

**Town of Copake
Zoning Board of Appeals**

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Meeting Minutes of October 24, 2013

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, October 24, 2013, at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

An audience of about 5 was present as well as Susan Sweeney; Town Board Liaison and Kenneth Dow; Copake Town Attorney.

The meeting was called to order by Hilarie Thomas at 7:10 PM.

Roll call: Present at this meeting was, Frank E. Peteroy, Hilarie Thomas, Mikael Diperi, and Veronique Fabio recording secretary.

Ralph Shadic, Jon Strom and Adam Resnik had notified the ZBA that they will be absent. Mikael Diperi had also notified the board that he will have to leave the meeting at 7:30.

Hilarie Thomas noted that the board will not have a quorum once Mikael Diperi leaves and any matter discussed tonight will have to remain open until next meeting.

Minutes:

Frank noted that he was late at the September meeting and wanted to make sure that it had been recorded in the minutes. Veronique Fabio confirmed that it had been mentioned in the minutes.

Hilarie Thomas asked for a motion to waive the reading of the corrected September 26 minutes and approve them.

Frank E. Peteroy made the motion, Michael Dipieri seconded, all in favor.

The October 2012 minutes are still open.

Correspondence:

Hilarie Thomas reviewed the following correspondence.

Sept. 28----- From Camphill Village , invitation to visit the new addition .

Oct. 9-----From planning board, in ref. to Howard application 2013-18.

Oct. 15-----Department of health in ref to Sawchuck

Oct 23----- Email from Jon Strom in ref to not being able to attend the meeting due to an accident.

Oct.24----- Email from Adam resnikoff; cannot make it to the meeting tonight

Oct. 24-----Email from Michael Dipieri in ref to having to leave the meeting at 7:30.

Closed Public Hearing:

None

Public Hearing:

Were not present for the public hearing:

Applicants 1)--- 2013-18. Andrew Howard. 48 Starling Road Copake. Tax Map # 155.18-2-4

And 2)----2013-21. Pelham / Turner presented by L. Chernewsky. 6 Roosevelt Drive Copake .Tax Map # 165.15-1-27.200 ad 165.15-1-27.100.

3)-----2013-07. Gregg Hosier, Lakeview Rd, Tax Map # 165.11-1-45

Area Variance, improvements within 100' of a body of water. 7' x 20' deck a 14'x24' parking area of lakeview Rd. an 8' x 10' storage shed in front and south of parking area and four set of stairs.

Mr. Hosier accompanied by Ira Halfond Esquire and Paul McCreary Engineer came to the table.

Linda Assande representing Marguerite Shannon owner of 461 Lakeview Road tax map # 165.11-1-43 was present. Mrs. Shannon's property is located directly across from Mr. Hosier's land.

Hilarie Thomas asked for a motion to open the public hearing, Michael Dipieri made the motion, Frank Peteroy seconded, all in favor.

Hilarie acknowledged the new plans dated 9/23/13.

Mr. Hosier pointed that the entire size of the project has been reduced.

Ira Halfond mentioned that all the concerns expressed by the board have been taken in consideration and the plans were amended following the board's recommendations.

He also noted that erosion and integrity of the structure issues were addressed by the engineer.

Mr. Hosier explained that the parking area has been reduced to 24'x14' and the deck to 7'x20'. A set of stairs was added on the left side of the property for ease of maintenance.

The whole project was reduced to 550 square feet.

Hilarie asked for the distance from the proposed shed to the property line and noted that a side yard variance might be necessary unless the shed is moved to respect the 10 foot side yard required by code.

The applicant agreed to move the shed to 10 feet from the property line.

Frank expressed concerns with the length of the set of stairs to the left, there should be landing areas on that set. He also felt that the parking area needed some type of barrier to prevent a car from going over the allocated parking area, judging from the size it appears that there would be room for only one car parallel parked with the road.

The engineer suggested that a timber guide rail could be installed to prevent a car from going over the edge.

Frank went on that a railing of some sort around the deck should be installed to increase safety all around the deck. The engineer confirmed that the railing on 3 sides is part of the design.

Frank also questioned the preparation of the soil under the shed, what kind of surface was planned to create a stable area? The engineer answered that a gravel base is proposed to level and stabilize the soil.

Mrs. Linda Assande; a representative and relative of the property owner across the road; (Marguerite Shannon) expressed concerns related to traffic safety as well as the location of the shed and if it will obstruct her view of the lake.

After examination of the relief on the plan it appears that the shed will be located 8feet below grade and only the roof would be apparent from Mrs. Assande's house. As for the safety issue with the parking area, it was noted that the Highway Department is aware of the project and have no objection to it.

Hilarie indicated that she will take a second look at the property.

7:30 Michael Dipieri leaves.

Mrs. Assande expressed concerns as well about the existing floating dock.

Mr. Hosier noted that the dock was build with a permit and reminded Mrs. Assande that the only right she had to his property is a right of way.

Mr. Assande also voiced concerns about utilities on the property "Will there be water and electricity?"

The area will be use for recreation and access to the lake only no water is needed.

Ken Dow reminded Mrs. Assande that the board will take in consideration her concerns when making a decision on the variance requested but any deed issues cannot be handled by the zoning board.

Hilarie advised that a dialogue with neighbors usually is best and Mr. Hosier's phone number is on file and he is available to discuss issues that Mrs. Assande might have besides the variance.

The site plan will be updated to address the board's issues.

The hearing will have to remain open and a decision for the variance postponed to November 20th due to the absence of a quorum tonight.

New Applications:

1) ----- 2013-22----73 Lake Shore Drive Taconic Shores George and Iris Fearon .

Tax map # 176.3-2-4, Area variance for a 25' x 15' addition to existing house. Front yard set back variance of 4'6" requested.

Mr. and Mrs. Fearon come to the table to present their project, a 15 X 25 room addition to their existing house. The room will be poured concrete with a bathroom. A side yard variance of 4'.5" is requested. The addition will be shielded from Lake Shore Drive and the neighbors's view by mature ever green trees. The Fearons will consult with an architect once a variance is granted.

Frank questioned the set off of the proposed room. Mr. Fearon explained that the 4' indent is to create an entrance to the proposed addition directly from the front yard.

The application will be scheduled for a public hearing on November 20 and referred to the planning board.

2) -----2013-23---134 N. Mountain rd., Joseph & Veronique Fabio.

Tax Map # 167.1-36. Area variance for relief from 232-8D (4) placement of an accessory building (26' x 36' garage)in the front yard.

The proposed garage will be located in a hollow in the front yard at the base of a burm, 200' from the front property line, 170'to side yard line to the North and 130' to side line to

the South. The project will be shielded from view by ever greens and deciduous trees on all sides.

The application will be scheduled for a public hearing on November 20 and referred to the planning board.

General business:

None

Meeting was adjourned at 8:20

Next meeting; November 20, 2013

Respectfully submitted.

Recording Secretary.

Veronique Fabio