

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

The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday, March 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, Leslie Wood, and Alternate Dustin Bessette. Hilarie Thomas was not present. An audience of 4 were present including Ed Ferratto, Zoning Enforcement Officer.

Minutes:

Leslie made a motion to waive the reading of the February 24, 2011 minutes, this was seconded by Mike. The motion carried, unanimously.

Jeff asked that corrections to page 2, 4th paragraph, strike BOH. It should read as follows: *(Application # 2010-10)... However , all design and final approval would need to come from DEC, HOA, and the Copake Planning Board.*

Leslie made a motion to approve the February 24, 2011 minute as corrected, this was seconded by Mike. The motion carried, unanimously.

Correspondence:

The following correspondence was either reviewed or read;

- A. Copake Planning Board Minutes, 3/3/11
- B. Copake Planning to ZBA, 3/15/11, (Freed)
- C. Nolan & Heller LLP, 3/8/11, (Braunstein)
- D. Army Corp of Engineer, 2/28/11, (Braunstein)

Closed Public Hearings:

None

Public Hearings:

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

Jeff asked if Scott Decker, representing the Freeds' was prepared with the additional information requested; the existing floor plan, plot plan, floor plan for the addition, and letter from Flood Sanitation. Scott replied that he was prepared, he came forward to review the material with the ZBA.

Leslie made a motion to open the Public Hearing, seconded by Dustin. The motion carried, unanimously.

Jeff read the site plan review from the Planning Board, and opened the meeting for discussion. Frank asked for the location of the septic and well on the plot. It was determined that the lot size is legal for the zone, and that the lot coverage percentage is ok. The house is an existing 4 bedroom with a 1000 gallon tank. Frank asked if it should be upgraded to a 1250 gallon tank which meets new code. Leslie pointed out that the Flood letter was dated 2006.

Frank asked about the furnace room, Scott responded that it would remain where it is. He asked as to the depth of the sheetrock used in the wall between the utility room and the playroom. Scott informed him that it would be a 5/8 inch sheetrock. Frank reminded him that the inspector would need to look at it. Frank asked when the house was built. Scott replied that it was approximately 1972.

Jeff asked if anyone in the audience wished to speak to this issue, no one responded. Jeff asked if there were any further questions from the ZBA. Leslie asked for clarification regarding the dimensions of the plans and maps. When she was comfortable with the information before them, Jeff asked for a motion to close the Public Hearing.

Frank made a motion to close the Public Hearing, seconded by Dustin. This motion carried, unanimously.

Jeff reviewed the application quickly, stating the facts. the requested variance is for a 10' relief from the side yard, a 34' relief from the rear yard. The addition would be for a one floor 12' X 22' addition, with the following stipulations, that the septic tank be brought up to code for a 4-bedroom house, by increasing the tank capacity to 1250 gallons, the building inspector ensures that Fire Prevention wall of 5/8" both side with insulation be used, between the furnace room and playroom. He concluded that it was pending the approval from the Planning Board for a site plan review. He then asked if all ZBA members were prepared to act on this application or to wait. When all replied that they were ready, Jeff began to read the permitted actions for an area variance:

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: Yes, but it's ok.

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

Jeff asked for a roll call of vote to approve. Frank, yes; Dustin, yes; Jeff, yes; Leslie, yes; Mike, yes. The Action Taken form to be filled with the Town Clerk, with copies to Planning Board, Zoning Enforcement Officer, Building Inspector, ZBA file, and the applicant. Scott asked if he could request to be copied also, he provided his address.

New Business:

New Applications:

1. **Application # 2011-02:** Vincent Traver, 60 Anthony Street, Special Use Variance, to build an apartment over existing garage.

It was determined that the address is within R-2 zone. Jeff read *232-20 Accessory dwelling unit*. The application was reviewed. ZBA members noted that the plans submitted would need to be stamped plans. Discussion ensued regarding egress window requirements, height of the windows from the floor, and the minimum height for the upper floor ceilings. Discussion regarding issuing a special use permit 232-28. G. 1, 2, & 3 also took place.

Leslie made a motion to accept the application and to schedule a public hearing, this was seconded by Mike. The motion carried, unanimously.

The applicant was reminded that prior to the Public Hearing he would need to provide floor plans to scale. Jeff reminded them that this would need to go before the Planning Board as a referral.

2. **Application # 2011-03;** Darren Miller, 290 County Rte 27, Area Variance, to build a garage in front yard.

It was determined that the address is within an R-Zone. He is asking for a 20' relief from front yard setback, as well as a variance for a garage in the front yard. His proposal is for a 1700 sq ft barn. It was determined that the house is set back away from the road, with a steep incline behind it. He would need a variance for a 20' ft relief from the 50' requirement.

Jeff asked for permission to visit the site, and asked Darren to stake out the location of the proposed barn. The plot plan was reviewed with the location of the driveways, windows and doors clarified. Leslie asked that the plot plan show these.

Leslie made a motion to accept the application and to schedule a Public Hearing, this was seconded by Mike. This motion carried, unanimously.

Training With Tal:

Jeff reported that Tal was available on the 1st Monday of any month. Discussion ensued as to when would be convenient for all. Jeff will send out an e-mail and set up a time and date with Tal. Leslie told them that it is the dates for the Round of Clock meeting. Jeff will check with Hilarie about a possible 4 PM time.

Old Business:

Sliding Fee By-laws change:

Discussion ensued as to whether this was possible. Tal would need to advise them. Surcharges, waiving of fees, lower fee for sheds and small projects, these were all brought up as concerns.

Adjournment:

Leslie made a motion to adjourn this meeting, this was seconded by Mike . The motion carried. The meeting adjourned at 8:30 PM.

The next meeting will be held on Thursday, April 28, 2011, at 7:00 PM.

Respectfully Submitted,

Theresa A Traver, Recording Secretary

