

**Town of Copake
Zoning Board of Appeals
Minutes- February 28, 2010**

The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday, February 25, 2010, 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, Hilarie Thomas, and Leslie Wood. Michael DiPeri was not present. An audience of about 3 were present, including Town Board Member Bob Sacks, and Zoning Enforcement Officer, Ed Ferratto.

Minutes:

The minutes of January 28, 2010 were reviewed.

Frank made a motion to accept the minutes, this was seconded by Leslie. The motion carried.

Correspondence:

The following correspondence was read;

1. Benza: 2/10/10
2. Copake Planning Board Referrals: 2/4/10
3. Copake Planning to Chernewsky: 2/6/10
4. Peteroy Memo, Ref: Executive Session
5. Notice of Public Hearing, Ref: Town Law

Public Hearings:

None

New Business:

Approval Stamps:

Jeff informed the ZBA members that date stamps have been purchased to stamp and date approval on plans that will be presented to the Building Inspector, for issuance of a building permit. The stamp will ensure that the plans presented to the Building Department have not been altered. The stamp will also be used for plans that need referral to the County Planning Board and the Copake Planning Board.

New Applications:

No application was received from Costello, Copake Lake.

Application # 2010-01, David Levine, 156 Julianna Drive, Copake Lake, Area Variance, Swimming Pool in front yard:

Mr. Brian Johnson came forward representing the Levine family. He informed the ZBA members that Mr. Levine would have been present had the weather been more agreeable. He presented the ZBA with a letter of representation and the plot plan as requested.

The plot plan, photos, and application were reviewed for completeness. Questions were asked regarding the location of the septic tank and fields. The maps were reviewed for the location of the roads, cul-du-sac, and the zone.

Chapter 232, Zoning was referenced, specifically 232-9.D, accessory uses.

In a residential district, accessory uses not enclosed in a building, including but not limited to swimming pools and tennis courts, may not be located in the front yards of such lot and shall be a distant not less than 20 feet from any lot line.....

Discussion continued as to the proposed placement of the pool. ZBA members commented that there was adequate space to the side and rear of the house, pools were not permitted in the front. Mr. Johnson explained that the proposed pool would to be constructed in the front yard to avoid cutting trees and blasting. The issue of fencing was discussed, the answer immediately upon digging it is required to install a fence. Concern was raised as to whether there was adequate reason to place the pool into the front yard. Mr. Johnson replied that his client wished to proceed with this appeal.

Hilarie made a motion to accept the application, this was seconded by Leslie. The motion carried, unanimously. Public Notice is set for March 25, 2010.

Interview Dates:

Jeff informed the members that there were 3 applicants to be interviewed for the position vacated by Shawn. The Board decided that Tuesday, March 2, 2010, 7:00PM, would be the date for the interview. Jeff would schedule the applicants for 7:00, 7:20, and 7:40, and invite the Town Board members. He continued that after the interviews they should come to a consensus as to whom they would recommend to the Town Board for the final selection.

Old Business:

Nielson article 78:

Town of Copake Attorney, T Rapplelea will be representing. Attorney for Nielson is amending their charge. Jeff and Frank reviewed the file with the new town attorney.

By-Laws Changes:

Hilarie requested some corrections to the front cover along with a new date of approval. Jeff asked for other concerns, being none he asked for a motion.

Hilarie made a motion to accept the changes to the ZBA By-Laws and recommend them to the Town Board for acceptance. Frank seconded the motion. The motion carried, unanimously.

A cover letter along with the changes will be presented to the Town Board.

Application Check List:

Tabled

Adjournment:

Hilarie made a motion to adjourn this meeting, this was seconded by Frank. The motion carried. The meeting adjourned at 8:20 PM.

The next meeting will be held on Thursday, March 25, 2010, at 7:00 PM.

Respectfully Submitted,

Theresa A Traver
Recording Secretary

