

**Town of Copake
Zoning Board of Appeals
Minutes- February 23, 2012**

DRAFT

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on February 23, 2012, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. The

Meeting was called to order by Chairman Frank Peteroy at 7:02PM.

Present at this meeting were: Frank Peteroy, Hilarie Thomas, Michael DiPeri, Jon Strom, Emilee Drobbin, Glenn Schermerhorn, and Ken Dow attorney for the Town of Copake.

An audience of about 10 was present, including, Ed Ferratto; ZEO, Marcia Becker; Planning Board.

Minutes:

Frank asked to postpone reading and review of the January 26, 2012 Minutes until the next meeting.

Correspondence:

The following correspondence was either reviewed or read;

- A. Planning Board Minutes of February 2, 2012.
- B. Planning Board, Marcia Becker in Ref. to Golf Course Road major subdivision to F. Peteroy, ZBA Chair.
- C. Highway Dept. in Ref. to Golf Course Road and Camphill Village Applications.

Frank asked to defer reading of all letters concerning Golf Course Road and Camphill Village until the time of their hearing sessions.

Closed Public Hearings: None

Public Hearings:

1. Application # 2012-02 Camphill Village, New Administration Building, Area Variance.

Frank asked if anyone in the audience wanted to question the Camphill village project.

Yolanda Jansen, Alexandra Sloan and Kerst De Jong: Camphill Village Executive Director came up to the table.

Yolanda Jansen responded to questions from Eleanor Germain and showed on the plans where the new administration building will be Located, as well as how close it will be from the entrance of Camphill Village.

Ms. Jansen presented the updated plans to the board. Ms. Jansen pointed out the location of the new building from the existing residential buildings.

Frank asked if the new building was in the master plan. Yolanda said yes and it was represented by “blocks” on the plans.

Frank asked if a fire lane was planned in the back of the building. Alexandra Sloan responded that a fire lane was not necessary.

Ms. Sloan has checked the codes and confirmed that a fire lane is not required. The new building will be fully sprinkled; access for fire trucks is within the 300 feet requirement. The building is a type 5B building according to the New York State building code.

Jon Strom referring to the Highway Dept. letter dated 2-22-2012 questioned the width of the Camphill Road on the plan.

Yolanda pointed out that the letter from the Highway Dept. refers to an issue that is not at the moment presented to the ZBA but raises issues that have to be discussed with the Planning Board in the future. Yolanda asked for a copy of the letter from the Highway Dept. She wondered what exactly the concern of the Highway Dept. was.

The calming circle is part of a future submission that is being worked on at the moment.

She will get in touch with Bill Gregory and address his concerns.

To recap: Camphill is creating an office building of 5356 Square Feet, or 10-5.

Frank stated that, an office building that size requires 200 parking spaces.

Yolanda pointed out that the parking issue has been addressed in the master Plan and by the Planning Board.

The total amount of parking spaces as a whole will be 174, based on calculations taking into consideration that most of the people that will be using the building live on campus. 314 spaces were required after submission of plans to the Planning Board.

A total of 258 parking spaces are proposed for the whole campus, plus 56 extra spaces that could be built if necessary as per the master plan.

She is keeping track of the number of spaces as she progresses with each site plan application.

Parking spaces will be placed in the location of an older building that will be eliminated.

Yolanda reiterated the need for an 18' variance from Section 232-9C's requirement of 75' from the center line of the existing right of way.

"There is no need for a parking variance at this time.

Yolanda said the Planning Board had already addressed the matter and does not believe Camphill needs a variance for parking."

The town attorney Tal Rappleyea had reviewed and agreed with the plan.

Frank stated that Camphill still needed a variance and proceeded reading a Memo he wrote;

[“Camphill Village Application for a new Administration Building Off-Street Parking & Loading- Application Amendment-Variance.

The unique nature of the entire facility permits reconsideration of section 232-11, off-street parking and loading, as it would apply to the new administration building (accessory building).

Camphill Village is a self-contained residential community in which the “Villagers” participate in all phases.

It is presumed that office functions are part of the daily activities, presently and in the future.

It is also presumed that the Villagers either walk to, or are “vanned” to their destination.

Parking requirements density, as required by 232-11, A (1), (7), (11), C (1), & D type construction, may be varied and shall be at the discretion of the Planning Board.

Permitted parking shall not be part of, or block any of the fire lanes required by the regulations.

It is noted that D construction, requiring concrete or asphalt, is not environmentally good practice today with the introduction of new concepts and products.”]

Frank also added that 2 parking spaces for disable should be provided.

Frank said he wanted to amend the present application and attach the Memo read in order to be consistent with the zoning regulations.

Yolanda questioned the position of the board.

Frank noted that the Planning Board cannot give a variance and Camphill Village needs a parking variance for that size of office building.

Alex pointed out that the calculation for spaces can be based as well on the number of employees occupying the offices.

In this particular case 30 people. Hillarie concurred with that information.

Ken Dow referred to zoning book 232-28 C,

[The Zoning Board of Appeals shall have original jurisdiction for the consideration of special use permits and use variances. The need for an area variance shall be determined by the Building Inspector.]

Alexandra pointed out that the new building will have mechanical, archives, meeting, and storage rooms as well as office spaces.

Hilarie made a motion to close the hearing; this was seconded by Michael Dipieri. The motion carried, unanimously.

Frank asked for a vote to approve the variance and relief from the code.

Frank began to read the permitted action for the Board of Appeals for area variances.

3. Area Variances

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 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.*

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Frank asked for a roll call of votes to approve:

Frank, yes; Mike, yes; Hilarie, yes; Emilee, yes, but with a concern for the need to an additional variance for the parking; Jon, yes.

Frank announced that this variance will be granted.

The Action Taken form to be filed with Town Clerk, with copies to the Building Inspector, Zoning Enforcement Officer, Copake Planning Board, the applicant, and the ZBA file.

Application # 2012-03 Relocation of Golf Course Road

Lawrence Howard Attorney, P. Prendergast Engineer, Jeff Plass Land Surveyor, and John Urban came up to the table.

Lawrence Howard stated that the applicant was applying for 2 variances, one for the relocation of Golf Course Road and the other for piping to be installed under a stream.

Hilarie made a motion to open the public hearing, was seconded by Michael, unanimously agreed.

Mr. Prendergast presented the updated plans, with setbacks and the location of the main septic system, and engineer drawings that had been requested by the ZBA.

He has sent letters to the DEC for stream crossing, still waiting for a response, a letter was also sent to the Health Department.

Discussion over the plans followed between board members and applicants.

Mr. Urban pointed that the residents were all aware of the project to move the road and were looking forward to the improvement: a wider road with a median and speed bumps.

Hilarie read the letter from The Highway Department.

Applicants explained further the changes that were planned for the berms on either sides of the road increasing the sight distances.

Mr. Prendergast mentioned he had a Storm Water Permit from the DEC and that there is also a Sediment Control Plan that was submitted to the planning board.

Frank asked what a forced main is and how it works.

Mr. Prendergast explained the system's details.

Hilarie questioned the differences in capacity of the septic systems, 9000 gallons versus 11000 per day.

Mr. Prendergast responded that more accurate measurements had been done.

Frank asked Mr. Urban about what type of association ruled the Golf Course Community.

Mr. Urban said it was a voluntary road association, a casual arrangement between the residents.

Hilarie asked for details about the location of the planned underground pipes.

The sewer lines will be approximately 75 feet from the lake.

Hilarie is concerned about all the connections between pipes and the length of the pipes.

Applicant agreed to give more details about the exact length of the pipes.

Frank looked at the set backs for affluent pipes.

Mr. Prendergast explained that the pipes under the stream will be encased in concrete for added strength.

Prendergast agreed to revise the plan to move the connections between the pipes as far away from the lake as possible.

Hilarie asked to have the drawing rerouted and distances indicated in detail.

Hilarie asked if the integrity of the existing system is checked.

Mr. Urban confirmed that it is tested twice a month and quarterly a test is done down stream.

Frank was wondering if the stream fed into the Hudson water shed.

Frank concluded that the hearing will stay open until next meeting March 22, 2012.

Frank made a motion to continue the public hearing next month, Emilee seconded, this motion carried unanimously.

6. New Business:

A. New applications:

None

7. Old business:

Frank mentioned he would like to see a \$750.00 fine for non compliance to granted variance.

The request will have to be presented to the Town Board.

Michael mentioned 232-31 in Ref. to penalty for offenses

Frank wants to ask applicants to provide the ZBA with 7 copies of plans instead of five.

Frank spoke about passing along the expense for mailing to the applicants.

Hilarie noted that this issue had been proposed to the town board and it was accepted last year.

Application for a variance should be updated.

Adjournment:

Frank made a motion to close the meeting, Michael seconded, the motion carried unanimously.

The meeting was adjourned at 9:00PM The next meeting will be held on Thursday March 22, 2012 at 7:00 PM

Respectfully Submitted,

Veronique Fabio, Recording Secretary.

Corrections March 19 2012

Page 3, 5th Paragraph

Should read; "Camphill is creating an office building of 5359 Squares feet on each of the two floors, for a total square footage of 10,712 sqf."

Page 4, 10th Paragraph

"Parking requirements density, as required by 232-11, A(1),(7),(11), C(1),&(D) type construction." Rest of the sentence is removed.

Page 5, 4th Paragraph

Should read "Alexandra"

Paragraph 5, " Hilarie" misspelled

