

**Town of Copake  
Zoning Board of Appeals**

~

**Meeting Minutes of November 19, 2015**

~

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on November 19, 2015, at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

An audience of 5 was present as well as, Ed Ferrato ; building code enforcer.

The meeting was called to order at 7:10 PM by Jon Strom.

**Roll call:**

Jon Strom chairman, Michael Diperi were present as well as Frank E. Peteroy.

Jeffrey Judd had given notice that he will be a little late.

Hilarie Thomas was excused.

Veronique Fabio (secretary) was excused.

Lisa DiConti was present to record the minutes.

Susan Sweeney; Town board liaison and Kenneth Dow; Copake Town Attorney were excused.

It was noted that Jon Strom will not be able to attend the January meeting, Jeffrey Judd will chair.

**Reading and approval of the minutes of preceding meeting:**

A correction is needed for the October minutes an email to that regard was sent by Jon Strom to Veronique Fabio.

The approval of the October minutes will be postponed until the December meeting.

### **Correspondence:**

11-4-15: Ken Dow sent the EAF for the four Ben Meir properties.

There are no attendees for these applications tonight therefor the matter is deferred.

### **New Application:**

2015-17, Ellen Wilmer, 121 Golf Course Rd. Tax Map # 165.05-01-05

Gray Davis represents the owners for this application. He is not here tonight.

The presentation will have to be postponed.

Lisa DiConti mentioned that Mr. Davis told her he was planning on attending the meeting tonight.

### **Closed Hearing:**

1) **2015-01, 02, 03, 04 .Allon Ben Meir, Upper Rhoda Pond.**

Special Use permits to operate as boarding houses.

There will be no discussion on that matter tonight, the applications are still in process.

### **Public Hearing:**

1) **2015-12 Karen & Michael DiPeri, 23 Veron Rd. Taconic Shores**  
**Tax map # 176.1-2-35**

The public hearing for this application is postponed. M. Diperi is represented by Frank Peteroy and without Hilarie Thomas present the board cannot proceed.

2) **2015-16 Lynch Family Trust, 309 Lake Shore Dr. Tax Map # 176.3-3-29**

~ Linda Chernewski represents the owner, she came to the table with Eric Lynch. She noted that she had met with the planning Board.

Area Variance for;

A Front Yard Area Variance of 36.55’.

A Right Side Yard Area Variance of 4’ .31”.

A Rear Yard Area Variance of 57’ .07”.

Relief from section 232-9 P (1) & (2) as well as relief from 232-24 B (2) (a) [2].

NYS DEC/ Army Corp. joint applications were submitted as well as the short EAF. (The Planning Board filed out the EAF form.)

Linda explained the changes;

Handicapped accessible bathroom and bedroom, no bedroom increase, 1000gallon concrete septic is properly sized, second floor loft open to floor below.

~ Jon Strom emphasized the importance of the silt fence installation.

The referral from the Planning Board did not point any particular issues with the project and approved the site plan subject to ZBA approval and DEC permits.

Jon Strom asked if anyone had questions or comments about the project.

Being none;

***~ Jon Strom asked for a motion to close the public hearing, made the motion, Frank Peteroy seconded.***

***~ 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.***

Jon Strom 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, the project will improve the property.*

*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, quite a few variances are requested.*

*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, precautions will be taken to protect the lake from runoff during construction.*

*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: NO, remodeling to accommodate physically handicapped relative however self-created for the second story addition.*

*c. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.*

Tonight the ZBA is voting on an area variance for:

A Front Yard Area Variance of 36.55’.

A Right Side Yard Area Variance of 4.31’.

A Rear Yard Area Variance of 57.07’.

Relief from section 232-9 P (1) & (2) as well as relief from 232-24 B (2) (a) [2].

Roll call vote: Frank Peteroy; YES Jon Strom; YES Jeffrey Judd; YES

Michael Diperi; Yes

Area Variance is granted

**Internal Business:**

Jon Strom asked about Frank Peteroy request to discuss Article 18-805.  
~ Frank did the research on that section and determined that members of the same board are not encouraged to represent each other. However an attorney or an architect on the board can represent another board member provided that the fee charged is not dependent upon the outcome.  
Jon Strom suggested that the info be sent to Ken Dow.

*~ Jon Strom asked for a motion to adjourned, Michael Diperi made the motion, all agreed.  
The meeting was adjourned at 7:30*

**Next meeting December 17, 2015**

Respectfully submitted.

Lisa DiConti /Veronique Fabio, Recording Secretaries.

