

Town of Copake Zoning Board of Appeals

DRAFT

~

Meeting Minutes of August 28, 2014

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on August 28, 2014, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. An audience of about 8 was present as well as, Edward Ferrato: Building Department and Susan Sweeney: Town Board Liaison. The meeting was called to order by Hilarie Thomas at 7:20 PM.

Roll call:

Present at this meeting were: Frank E. Peteroy, Hilarie Thomas, Jon Strom and Adam Resnikoff.
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 July 24, 2014 minutes and approve them, Jon Strom made the motion, Frank Peteroy seconded, all in favor.

Correspondence:

- 7-29-14 From Planning Board in ref to BMC. (Elevations).
- 8- 4-14 From David Silver in ref. to stream disturbance permits.
- 8-7-14 From Prendergast set of new plans for BMC.
- 8-7-14 From Hillsdale-Copake Fire Department in ref. to BMC.
- 8-12-14 From Michael DiPeri unable to attend August meeting.
- 8-8-14 From Andrew Gilchrist.
- 8-9-14 From town of Egremont board, deny letter for Catamount Shed.
- 8-16-14 From Planning Board, SEQRA for BMC.
- 8-16-14 From Planning Board in ref. to Hilbert.
- 8-18-14 From Murkofsky; Application for variance for deer fence withdrawn.
- 8-18-14 From BMC; Request for a special meeting.
- 8-21-14 From Stosh Gansowski letter of interest to become a ZBA member.

~ Hilarie Thomas noted that most of the correspondence was pertaining to Berkshire Mountain Club however they are not present tonight therefor the correspondence will be reviewed at the next meeting.

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

Mr. David Silver was in the audience and noted that he was unaware that Berkshire Mountain Club will not be present at the meeting tonight. He asked that in the future an effort be made to contact the interested party in case of a cancelation. He gave his email address. Mr. Silver was informed that a special meeting date for BMC might be set up.

Closed Public Hearing:

None

Public Hearing:

- 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.

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

~ Hilarie read the planning board memo;

October 14, 2014

Project Location: Bobolink Road, Copake Lake

At the August 7, 2014 Planning Board meeting the members reviewed the application for

David and Kristen Hilbert who wish to take down their existing sun room so as to add a screened-in porch in its place, re-do their mud room at the front of the house and add a deck on the side. We believe that variances are being requested inasmuch as the existing structure is non-conforming.

The Board discussed the fact that the deck being added will be closer to the lake and that the lot coverage is at the maximum allowed. Although there will not be an increase in the number of bedrooms the septic tank is undersized for a four bedroom structure and the

Board requested that a stamped certification from a licensed engineer be supplied showing that the system is performing adequately.

Mr. and Mrs. Hilbert's Site Plan was approved at our meeting subject to your approval of the required variances and an Engineer's Septic System certification.

Sincerely, Bob Haight, Chair

- ~ Linda Chernewsky indicated that the septic certificate requested by the planning board is in progress.
- ~ Jon Strom noted that four variances are necessary. He asked about what will be new constructions.
- ~ Frank Peteroy asked about the cellar's second exit in case of an emergency. The proposed cellar has only one access through a ladder.
- ~ Linda indicated that this concern had come up in the past and according to code, under 1015.3 "Boiler and Incinerator rooms" the present design is acceptable providing that the furnace does not exceed 400,000 BTUs. Ladders in basement are common and the present plan for the cellar is similar to a basement. Proper ventilation is required and will be set up. The house is 1100. Square feet and the furnace BTUs will be way under the 400,000. maximum.
- ~ Frank Peteroy asked about the size of the proposed cellar.
- ~ Linda indicated that the room will be 10' x 10'.
- ~ Frank Peteroy checked the reference to the code. He noted that the section referred to by Linda Chernewsky applied to 500sqf. + rooms and as Linda stated, the space was about 100sqf., thus the exit pathways were being compromised by the planned design.
- ~ Hilarie asked if the room could flood.
- ~ Linda responded that it could not happen because of the grade.
- ~ Frank debated that the second exit is being removed. The Bilco door does not constitute a true exit. It will be located under the deck after the renovation and cannot possibly be used by someone in an emergency.
 - ~ Linda said that it has been done before in other projects, it is in accordance with the code, the building inspector and the engineer.
 - ~ Ed. Ferrato noted that it is not a habitable space, the only time someone will be down there will be for maintaining the furnace and the water heater.

- ~ Hilarie noted that all the abutters had been contacted. She went over the variances requested;

- * First front yard area variance setback from Lakeview Rd. is corrected to 27'.98"
- * Second front yard area variance setback from Bobolink Rd is 32'.59"

- * First rear yard area variance setback opposite to Lakeview Rd. is 35'.93”
- * Second rear yard area variance setback opposite Bobolink Rd. is 28'.30”

Hilarie asked if anyone 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.

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 on the aforementioned variances as well as relief from section 232-9P- (1) “Building within 100’ of a body of water” and also from 232-24A-2 “adding to a non-conforming structure”.

Roll call vote: Frank Peteroy, Abstain. Hilarie Thomas, YES. Jon Strom, YES. Adam Resnikoff, YES.

Variance granted. Subject to septic system certificate requested by Planning Board.

New Application:

1) 2014-10, Chadkin, 421 Lakeview Rd. Area variance for 10 x 12 storage shed.
Tax Map #165.1-11-1-7

~ Mr. and Mrs. Jason Chadkin came to the table to present the project. They are new to the area. The most practical location for the shed is 2' away on either sides of the property lines, on back and the side line; that way the shed would be aligned with the house. 6' in the front of the shed would allow clearance to open the shed doors.

~ Hilarie asked where the septic was located. It is under the front porch.

~ Frank Peteroy asked if the Chadkins would consider moving the shed 5' away from the rear and side property lines.

~ Mr. Chadkin explained that the lot is so small, not enough room would be left in front of the shed to swing the doors open.

~ Hilarie explained the ZBA process to Mr. and Mrs. Chadkin.

The application will be referred to the Planning Board.

Hilarie Thomas asked for a motion to accept the application for a public hearing on September 25, Jon Strom made the motion, Frank Peteroy seconded, all in favor.

~ Mr. Dave Craw was unaware that the Murkofsky application had been withdrawn. He wanted to find out what kind of fence had been allowed for the Murkofsky project.

~ Ed Ferrato; building Inspector described the type of fence and gave Mr. Craw the location of a property that had the particular fence. Mr. Craw would like to know as well what type of gate was going to be installed.

~ Hilarie indicated that since the application was withdrawn the ZBA could not do much about it and requests should be directed to the Building Department.

~ Frank asked if the applicant had requested a permit for the gate.

~ Ed Ferrato said that he had issued a permit for the particular fence and he will make sure that the gate is adequate.

Hilarie asked for a motion to go to executive session, Jon Strom made the Motion, Frank Peteroy seconded, all in favor.

Executive session for interview of Stosh Gansowski.

The board members agreed to accept Mr. Gansowski as a member, Adam Resnikoff will remain alternate member. A memo will be sent to the Town Board members.

Meeting was adjourned at 8:35 PM.

Respectfully submitted.
Recording Secretary. Veronique Fabio