

**Town of Copake
Zoning Board of Appeals
Minutes - March 26, 2009**

The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday March 26, 2009, at the Copake Town Office, 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, Leslie Wood, Shawn McClain, and Frank Peteroy. An audience of three were present including Bob Sacks, Copake Town Board Member, and Ed Ferratto, Zoning Enforcement Officer.

Minutes:

The minutes of February 26, 2009 were reviewed. There was discussion regarding page 2, first paragraph *E-Mail ZBA listing be removed...* Jeff asked that this be corrected to *E-Mail ZBA account be eliminated*. It was reported that Charles Dobsen, Web Master has revised the Town's Copake Web page and has removed the web link to the ZBA, but the account has not been closed. Bob questioned why the E-Mail link was removed, Jeff and Leslie explained that there was no need for it since all information needed to be on hard copy, and that most of the E-Mail received was grey mail.

Leslie made a motion to accept the minutes of February 26, 2009 with the correction, this was seconded by Shawn. Motion carried, unanimously.

New Business:

Public Hearings:

None

New Applications:

None - however Jeff did receive a phone call with a referral from the Building Inspectors Office. An application could be coming.

Correspondence:

A Smart Growth training was announced. This training will be April 23, 2009, 8:00 AM at the Marriott, Wolf Road, Albany, NY. The registration fee would be \$ 259.00. Frank expressed interest and inquired as to whether there were funds in the budget to cover this expense. The budget was reviewed and it was determined that there were funds to cover this training. Leslie asked if this training would qualify for the required training of the ZBA members. Bob informed the Board that he recommended to meet the requirement, Board Members should attend the Land Use Seminar given by PACE. This course is very informative, and given by teachers. Leslie would contact PACE and find out when the next classes would be and their locations as the new members coming on the Board would also need this information. Bob continued that PACE usually does a class at Columbia-Greene CC at no cost. He also reminded Board Members that training was mandatory.

A letter was received 3/12/2009, from DEC regarding application # 2008-12, Linder. After review of this letter, it was determined that the letter had a list of 6 suggestions to the applicant for revising their plan for a lesser impact on the wetlands and the lake prior to the DEC issuance of a permit. A copy of this letter would be placed in the application file and attached to these minutes. Jeff reported that the Public Hearing can stay open indefinitely. Leslie questioned as to whether it would be in the applicants best interest to close the Public Hearing at this time and re-open it again later, or let it remain open. It was determined that it would be best to let the Public Hearing remain open.

By - Laws:

Sections 3.1, 5.3, 2.3, 2.4, 3.5 would need to be updated. The Board chose to review the entire document and bring any changes to the next meeting with their recommendations for change. This will be placed on the agenda for the next meeting. The changes would be presented to the Town Board for their approval.

Old Business:

Zoning Law recommended changes carried over from the November 2008 meeting. These would not necessarily be changes but more clarifications.

Such as measuring the height of a building, differently depending on the type of lot, and for reading the table in the back of the book. Discussion ensued as to whether this should be left as interpretation or make it more fair overall by determining specific table that all could follow, and modify the language so that it is absolutely clear and all could agree what is meant/ state. Leslie will e-mail members of the ZBA new program. The old text is not eliminated but crossed out, and each person's review/ suggestion is color coded for the remaining members to compare the changes. This is to be placed on the agenda for next meeting. Frank is the ZBA Liaison to the CPB, he would bring any suggestions for change before them to in doctorate with the overall changes they are making.

Bob and Ed informed the Board, that the Comprehensive Planning Board is working on this, but this could be a year to eighteen months, and since there are specific areas already identified by the ZBA which are confusing, it would be in the best interest of time saving, to make recommendations for change, especially since these are recurring issues, fix them. This could solve issues and clarify misinterpretations sooner for the ZBA. These recommendations/ Concerns would be written in the form of a letter to the Town Board to be addressed. Bob said that a lawyer would need to look at any changes before they are adopted, saying that changing the wording in one section could have an impact in another section.

Interview:

Leslie made a motion to go into Executive Session, this was seconded by Shawn. The motion carried, unanimously.

Shawn made a motion to come out of Executive Session, this was seconded by Leslie. The motion carried, unanimously.

Adjournment:

Shawn made a motion to adjourn, this was seconded by Leslie. The meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Theresa A Traver
Recording Secretary