

**Town of Copake
Zoning board of Appeals
Minutes - May 25, 2009**

The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday May 25, 2009, at the Copake Town Office, 230 Mountain View Road, Copake, NY. The meeting was called to order by Chairman, Jeff Nayer at 7:05 PM.

Present at this meeting were; Jeff Nayer, Leslie Wood, Hilary Thomas and Frank Peteroy. Shawn McClain was unable to attend. An audience of three were present including Bob Sacks, Copake Town Board Member, Ed Ferratto, Zoning Enforcement Officer, and Michael DiPeri.

Minutes:

The minutes of March 26, 2009, and April 2, 2009 were reviewed.

Leslie made a motion to suspend the reading of the minutes and to accept the minutes of March 26, 2009 and April 2, 2009 as written, this was seconded by Hilarie. Motion carried, unanimously.

New Business:

Public Hearings:

None

New Applications:

Two new applications have been received, but arrived too late to be placed on the agenda for this month. Both will be on the June agenda.

Correspondence:

None

By-Laws:

Discussion began regarding potential By-Laws changes; the committee members had tabled this from the March meeting to allow the document to be reviewed. Jeff suggested that in section 2: 2.1 could be removed as there is no need to appoint a secretary now that we have a paid secretary. Hilarie questioned as to whether this was a State Law requirement and brought the Board's attention to 2.7. Bob Sacks suggested that the Board simply appoint someone to the position. Frank recommends that Municipal Law and State requirements be checked prior to our doing anything. It was agreed that this section would be tabled. Leslie asked that the language "he" be changed in the entire document to "he/she", many women are now filling Board positions and should not be gender specific. Jeff continued that section 3: 3.1 be changed to 7:00 from 7:30, and questioned whether 3.3 would need to be changed to 72 hours from 48 as this was a state mandate. 3.5 could be changed to 24 since this is the age of E-Mail and cell phones. Section 4: 4.5 needs to incorporate Town of Copake Ethics Code language. Section 5: 5.3 the fee needs to be changed to \$ 100.00. Section 8: 8.10 filing of decisions what legally needs to be done.

Discussion ensued, Bob suggested that the Board contact a lawyer with some of the changes. He informed the Board Members that the Town of Copake belongs to The Association of Towns, membership is paid, we are a client, Lawyers with experience will address these topics for free. Ask the questions. He also commended the Board Members with their attempt to Parallel the By-Laws with the Town Codes.

Discussion continued as to the interpretation of recusal, and the inference of not being completely "above board". All board members agreed that there need to be further research prior to any changes. All would bring the information gathered to the June meeting. The changes to the By-Laws was tabled to June to allow board members to reference, state, municipal law and refer some of the questions to legal counsel.

Training:

A Planning and Zoning Summer School 2009 schedule was passed out. There will be 4 locations for these classes presented through the Association of Towns. Pre-registration deadline is July 16, 2009 for the Albany class. Yearly training is required. Jeff asked about a DVD that could be purchased for the purpose of meeting this requirement. Bob informed him that it needs to be an accredited course or training. Jeff also reminded the members that they were

on limited funds, he would need to check with the Supervisor, and budget to see what was available. He asked that all members be prepared with a decision for the June meeting so that the registration can be prepared by deadline. Leslie suggested car-pooling.

Frank reported to the group that he had attended the training in Saratoga, the presentation was "Smart Growth" . He said that the presentation was good, but not all the information pertained to a small town/ rural community such as ours. It did deal with some of the issues such as light and air quality along the streets and the height of the buildings that influence this issue. He brought back a DVD and will have it down-loaded onto the office computer for board members to review.

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. Leslie apologized to the members that she would not have time to complete this task as she had previously agreed, since she it would conflict with her work schedule. She is swamped and simply did not and will not have the time. Frank is the ZBA's Liaison to the Comprehensive Planning Board, he said that the CPB is not yet ready to receive these suggestions, so we still have time. He felt that it was an important issue and agreed to put an outline together of the various issues for discussion at the June meeting. It was agreed.

Frank asked that the E-Mail account remain as is for a bit longer, so that he can retrieve the information he is seeking. Bob asked if the E-mail for the ZBA could be sent to Vana, as this was another form of the community to communicate with the ZBA. Leslie said that the E-Mail would need to be duplicated in hard copy, to meet legal requirements. Bob expressed concern for consistency within the town. Jeff stated that E-Mail is not secure, and that we are sending the public the wrong message. They need to file their applications and supply required information on hard copy. The application needs to be notarized. Hilary asked if the forms were not accessible on a pdf format through the Town web site, the answer, yes all forms are available. It was decided that the E-Mail would remain as it is.

Adjournment:

Leslie made a motion to adjourn, this was seconded by Frank. The motion carried unanimously. The meeting was adjourned at 7:50 PM.

Next meeting will be June 25, 2009

Respectfully Submitted,

**Theresa A Traver
Recording Secretary**

**cc: file
ZBA members
Town Board**