

**Town of Copake
Zoning Board of Appeals
Minutes- February 24, 2011**

The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday, February 24, 2011, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. The meeting was called to order by Chairman Jeff Nayer at 7:00 PM.

Present at this meeting were: Jeff Nayer, Frank Peteroy, Mike DiPeri, Hilarie Thomas, Leslie Wood. Alternate Dustin Bessette was not present. An audience of 2 were present including Ed Ferratto, Zoning Enforcement Officer.

Minutes:

Leslie made a motion to waive the reading of the January 27, 2011 minutes, this was seconded by Mike. The motion carried, unanimously.

Mike made a motion to approve the January 27, 2011 minutes, this was seconded by Leslie. The motion carried, unanimously.

Correspondence:

The following correspondence was either reviewed or read;

- A. Copake Planning Board Minutes, 2/2/11
- B. Joanne Curtis to ZBA, 2/4/11
- C. Copake Planning to Town Board, 2/8/11, (President's Estates)

Closed Public Hearings:

1. **Application # 2010-08**, Alice Belt, Donation of Pond to Copake for fire prevention. Jeff briefly updated the ZBA members of the situation. It had been suggested at the last Town Board meeting that picnic tables be placed at the pond for a picnic area. This was not the intention of Ms. Belt when she donated the pond to the Town. It was to be used for fire prevention, and it was the consensus of the ZBA Board that prior to doing this Ms. Belt and the Fire Department should be asked. Concern was expressed regarding liability issues.

Discussion ensued, Leslie explains that the Economic Advisory Committee was asked to look into what is could or should be used for. She stated that it is a designated wetland, the habitat is being studied as to what would be ideal possible uses for that area. When the Economic Advisory Committee has a plan in place we will go back to the Town.

Frank stated that with its proximity to the Farmer's Market is ideal, providing there will be no fire access violations. It was agreed that the Economic Advisory Committee should continue with the study, and Alice be allowed to clarify her intentions prior to creating a park. No changes would be made to the action form at this time, however as it is written it was donated for the use of fire prevention. If it is to be something beyond that the ZBA would need to revisit this.

2. Application # 2010-10, Gleeson/Feeney, President's Estates, Copake Lake

A discussion ensued regarding President's Estates. Jeff stated that the Homeowners Association was about to replace the problematic Association sewage system. Frank asked as to whether there was a design change, it appears that the new system will be smaller. He also asked if it would need to come to the ZBA as it is very close to the lake, it was determined that as of now it appears to be within the same footprint.

Jeff informed the board members that this new system was in the infant stage, nothing yet has been approved. However, all design and final approval would need to come from DEC, BOH, HOA, and the Copake Planning Board.

As to the suggestion that an amendment to the Action form for application 2010-10 is needed, the answer is no it is not needed at this time. Jeff reviewed the form with the board members, approval for the variance was granted contingent on the approval of DEC and the Planning Board. It was the decision of the ZBA that no changes would be made as of yet, the applicant is not changing the number of bedrooms. The architect had discussed the possibility of installing their own septic system, should the HOA system not be approved but it is too early. The Homeowners Association, which consists of 26 homeowners, must agree to what DEC and the Planning Board will allow for the common septic system first. Both DEC and the Planning Board have expressed concerns about the impact this could have on the lake and the area.

Public Hearings:

None

New Business:

New Applications:

Application # 2011-01, Kenneth Freed, 265 Lakeview Rd, Area Variance to build an addition to existing house.

Scott Decker, the builder was present to respond to questions from the ZBA, with written permission from Mr. & Mrs. Freed. He stated that the addition will be creating a playroom for his grand children.

After review of the of the drawn plot plan, Jeff pointed out that there was no indication of the shed or the tree house. both needed to be included on the plot plan.

Frank asks Scott to explain the drawing to him. What is existing, what will be added? Scott informs the board that a 12' x 22' addition will be added to the existing house it will stick out 4'.

Jeff confirms that this is pre-existing, non-conforming, 4 bedroom, 2 story house on .55 of an acre and in R-2 zone. He continues to explain that lot coverage can only be 25%. Frank asks as to where the well and septic connections are. Scott replied that the septic system is located in the rear of the house and the water connection is in the front. It was determined that this owner has owned this property since 2005. It was also determined that in 2007 a building permit had been issued for a renovation which included dormers. They are requesting a 10' side setback relief, and a 34' rear setback relief.

Frank stated that in order to calculate the correct percentage for lot coverage they would need a proper floor plan of the existing house, as Scott stated that there is a cathedral ceiling over the living room area. Leslie asks about the size of the current septic system, and Frank asked for a certification from Floods or Baldwin's as to the capacity and location and that the system is functioning correctly. Both Frank & Leslie state that a condition to approval should be that this addition would not be used as a bedroom.

Jeff informs Scott that this application would need to go before the Planning Board as a referral because it will be an increase to its pre-existing nonconformity. Jeff finished by asking if there were any further questions. Frank asks about egress windows and notes that the drawings are not accurate. Hilarie warns that the drawings need to be more precise. Ed suggests that the assessor documents may show some light on what is documented. Frank expressed concern that by the drawing you are proposing to cut off two windows what will you be replacing them with for light and ventilation. There is zero information provided we need a floor plan of what exists and what will be added. Jeff suggests that Scott contact Marcia from the Planning Board to get onto the agenda for the next meeting.

Scott was informed that prior to the Public Hearing he would need to provide a floor plan of the existing house, both floors, the septic information, and a full lot diagram with the shed and tree house with dimensions.

Leslie makes a motion to accept this application and to schedule a Public Hearing, seconded by Hilarie. This motion carried, unanimously.

Report from the Building Oversight Committee:

Hilarie reported that this committee met two weeks ago. Members included Bart DeRocha, representing the builders, Grey Davis, Ed Ferratto, Frank Peteroy, Bob Sacks, and herself. They were tasked with looking at each of the department's applications and process to try to make it easier for the applicants. The common complaint is that the process is too complicated, but she added it is required by NY State Law.

Leslie asked why the Building Inspector was not represented, to which there was no explanation. Hilarie continued that the Building Inspector needs to be knowledgeable regarding the process, applications, and the zoning code. This is because the Building Inspector is first in the process. However, one department cannot function without the other. The Building Oversight Committee is suggesting that post granting an application a site plan review be done as part of the process.

To this Ed Ferratto added that the plan of the committee is to go through the process as though an application would be submitted to see if there is a flow and consistency in the process. Exactly what to do for referrals, denials and or permits. Hilarie added that part of the task of this committee was to review the application process of other towns to see how we can improve ours.

Elections:

Jeff reviewed the ZBA By-Laws and reminded the board members that the chair and acting chair needed to be selected by the ZBA Board and appointed by the Town Board.

He asked for nominations for Chair; Leslie nominated Jeff to fill the position of Chair, this was seconded by Mike. Jeff asked three times consecutively for any further nominations for Chair. Having no further nominations, a vote was called. Jeff was selected to fill the position of Chair by unanimous vote.

He then asked for nomination for Acting-Chair: Mike nominated Leslie to fill the position of Acting-Chair, this was seconded by Frank. Jeff asked three times consecutively for any further nominations for filling the Acting-Chair position. Having no further nominations, a vote was called. Leslie was selected to fill the position of Acting-Chair by unanimous vote.

Old Business:

Sliding Fee By-laws change:

A discussion ensued regarding the fee for the ZBA application. It should reflect the postage that is required for notification to the abutters. Example discussed was that of a shed perhaps should be less than \$ 100.00, and a more complex application such as a major development should be more than the one hundred dollars. Question was; can we legally slide the fee by the complexity of the application.

Jeff suggested that Tal assist the ZBA in writing such a sliding fee to ensure proper legal wording. What constitutes the maximum or the minimum. After a lot of sorted suggestions it was decided to come to the next meeting with suggestions as to how to change the existing wording. Jeff agreed that he would contact Tal in regards to this issue, to be sure of the legality of what we can charge according to the number of variances or the complexity of an application.

Application Form on the Website:

It was decided to wait on this further, until recommendations for change come from the OverSight Committee.

Discussion as to the 10 days prior to meeting, to accept or place on the agenda. Jeff reminds board members that we do not have to accept an application if it is not complete. Question was asked: should we be lenient or stick to the ten days. Leslie suggested that if the application is complete we should accept it, if the application is not complete we should not accept it. Thought was to prepare a minimum application which could be used as an example.

Adjournment:

Leslie made a motion to adjourn this meeting, this was seconded by Mike . The motion carried. The meeting adjourned at 9:00 PM.

The next meeting will be held on Thursday, March 24, 2011, at 7:00 PM.

Respectfully Submitted,

Theresa A Traver, Recording Secretary