

Town of Copake Zoning Board of Appeals

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Meeting Minutes of June 27, 2019

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The meeting of the Zoning Board of Appeals of the Town of Copake was held on, June 27, 2019 at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

1) Roll call:

The meeting was called to order at 7:00 PM by Jon Strom ZBA Chairman.

Present were; Jon Strom, Michael DiPeri, Thomas Goldsworthy and Dionisio Fontana.

Jeffrey Judd was excused.

Town Attorney, Ken Dow and Town Board Liaison, Stosh Gansowski were also present.

Veronique Fabio recorded the minutes.

An audience of about 12 was present.

2) Reading and approval of the minutes:

The approval of the May minutes was postponed to the next meeting as Jeffrey Judd was not present.

3) Correspondence:

The following correspondence was acknowledged;

05-29 from Zarin& Steinmetz in ref. to GRJH Gas Station

06-04 from Ken Dow in ref. to GRJH

The following correspondence will be reviewed as the applications come up.

06-12 from Stephen Sanborn.

06-18 from Copake Camping Resort (Amendment to variance requested).
06-19 from Planning Board in ref. to 2019-07 and 2019-08
06-20 from Ryan Walsh in ref to Planning Board recommendation
06-22 Planning Board Minutes
06-23 from S. Sanborn in ref. to Copake Camping Resort
06-26 (*Found on my desk this evening*) from Louise Pillai in ref. to Copake Camping Resort

4) New Applications:

2019-09, 78 Cat Track Rd. Judith Kunoff. Tax Map 186.1-78

Relief from 232-11, B, 2 for septic system within 150' of a body of water.

Judith Kunoff, the owner of the property was present, she explained that she had been before the ZBA a few years ago for a "Tiny House" project that was denied.

She has reworked her plans and now would like to build a house. She has been working with the DEC on a sand septic system.

~ Jon Strom asked if there was a possibility to move the house towards the back of the property line to make more room for the septic system therefor avoiding having to apply for a variance.

~ Judith Kunoff explained that the location chosen offers the least sloping part of the lot as well as less regrading and minimal tree removal. The proposed location allows for negligible environmental impact.

~ D. Fontana asked where the well was.

~ Judith K. responded that the well is located in the higher part of the lot, towards the back line at more than a 100' from the septic. The sand filtration system will be located before the absorption field. The 1000gallon holding tank will be adequate for the 3bedroom house planned.

~ T. Goldsworthy asked how many bathrooms are planned.

~ J. Kunoff said 2.5 bathrooms are proposed.

~ According to the plan the absorption field will be 100' from the middle of Cat Track Rd.

~ Jon Strom recapped that the only variance needed is for the location of the septic system within 150' from the pond. He asked for larger plans for the next meeting showing all the measurements of the proposed improvements.

~ Jon Strom asked for a motion, Michael Diperi made the motion to accept the application for a public hearing for July 25, 2019, Tom Goldsworthy second, all approved.

5) Public Hearing:

1) 2019-07, 11 Memory Lane, John Barbato, Tax Map 165.10-1-18

Modification of a non-conforming structure, Shed in the front yard, development within 100' of a body of water.

~ Ryan Walsh, partner to John Barbato the owner on record, was present, he handed out new more detailed plans and pictures of the project.

~ Jon Strom read the Planning Board recommendation for the project.

“At the June 6, 2019 Planning Board meeting the members reviewed the application of Ryan Walsh and John Barbato on Memory Lane at Copake Lake.

The Board had no issue with the changes on the road side however the Board did have issue with the extension of the porch toward the lake. The Board recommends that the porch be repaired however they did not feel the porch should be extended another two feet toward the lake as this increases the non-conformity.

Ms. Becker pointed out that the applicant is making a dormer on the upper floor which will increase the number of bedrooms from two to four. Mr. Haight recommended that inasmuch as there will be an increase in the bedroom count, the septic should be inspected to show if it is sized appropriately.

Mr. Grant also noted that the section on the building permit denial that asks *whether this proposal involves new, or alterations to or additional use of a sewage disposal system should read “yes” instead of “no”* inasmuch as there will be an increase in the bedroom count. “

~ Ryan Walsh indicated that now all measurements are provided on the new plans, that this is a non-conforming lot and that they kept the screen porch size to its original and it will be 48' from the lake.

He thinks there might be some confusion by the Planning Board as to the number of bedrooms. The house is a 2 bedroom home and will remain so. One of the existing bedroom on the first floor will become an entry way and a new second bedroom will be created upstairs in a loft.

~ Tom Goldsworthy had a question about the bump-out bay window and discussed 232-8- C “projections into required yards from structures”.

It was determined that this case did not apply as the bay window will be located on the side of the house and not protruding in the front yard.

Mr. Walsh indicated that a one car garage planned in the front yard will be located 50' from the front property line.

Because no plans for the garage are presented today, it cannot be taken in consideration. Mr. Walsh will have to see Lee Heim the building inspector and submit plans for the garage.

The board also determined that the DEC will have to issue a permit.

Mr. Walsh will have to come back with the denial for the garage and the DEC permit.

A motion to keep the public hearing open was made by Michael Diperi, seconded by Tom Goldsworthy and agreed upon by all the other members.

Continuation of the public hearing already opened last month.

2) 2019-06 Copake Camping Resort, 2236 CR.7. Tax Map # 186.2-41

Appeal for additional sites and a Special Use Permit to operate year round.

Present were, David Zweig one of the owners, Attorney Dan Huffenus and Civil Engineer Richard Andreassen.

~ Jon Strom reviewed the correspondence pertaining to this application.

~ David Zweig wanted to clarify some details; two issues are before the board, 1, the additional campsites and 2, the year round occupation.

New plans showing the proposed 29 new RV and tents sites in red and the 22 proposed winter sites in blue. Mr. Zweig noted that the cabins in blue already exist and most of them had “winter” water when Mr. Zweig purchased the property.

As for the additional sites, he said that he is not expanding the camp ground, just adding more sites within the existing area.

Some of the 29 new sites will have new connections to water and septic, others will tap into the existing systems.

~ Mr. Zweig noted that \$1million was invested, the water system is being updated, and the septic system is being worked on in conjunction with the DEC and CC Board of Health.

The current water and waste system is approved by the CC Board of health for 325 sites. Right now there are only 241 or so sites which is well under what is allowed.

The plan of the owners is to develop a camping resort not a mobile home community.

~ Civil Engineer Richard Andreassen answered some questions.

He indicated that there are 3 wells on the property, 2 are being used,

There are 16 waste water systems, 7 of those are in fair condition, not meeting current standards, DEC requires updating. The campground store and recreation room septic system connections will also be replaced.

~ Tom Goldsworthy asked if the owners had done a marketing study.

~ Mr. Zweig responded that the campground for the seasonal sites (April to October) is full now and there is a waiting list.

~ Jon Strom asked if anyone had new comments to make.

~ Jeff Nayer lives a mile down from the campground, he voiced his concerns with the year round operation, more traffic, more noise, and disturbances that will be generated. The school bus has been picking up children all winter from the campground. How can this be monitored?

~ Tom Goldsworthy is concerned with the proposed increase use of the property. The proposed additional sites would create a 12% increase for water, waste, traffic and noise. He noted that if it were a residential development, use at that density amount would not be allowed.

~ Michael Diperi responded following that comment that, you cannot compare a campground and a residential development, they are two complete different situations.

~ Mr. Zweig indicated that;

The 29 new proposed sites will not be used during the “off season”.

The noise issues will be handle following the town ordinances.

There is security personnel on the campground during the “active” season.

He concluded that no one lives at the campground on permanent bases.

The definition of a campground is a site operated for a period of 6 months, the applicant is looking to lengthen the operation time to 12 months. The thought behind this decision was to offer lodging to skiers

~ Michael Diperi asked if there was any closed down time at all.

~ Mr. Zweig responded that during the winter the store and the arcade are not open, there is no organized activities from April to November. Now there are about 7 workers on the site with their own RVs.

~ Tom Goldsworthy indicated that there has been activity at the Campground all winter.

~ Ken Dow noted that a variance if granted will remain in effect even if the property is sold.

The community concern with the lights has been addressed. The wattage will be reduced.

Ken Dow noted that the definition of a campground is seasonal or temporary, the season can be extended, however if the site is in operation year round it no longer qualifies as a campground.

There needs to be a brake, also how will the town monitor the activity of the site is an issue.

~ Louise Pillai an abutter, noted that if the site is continuously occupied even by different people it becomes a trailer park.

As there were no more comments,

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Tom Goldsworthy seconded, all agreed.

The board is going to vote on the Area Variance for year round operation requested by the applicant.

Jon Strom indicated that the ZBA had 62 days before rendering a decision, but he believed that the members will be able to make a decision tonight.

He 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: YES, the granting of the variance will create undesirable changes for the community.

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: YES, a 100% increase in time of operation.

4; Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Answer: YES, Year round operation will create an adverse effect for the district.

~ Town Board liaison Stosh Ganswoski noted that he had received many phone calls from concerned residents.

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, zoning laws were just re-written, a seasonal operation is clearly defined has 6 months.

Attorney for the town Ken Dow indicated that the balance between the benefit to the applicant and the detriment and undesirable changes to the community are the bases for a determination.

Tonight the Zoning Board of Appeals will be voting on an area variance to allow Copake Camping Resort to operate year round.

Vote:

Dionisio Fontana: NO Jon Strom: NO. Michael Diperi: NO Tom Goldsworthy: NO

Area variance for year round operation denied.

The board is going to vote on the Special Permit for the 29 additional sites on Copake Camping Resort.

It was noted that the septic improvements are made to accommodate additional usage. A special use permit is necessary in that district under current zoning laws. The campground has been operating as it is but any modification to the existing sites requires a special use permit as per 232-23, D.

The owners of the campground have agreed to address the glare created by the lights and are not planning on additional light fixtures.

It was noted that Tamarack Rd. is a private road, all users are paying for its maintenance including Copake Camping Resort.

The intensity of operation will increase without impeding on the neighbors.

Dionisio Fontana: YES Jon Strom: YES Michael Diperi: YES Tom Goldsworthy: YES

Special Permit for 29 additional RV sites is granted.

6: Closed Public Hearing:

None

7: Internal Business:

~ Jon Strom asked for a motion to adjourn the meeting, Michael Diperi made the motion that was seconded by Tom Goldsworthy and agreed upon by all members.

The meeting was adjourned at 8:55.

Respectfully submitted.

Veronique Fabio.