

Town of Copake

Draft

Zoning Board of Appeals

Correction in orange.

Minutes June 27, 2013

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, June 27, 2013, at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

An audience of about 15 was present including Marcia Becker; Planning Board, Susan Sweeney; Town Board Liaison.

The meeting was called to order by Chairman Hilarie Thomas at 7:08 PM.

Roll call: Present at this meeting were: Hilarie Thomas, Frank E. Peteroy, Ralph Shadic, and Jon Strom. Adam Resnikof was absent. Mikael Diperi had notified the board that he will not be able to attend the meeting tonight.

Kenneth Dow; Copake Town Attorney was also present.

Minutes:

Hilarie asked for a motion to waive the reading of the May 23rd minutes and approve them.

Jon Strom made the motion, Frank Peteroy seconded, all in favor.

It was noted that The October 2012 minutes were still open.

Correspondence:

Hilarie Thomas reviewed the following correspondence.

June 7-2013 from Ira Halfond law office, in ref to Hosier.

June 25 from Michael Diperi ref. to not been able to attend tonight's meeting

June 26 from Frank Peteroy in ref to Sawchuk and response from Trish Gabriel DEC

June 26 from Planning Board in ref. to ; Rescheduling.

; Camphill.

; Sawchuk.

; Wang & Spencer.

Closed Public Hearing:

None

Public Hearing:

1) 2013-12 , Nielsen, 25 SW Colony, tax map 165.14-02-67.12, area variance to build within 100 feet of Copake lake.

Christopher Mc Donald came to the table, he represents the applicant, Lisa Nielsen. He presented a new plan for the 5 steps set of stairs going from the patio to the gravel landing area as required by the board at the last meeting. Christopher Mc Donald recapped the entire history of the application for this variance. He pointed out that the new plans show a

set of wooden stairs instead of stone; however the new stairs will have to be set in concrete footing on 4x4 posts. A hand rail was suggested and the decision for it was left to the building department.

Hilarie asked if anyone in the audience had comments; being none she stated that the board was going to vote tonight on a 55 foot set back variance from the lake for a set of 5 wooden steps going from the patio to a gravel landing.

Hilarie Thomas asked for a motion to close the public hearing, Jon Strom made the motion, Frank Peteroy seconded, all in favor.

Hilarie 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

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.

The board is going to vote tonight on a 55 foot set back variance from the lake for a set of 5 wooden steps going from the patio to a gravel landing.

Roll call vote; Ralph Shadic, Yes. Frank E. Peteroy, YES. Hilarie Thomas, YES. Jon Strom, Yes.

Variance granted.

2) 2013-13, Pat Prendergast for Camphill Village. Area Variance requested for two new workshop buildings located near federal wet land.

Pat Prendergast accompanied by three village residents and Jos Smeele came to the table.

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

Hilarie read the Planning Board memo dated June 26; the Planning Board accepted the Camphill Village site plan as a preliminary sketch, review will continue at the July 13 meeting.

Pat Prendergast presented the project that consist of two new workshop buildings respectively; 3000 sq. feet and 3522 sq. replacing and older building of 2400 sq. feet.

Construction will take place within 100 feet of federal wetland.

Prendergast is waiting for a permit from Army Corp. He has been in contact with Mr. Sherwood.

Mr. George Schapa an abutter asked if the project will affect him in any way, he had a problem in the past with a beaver dam and flooding. He was assured no drainage issues will be created by the new construction.

Jon Strom questioned the choice of location for the workshops; "It appears that there is so much land, why build near wetland?"

Frank Peteroy also indicated that the parking lot could easily be redesigned and contracted in order to minimize the impact on the wetland.

Jos Smeele explained that many aspects affected the decision for this particular location.

It was a long process and the residents were involved as well in the decision making process. He pointed some elements that were key in the choice for location;

--- The Proximity to the residents housing,

---Easy access from the Ring road for handicapped residents;

---Connection between the 2 wings within each building for social purposes;

---Southern orientation for maximal natural light;

--- Easy access for fire trucks and room for them to turn was also taken in consideration.

Jos Smeele explained that a lot of money and time went into this careful planning any changes would increase cost.

A resident explained that the maple trees located in the wetland are tapped in season, the area is well cared for and an asset for Camphill Village. There are some oak trees as well. The trees also offer wind protection. No wetland is taken over.

Frank explored other possible locations and design ideas for the parking lot.

Julie Anne Bernroth had some questions about the size of the project that were answered.

Hilarie asked if anyone in the audience had comments or questions; being none;

Hilarie Thomas asked for a motion to close the public hearing, Jon Strom made the motion, Frank Peteroy seconded, all in favor.

Tonight the board will vote on a variance of 100% to cross wetland.

For building A; A set back variance of 93 feet for the North/East corner from wetland.

For Building B; A set back variance of 93 feet for the South /East corner from wetland.

Hilarie proceeded to read the 267-b Permitted action by board of appeals.

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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

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For building A; A set back variance of 93 feet for the North/East corner from wetland.

For Building B; A set back variance of 93 feet for the South /East corner from wetland.

Roll call vote; Ralph Shadic, Yes. Frank E. Peteroy, YES. Hilarie Thomas, YES.

Jon Strom, Yes.

Variance granted. Conditional to Army Corp. permits.

3) 2013-14, Wang/Spencer, 343 lakeview Rd. Tax Map # 165.6-2-49. Area Variance for second floor addition, front porch & deck, & roof over existing side deck.

Hilarie Thomas asked for a motion to open the public hearing, Ralph Shadic made the motion, Jon Strom seconded, all in favor.

Linda Chernewsky came to the table to present the project.

Hilarie read the Planning Board memo dated June 26 stating that the project is still being reviewed and septic system design and location have not yet been provided by the applicant.

Building Department referral letter stating that applicant is seeking relief from section 232-24 B #2, #4 as well as ; a height variance of 3 feet 5.5 inches.

A left side yard set back variance of 16 feet and 99 inches.

A right side yard variance of 9 feet 3 inches.

A rear yard set back variance of 11 feet 24 inches.

Linda explained that she will construct a rim board around the whole base of the house to level it and build up from there. The entry way will be covered by a porch. The entire top part of the house will be taken down, the existing foundation will remain. There is a 6 foot cellar toward the back of the house, below the water line and wet, that part will be filled up with concrete. The house will be rebuilt within the same footprint only the front porch will be added.

Jon Strom asked if the board received any feed back from the abutters; they were all contacted, no comments from any one.

Linda noted that the existing septic tank was located and will be replaced by a 1500 gallon new tank. The bedroom count will be increased to 4. Linda is waiting for recommendation from board of health for the septic system. Because of the bad weather the BOH has been delayed.

Hilarie asked if anyone in the audience had comments or questions; being none;

Hilarie Thomas asked for a motion to close the public hearing, Jon Strom made the motion, Frank Peteroy seconded, all in favor.

Tonight the board will vote on

A height variance of 3 feet 5.5 inches.

A left side yard set back variance of 16 feet and 99 inches.

A right side yard variance of 9 feet 3 inches.

A rear yard set back variance of 11 feet 24 inches.

Hilarie proceeded to read the 267-b Permitted action by board of appeals.

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Answer: NO

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Answer: NO

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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.

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A height variance of 3 feet 5.5 inches.

A left side yard set back variance of 16 feet and 99 inches.

A right side yard variance of 9 feet 3 inches.

A rear yard set back variance of 11 feet 24 inches

Roll call vote; Ralph Shadic, Yes. Frank E. Peteroy, YES. Hilarie Thomas, YES. Jon Strom, Yes.

Variance granted.

Conditional on the Board of Health and Planning Board decisions.

4) 2013-11, Sawchuk, 139 Lake Shore Drive , tax map 176.3-3-7, Continuation of Public Hearing from May 23, 2013.

Frank Peteroy presented plans to the Planning Board for drainage, 3 to 4 dry wells will be put up. The driveway is made of gravel and helps in absorbing the water.

DEC made an inquiry and plans will be submitted for storm water control.

The existing garage will remain; everything else will be rebuilt within the same footprint as well as adding a second story. The garage is partially in ground.

Taconic Shores is aware of the project.

The variance necessary is for density relief.

Main access to the house will be changed to the West side of the house.

The entire 1st floor will be handicap accessible, the house remains a 3 bedroom house but reconfigured.

Frank is expecting results for asbestos inspection and size of septic tank.

Jon questioned the lack of a survey and its relevance to the ZBA

Hilarie asked if anyone in the audience had comments or questions ; being none;

Hilarie Thomas asked for a motion to close the public hearing, Jon Strom made the motion, Ralph Shadic seconded, all in favor.

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Answer: NO

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The variance voted on tonight is for density control schedule relief; 232 attachment 3, note # 3. The lot coverage will be increased to 25%. Construction has to remain within existing footprint.

**Roll call vote; Ralph Shadic, Yes. Hilarie Thomas, YES. Jon Strom, Yes.
Variance granted. Conditional to DEC and Planning Board.**

New Applications:

It was noted that no one was present for application # 2013-15 - Ziegler, 38 SW Colony Rd. Addition of a 6 x 41'9 deck and set of stairs on the side of the house. Work to be executed within 100 feet of a body of water.

Leuschner application # 2013-16. Tom Phillips; contractor, Mr. Phillips was looking for an amendment to the previously granted variance (2012-14). A 6'x 32' deck and stairs to gain access to the house that was previously over looked needs to be built. A side yard variance of 15 feet is requested.

Frank asked if the entrance could be put in the front, Phillips noted that the master bedroom is in the front, the main room is in the back of the house hence the need for a deck leading to the back. It was suggested by Ken Dow that a Rehearing might be more appropriate in this case however the board would have to have a unanimous vote, the process of public notification will be the same as for a new file. If the applicant chooses to file a new application the vote will be a majority vote. Members agreed to have a rehearing.

Jon Strom made a motion to have a rehearing for July 25th, Frank seconded, all in favor.

It was asked of Mr. Phillips to provide clear drawings of the project.

Frank clarified that the project is an open set of stairs and an open deck.

The application will be referred to the planning board.

Hilarie Thomas asked for a motion to adjourn this meeting. Frank Peteroy made the motion, Jon Strom seconded, all in favor.

Meeting was adjourned at 9:00

Next meeting July 25, 2013

Respectfully submitted.

Veronique Fabio

Recording Secretary.