



# Copake Zoning Board of Appeals

## July 27, 2023

### Meeting Minutes

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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, Neil Klein and Jeff Wood. Town board liaison, Stosh Gansowski and Attorney, Ken Dow was also present. ZBA member Eric Martin was absent and Stacey Hartka was in attendance to record the minutes.

#### **READING AND APPROVAL OF MINUTES**

Chairman Jon Strom asked for a motion on the minutes of June 22, 2023. The minutes were unanimously accepted.

#### **CORRESPONDANCE**

- NONE

#### **NEW APPLICATIONS**

##### **Copake Lake Boat & Ski – 281 Lakeview Road [Copake] (2023-16) (155.18-1-40)**

- Relief from 232-21B & 232 Table 1; business accessory with outside dining, front yard variance required.

The applicant has not been in front of the Copake ZBA before. The applicant is looking to define the outside seating area. The deck would be 50 feet back from the property line however, Lakeview Road runs through the property line. There is currently an outdoor area with picnic tables and chairs, but it is not big enough. The deck would be in front of both buildings, this Mariana is seasonable and not open in the winter. The deck they are proposing would be a wooden deck. They are asking for a front yard variance.

Chairman, Jon Strom asked for a motion to send the application to a Public Hearing Dale Peterson 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, Neal Klein seconded.

### Riley – 117 Cove Road [Hillsdale] (2023-13) (165.9-1-18)

- Relief from 232 Table 1, right and rear variance needed. An addition to include family room, 2 bedrooms and 1 bathroom.

The applicant wants to add an addition to their current house. They decided to keep the house a three bedroom not five bedroom house. With the new addition they will just expand the kitchen and existing rooms. They are requesting a side yard variance.

Chairman, Jon Strom asked for a motion to close the public hearing, Neal Klein made the motion, Dionisio Fontana seconded.

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

Dionisio Fontana: YES

Jeff Wood: YES

Dale Peterson : YES

Neal Klein: YES

## **Variances are granted.**

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

### **Guzman – 309 Lakeshore Drive [Copake] (2023-15) (176.03-03-29)**

- Relief from 232-11D and 232Table 1; construction within 100ft of water and a rear yard variance for a house addition.

The applicant wants to change their original plan of adding an auxiliary unit to now expanding a bedroom. Taconic Shores wouldn't allow for the new building therefore the applicant is proposing an addition instead. The new expansion would be 400 square ft. They would take three bedrooms to two. There is currently one full bathroom and a half bathroom. They are here requesting a rear yard variance for 41.5ft and a variance for building within 100ft of water.

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

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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

Dionisio Fontana: YES

Jeff Wood: YES

Dale Peterson : YES

Neal Klein: YES

## **Variances are granted.**

### **Connolly – 80 SW Colony Rd [Hillsdale] (2023-12) (165.14-2-5)**

- Relief from 232-11D2, within 100 ft of water. Replacement of an existing timber bulkhead.

The applicant is trying to replace an existing bulkhead. The bulkhead would be on the same footprint was the current one. Most places on the lake have bulkheads and this is not a new one, the current one just needs to be replaced.

Chairman, Jon Strom asked for a motion to close the public hearing, Neal Klein made the motion, Dionisio Fontana seconded.

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

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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

Dionisio Fontana: YES

Jeff Wood: YES

Dale Peterson : YES

Neal Klein: YES

#### **Variances are granted.**

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

#### **Linda Assande – 461 Lakeview Road [Copake] (2022-22) (165.11-1-45)**

- Relief from 232-11D2 within 100ft of water and 232-1 side yard setbacks; stairs, deck and dock to lake

The applicant is trying to build stairs to the lake with a deck at the bottom of them. There is an easement on the property for the stairs and deck. This is roadside and there will also be a small landing off the road before the stairs go down. There would be nothing in the water the deck would be on the land, it will be 12ft wide. The applicant is looking for a variance for building within 100ft of water.

Chairman, Jon Strom asked for a motion to close the public hearing, Neal Klein made the motion, Jeff Wood seconded.

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 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*

## **VOTE**

Jon Strom: YES

Dionisio Fontana: YES

Jeff Wood: YES

Dale Peterson : YES

Neal Klein: YES

**Variances are granted.**

## **CLOSED PUBLIC HEARING**

- **None**

## **INTERNAL BUSINESS**

- **None**

*The meeting was adjourned at 8:25 P.M. on a motion by Neal Klein, seconded by Dionisio Fontana and approved by all members.*

Respectfully submitted,  
Stacey Hartka