

Town of Copake Zoning Board of Appeals

~

Meeting Minutes of December 15, 2016

~

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on December 15, 2016, 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 Hilarie Thomas. Kenneth Dow; Town Attorney was present. Board member; Michael Diperi and secretary; Veronique Fabio were absent.

2) Reading and approval of the minutes of preceding meeting:

The November 17, 2016 minutes were approved.

3) Correspondence:

The following correspondence was acknowledged;

12-10-16 from Planning Board. Referral on Carp Inc.

12-10-16 from Planning Board GRJH Inc. response in ref. to lead agency.

12-12-16 from Columbia County Department of Health in ref. to GRJH Inc.

12-14-16 from Planning Board. Response in ref. to lead agency for Brousseau

4) New Applications:

None

5) Public hearing:

2016-12, Carp Inc. 140 lake View Rd. Taconic Shores. Tax map 176.1-02-52

Presented by Linda Chernewsky.

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

The applicant is requesting a Left, right, and rear variance as well as relief for construction done within 100' of a water body.

Detail of the variances;

A 67.3' REAR YARD SETBACK.

A 19.47' RIGHT YARD SETBACK.

A 19.4' LEFT YARD SETBACK.

Relief from; 232-24 B (a) (2 & 5) Extension, modification or replacement of a non-conforming structure.

Relief from; 232-9 P (1) Septic tank or field location not allowed closer than 150 feet of a body of water.

(2) Development within 100 feet of a body of water.

The Planning Board recommendation was acknowledged;

At the December 1, 2016 Planning Board meeting the members reviewed the application of Peter and Virginia Carpaninni/Carp.Inc. on Lakeview Road in Taconic Shores. The applicants wish to add a new deck and new roof to their house; repair their covered porch and foundation; renovate the interior of the structure; and update their bathroom.

The Board is in the process of a complete Site Plan Review at this time however they wish to make your Board aware that construction of the septic system within one-hundred and fifty feet (150') of the wetlands is planned.

There were no questions from the ZBA members or the audience.

~ Jon Strom asked for a motion to close the public hearing, Jeffrey Judd made the motion, Frank Peteroy seconded, all agreed.

~ 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

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

The ZBA voted on the approval of the variances mentioned above 4 to 0.

Subject to: DEC APPROVAL & CCDOH SEPTIC SYSTEM APPROVAL.

Public Hearings previously opened October 27, 2016.

1) 2016-11, Corey Brousseau, 8010 Route 22, Tax map # 176.-1-32

Requesting Special Use Permit for former “Heads” Service Station to operate a service business (welding shop).

Mr. Brousseau submitted the completed Short Environmental form part 1.

After review the ZBA completed the part 2 and 3 of the EAF.

A negative declaration was determined with no significant adverse environmental impact.

~ Jon Strom asked if anyone had comments.

There were no questions by anyone.

~ Jon Strom asked for a motion to close the public hearing, Jeffrey Judd made the motion, Frank Peteroy seconded, all agreed.

Jon Strom proceeded to read the 267-b Permitted action by board of appeals for Use Variances.

~ 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.

Use Variances.

a. The Board of Appeals , on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances , as defined herein,

b. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have cause unnecessary hardship. In order to prove such unnecessary hardship he applicant shall demonstrate to the board of appeals that for each and every use under the zoning regulations for the particular district where the property is located.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

2. That the allege hardship relating to the property in question is unique, and does not apply to a substantial portion of the district neighborhood.

3. That the requested use variance, if granted will not alter the essential character of the neighborhood; and 4. That the alleged hardship has not been self-created.

c. The board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA voted on the approval for the Special Use Permit 4 to 0.

3) 2016-04, GRJH Inc. Thomas Casey 1763 State Rt 23, Tax Map #144.4-1-5
Requesting a special use permit to raze existing structure and build a convenience store and gas station.

The applicant, Thomas Casey was present.

The project consist of a one story convenience store of approximately 3,240 SF, as well as three fuel pump islands. 48 parking spaces would be provided.

The site is zoned for Highway Business (B-2 Zoning District) and the project presented requires a special permit.

After review of the SEQER the ZBA completed the part 2 and 3.

A negative declaration was determined with no significant adverse environmental impact.

~ Jon Strom asked if anyone had comments.

There were no questions by anyone.

~ *Jon Strom asked for a motion to close the public hearing, Jeffrey Judd made the motion, Hilarie Thomas seconded, all agreed.*

Jon Strom proceeded to read the 267-b Permitted action by board of appeals for Use Variances.

~ ***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.***

Use Variances.

a. The Board of Appeals , on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances , as defined herein,

b. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have cause unnecessary hardship. In order to prove such unnecessary hardship he applicant shall demonstrate to the board of appeals that for each and every use under the zoning regulations for the particular district where the property is located.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district neighborhood.

3. That the requested use variance, if granted will not alter the essential character of the neighborhood; and 4. That the alleged hardship has not been self-created.

c. The board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The Special Use permit was granted 3 to 4. (Frank Peteroy had recused himself.)

5) Closed Public Hearing:

No closed Hearing

6) Internal business:

2. After this meeting, the ZBA members will go into executive session for the interview of Thomas Goldworthy applying for one of the vacant positions on the board.

~ Jon Strom asked for a motion to adjourn the meeting, Frank Peteroy made the motion, Jeffrey Judd seconded, all agreed.

Next meeting January 26, 2017

Respectfully submitted.
Veronique Fabio.

(No audio recording)

