

# **Town of Copake Zoning Board of Appeals**

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## **Meeting Minutes of June 22, 2017**

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The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on June 22, 2017, 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, Jeffrey Judd, Michael Diperi, Thomas Goldsworthy and Mark Miller. Town Board Liaison, Stosh Gansowski also attended the meeting.

Town Attorney Ken Dow was not present.

Secretary Veronique Fabio was present to record the minutes.

An audience of about 10 was also present.

### **2) Reading and approval of the minutes:**

Jon Strom asked if board members were ready to make a motion to accept the April 27 minutes, Jeffrey Judd made the motion, Michael Diperi seconded, all members agreed.

Because the May minutes were received late, Jon Strom suggested that the approval be postponed to the next meeting.

### **3) Correspondence:**

The following correspondence was acknowledged and will be reviewed as the meeting goes on.

-June 10, from Planning Board, referral letters for Shadic, Dennehey, Metjajic and Dowdell

-June 10, from NY Planning Federation, Summer training.

#### **4) New Applications:**

##### **1) 2017-21, Wagman, Lakeview Rd. Tax Map 165.11-01-45**

Improvement within 100' of a body of water.

~ Evan Young from Crawford & Associates presented the application for Mathew Wagman the owner. He explained that the owner would like to build a set of stairs and an 18'x 7' deck on a 20' wide easement that Mr. Wagman recently acquired from Gregg Hosier. The easement is on Copake Lake therefore any construction within 100' of a body of water would need a variance.

~ Jeffrey Judd asked if any trees will have to be cut down.

Evan Young responded that yes a few trees need to go.

~ Thomas Goldsworthy noted that a guard rail runs the length of the road were the construction is planned.

~ Evan Young said that he will talk to highway department to see if a 5' section could be removed. He also indicated that the footing for the deck will be on the ground and not in the water.

~ Jon Strom suggested that an erosion control plan was necessary and a response from the highway department before going further on the application.

~ Frank Peteroy suggested 2 landings areas on the stairs, one at the top and one half way through the length.

Evan Young will come back before the ZBA with more details on the project and the result of his conversation with Highway department.

##### **2) 2017-22, Piscopo, 70 Lake Shore Drive. Tax map # 176.3-2-21 & 176.3-2-5**

Prefabricated sunroom on a non-conforming lot.

~ Contractor, Jim Hughs and owner, Vince Mooney are presenting the project. They are waiting for a survey, they should have it ready for the July ZBA meeting. Today they presented an aerial map of the lot and the plans for the sunroom. It will be 16'x 20' pre-manufactured on a concrete slab.

The applicants were told that the survey should show where the septic and well are located as well as the distance of the proposed sunroom to the rear yard property line.

~ Frank Peteroy noted that the addition will cover 2 existing windows, he was wondering if that would be allowed in the code *and suggested that the applicant consult with the building inspector on the issue.*

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

The application will be forwarded to the Planning Board.

## **5) Public Hearing:**

### **1) 2017-17 Dowdell, 34 Birch Road Taconic Shores Tax Map 176.1-5-41**

Area variance for garage in the front yard and side yard setbacks.

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

Eva Dowdell the owner was present.

Jon Strom read the referral letter from the Planning Board.

“At the June 1, 2017 Planning Board meeting the members reviewed the application of Stephen and Eva Dowdell on Birch Road in Taconic Shores.

The Board had no issue with the placement of the garage as they see no alternative to its placement on the site. They approved the Site Plan subject to ZBA approval.”

~ Eva Dowdell responded to the ZBA concerns expressed at the presentation meeting last month.

She presented a site analysis prepared by architect Sandra Baptie.

- 1- The reason for the chosen location among others are; the lot is .53acre and slopes down. There is also a rocky area that limits the options.
- 2- The right side of the lot is occupied by the septic system and some mature deciduous and pine trees.
- 3- The location as proposed will reduce the length of the driveway hence the amount of impermeable surface, the need for fill would be eliminated. Garage will be set at street elevation with minimal site disturbance.
- 4- The proposed location insures maximum sunlight on decks and yard.

It was noted that the existing metallic septic tank will be replaced.

~ Frank Peteroy reminded the applicant that it would have to be located at least 10' away from the house.

The abutters were contacted. The Dowell's neighbors on the left side of the property were present at the meeting and indicated that they supported the project.

*~ Jon Strom asked for a motion to close the public hearing, Mickael Diperi made the motion, Thomas 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;

Relief from 232-24 alteration to a nonconforming structure.

Relief from 232-8 D (4) accessory building located in the front yard.

A left side yard variance of 2’.

A front yard setback variance of 15’ for the garage.

Roll call vote: Frank Peteroy: YES, Jeffrey Judd: YES,

Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted.

## **2) 2017-14 Michael Shadic, lake Shore Acres Rd.155.18-35**

Rear yard setback variance for new house construction.

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

*~ Jon Strom read the Planning Board referral letter.*

“At the June 1, 2017 Planning Board meeting the members reviewed the application of Michael Shadic on Lake Shore Acres Road. The Board had no issue with this application and approved the Site Plan subject to ZBA approval.”

Michael Shadic was here, he presented the survey and the 3 bedroom house plans. The proposed house will be a 1.5 story, 27’ .6” in height. Only a rear yard setback variance is necessary.

The abutters were contacted. There were no comments from the audience.

*~ Jon Strom asked for a motion to close the public hearing, Mickael Diperi made the motion, Thomas 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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*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 a rear setback variance of 49'.6".

Roll call vote: Frank Peteroy: YES, Jeffrey Judd: YES, Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted.

**3) 2017-19 Weiss, 7 High Ridge. 165.9-1-35.** Modification of a nonconforming structure 232-24 B (2).

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

Christopher Bellamy represents the owner, he indicated that the owner has a new architect and new plans for the renovation of the house.

The existing deck will be demolished and replaced with a 14'x21' three season room. A bathroom will be added on the first floor. The bedroom count will remain the same. The height of the house will not be increased.

The abutters were contacted. There were no comments from the audience.

*~ Jon Strom asked for a motion to close the public hearing, Mickael Diperi made the motion, Thomas 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.

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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;

1-Relief from 232-24 B (2), a, [5] alteration to a non-conforming structure.

The property has 3 front yards therefor;

2-A front yard setback variance on High Ridge Rd. of 2’

3-A front yard setback variance on Cove Rd. of 2’9”

Roll call vote: Frank Peteroy: YES, Jeffrey Judd: YES, Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted.

**4) 2017-18 Metjajic, 24 Hedge Rd Tax Map# 155.8-1-19**

Amendment to approved application on side yard variance, garage will be located 4’ away from property line instead of 5’. Approved application # 2016-05.

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

*~ Jon Strom read the Planning Board referral.*

“At the June 1, 2017 Planning Board meeting the members reviewed the application of Sefket and Kumrija Metjajic on Hedges Road in Copake. The Board had no issue with this application and approved the Site Plan subject to ZBA approval.”

*~ Linda Chernewsky represents the owners, they decided to move the future garage a foot closer to the property line therefore a 6’ variance on the right side is needed. The abutters were contacted, Linda Chernewsky mentioned that she had a letter from the neighbor on the right side and that they had no objection to the change.*

*~ Jon Strom asked for a motion to close the public hearing, Mickael 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;

A right side setback variance of 6' for the future 2 car garage.

Roll call vote: Frank Peteroy: YES, Jeffrey Judd: YES, Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted.

#### **4) 2017-20 Dennehy, 6 Mansion Drive 176.3-1-9 & 10**

Left & rear setback variance and work within 100' of Robinson Pond.

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

~ Jon Strom read the Planning Board referral

“At the June 1, 2017 Planning Board meeting the members reviewed the application of Morgan and Kristen Dennehey on Mansion Drive in Taconic Shores.

The Board approved the Site Plan subject to ZBA Approval, the DEC permit, the merger of the two lots and Planning Board approval at a later date of Phase 3 of the proposed master bedroom, mud room addition and the approval of the septic system.

Marcia Becker also recommended that the ZBA consider less pervious surfaces for the proposed patio due to its location to the lake. “

~ Linda Chernewsky represents the owners. In response to the Planning Board requests, Linda presented;

1- A letter addressed to the Assessor for the Town of Copake: Craig Surprise, requesting the merger of the 2 contiguous properties.

2- A letter from Charles Vieni P.E. in reference to the septic system and well condition.

Linda noted that the DEC wants the effluent from the outdoor shower to go to the septic system instead of a dry well. The waste water will have to be pumped to the septic. Linda also noted that the pavers for the patio are a permeable structure it is not a concrete slab.

The house is a 2 bedroom home and the existing septic tank is 1000gallons.

As of now, the owners just want to build the outdoor shower, the stone pavers’ patio and install the piers for a future deck.

~ Frank Peteroy suggested that the wording on the plans for the deck should be changed from “proposed” to “future” as it is not being reviewed by the ZBA at this time.

The abutters were contacted, there were no comments from the audience.

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

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*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;

1-Relief from 232-24 B (2), a, [5] alteration to a non-conforming structure.

2- Relief from 232-9 P (2), development within 100' of a water body (Robinson Pond).

3- A rear yard setback variance of 30'62".

4- A left side yard setback variance of 24'07".

Roll call vote: Frank Peteroy: YES, Jeffrey Judd: YES, Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted subject to final DEC permits.

### **Internal Business:**

Jeffery Judd indicated that he presented his candidacy for the Town Justice position in Copake, and that he it would not interfere with his ZBA board member's duties.

On a motion by Michael Diperi, seconded by Jeffrey Judd and agreed upon by all members, the meeting was adjourned at 8:20.

Respectfully submitted.  
Veronique Fabio.