



Copake Zoning Board of Appeals

April 27, 2023

Meeting Minutes

An in person meeting of the Copake Zoning Board of Appeals was called to order at 7:00 p.m. by Chairman Jon Strom. Also in attendance were Dale Peterson, Dionisio Fontana, Jeff Wood and Eric Martin. Town board liaison, Stosh Gansowski and Attorney, Ken Dow was also present. ZBA member Neal Klein was absent and Lisa Conti was in attendance to record the minutes.

READING AND APPROVAL OF MINUTES

Chairman Jon Strom asked for a motion on the minutes of February 23, 2023 the minutes were unanimously accepted.

CORRESPONDANCE

- None

NEW APPLICATIONS

Jahangir/Merchant – 7980 State Rte. 22 [Copake Falls] (2023-9) (176-1-34)

- Relief from 232 Table 2, SUP required for a tourist house.
- Owner Alex Merchant is present representing the application.

The applicant has not been in front of the Copake ZBA before. The applicant recently purchased the property and wants to have flexibility to rent both houses on the property. ZBA member mentioned that the tax records state it has a garage with a bedroom, the owner stated that neither garage on the property has bedrooms or kitchens. It was pointed out that you need to have rules for short term rentals such as, someone that can be reached if issues arise, safety egress, ect. The ZBA stated that no SEQRA is needed but AG statement is needed. This application also needs to go to Columbia County.

Chairman, Jon Strom asked for a motion to send the application to a Public Hearing Jeff Wood made the motion, Dionisio Fontana seconded, all members agreed.

DP 77, LLC (Diamond) 133 Farm Road [Copake] (2023-6) (176.1-8.111)

- No variance requested, Town of Copake Code Enforcement suspects that there has been an extension or modification of use.
- Mr. Bruno from Devine & Bruno LLP is present representing the application along with owner Jim Diamond.

The applicant is back this month as a new application. The Copake Code Enforcement Officer (Erin Reis) issued a violation for an expansion of a non-conforming use. The owner of the campground stated that he did not change land use size, he also stated that the entire parcel is deemed campground. The ZBA told the applicants that there will need to be an engineer to approve the site for trailer with washers before they can move forward on that. ZBA questioned; number of water hookups and the impact it would have on the neighbors. There were complaints to Erin Reis that there were cabins on the grounds. This campground is zoned partially in the hamlet. The owner stated that the campground is down to 487 sites from 500, they stated they just reconfigured the sites. They said there has been a net reduction since 2010.

Chairman, Jon Strom asked for a motion to send the application to a Public Hearing Jeff Wood made the motion, Dionisio Fontana seconded, all members agreed.

William Sweeney – 5 Washington Drive [Hillsdale] (2023-7) (165.15-01-47)

- Relief from 232-2b, height of addition and 232 Table 1, front yard variance; deck extension.
- Regan is present representing the application.

Regan has been in front of the ZBA before when she was working with Linda Chernewsky. The applicant is wanting to expand their current house in height and add a deck extension. There would be a new foundation, but it will stay three bedrooms. The current height is 19.4ft and the new height would be 27.4ft. This lot is currently a non-conforming lot, it will have a new deck, but it wouldn't be getting closer to the boundary line. They are not expanding the footprint. They pointed out that the houses in that area have gone up in height, Jon Strom asked if it would affect the neighbors view? The septic was upgraded to a 1,000 gallon tank. The variance needed should be 232-20b(2) modification of a non-conforming building structure.

Chairman, Jon Strom asked for a motion to accept the application for April 27th, Neal Klein made the motion, Jeff Wood seconded, all members agreed.

Chairman, Jon Strom asked for a motion to accept the application, Dionisio Fontana made the motion, Neal Klein seconded, all members agreed.

PUBLIC HEARING

Chairman, Jon Strom asked for a motion to open the public hearing, Dionisio Fontana made the motion, Eric Martin seconded.

Nigel Shamash – 372 Center Hill Road [Copake] (2023-4) (176.3-4-13)

- Relief from 232 Table 2 (SUP); full restoration into 6 family structure plus attic...existing separate house.
- Owner Nigel Shamash and attorney Sean Kemp are representing the application.

The owner is seeking a Special Use Permit. The ZBA said that the applicant would need an Agricultural statement mailed out since they are within 500ft of farms. The ZBA reviewed the checklist and the board had no issues.

Chairman, Jon Strom asked for a motion to close the public hearing, Dionisio Fontana made the motion, Jeff Wood seconded, all agreed.

Jon Strom proceeded to read the 267-d permitted action by board of appeals document for the area variance.

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.

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 proper+es 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

VOTE

Jon Strom: YES

Dale Peterson: YES

Dionisio Fontana: YES

Eric Martin: YES

Jeff Wood : YES

Special Use Permit is granted.

Chairman, Jon Strom asked for a motion to open the public hearing, Dale Peterson made the motion, Dionisio Fontana seconded.

William Sweeney – 5 Washington Drive [Hillsdale] (2023-7) (165.15-01-47)

- Relief from 232-2b, height of addition and 232 Table 1, front yard variance; deck extension.
- Regan is present representing the application.

The applicant is wanting to expand their current house in height and add a deck extension. The house will keep the same footprint. The board had no other questions for the applicant they just needed to appear for the Public Hearing.

Chairman, Jon Strom asked for a motion to close the public hearing, Jeff Wood made the motion, Dionisio Fontana seconded, all agreed.

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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

VOTE

Jon Strom: YES

Dale Peterson: YES

Dionisio Fontana: YES

Eric Martin: YES

Jeff Wood : YES

Variance is granted.

Chairman, Jon Strom asked for a motion to open the public hearing, Dionisio Fontana made the motion, Eric Martin seconded.

Kushner/Barley – 88 High Meadow Road [Copake] (2023-8) (175-2-5)

- Relief from 232 Table 2, SP for ADU and 232 Table 1, front yard variance; removal of existing pool house, construction of a new stand-alone garage, new pool house with a patio and a new hot tub.
- Architect Daniel Selensky is present representing the application.

The property is on 45 acres and the house is 5,000 square feet. They are proposing a new stand alone garage, new pool house and a new patio. They want to build the garage closer to the road. The ZBA pointed out that they have 40+ acres, why so close to the road? Mr. Selensky explained the garage placement; they were trying to eliminate driveway expansion and trying to keep the distance to the house close. The well is also located in the rear.

Chairman, Jon Strom asked for a motion to close the public hearing, Jeff Wood made the motion, Dionisio Fontana seconded, all agreed.

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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

VOTE

Jon Strom: YES

Dale Peterson: YES

Dionisio Fontana: YES

Eric Martin: YES

Jeff Wood : YES

Variance is granted.

Chairman, Jon Strom asked for a motion to open the public hearing, Jeff Wood made the motion, Dionisio Fontana seconded.

Stephanie Sharp – 32 County Rte 7A [Copake] (2022-15) (187.1-2-10.100)

- Relief from 232-2 SUP & 232-1; front yard variance along with stream buffer variance, special use permit for tourist houses.
- Owner Stephanie Sharp is here representing the application along with Kate Wood.

The applicant is here for a Special Use Permit for a Tourist House. The owner did get a DEC permit. This application was sent to the County Planning Board and DOT. Attorney, Ken Dow asked chairman, Jon Strom to read Part II and III of the SEQRA.

Jon Strom proceeded to read the 267-d permitted action by board of appeals document for the area variance.

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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

VOTE

Jon Strom: YES Dale Peterson: YES Dionisio Fontana: YES Eric Martin: YES
Jeff Wood : YES

Special Use Permit is granted.

Chairman, Jon Strom asked for a motion to open the public hearing, Jeff Wood made the motion, Dionisio Fontana seconded.

Virtus Nostra LLC – Lakeview Road [Copake] (2022-24) (165-1-29 & 155-1-43)

- Relief from 232-17 (C7) & 232-11D development within 100ft of water. Subdivision of two separate lots into 11 lots.

The applicant was asked to come back to the ZBA after the Planning Board did the SEQRA and approved it. The ZBA couldn't give a variance until that was done by the lead agency. The map slightly reconfigured, but the average remains the same. The owner cannot take trees down, but if they fall down they can remove them. This part of the land just needs to be preserved and not built on. Mr. and Mrs. Robinson were present and asked for clarification of the conservation easement in relationship to their property. Ms. Marshal of Robin Road was present and has concerns about the road and the run-off.

The applicant is here at the ZBA asking for two variances; development within 100ft of water and a Conservation Easement.

Chairman, Jon Strom asked for a motion to close the public hearing, Dale Peterson made the motion, Dionisio Fontana seconded, all agreed.

Jon Strom proceeded to read the 267-d permitted action by board of appeals document for the area variance.

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1. Whether an undesirable change will be produced in the character of the Neighborhood or a detriment to nearby proper+es 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

VOTE

Jon Strom: YES

Dale Peterson: YES

Dionisio Fontana: YES

Eric Martin: YES

Jeff Wood : YES

Variance is granted.

*** PLAT Dated 3-27-2023; 4-25-2023 Revised ***

CLOSED PUBLIC HEARING

- None

INTERNAL BUSINESS

- The ZBA would like to recommend Signe Adam for ZBA board alternate position.

The meeting was adjourned at 9:21 P.M. on a motion by Jeff Wood, seconded by Dionisio Fontana and approved by all members.

Respectfully submitted,
Stacey Hartka