

**Draft**

**Town of Copake  
Zoning Board of Appeals  
Minutes- January 26, 2012**

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on Thursday, January 26, 2012, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. The meeting was called to order by Chairman Frank Peteroy at 7:00 PM.

Present at this meeting were: Frank Peteroy, Hilarie Thomas, Michael Di Peri, Jon Strom, Emilee Drobbin and Glenn Schermerhorn. An audience of about 10 was present, including Marcia Becker, Planning Chair, Bob Sacks, Board Liaison and Ken Dow, Attorney for the town of Copake. Brian Herman, Town Justice was also present for this meeting.

**Minutes:**

*Frank asked to waive the reading of the December 22 minutes.*

*Hilary made a motion to waive the reading of the minutes and to approve them as written, this was seconded by Michael.*

*This motion carried, unanimously.*

**Correspondence:**

None

**Closed Public Hearings:**

None

**Public Hearings:**

None

**New Business:**

**New Applications:**

**A: Application # 2012-02; Camphill Village USA, New Administration Building, Area Variance**

Alexandra Sloan, Sloan Architects and Yolanda Jansen, Camphill Village Project Engineer were present to represent the applicant. They came forward to review the application and answer questions.

This variance request is for an 18' variance from the section 232-9 (C) requirement of 75' from the center line of existing right of way.

The original design of the building has been changed from a rectangle to a wing shaped structure. Building has to face the direction of the entrance, and has to be large enough to

accommodate all the functions. The new Administration Building location requires sufficient distance from existing residence “Brookledge” and existing Maintenance Building. Also parking area has been reduced to preserve tranquility of the residents. The final proposed location of the New Administration Building is 57’ from the center line of Camphill road.

Frank asked how close is the Maintenance Building to the new Administration building and what is in it?

Yolanda responded that there is around 45’ between the 2 buildings, and general house maintenance supplies are stored; hardware, paint...

.Frank also asked what is the Maintenance Building made out of?

Alex Sloan stated that it is a wood structure .The new Administration Building will be wood frame, stucco , board and batten. It will be fully sprinkled.

Frank noted that there are two different classifications, Commercial and Utility and that there are separation requirements.

Frank noted that it is the building department responsibility to check the distances between the two buildings.

In reference to fire codes, Yolanda said that there will be hydrants outside the building and a new service to feed the sprinkler system. Upgrade of water lines is planned. The New Adm. Building has to have 550 gallons a minute flow. The Hydraulic engineering will be done by Patrick Prendergast, Engineer.

No additional tanks are planned. The sprinkler system will be a WET system.

Public hearing is scheduled for February 23, 2012.

Abutter’s list was corrected.

Hilary noted that although the abutters where notified for prior applications, the ZBA had to notify them again.

Frank pointed out that in the future the applicants will have to contact the abutters themselves.

Frank asked for the square footage of the new Adm. Building. Alexandra said approximately 6000 square feet each floor and there will be 2 floor.

**B:** Bob Sacks pointed that there was an applicant in the room who would like to submit his application to the board.

Frank noted that the applicant was not on the agenda and that there is a 10 day pre notice to submit an application.

Bob noted that the board had broken that rule many times in the past.

Frank stated that the board will review this application this evening.

**C:** Frank talked about ZBA applications on the web asked if anyone had comments.

Michael asked if there will be changes to the forms. Charles Dodson will not be able to set up the site yet.

**D:** Frank proposed a \$500 to a \$1000. Penalty Fee for non compliance.

Frank asked for a motion to present a resolution to the town board for a fine for non compliance with the variance released.

Hilary stated that it has happened in the past and probably will happen again in the future that applicants after they were granted a variance do not comply with it. Even with the

**Building Department inspections variance conditions are sometimes not respected. She suggested the fine could be on a scale.**

**Emilee said she would like to have time to examine that issue.**

**.Bob asked if in case of non compliance the variance could be revoked**

**There was a discussion about work stop orders.**

**Bob suggested that applicants when given the variance, be notified ahead of time of consequences for non compliance.**

**Hilary noted that the zoning enforcement officer and the building department have the authority to issue stop work orders.**

**Frank suggested we'll leave the discussion on the issue for the next meeting.**

*Frank made a motion to adjourn this meeting.*

**Bob reminded him of the new applicant that was waiting.**

**Bob said that the ZBA had to accept the new application tonight.**

**Frank said that the board would, even though it was not on the agenda and we had to finish with tonight's agenda first.**

**E: Patrick Prendergast, Consulting Engineer, stepped forward to make a presentation of John Urban's project for the Copake Golf Course. He had John Urban sign the application in front of the board, P. Prendergast handed out 5 copies and 5 sets of plans the members. Project is for the relocation of intersection of Golf Course road with Copake lake road to allow the development of the land surrounding. Two residential lots are planned for the future.**

**A variance is requested for work within 100' of a body of water. Existing road will be removed, top soiled and seeded over.**

**No septic systems will be used on the lots but a pumping system that will connect the future homes to the main collection system, piping has to be installed under a stream which is the over flow from the lake.**

**Frank asked for the capacity of the common sewage system.**

**John Urban said it currently maintains 12 homes and it is set up for 20.**

**An application was put in front of the board some years ago( 2 or 3 ) in ref. to the sewage system, only 4 more homes could be added , one home has been built since, this project will be home # 2 and # 3. Charles Barrows was the engineer who design the system originally. Letters with regards to the capacity of the sewage system are in a file with the building department.**

**A discussion followed about the road, Golf Course Road is a dirt road. John says the DEC likes the project because it is taking the road away from the lake. He says there is also a safety issue with the road where it is currently located.**

**Suggestion was made of installing a septic systems but John Urban says that Copake lake Conservation wants to keep the sewage system a closed system.**

**Frank says the Board of Health won't allow effluent pipe (referring to the BOH manual) to run within 50' of a body of water.**

**P. Prendergast said that part of the area variance request is to put a forced main system under the stream.**

**Frank asked if a request has been put through with the DEC.**

**P. Prendergast said he spoke to Jamie Malcolm at the DEC.**

**Hilary said that the ZBA prefers to get a permit from the DEC.**

**Frank advised P. Prendergast to submit an application with the DEC.**

**Hilary said before we accept the application, we need to see distances, differences between what is allowed and what the project calls for, sets back, where the common septic system is, need to know clearly the variances requested. Any development within a 100' of the water has to be documented.**

**Frank wants to see the engineer's report on the common septic system.**

**The variances requested are for the relocation of Golf Course Road and the installation of a pipe under a stream.**

**Application will be referred to County Planning Board.**

**Hilary made a motion to accept the application, seconded by Michael. This motion carried unanimously.**

**Hilary made a motion for a public hearing for the John Urban application on February 23, 2012, seconded by Michael. Motion carried unanimously.**

**F: Discussion regarding steps for submission of applications at the meeting.**

**Kenneth Dow said that there might not be any authority under the state law to bar an applicant from presenting his request for a variance at the meeting. Ken will check on the legality of the board's request for accepting applications.**

**Frank said that the ZBA had voted for the 10 day schedule before accepting applications.**

**Michael said this system gave the board time to study the applications.**

**Jon said if we have rules they should be followed.**

**Frank stated the ZBA serviced the community by staying until 11 and 12 pm on some occasions.**

***Frank made a motion to adjourn the meeting, seconded by Michael. Motion to adjourn carried unanimously. The meeting adjourned at 8:05***

**The next meeting will be held on Tuesday, February 23, 2012 at 7:00 PM.**

**Respectfully Submitted,  
Veronique Fabio, Recording Secretary**