

Town of Copake Zoning Board of Appeals

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Meeting Minutes of May 28, 2020

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The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on, May 28, 2020 through Zoom video conference due to Covid-19.

1) Roll call:

The meeting was called to order at 7:02 PM by Jon Strom ZBA Chairman.

In attendance were; Jon Strom, Jeffrey Judd, Thomas Goldsworthy, Dionisio Fontana and Neal Klein.

Also attending was Town Attorney Ken Dow and Town Board Liaison Stosh Gansowski

Veronique Fabio recorded the meeting.

2) Reading and approval of the minutes:

Chairman Jon Strom asked for a motion on the minutes of February 27, 2020.

On a motion by Tom Goldsworthy, seconded by Jeffrey Judd, the minutes were unanimously accepted.

3) Correspondence:

2-28-20 from Tom Goldsworthy in ref. to Eco-Site T- Mobile

3-16-20 Training offered, Columbia County Natural Resources Inventory

3-11-20 From Planning Board notice for lead agency

3-11-20 Eco-Site Cell tower applicant cancelling March & April 2020 presentation

3-17-20 Eco-Site response to T. Goldsworthy's inquiry on site view from Center Hill Rd.

4-13-20 Eco-Site postponing meeting to June.

4-13-20 Referral from Planning Board for Bogucki, Urban and Catamount projects
5-18-20 Ken Dow in ref. to Save Craryville court decision
5-18-20 Webinar Training offered 6-4-20 & 6-25-20

~ Jon Strom reviewed the correspondence; he asked if it would be okay to differ the reading of Eco-Site response to Tom Goldsworthy's request. Tom G. said it was acceptable.

~ Ken Dow indicated that the court dismissed both of the Article 78 lawsuits that Save Craryville had filed against the ZBA. He noted that they might still appeal.

4) New Applications:

1) 2020-7 Catamount Ski Resort, 78 Catamount Rd. 157.-1-11.1 Rep. by Pat Prendergast. Special Use Permit for Snow Tubing Park.

Engineer Pat Prendergast represents the owners of Catamount Ski Resort;

~ He indicated that they would like to be able to set up the snow tubing park for the coming up winter season. It will be located near reservoir #3. The tubing hill itself is located in the town of Copake; the proposed parking lot to accommodate the tubing park is in Hillsdale.

The entrance to the park will be from route 23 where the former "Stallion Hotel" used to be located. A paving permit was secured, DOT approved it last year.

Patrons will take a walking trail from the parking lot over a small bridge on the existing creek to reach the tubing park.

~ Jon Strom asked if the zip line was close by and if the patrons will use that parking lot as well?

~ P. Prendergast responded that the zip line customers will use the parking lot near the lodge which is where the zip lines start. At the end of the zip run people will be driven back to the lodge by way of golf carts type of vehicles.

The area will be graded using the natural slope of the mountain and seeded with grass. A 325feet "conveyor belt / magic carpet" will lift the people to the top of the course.

~ P. Prendergast added that a small shed for ticket sales and restrooms are proposed as mobile structures to be replaced in by permanent ones if business profits allow.

As off now the proposed future use is for 3 days a week and holidays.

~ Jon Strom would like to see a rendering of a snow tubing park for the next meeting.

- ~ Tom Goldsworthy asked if a variance for development within 100' of the creek might be necessary.
 - ~ P. Prendergast noted that no DEC permit is required as the project is not near wetland.
 - ~ Ken Dow confirmed that relief from 233-11, D, 2 "No development allowed within 100' of a body of water" is required, as well as the recreational use permit.
 - ~ P. Prendergast mentioned that the Copake Comprehensive Plan encourages Catamount's expansion.
 - ~ Jeffrey Judd asked if the run off from the tubing hill will go towards reservoir #5 and the fact that these ponds are manmade does that make a difference for the necessity of a variance.
 - ~ P. Prendergast responded that he has a storm water permit from DEC. Silt fences will be set up during construction.
 - ~ Jon Strom noted that in the past manmade ponds were treated as regular bodies of water.
 - ~ P. Prendergast will bring visuals for the tubing hill and details on size and location of ticket booth and restrooms.
- ~ Jon Strom asked for a motion to accept the application for public hearing for June 25, Tom Goldsworthy made the motion, Neal Klein seconded, all members agreed.*

2)2020-8, Terry Jacobs, 1152 Lake View Rd. Tax Map # 176.1-3-45

2 car garage on an empty lot. Left & right side yard variances requested.

Terry Jacobs presented his project; he would like to build a one story, 2 car garage on a vacant lot abutting the lot where his house is located. The lot being 50' by 190', he is looking to get side yard variances.

- ~ Ken Dow pointed out that accessory buildings on vacant lots are not allowed.
 - ~ Tom Goldsworthy suggested combining the 2 lots, a variance might still be necessary if the garage remains located as proposed.
- Mr. Jacobs will have to explore his options.

3) 2020-9 Steve & Emilie Zias, Lot 541 Lakeview Rd. Tax Map # 176.1-3-50

Construction of a dock and a deck within 100' of Robinson Pond

Emilie and Steve Zias are presenting their project. They would like to build a cantilevered dock and a 12'x12' sitting deck on the vacant lot that they purchased in 2018. A DEC approval letter was submitted to the ZBA.

It was noted that the owners of the lot have plans to build a house in the future however accessory buildings and/or structures are not allowed on vacant lots.

~ Jon Strom indicated that a plan with the house and the proposed accessory structures will have to be presented in order for the ZBA to make a determination.

~ Mr. Zias said that there were a number of similar structures on empty lots around the lake.

~ Jon Strom responded that these were built prior to the new zoning code. He suggested that the applicant provides plans for the future house with better and more detailed plans for the cantilevered dock & deck.

5) Public Hearings:

1)2020-4, Patricia & Frank Bogucki, 138 Cove Rd. Tax Map 165.10-1

Repair & replacement of a retaining wall on Copake Lake

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

~ Mr. Bogucki said that he had presented the project back in February, and there were no changes. He wants to re-build the existing 75foot retaining wall on the shore of Copake Lake.

~ Jeffrey Judd asked what kind of material will be used. Mr. Bogucki responded that pressured treated lumber will be used. J. Judd remarked that the chemical leaching into the lake water might not be ideal but not worse than the creosote infused rail road ties that were used originally.

What is left of the existing retaining wall will be removed from the site.

There were no other questions or comments from anyone therefore,

~ Jon Strom asked for a motion to close the public hearing, Neal Klein made the motion, Jeffrey Judd seconded, all agreed.

Ken Dow proceeded to read the 267-d permitted action by board of appeals document.

Ken Dow 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 relief from 232-11, D, 2; No development is allowed within 100' of a body of water. The purpose of the variance is to allow the re-construction of a 75' retaining wall on Copake Lake.

Vote:

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

Tom Goldsworthy: YES Neal Klein: YES

Variance is granted.

2)2020-6, John Urban, 59 Golf Course Rd. Tax Map 165.-1-99.2

Expansion of the garage and dining room. New bedroom on the main level. Repair of the lake side house wall.

Applicant or its representative was not present.

6: Closed Public hearing

None

7: Internal Business:

~ Jon Strom pointed out the training sessions that were available.

The meeting was adjourned at 8:32 on a motion by, Tom Goldsworthy, seconded by Neal Klein and approved by all members.

Respectfully submitted.
Veronique Fabio.