

Town of Copake Zoning Board of Appeals

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Meeting Minutes of November 16, 2017

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The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on November 16, 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, and Mark Miller. Thomas Goldsworthy was excused. Town Board Liaison, Stosh Gansowsky was also present. Secretary Veronique Fabio 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 October 26 meeting minutes.

~ Frank Peteroy noted that there was a mistake in the date. It will be corrected.

~ *Jon Strom asked for a motion to accept the October 26 minutes, Mickael Diperi made the motion, Mark Miller seconded, all agreed.*

3) Correspondence:

The following correspondence was acknowledged.

Thomas Goldsworthy & Jeffrey Judd training attendance certificates.
11-7 letter of interest from Jeffrey Wood.

11-8 from Planning Board, referral for Simon/Nealon.

11-16 from Jeffrey Wood stating that he cannot attend the meeting tonight for the interview.

4) New Applications:

2017-25 Vargas/Machado, 123 Golf Course Rd. Tax Map 165.5-6 & 165.5-1-18

Relief from 232-8 front & side yard variance.

232-9,P,1 septic within 150' of water & development within 100' of water.

232-24,B,2,a,5 modification of a non-conforming structure.

Chris Knox of Crawford & Associates represents the owners, he was accompanied by Cathy Chia the architect for the project.

Project consist of demolishing the existing 3 bedroom house and build a 4 bedroom home including new septic and drainage.

The proposed project will be located 9.5' from the front property line, 10.5' from the right side line and 43.9' from the edge of Copake Lake in the rear.

Development is planned within 100' of Copake Lake and installation of a new septic system within 150' of the water.

Variances for the relief from 232-9 P (1), 232-8 and 232-24B (2) (a) 5 will be necessary.

~ Jon Strom questioned the motive for demolishing the existing house.

~ Chris Knox explained that the house is small, built on a crawl space and does not fit the owner's needs.

~ Frank Peteroy asked about the plan to cross over the road to install the septic system, why not connect to the communal septic?

~ Chris Knox responded that the Golf Course Owner's association asked for a prohibitive price to allow connection to the communal system. It would be much cheaper for the owners to build a brand new septic system across the road on John Urban's land. Both parties are in contact now and discussing that option.

~ Frank Peteroy also noted that the 2 parcels should be officially joined and a revised deed will be necessary.

~ Chris Knox believes that the combining of the 2 lots is in process.

~ Frank Peteroy asked if other options were explored for the septic system.

~ Chris noted that besides holding the sewage and having a company regularly empty the holding tanks, no other options seem viable.

Chris added that drainage of the lot will be improved and extensive screening with trees is planned.

~ Jon Strom indicated that moving the house towards the center of the lot would reduce the number of variances necessary.

~ Chris Knox explained that the owners would like to create a yard area to the right of the property and keeping the house in the same location as the existing one would reduce soil disturbance.

~ Architect Cathy Chia described the reasons for the location; there is a right of way on the right side of the property and people use it to park their cars and bring boats to the lake. Privacy screening and a buffer area would be the best way to manage the problem. Cathy went on and described the proposed house. There will be a basement, a 1st and 2nd story. A deck will be facing the lake and will be 43.11' from the edge of the water. A space for a study is planned over the garage.

~ Jon Strom asked about colors of the outside walls and the roof.

~ Cathy Chia said that stones and concrete for the lower level and wood siding in grey tones for the rest of the house is planned.

~ Jon Strom noted that he feels strongly about moving the project away from the edge of the lot and noted that the septic system is an issue. It was noted that the existing house has its own obsolete septic system.

~ Jeffrey Judd expressed his concern with regard to the proximity of the project to the lake.

~ Jon Strom asked for a motion to accept the application for a public hearing next month, Mikael Diperi made the motion, Mark Miller seconded, all agreed.

5) Public Hearing:

Simon/Nealon, 25 Red Fox lane, Tax Map 155.17-1-3

Area variance for a 2 car garage located in the front yard.232-8-D (4)

Elizabeth Nealon was present for the public hearing. She went through the details of their choice for locating the 2 garage. The proposed area is ideal, not too far off the entrance of the driveway on Red Fox lane and out of site from the road. Mrs. Nealon said that the suggestion by the ZBA to use the other driveway located at the rear of the property, of off Woodchuck Rd. was explored. The fact that Woodchuck Rd. is not regularly maintained and plowed made that option unacceptable.

~ Elizabeth Nealon also presented a number of pictures and a short video showing the chosen site for the garage. The driveway grade is 8.9%.

There were no more questions from board members on the application.

All the abutters were notified and there were no comments from the public.

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

An area variance for a 2 car garage to be built in the front yard, relief from 232-8-D (4) of the town code.

Roll call vote: Frank Peteroy: YES, Jeffery Judd: YES Jon Strom: YES, Michael Diperi: YES, Mark Miller: YES.

Variance is granted

Internal Business:

~ Jon Strom reminded members about the four hours mandatory training due before the end of the year.

On a motion by Michael Diperi, seconded by Jeffrey Judd and agreed upon by all members, the meeting was adjourned at 7:55.

Respectfully submitted.
Veronique Fabio.