

Town of Copake Zoning Board of Appeals

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Meeting Minutes of January 24, 2019

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The meeting of the Zoning Board of Appeals of the Town of Copake was held on January 24, 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; Frank E. Peteroy, Jeffrey Judd, Michael Diperi and newly appointed alternate member Dionisio Fontana.

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

Thomas Goldsworthy was excused.

Veronique Fabio recorded the minutes.

An audience of about 15 was present.

2) Reading and approval of the minutes:

The approval of the December 20, 2018 minutes was put on hold.

Frank Peteroy needed more time to review some details.

3) Correspondence:

The following correspondence was reviewed

01-4-2019 from Ken Dow in ref. to notification to CCPB.

01-10-2019 from Jeff Nayer, NY State Mandatory training against work violence.

Jon Strom suggested making the aforementioned training count towards the required 4 hours training for ZBA members.

01-16-2019 from Planning Board recommendations for 2018-14, 2018-15, 2018-16

4) New Applications:

2019-02, M. & P. Savard, 1004 Lake View Rd.

Area Variance for a new deck.

~ Mr. Savard presented his project, he would like to build a 10'x 20' wood deck attached to the right side of his house. His property is located on Robinson Pond.

Mr. Savard needs relief from:

232-20, B, 2, a, 2 (Modification or addition to a non-conforming structure) as well as a right side yard variance, and a variance for development within 100' of a body of water.

~ Jon Strom asked that for a proper survey of the property for the next meeting.

~ Frank Peteroy noted that the DEC will have to be notified.

~ Mr. Savard indicated that he has already obtained a DEC permit (on file, dated June 28, 2018) for installation of a deck.

~ Jon Strom asked for a motion to accept the application for public hearing next month, February 28, 2019. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

2019-01, L. Leonardsson, 126 Washington Rd. Tax Map 176.3-3-45

Area Variance for installation of 6' fencing in the front yard.

~ Lena Leonardsson presented her project. She wants to replace an existing fence around her yard and add a 6' fence section as well in the front of the house to prevent her dogs from jumping over to neighboring properties.

Member of the ZBA indicated that a 6' fence is allowed on rear and side property lines, however for the front only 4' fences are allowed.

After looking at the drawing from Miss Leonardsson members suggested that if the 6' proposed fence is installed behind the front line of the house, no variance is necessary.

Miss Leonardsson agreed to follow that recommendation.

The application was not accepted as it does not require a variance.

2019-03, K. & G. Anderson, 6 Washington Dr., 165.15-1-42

Demo existing house, new house construction and septic system.

Linda Chernewsky represents the owners.

~ She presented the project. The house needs to be demolished as the foundation is cracked. A new 2 story house will be built on the same foot print as the existing one except for the addition of a deck and a screen porch.

A new 1500 gallon septic tank will replace the existing one as per BOH requirement. The bedroom count (4) will remain the same as the existing house. There is an issue with an artesian well that runs under the house and will have to be rerouted.

~ Frank Peteroy noted that the water table is very high in that area.

~ Linda said that the civil engineer will be looking at the issue with the well.

The lot coverage will be slightly increased from 18.7% to 19.4% because of the deck and screen porch.

Variances needed are as follow:

A height variance, relief from 232-20 alteration to a non-conforming structure as well as right, left, rear and front side yard variances.

Linda will provide a sketch with details showing the houses surrounding the project location as requested by the ZBA.

~ Jon Strom asked for a motion to accept the application for public hearing next month, February 28, 2019. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

2019-04, Tamburrino, 8 Melvin Rd. Tax Map 155.18-2-16

Addition to a non-conforming structure.

Mr. Tamburrino and Gwen Menshenfriend the owners, presented their project. They would like to add a master bedroom to their house. The existing bedrooms are very small. The addition will put the house at 38' from the front property line. The lot is 75'x 200'. The existing house is non-conforming.

~ Frank Peteroy noted that the lot is open on two streets, it has 2 front yards.

~ Jon Strom asked for a motion to accept the application for public hearing next month, February 28, 2019. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

5) Public Hearing:

1) 2018-14, Newman, 7951 State Rt. 22, Tax Map 176.1-38

Area variance for “Copake Hamlet” lawn sign taller than 4’ in the Scenic Overlay Zone (SCOZ).

~ Jon Strom asked for a motion to open the public hearing. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

~ Jon Strom read the Planning Board recommendation.

“At the January 3, 2019 meeting the Planning Board reviewed the application of Karin Newman allowing a Hamlet of Copake sign to be placed on her property. The Board accepted this as a complete application and had no issue with it.”

~ Attorney for the town, Ken Dow noted that there was no need to refer this application to the Columbia County Planning Board.

~ Jeanne Mettler represents the owner Karin Newman, she presented aerial pictures of the surrounding properties and indicated that the sign will be located approximately 144’ south of Mrs. Newman’s driveway.

The abutters were notified, there were no comments from anyone.

~ Stosh Gansowski confirmed that the Town Board had agreed that all fees were waived for this application.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Jeffrey Judd seconded, all in favor.

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: 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

Tonight the Zoning Board of Appeals will be voting on an area variance to allow a “Copake Hamlet” lawn sign taller than 4’ in the Scenic Overlay Zone (SCOZ). The sign will be 60”x 36” and 5foot9.2” in height.

Vote: Frank Peteroy; Abstained Jeffrey Judd; YES Jon Strom; YES
Michael Diperi; YES

Variance is granted.

2) 2018-15, Panarella, 52 Blue Bird Rd., Tax Map 155.18-2-60

Area variance for 12’x16’ room addition to the existing house. Alteration of a non-conforming structure.

Contractor John Haigh represents the owners of the property, Dan & Cynthia Panarella.

~ Jon Strom asked for a motion to open the public hearing. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

~ Jon Strom read the Planning Board recommendation.

“At the January 3, 2019 meeting the Planning Board reviewed the application of Dan and Cindy Panarella. Ms. Becker commented on the fact that the floor plan of the house is not shown and felt this would be helpful. Other than that the Board had no issue with this application.”

For this project variances needed are as follow;

Relief from 232-.20, B, 2a, 2 for modification to a non-conforming structure as well as a right side variance of 10feet and a rear yard variance of 63feet. The roof line will not be altered.

The abutters were notified, there are no comments from anyone.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Jeffrey Judd seconded, all in favor.

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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

Tonight the Zoning Board of Appeals will be voting on the area variances mentioned before.

Vote: Frank Peteroy; YES Jeffrey Judd; YES Jon Strom; YES
Michael Diperi; YES

Variances are granted.

3) 2018-16, 8586 State Rt.22, Keith Perrino, Tax Map 157.1-99 & 157.1-52

Area variance for the creation of an undersized lot (2.31 acres).

~ Jon Strom asked for a motion to open the public hearing. Michael Diperi made the motion, Jeffrey Judd seconded, all agreed.

~ Jon Strom read the Planning Board recommendation.

“At the January 3, 2019 meeting the Planning Board reviewed the application for a Boundary Line Adjustment for Keith Perrino allowing the Harlem Valley Rail Trail access through and across Route 22. The Board accepted this as a complete application and had no issue with it.”

~ Lisa DeLeeuv Executive Director for Harlem Valley Rail Trail represents the owner Keith Perrino.

For the purpose of connecting the Copake Falls Rail Trail to Hillsdale, the Harlem Valley Rail Trail will purchase a created lot of 2.31 acre from Mr. Keith Perrino. A 10 foot wide paved trail will be constructed on the new lot as well as an abutment to carry a future bridge over route 22.

It was clarified that the land belongs to Mr. Perrino at this time.

In the audience, Mr. Brian Miller asked if there will be a land survey before the path is paved. His land abuts the property in question and he wants to make sure that nothing will be encroaching on his side.

~ Lisa DeLeeuv indicated that a survey was done on December 17, 2018.

~ Mr. Miller said that no pins were visible and no markers were seen.

~ Lisa DeLeeuv agreed to go on the site with Mr. Miller and show him the pins.

There were more comments from people in the audience supporting the project.

~ Taconic State Park manager Chris Ricaud said he was in favor of the extension to the rail trail as well as New York State DOT.

~ Dan Haas also indicated that he was supporting the project.

The variance requested is for the creation of an undersized lot (2.31 acre).

The lot will remain perpetually for recreation purposes.

~ Jon Strom asked for a motion to close the public hearing, Michael Diperi made the motion, Jeffrey Judd seconded, all in favor.

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.

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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

Tonight the Zoning Board of Appeals will be voting on the area variance mentioned before.

Vote: Frank Peteroy; YES Jeffrey Judd; YES Jon Strom; YES
Michael Diperi; YES

Variance is granted.

6: Closed Public Hearing:

None

7: Internal Business:

~ Jon Strom asked Stosh Gandosky to check with the town board if the mandated New York State training against violence in the work place can be part of the ZBA member training.

Jon also asked Stosh to find out if the town had a snow policy?

On a motion by Jon Strom, seconded by Michael Diperi and agreed upon by all members, the meeting was adjourned at 8:15.

Respectfully submitted.
Veronique Fabio.