

**Town of Copake
Zoning Board of Appeals**

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Meeting Minutes of September 26, 2013

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, September 26, 2013, at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

An audience of about 5 was present as well as Marcia Becker; Planning Board and Ed. Ferrato ; Building Department.

Kenneth Dow; Copake Town Attorney was not present.

Susan Sweeney; Town Board Liaison had notified the ZBA that she will be absent.

The meeting was called to order by Hilarie at 7:15 PM.

Roll call: Present at this meeting were Ralph Shadic, Hilarie Thomas, Jon Strom, Mikael Diperi , Adam Resnik and Veronique Fabio recording secretary.

Frank E. Peteroy arrived at 7:30.

Minutes:

Hilarie Thomas asked for a motion to waive the reading of the corrected July25 minutes and August 22 minutes and approve them.

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

The October 2012 minutes are still open.

Correspondence:

Hilari Thomas reviewed the following correspondence.

August 26-----From Gregg Fishman in ref to the Hosier project.

August 28-----From Marcia Planning Board in ref. to Ziegler.

August 29-----From Frank Peteroy email in ref to Ziegler/ Email to Ms. Tyler architect.

Sept. 5-----From Hosier , FOIL request for ZBA variances granted on Island Drive and Golf Course Rd. from 2010 to present.

Sept.7-----From planning board memo in ref. to Pawlikowski.

Sept. 11-----From planning board in ref to Powers.

Sept. 12-----From Ag. and Market in ref. to Pigasso Farm.

Sept. 26-----From Susan Sweeney; she will not be able to attend tonight's meeting.

Closed Public Hearing:

None

Public Hearing:

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

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

Hilarie read the memo from the Planning Board and the denial letter from the building department.

September 11, 2013

Memo to: Hilarie Thomas, Chair ZBA

From: Marcia Becker, Chair Planning Board

Re: Powers application for variances for addition of a utility room. Starling Rd, Copake Lake

Message: At the September 5, Planning Board meeting the Board reviewed the Powers application but because of lack of material provided was unable to conduct a site plan review. The only material provided was the ZBA application. We do not have the denial letter from the Code Enforcement Officer, septic system information, information about whether or not a washer and dryer currently exist in the residence, well location or floor plans to name a few items. I will contact the applicant and ask for a more complete submission.

The site plan does not yet have Planning Board approval. Thank you, Marcia C. Becker

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Building Department Town of Copake      September 10 2013

Applicant needs relief from zoning; Section 232-24 B-2(a)#2

Site Plan approval from Planning Board section 232-24 B(2) (a)#5.

1. A front yard area variance of 15'.
2. A rear yard area variance of 53' 6".

Edward Ferrato

Code Enforcement officer

**Mr. powers presented a letter of inspection from Baldwin Septic Systems dated March 13, 2013 stating that the septic tank is 500 gallons.**

**All abutters were notified.**

**Hilarie questioned the choice for location of the laundry room.**

Mr. Powers explained that the lot is small and the location chosen is the least offensive and the most private.

There were no questions from the ZBA members or the audience.

The planning board will look at the project at their next meeting on the 3<sup>rd</sup> of October.

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

Hilarie Thomas 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 1). A front yard set back variance of 15'

2). A rear yard set back variance of 53'.6"

for the purpose of building a 18'.7" x 7' laundry room attached to existing house.

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

Variance granted Subject to Planning Board Approval.

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

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

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

The Pawlikowski project consist of 1) Screen porch on existing deck.

- 2) Mudroom addition.
- 3) Square off the house.
- 4) Basement renovation.
- 5) Interior renovation.

All abutters were notified.

Hilarie read the memo from the Planning Board and the denial letter from the building department.

“ The planning board reviewed the site plan and gave conditional approval subject to the granting of variances for front yard set back , side yard set back, rear yard set back and relief from section 232-24 B (2) (a) [2] by the ZBA.”

The recommendations of the building and zoning department dated August 12, 2013 were discussed, the property is a corner lot and it was determined that one front yard set back area variance was necessary as well as two rear yard set back.

The determination was not unanimous, Frank Peteroy did not agree.

- 1) A front yard set back variance of 29’
- 2) A rear yard set back variance of 41’
- 3) A rear set back variance of 66’.6”

Linda Chernewski indicated that the lot coverage will be going from 1,648 sq feet to 2,226 sq feet.

*Hilarie 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

- 1) A front yard set back variance of 29'
- 2) A rear yard set back variance of 41'
- 3) A rear set back variance of 66'.6"
- 4) Relief from 232-24 B (2) (a) [2] (Modification of a non conforming structure.)

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

**Variance granted Subject to Planning Board Approval.**

### New Applications:

2013-18-----Andrew Howard. 48 Starling Road Copake. Tax Map # 155.18-2-4

Mr. Thomas wants to install an 8' x 12' storage shed in front yard and less than 10' away from side yard line and a 3'x 3' chicken coop. Mr. Howard presented his project and pointed that the property is 80' x 65' and options for location are limited. The proposed shed would be almost against the neighbor's recently acquired shed.

Referral letter from building department stated the need for relief from;

1) Article V232-9 O (5) Housing of farm animals within 200' of property line.

2) A front yard, side yard and rear yard set back variance for placement of a shed on the property.

*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 October 24 and referred to the planning board.

2013-21-----Pelham / Turner presented by L. Chernewsky. 6 Roosevelt Drive Copake .

**Tax Map # 165.15-1-27.200 ad 165.15-1-27.100.**

**Front yard and rear yard variances necessary for new roof; enlarge dinning room & living room, addition of a mudroom and a screened porch.**

**Relief from zoning; Section 232-24 B-(2) (a) #2**

*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 October 24 and will be referred to the planning board.**

**General business:**

1) Linda Chernewski informed the board that the Wang/ Spencer application 2013-14, will downscale their project and not increase the bedroom count; the expense of a new septic system at this time is not possible. The height of the house will be lower than the variance granted at 28'.6".

2) Frank Peteroy informed the board that he wanted to step down as vice chairman and nominate Jon Strom.

*Hilarie Thomas asked for a motion to accept Jon Strom nomination as Vice Chairman, Michael Dipieri made the motion, Jon Strom seconded, all in favor.*

3) Change of dates for the next two meetings was proposed;  
November 20 and December 18.

4) Ralph Shadic informed the board that he will not be able to attend the October meeting.

*Hilarie Thomas asked for a motion to adjourn the meeting, Michael Dipieri made the motion, Jon Strom seconded, all in favor.*

**Meeting was adjourned at 8:35**

**Next meeting; October 24, 2013**

**Respectfully submitted.  
Recording Secretary.  
Veronique Fabio**

