

# Town of Copake Zoning Board of Appeals

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## Meeting Minutes of September 27, 2018

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The meeting of the Zoning Board of Appeals of the Town of Copake was held on September 27, 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, Jeffrey Judd, and Thomas Goldsworthy. Town attorney Ken Dow and Michael Diperi were excused. Mark Miller was absent. Veronique Fabio recorded the minutes.

~ Chairman Jon Strom noted that Mark Miller was absent for the third time.

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

Jon Strom asked for a motion to approve the June 28 and August 30 minutes.

*Thomas Goldsworthy made the motion, Jeffrey Judd seconded, and the minutes were unanimously approved.*

### **3) Correspondence:**

The following correspondence was acknowledged.

9/17/18 FOIL request from Steve Smith in ref. to GRJH.

9/17/18 FOIL request from Sarah Elliott in ref. to GRJH.

9/17/18 FOIL request from Dan Latinsky in ref. to GRJH.

9/21/18 PB Referral letters for Hillary and Janet Nachbar Harrold & Louis and Patricia Johnsons.

9/26/18 PB referral for Catamount.

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

##### **2018-13 Catamount Ski Area, Catamount Road, Copake. Tax Map 157.-1-11.1**

Special Use Permit for installation of two Zip Lines represented by Pat Prendergast.

~ Pat Prendergast presented the project; the new Catamount owners want to improve the resort. They are planning the installation of two zip lines; One short zip line, about 951 feet long at more or less 20 feet off the ground and a longer one, approximately 5634 feet long with a landing platform in Hillsdale near Breezy Hill road.

The platforms will be made of wood. The cables will be supported by towers and secured to concrete bases. Some trees will have to be taken down around the landing areas. At the end of the zip ride ATVs will take the people back to the station.

~ Tom Goldsworthy would like to have the boundary lines of surrounding properties indicated on the plans.

~ Pat Prendergast noted that the new owner, Jon Schaefer purchased the abutting property Silver Eagle Rock land.

The landing platform of the long zip line will be located 75' from Breezy Hill Rd. The long zip line will be 30' off the ground at its lowest point.

~ Pat Prendergast showed a drawing of the proposed platforms.

He indicated that Terra Nova LLC of Utah will be providing the equipment and the installation.

~ Frank Peteroy asked that certifications from Terra Nova be provided as well as a Hold Harmless Agreement releasing the town of Copake from liability.

~ Pat Prendergast noted that this will be required by NY State.

~ Jeffrey Judd added that the town of Copake should be included as an additional insured as well.

~ Jon Strom reviewed the code and noted that 232-23 I pertained to the Special Use Permits situation, in this case an accessory addition to an existing recreation site.

~ New owner Jon Schaefer arrived for the meeting. He gave more details on the project and indicated that pads of trees approximately 20' x 20' would have to be removed in order to build the platforms.

~ Jon Strom read the email from Ken Dow recommending that CCPB be sent the application.

Jon also noted that the town of Egremont should receive notification.

~ Pat Prendergast asked if a special 10 minutes meeting ahead of schedule could be arranged for an approval on the project.

~ Jon Strom responded that it is not possible, the neighbors have to be notified by mail and a notice published in the local paper, all this takes time.

*~ Jon Strom asked for a motion to accept the application for public hearing next month, October 25. Tom Goldsworthy made the motion, Jeffrey Judd seconded, all agreed.*

## **5) Public Hearing:**

### **1) 2018-08 Louis & Patricia Johnsons, 258 Birch Hill Rd. 155.18-1-46**

Area Variance for a second garden shed, 10' x 16'.

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

Jon Strom read the Planning Board recommendation regarding this application.

“At the September 6, 2018 Planning Board meeting the members reviewed the application of Louis and Patricia Johnsons on Birch Hill Road at Copake Lake.

The Board makes a recommendation that the second shed not be any closer to the property line than the existing shed as it increases the non-conformity.”

Mr. & Mrs. Johnsons came to the table.

It was noted that the abutters were notified and there was no none present in the audience in reference to this application.

~ Mr. Johnsons explained the need for a second shed: they have no garage, no basement and not enough attic storage.

~ Frank Peteroy asked if they could reduce the size of the shed.

~ Mr. Johnsons responded that they had already purchased the shed.

He indicated that there will be no electricity installed in the shed.

Relief from 232-11 G is needed to allow the installation of the second Shed.

*~ Jon Strom asked for a motion to close the public hearing, Tom Goldsworthy 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 the area variance mentioned above.

**Vote:** Frank Peteroy; YES      Jeffrey Judd; YES      Thomas Goldsworthy; Yes

Jon Strom; YES , provided that the Johnsons comply with the Planning Board recommendation “second shed not be any closer to the property line than the existing shed”

**Variance is granted.**

**2) 2018-09 H. & J. Nachbar/Harrold, 101 Golf Course Rd. 165.5-1-1**

Represented by L. Chernewsky. Renovation of an existing home.

Relief from 232.11 D development within 100' of a water body.

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

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

*~ Jon Strom read the planning Board recommendation''* At the September 6, 2018 Planning Board meeting the members reviewed the application of Hillary and Janet Nachbar Harrold on Golf Course Road at Copake Lake.

The Board makes a recommendation that a stamped letter from an engineer stating that the septic system is in good working order be requested from the applicant.

Linda Chernewsky represents the owner of the project.

*~ She indicated that the lot in question is 597 feet from the Taconic town line, therefore there is no need to forward the application to the County Planning.*

Linda also presented the letter confirming the inspection and good working condition of the septic system that was suggested by the Planning Board.

She pointed out that there is no increase of the number of bedrooms.

It was noted that the abutters were notified.

There was no one in the audience with regard to this application.

*~ Tom Goldsworthy recapped the variances needed:*

Relief from 232-11 D 2 for development within 100 feet of a body of water.

Relief from 232-20 B (2) (a) [2] for modification and replacement of a non-conforming structure.

*~ Jon Strom asked for a motion to close the public hearing, Tom Goldsworthy 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 the variances mentioned above.

**Vote:** Frank Peteroy; YES      Jeffrey Judd; NO      Thomas Goldsworthy; Yes  
Jon Strom; YES

**Variance is granted.**

## **6: Closed Public Hearing:**

**None**

## **7: Internal Business:**

Tom Goldsworthy mentioned that training was offered by the New York Planning Federation.

It was noted that Marc Miller was absent for the third time.

*On a motion by Jon Strom, seconded by Thomas Goldsworthy and agreed upon by all members, the meeting was adjourned at 8:10.*

Respectfully submitted.  
Veronique Fabio.