

# **Town of Copake Zoning Board of Appeals**

~

## **Meeting Minutes of December 19, 2019**

~

The meeting of the Zoning Board of Appeals of the Town of Copake was held on, December 19, 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 and Dionisio Fontana. Jeffrey Judd was excused as well as Town Board Liaison Stosh Gansowski. Also attending was Town Attorney Ken Dow. Veronique Fabio recorded the minutes.

### **2) Reading and approval of the minutes:**

Chairman Jon Strom asked for a motion on minutes from the last two meetings, Dionisio Fontana made the motion to approve the September 26 and October 24 minutes, Tom Goldsworthy seconded, all agreed.

### **3) Correspondence:**

The following correspondence was acknowledged.

11-21-19 from Attorney for Copake Camping Resort  
12-7-19 documents from A. Hanna & J. Griffin for 2019-15 application  
12-9-19 from Michael DiPeri, resignation letter.  
12-14-19 from Planning Board in ref. to Hanna/Griffin 2019-15  
12-15-19 from B.& S. Smith, L. Senk, I. Sax, C. Berk, M.B, Ketz, J. Furay in ref. to GRJH

12-19-19 from Stosh Gansowski. He cannot make it to the meeting tonight.

#### **4) New Applications:**

None

#### **5) Public Hearings:**

##### **2019-15 Hanna/Griffin , 1074 Lakeview Rd, Taconic Shores.176.1-3-11**

Repair and replacement of a stone wall (65' x 20" x 3') on Robinson Pond.

*~ Jon Strom asked for a motion to open the public hearing, Tom Goldsworthy made the motion, D. Fontana seconded.*

*~ The owner, Anvernette Hanna came to the table.*

*~ Jon Strom read the Planning Board recommendation.*

“At the December 5, 2019 Planning Board meeting the members reviewed the application of Anvernette Hanna and Jack Griffin on Lakeview Road in Taconic Shores for the replacement of a stone wall on Robinson Pond.

Inasmuch as replacement is permitted in the code the Board had no recommendations. However, Ms. Becker did acknowledge that a DEC Permit was given and made note of the fact that there should be a vegetation barrier.”

*~ With regard to the vegetation barrier, Mrs. Hanna explained that there were large trees on the edge of the pond and that she will most likely do some additional planting. She indicated that part of the existing wall is still in good shape and will not be touch. She was told that the work on the wall should take a couple of days. The water is very low now as there are other repairs planned around the pond at other locations.*

It was noted that the DEC came to visit the site before issuing the permit.

There were no other questions from anyone, therefor,  
*Jon Strom asked for a motion to close the public hearing, Tom Goldsworthy made the motion, D. Fontana seconded, all agreed.*

*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 the relief from 232-11 D, 2 (Development within 100' of a body of water.) for the repair and replacement of a stone wall (65' x 20" x 3') on Robinson Pond.

**Vote:**

Dionisio Fontana: YES

Jon Strom: YES

Tom Goldsworthy: YES

Variance is granted.

## **6: Closed Public Hearing:**

### **Discussion on the public hearing opened October 24,2019.**

#### **2019-14 Copake Camping Resort. 2236 C.Rt. 7.**

Request for a variance to operate the campground 10 months out the year.

The applicant was not present.

The public hearing for this application was closed at the November 21<sup>th</sup> meeting. There was no affirmative majority resulting from the vote taken in November. A denial by default would follow after 62 days unless the members decided to vote again.

~ Ken Dow went over the significance of increasing the period of operation from 6 months to 10, the Special Use Permit for the campground would have to be modified if the area variance was granted.

~ Ken Dow talked about the June 27 resolutions for the denied area variance and noted that the applicant had made efforts to mitigate some of the negative impacts for the neighbors.

It was noted that in order to avoid needless duplication of effort, the record for the prior application for year-round operation is incorporated by reference, subject to information being updated or superseded in relation to the current application.

A conversation followed where Jon Strom stated that he was reconsidering his prior determination. He now felt that operation of the campground for 10 consecutive months would definitely alter the character of the local community.

~ Tom Goldsworthy noted that the applicant had stated that there will not be a significant income increase from keeping the campground open for 10 months and it appears that there was no economic analysis done to estimate the value of that change in operation.

Members voted as follow;

Jon Strom, NO   Tom Goldsworthy, NO   Dionisio Fontana, NO

The area variance to operate for 10 months is denied.

**7: Internal Business:**

Training will be completed by the end of this month for T. Goldsworthy and D. Fontana.

*The meeting was adjourned at 7:50 on a motion by Tom Goldsworthy, seconded by Dionisio Fontana and approved by all members.*

Respectfully submitted.  
Veronique Fabio.