

**Town of Copake
Zoning Board of Appeals**

Draft

Minutes August 22, 2013

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, August 22, 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. The meeting was called to order by Acting Chairman Frank Peteroy at 7:07 PM.

Roll call: Present at this meeting were Frank E. Peteroy, Jon Strom, Mikael Diperi and Adam Resnik.

Kenneth Dow; Copake Town Attorney was also present.

Hilarie Thomas and Ralph Shadic had notified the board that they will be absent.

Minutes:

Frank Peteroy asked for a motion to waive the reading of the July 25 and the October 2012 minutes.

Michael Dipieri made the motion, Jon Strom seconded, all in favor.

A question was raised regarding the quorum.

Ken Dow noted that the alternate member can vote if there is a conflict of interest not if the board is short to meet the quorum.

3 members are present tonight out of 5 as well as the alternate member Adam Resnikoff the board has a quorum and can carry on the planned hearings and vote.

Correspondence:

Frank Peteroy reviewed the following correspondence.

July 31-----From F. Peteroy email in ref to Sawchuk; DEC freshwater wetlands permit and asbestos reports.

August 4-----From Copake Lake Conservation Society.

August 7-----From Planning Board; memo in ref. to Greco.

August 9-----From Michael Higgins in ref to Ziegler. No permit required.

August 9-----From Hosier FOIL request for all variances granted on Lakeview Road from 2006.

August 14-----Memo from Jeff Nayer in ref to keys for the town hall.

August 19-----From Hosier, email ; He will not be able to attend the scheduled public hearing .

August 22-----From Andrew Howard ;Family emergency , cannot attend presentation of his project tonight.

---From Ralph Shadic ; Might not be able to attend meeting tonight.

----From Ira Halfond; Hosier postponing hearing.

Closed Public Hearing:

None

Public Hearing:

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.

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

Ms. Jaclyn Tyler architect came to the table she represents the Zieglers

Ms. Jaclyn Tyler explained the purpose of the deck proposed.

The Zieglers were granted a variance for 2 decks in the past ; one in the back and one in the front of the house and would like to now connect them and wrap a new deck on the side of the property to facilitate access to the house. She noted that 7 full size plans were submitted to the ZBA as the board had requested at the presentation meeting in July.

Jon Strom asked for clarification for the variance requested.

Frank Peteroy proceeded to read Mr. Ferrato;(Building Department) referral letter.

The Zieglers need relief from section 232-9 P (1) Development within a 100' of a body of water. No side yard variance is necessary.

Jon confirmed that all the abutters were notified.

There were no questions from the audience.

Frank asked for a motion to close the public hearing, Jon Strom made the motion, Mickael Dipieri seconded, all in favor.

Frank Peteroy 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 6' x 37'3" deck and a 6' x 6' step landing on the North side of the house approximately 23' from the shoreline.

Roll call vote; Frank E. Peteroy, YES. Mickael Dipieri, YES. Jon Strom, Yes.
Variance granted.

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
Frank peteroy asked for a motion to open the public hearing, Jon Strom made the motion, Michael seconded, all in favor.

Garage set back front yard from the property line is 125'.

Jon recapped; 2 variances requested.

(1) Construction of a garage in the front yard.

(2) A 3' side yard set back variance.

Frank asked for a motion to close the public hearing, Jon Strom made the motion, Mickael Dipieri seconded, all in favor.

Frank Peteroy 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 (1) Construction of a garage in the front yard.
(2) A 3' side yard set back variance.
Roll call vote; Frank E. Peteroy, YES. Mickael Dipieri, YES. Jon Strom, Yes.
Variance granted.

New Applications:

1)-----2013-19 Maria and Donald Powers, tax map # 165.6-1-4, 14 Starling Road. Area variance requested for 7'x 18'utility room attached to existing house. Mr. Powers came to the table to present his project. He just bought the house, it is a vacation home, and it is very small. The addition will be to accommodate a washer and a dryer. The property is 120' x 65'. Mr. Power needs a front yard and a side yard set back variance .

Frank Peteroy 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 September 26 and referred to the planning board.

2)-----2013-20 Pawlikowski, 5/ 8 ? Jefferson Drive. Tax Map # 165.15-1-1, R2 zone.

Linda Chernewski came to the table, she represents the Pawlikowski.

This is a lake front property located 235'.6" from the lake, 85'5" to the property line on the side. The house has a well and is on the community septic system.

Owners would like to screen porch on existing deck, mudroom, square off house and renovation of basement and interior. Bedroom count will not change; 3 bedrooms.

The lot coverage is under the allowed percentage.

The basement will be excavated further. Supports will be added under the existing deck and screened porch.

Frank stated that this is a corner lot.

Ken Dow clarified that in a corner lot you have 2 front yards a rear yard and one side yard.

Frank Peteroy 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 September 26 and will be referred to the planning board.

General business:

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

Meeting was adjourned at 8:00

Respectfully submitted.

Recording Secretary.

Veronique Fabio

Next meeting; September 26, 2013

