property, the number of parking spaces required by the current code would eliminate the all green space and cost thousands of dollars in construction and maintenance.

~ Ken Dow agreed that the code requirement for parking was not practical nor appropriate for the town of Copake.

~ Stanley Gansowski noted that 16 spaces would be left after the construction. Stanley asked how many employees will be occupying the businesses.

Mr. Kneller responded that 7 people will be working there.

~ Jon Strom commented that on the plan a total of 26 parking spaces are proposed.

~ Jon Strom asked for a motion to accept the application for public hearing next month. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

5) Public Hearing:

1) 2018-02 Michael Etra & Camp Pontiac, 2044 County Road 7 Tax Map 186.-2-38-100.

The public hearing on this application was opened last month on March 22nd.

Represented by Evan Young of Crawford & Associates.

Frank Peteroy recused himself.

Evan Young went over the letter that was sent to the ZBA on May 9th recapping the number of bedrooms in the existing accessory dwelling units and the proposed accessory dwelling units; building#2 with 2 bedrooms and building# 4 with 1 bedroom. Each new unit will have a LR, a DR, a Kit and a Bath.

~ Jon Strom noted that under the code 232-20 E, the aggregate number of bedrooms cannot be applied in case of a summer camp situation. A special exemption would have to be given for the total 19 bedrooms on the site,

~ Tom Goldsworthy explored the possibility of not including the units that have 3 bedrooms because they are not considered accessory dwellings if they have 3 bedrooms.

~ Ken Dow noted that the code is not applicable because Camp Pontiac is a summer camp and it the premises predate the zoning code.

There were no questions from the ZBA members and no one in the audience was here to comment.

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

~ Jon Strom proceeded to read part of 232-28 G.

“Before issuing a special use permit, the Zoning Board of Appeals shall assure itself of the following:

(1) There shall be no detrimental effect by the establishment of such use.

(2) Such use will be in harmony with the district in which located.

(3) Such use will be in conformance with the New York State Uniform Fire Prevention and Building Code and applicable local codes and ordinances.

Tonight the Zoning Board of Appeals will be voting on;

A special Use Permit for two new accessory dwellings building # 2 and # 4.

Vote: Jon Strom; YES Jeffrey Judd; YES Michael Diperi; YES

Thomas Goldsworthy; YES Marc Miller; YES

Special Permit is granted.

6: Closed Public Hearing.

No closed hearing

7: Internal Business.

Members were reminded that training is required.

On a motion by Jon Strom, seconded by Thomas Goldsworthy and agreed upon by all members, the meeting was adjourned at 8:30.

Respectfully submitted.
Veronique Fabio.