

Town of Copake Zoning Board of Appeals

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Meeting Minutes of July 25, 2019

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Draft

The meeting of the Zoning Board of Appeals of the Town of Copake was held on, July 25, 2019 at the Copake Town Hall, 230 Mountain View Road, Copake, NY.

1) Roll call:

The meeting was called to order at 7:05 PM by Jon Strom ZBA Chairman.

Present were; Jon Strom, Thomas Goldsworthy, Jeffrey Judd and Dionisio Fontana. Michael DiPeri was absent.

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

Veronique Fabio recorded the minutes.

An audience of about 3 was present.

2) Reading and approval of the minutes:

Jon Strom asked for a motion on the May and June 2019 minutes; Tom Goldsworthy made the motion to approve the May 23 and the June 27 minutes, Dionisio Fontana seconded that motion, all agreed.

3) Correspondence:

The following correspondence was acknowledged;

07-19 from M. Zarin lawyer in ref. to GRJH

07-24 from Mack McCormack and Leigh McBride in ref. to GRJH

07-24 from Jeff Nayer in ref. to training.

4) New Applications:

No new application.

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 was present, he presented the denial letter for the proposed garage from the building Inspector and a hand drawn plan for the garage.

He indicated that he had spoken to DEC Regional Permit Administrator, Nancy Baker. She said that no permit was necessary for the structural work on the house itself, however for the proposed stone steps, stairs to the water and the patio a permit from DEC will have to be issued. In light of this information Ryan Walsh and John Barbato decided to make this project into 2 phases; first they'll work on the house and at a later time a landscape architect will handle the rest of the project.

~ Jon Strom asked for updated plans showing the actual proposed project, including all front rear and side measurements of improvements to property lines.

For the work on the house and the construction of the garage, the variances needed are as follow;

- 232-20,B,2,a,2. Non-conforming lot
- 232-11,D,2. Development within 100' of Copake Lake.
- 232-11,G,1. Shed in the front yard.
- 232-8,A. Area & Dimension
- 232-8,C,4. Accessory building (garage in front)

The public hearing remains open.

Mr. Walsh will present the updated documents requested by the ZBA next month.

2) 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.

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

~ Judith Kunoff, the owner of the property was present, she presented larger prints of her plans. She explained the reason why a variance was required for the construction of her sand filtered septic system. The land slopes towards Chrysler pond and the area chosen for the septic system is in a flatter part of the lot, consideration was also give with regard to the well location. The proposed system would be located 100feet from the middle line of Cat Track Rd. which separates her lot from the pond.

It was noted that the Columbia County Department of Health approved the system design (letter dated 01-30-2019).

~ 3 abutters were present in the audience.

Paula Bonano introduced herself and two other people as members of the Chrysler Pond Association. They handle the issues with invasive weeds, and they participate in the general maintenance of the pond.

~ Judith Kunoff went over the type of septic system proposed and the fact that it is a top of the line installation, stating that the sewage water that comes out of the sand filter is practically potable. Mrs. Kunoff assured the abutters present, of her commitment to future participation in the maintenance of the pond.

The Department of health will be inspecting the septic system prior to backfilling.

Part of the plan also included a surface water diversion swale to handle storm water away from the sewage absorption field located about 20feet above the pond.

There were no further questions from anyone.

~ Jon Strom asked for a motion to close the public hearing, Tom Goldsworthy made the motion, Jeffrey Judd second, all agreed.

The applicant is seeking relief from 232-11, B, 2 (Septic System with 150' from a body of water).

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: YES

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 the installation of a septic system within 150 feet of Chrysler Pond.

Vote:

Dionisio Fontana: YES Jeffrey Judd: YES Jon Strom: YES Tom Goldsworthy: YES

The Area variance is granted

6: Closed Public Hearing:

None

7: Internal Business:

Members training was discussed.

Dionisio Fontana did complete a 3hour session.

The meeting was adjourned at 7:40.

Respectfully submitted.

Veronique Fabio.

