

Town of Copake Zoning Board of Appeals

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Meeting Minutes of July 24, 2014

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on July 24, 2014, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. An audience of about 10 was present as well as, Bob Haight, chair and member Marcia Becker from the Planning Board, Edward Ferrato: Building Department and Susan Sweeney: Town Board Liaison.

The meeting was called to order by Hilarie Thomas at 7:05 PM.

Roll call:

Present at this meeting were: Frank E. Peteroy, Hilarie Thomas, and Michael DiPeri. Jon Strom and Adam Resnikoff were absent.

Kenneth Dow: Copake Town Attorney had been excused.

Veronique Fabio was present to record the minutes.

Reading and approval of the minutes of preceding meeting:

Hilarie Thomas asked for a motion to waive the reading of the June 26, 2014 minutes and approve them, Michael DiPeri made the motion, Frank Peteroy seconded, all in favor.

Correspondence:

- 7- 8 -14 From Susan Murkofsky in ref. to application 2014-08
- 7- 8 -14 From Andrew Abrams in ref. to BMC in support of Swiss Hutte.
- 7- 9 -14 From Maggiacomo email to withdraw his application.
- 7- 15-14 From Hillsdale-Copake Fire District in ref to BMC
- 7- 15-14 From Bob Haight Planning Board in ref to BMC
- 7- 26-14 Copy of a letter sent by Rock Solid Devlpmt. to Terence Hannigan
- 7- 21-14 From A. Howard; BMC will not be present at the meeting on July 24th.
- 7- 21-14 From Prendergast , estimate for Catamount reconstruction.
- 7-22-14 From Frank Peteroy in ref to Resorts.

7-23-14 From Robert Truslow in ref to Murkofsky.

7-23-14 From David Silver to Planning Board in ref to BMC

Hilarie Thomas noted that most of the correspondence was pertaining to Berkshire Mountain Club; they will not be present tonight.

The other correspondence will be reviewed as the meeting goes on.

Closed Public Hearing:

None

Public Hearing:

- 1) 2014-07 Goldman, 163 Golf Course Rd. Tax map # 165.5-1-13. Area Variance to install an 8x8 shed in the front yard.

This application was presented at a public hearing held on June 26, but the storage shed part of it was left aside for a later date. The area variance requested for the storage shed is part of the 2014-07 application previously presented.

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

Mr. Goldman came to the table. He described the type of shed that he is planning to install. It will be a prefabricated storage shed 7'X 7'.

Frank Peteroy suggested a monochromatic finish on the shed to make it more discreet. Mr. Goldman showed some pictures of what he wants to install. He will probably start the work in the fall. Some vegetation will be planted around the shed, boxwood are planned.

Hilarie asked if anyone had comments or questions, being none;

Hilarie Thomas asked for a motion to close the public hearing. Micheal Diperi 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 tonight will vote to allow the installation of a storage shed no larger than 8' X 8' in the front yard.

Relief from 232-8D-(4) from the town building code.

Roll code vote : Frank Peteroy, YES. Hilarie Thomas, YES. Michael Diperi, YES.

Variance granted.

- 2) 2014-08 Murkofsky, 26 Longley Rd. Tax Map # 165.10-1-10 , Area Variance requested for the installation of a fence higher than 6 feet .

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

Mr. Murkofsky came to the table.

Hilarie Thomas read the memo from the Planning Board.

September 3, 2014 To: Hilarie Thomas, Chair, ZBA

Fr: Bob Haight, Chair, Planning Board

Re: Charles Murkofsky

Project

Location: Longley Road, Copake Lake

Dear Hilarie,

At the June 14, 2014 Planning Board meeting the members reviewed the application for an eight foot (8') fence around the perimeter of Mr. Murkofsky's property with gates positioned at his driveway.

The Board had concerns that fences such as this will become widely used on residential properties in the area and the wide use of these types of fences will not only detract from the attractiveness of these areas but also have the potential to cause hazards on the roads as deer will be displaced from more and more areas.

They asked that you consider the aesthetics of these residential areas and the impact this would have on neighbors and the surrounding roads. They discussed other ways of keeping deer off one's properties such as yard sprays (organic or not) and sound devices to name a few.

The Board also wanted to note that there are different laws and considerations for farmers and there is a difference between a farm requesting to protect their crop and a resident wishing to place a fence around their property.

The Board asks that you keep the fence down to the minimum height as defined in the Zoning Code and take the aesthetics of the area into consideration.

Sincerely, Bob Haight, Chair

Hilarie also read the memo from the building Department;

June 10, 2014

Applicant needs relief from zoning: Article V section 232-9 F
Edward Ferrato, Code Enforcement Officer

~ Mr. Murkofsky explained that he and his wife own the property for 32 years. They have tried every thing on the market from chemicals to motion devices that turn on a radio supposed to deter deer from devouring their plantations. Nothing has worked so far and they are now considering an eight foot fence around the entire property. It seems the only adequate option for the problem. Some family member also are affected with Lime disease.

~ Mr. Murkofsky presented a schematic of his property, pointing out that most of the Fence will be surrounded by shrubs and trees. On the other side of his property there is already a 6 foot fence.

He proposes to install a gate on the lake side to prevent the deer from walking up the steps leading to his yard.

~ Frank Peteroy assured Mr. Murkofsky that deer do not go up stairs.

~ Mr. Murkofsky continues explaining that at the rear of the property towards the lake, there

is two areas that would need fencing as well.

Frank Peteroy asked for the height of the fence proposed,

~ Mr. Murkofsky said the fence would be 8 feet. Murkofsky went on explaining that they are suffering aesthetic arm and frustration , as they cannot plant anything..

He disagree with the Planning Board's opinion that the fence could created a danger.

~ Hilarie Thomas explained that a 6 foot fence in the zoning code is allowed on the side yards and a 4 foot fence in the front yard.

~ Mr. Dave Crow a neighbor presented some pictures of the property in question. He expressed his concerns about the fence.

1) The Murkofsky's property is located at the end of the road and the fence would create a difficulty for emergency vehicles to access the area.

2) The snowplowing would be restricted, no place to push the snow anywhere.

3) Where would the trash cans be kept after the fence is erected?

4) The negative impact on the adjacent properties values. This is a residential area not an agricultural zone.

5) Posts have been installed already without permit.

This is a private road owned by the Cove Property Association the members pay to have the road maintained. The view when you arrive would be obstructed. The aesthetic of the road would be seriously compromised.

~ Hilarie indicated that she would like to keep the public hearing open so that the board members have a chance to visit the property to make a better determination.

~ Frank Peteroy asked about the options for gates that were offered by the applicant. He noted that requests for fencing off properties is becoming more and more common and a lot of thoughts have to be put in the problem.

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

New Application:

- 1) 2014-09 Hilbert David & Kristen , 4 Bobolink rd. Tax Map # 165.6-2-17
Addition of a mud room, a deck and a shed to existing house on non conforming lot.

~ Linda Chernewsky, Architectural Delineator came to the table, she represents the owners, David & Kristen Hilbert. The proposed work consist of a new deck on the Lake

View side of the property, a mudroom entrance on Bobolink rd. side, and a shed attached to the house on the north side .

~ Frank asked questions about the foundation, as well as where the vent for the boiler will be located.

~ Linda Chernewsky indicated that the plan is to build a utility room underground. The roof will remain at the same height; the bedroom count will be the same as well. Windows will be changed. Property is located between two road therefore it has two front yards and two rear yards.

~ Frank has a concern about the utility room planned with access through a ladder only. Linda said that that room will be 8' X 8'.

~ Frank believes that a bonifide exit will have to be provided out of that utility room. He will check into that.

Hilarie Thomas asked for a motion to accept the application for a public hearing August 28, Michael Diperi made the motion, Frank Peteroy seconded, all in favor.

Hilarie Thomas asked for a motion to adjourn the meeting, Michael Diperi made the Motion, Frank Peteroy seconded, all in favor.

Meeting was adjourned at 8:25 PM.

Respectfully submitted.
Recording Secretary.
Veronique Fabio

