

**Town of Copake
Zoning Board of Appeals**

Draft

Minutes July 25 , 2013

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, July 25 , 2013, at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

An audience of about 5 was present including Susan Sweeney; Town Board Liaison and Edward Ferrato; Building Department.

The meeting was called to order by Chairman Hilarie Thomas at 7:10 PM.

Roll call: Present at this meeting were: Hilarie Thomas, Frank E. Peteroy, Ralph Shadic, Jon Strom and Mikael Diperi; Adam Resnikof was absent.

Kenneth Dow; Copake Town Attorney was also present.

Minutes:

Hilarie asked for a motion to waive the reading of the June 27 minutes and approve them. Frank Peteroy pointed out that some details were missing in the June minutes and needed to be corrected .

Hilarie asked for a motion to approve the minutes and include the correction.

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 29---- Memo from Planning Board in ref. to septic systems.

July 1-----Email from Frank Peteroy in ref. to Camp Hill Village

July 15-----Memo from Planning Board in ref. to Leuschner.

July 15 ----From Ken Dow in ref to Subpoena response in ref to Cascino.

July 23-----Email from Hosier in ref. to him attending the August meeting.

Closed Public Hearing:

None

Public Hearing:

1) Leuschner application # 2013-16. Tax Map # 176.3-1-3 and 176.3-1-4 .Represented by Tom Phillips; contractor, Mr. Phillips; the contractor, 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 Thomas confirmed that all the abutters were notified.

Mr. Phillips noted that this was a rehearing for an application that had been submitted in September 2012, (2012-14). He is looking for a variance for a 6'x 32' deck and set of stairs to gain access to the house. A side yard variance of 15 feet is requested instead of the 21' variance that

was originally granted. The site plan has been corrected to show the proposed entrance to the rear of the house and the deck connecting to that entrance.

Hilarie read the memo from the planning board.

” Memo to: Hilarie Thomas, Chair, ZBA

From: Marcia Becker, Chair, Planning Board

Re: Leuschner. Request for side yard variance, 20 Mansion Drive, Robinson Pond

Message:

At the July 13 Planning Board meeting, the Board reviewed the variance request. We referred to our original letter of referral for this project dated November 5, 2012. Our recommendation remains the same. That a detailed landscaping plan be provided with the primary goal being the prevention of soil erosion into the water, and protecting the shoreline of Robinson Pond.”

Mr. Phillips said he could provide a landscaping plan, nothing has been set yet but there is a lot of vegetation coverage at the present time on the slope.

Ralph commented that Taconic Shores set back requirements is less than what we have now and he does not see a problem with the new proposed plan.

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

She asked for a motion to close the public hearing, Jon Strom made the motion, Mickael Dipieri 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 15 foot side yard set back variance for a 6'x 32' open deck and stairs connecting the front of the house to the rear entrance.

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

Variance granted conditional to the landscaping requested by the planning board.

New Applications:

1)-----2013-15-Ziegler, 38 SW Colony Rd. Tax Map# 165.14-2-20. Variance requested for the 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.

Mr. and Mrs. Ziegler came to the table. They were advised by Frank Peteroy to present a detailed plan of the project showing the footing, storm water protection and silt fences.

The DEC will have to be contacted as well; an updated letter will be needed.

Mr. Ziegler pointed out that a permanent silt fence exists at the present time.

The list of abutters was checked.

The application will be scheduled for a public hearing on August 22nd. Providing the ZBA get the plans 10 days prior the meeting.

2)-----2013-17 –Patrick Greco, 83 Pumpkin Hollow Rd. North, tax map # 165.1-16, Area variance for a 2 car garage located in front of property.

Mr. Greco presented his project, he already had gravel dumped at the location. The lot is 3 acres and very few leveled areas are available to set the proposed garage.

It was suggested that the garage could be moved 3' towards the driveway or rotated and no variance would be necessary.

Mr. Greco reiterated that the lot was sloped and the proposed location was the best option.

The list of abutters was checked.

Hilarie Thomas asked for a motion to accept the application. Michael Dipieri made the motion, Jon Strom seconded, all in favor.

The application will be scheduled for a public hearing on August 22nd.

General business:

* Adam Resnikof ZBA membership was discussed; He has not participated in any meetings so far.

Jon Strom mentioned that allowing the alternate to vote might make the position more interesting. Ken Dow noted that the alternate can vote whenever the board is shorthanded.

* Hilarie mentioned that training was available on line with the NY Planning Federation.

* Frank Peteroy wanted to revisit the Camp Hill Village latest application. He presented his own drawings of the parking lot. He disagrees with Mr. Prendergast views for the

parking, explained his plans, and showed that without compromising the parking a more sensible design was possible minimizing further the impact on wetland.

Jon noted that a variance had been already granted.

Frank pointed out that no work had started yet and there would be no prejudice to Camp Hill. They are still waiting for permits from the Army Corp of Engineers.

Ken Dow stated that in order to reopen the hearing the board would have to vote unanimously to do so.

Frank asked the board for a rehearing of the Camp Hill Village application.

Jon noted that a variance had been already granted, the location of the parking has been questioned at the public hearing and the board has voted following the answers to these questions.

Hilarie stated that the differences in measurements are not substantial enough to warrant a rehearing.

Hilarie Thomas asked for a vote on re opening the hearing for Camp Hill, Frank Peteroy made the motion, Mickael Dipieri seconded.

Roll call vote; Ralph Shadic,NO. Frank E. Peteroy, YES. Hilarie Thomas, NO.

Mickael Dipieri, NO. Jon Strom, NO.

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 8:15

Next meeting August 22, 2013

Respectfully submitted.

Veronique Fabio

Recording Secretary.