

Town of Copake Zoning Board of Appeals

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Meeting Minutes of August 24, 2017

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The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on August 24, 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 Attorney Ken Dow was excused.

Secretary Lisa DiConti was present to record the minutes.

2) Reading and approval of the minutes:

~ Jon Strom asked if board members were ready to make a motion to accept the July 27 minutes.

~ *Jon Strom asked for a motion to accept the July minutes, Mickael Diperi made the motion, Jeffery Judd seconded, all agreed.*

3) Correspondence:

The following correspondence was acknowledged.

8-19-17 From Planning Board, referral for Dionisio Fontana

8-22-17 From Steve Smith in ref. to GRJH project (2016-04 Gas Station on Rt. 23)

Jon Strom did not read the letter from Steve Smith as the ZBA board had already reviewed that application.

4) New Applications:

None

5) Public Hearing:

1) 2017-23, Dionisio Fontana, 7 Island Drive Tax Map # 176.1-6-3

Variance for a pre-fab. 16'x12' shed in front yard. Rep. L. Chernewsky.

~ 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 referral letter from the Planning Board.

“At the August 3, 2017 Planning Board meeting the members reviewed the application of Dionisio Fontana on Island Drive in Taconic Shores and had no issue with this application.”

~ Linda Chernewsky presented updated plans showing the shed 5' away from the back of the house as required by Frank Peteroy, the chimney is shown as well. The shed cannot be moved farther away from the house as the land slopes in that area. Linda noted that she had checked the building codes and fire codes; Table R302.1 (1) Exterior walls, it allow non-fire resistant rated structure to be located a minimum of 5' from a house.

~ Thomas Goldsworthy asked if the propane tanks will remain in the same location.

~Linda responded that the tanks were going to be moved on the side of the shed in order to have an open walking area.

The variance needed are relief from 232-9 T1 (shed larger than 10'x12') and T3 for the installation of a 12'x16' prefabricated shed on a non-conforming lot.

The shed will match the color of the house.

All the abutters were notified. There were no more comments from the public or the ZBA members.

~ 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.

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;

Relief from 232-9 T1 and T3 for the installation of a 12'x16' prefabricated shed on a non-conforming lot.

Roll call vote: Frank Peteroy: YES, Jeffery Judd: YES Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES. Variance is granted

2) 2017-21, Wagman, Lakeview Rd. Tax Map 165.11-01-45

Improvement within 100' of a body of water.

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

~ Evan Young from Crawford & Associates is present, he indicated that there were no changes since the last meeting.

He explained that they wanted to open the guard rail and build stairs and a deck.

The ZBA members reviewed the plans. The guard rail on Lakeview Rd will be opened, stairs and a 7'x 18' deck are planned near the water.

~ Linda Assande 461 Lakeview Rd, is an abutter to the Wagman's project. She is concerned that the stairs and a new deck will be added as there are already the same structures existing on the northern side of the property line and these improvements are not shown on the plans or incorrectly sized. She added that a culvert was there as well.

~ Jon Strom noted that the culvert is not going to be affected by the project.

~ Mrs. Assande asked what the distance was between the planned deck and the existing one as she has a right of way. She has rights to shore access.

~ Evan Young responded that it appears to be 60feet between the decks.

~ Jeffery Judd asked Mrs. Assande if her rights to the lake are deeded rights.

~ Jon Strom noted that right of way matters are civil matters not something that the ZBA can discuss and not relevant to the ZBA decisions.

Jon asked if there were any other comments from the audience.

~ Jeffery Judd asked what was on that little lot by the lake.

~ Evan Young responded that there were small trees.

~ 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: 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 232-9 P prohibiting development within 100' of a body of water.

Roll call vote: Frank Peteroy: YES, Jeffery Judd: NO Jon Strom: YES, Michael Diperi: YES, Thomas Goldsworthy: YES.

Variance is granted.

Internal Business:

~ Jon Strom noted that there was no particular business except training for the members.

~ Thomas Goldsworthy will check with Columbia Greene Community College for training options. He could not find anything on line scheduled between now and December.

~ Jon noted that since there are no new applications, the September meeting might be canceled.

On a motion by Michael Diperi, seconded by Jeffrey Judd and agreed upon by all members, the meeting was adjourned at 7:25.

Respectfully submitted.
Veronique Fabio.