

**Town of Copake  
Zoning Board of Appeals  
Minutes – January 24, 2008**

**The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday, January 24, 2008, at the Copake Town Office, 230 Mountain View Road, Copake, NY. Chairman, Stanley Gansowski called the meeting to order at 7:00 PM.**

**Introductions began the meeting, roll was called with all ZBA members present; Stanley (Stosh) Gansowski, Jeff Nayer, Shawn McClain, Frank Peteroy, Leslie Wood Strom, and alternate Louis Kibler.**

**An audience of approximately 10 were present, including, Clark (Mac) Simms, and Ed Ferratto. Applicant, John Mengler, Jr was also in attendance.**

**Minutes:**

**The minutes of the previous meeting held December 27, 2007, were reviewed. A motion made by Shawn, and seconded by Stosh, for acceptance. Leslie asked to be abstained from vote, since she was not present at the December meeting.**

**The remaining board members approved the minutes.**

**New Business:**

**New Appeal:**

Application: 2008-01, John Mengler, Jr, UnderHill Inn; Special Use Permit: to re-Open as a restaurant with seating of 20, (this is less seating than the previous operators), His permit requests the use of one dining room; the second will be used for pick-up/take-out orders. The maps and plans were reviewed with questions from the board members to Mr. Mengler regarding parking, he has the space for 2 handicapped parking, if required otherwise it will be for one, there is an entrance and an exit. The parking is on the side with a handicap ramp for access ability to the dining room. A mens' and ladies' room down a hall

from the dining room. Leslie asked about expanding the dining area to the front porch for extra seating, expressing that many diners enjoy dining outside during the summer months. Mr. Mengler replied no, not at this time, since the porch would need repair prior to creating this extra dining space, he went on to say that he is the sole chef and would prefer to stay within his capabilities of great service prior to attempting to expand at this time. He went on to say that he has an award winning Barbecue sauce on the market and plans Barbecue take out/ Eat In type restaurant.

Jeff and Louis asked about a liquor license, again the reply from Mr. Mengler was no, not at this time, He had inquired about licensing and prefers a BYOB with set ups only. Louis asked him if this would include beer, and Mr. Mengler's reply was that he believed so, but would include this information at the next meeting. Jeff asked about a special use permit in a Residential Zone, and Louis asked which zone the establishment was actually in? It was determined that the zone was R-1. Stosh informed the ZBA board members, that the planning board was working on this same application, for a site review.

Shawn asked about the present septic system, had it been inspected, how long ago, and whether or not it would be tied into the Hillsdale sewage system. Mr. Mengler answered that the present septic had been inspected recently and cleaned within 3 years, and no it would not be tied into the proposed Hillsdale system. Shawn then asked what is the septic cleaning stipulation and how often is it required? Investigation would need to be conducted, Stosh suggested that this be answered at the next meeting.

At this time Frank Peteroy, presented the board with a list of 8 issues to be considered regarding this application for special permit. They are as follows:

1. The specialty food product provided has proven successfully at 2 Copake Community day events.
2. The Underhill Inn has a long history as a food establishment.
3. The Columbia Board of Health has approved the premises for the purposes intended.
4. The parking plan has the approval of the Planning Board.

5. The dining capacity has met the NYSBC requirements in terms of number of people to be served.
6. Life safety requirements [ exit & emergency lites, smoke/co alarms etc.], have been met or will be satisfied per Copake Building Department & NYSBC.
7. Disabled persons access ramp is in place.
8. Premises meets Section 232-8, F, G, [1][2][3].

Louis asked about Catering, and Leslie asked about the porch, would he expand? John said, no not within the next 2 years.

Jeff said that if John were to request the use of the porch for outside dining, he would be required to submit another application before the board. John replied that he was aware, but preferred to go one step at a time.

Jeff asked about the neighbors, John replied that they were in favor.

Leslie made a motion to accept the application, seconded by Shawn, and unanimously carried. Public Hearing set for February 21, 2008.

**Correspondence:**

None

**Appointments:**

Stosh requested of the board that appointments for the positions of Chair, Assistant chair, and Secretary be made. Leslie made a motion to place the name of Stosh Gansowski as chair of the ZBA Board, it was seconded by Shawn. The motion was carried.

Frank made a motion to place the name of Leslie Wood Strom as assistant chair, of the ZBA Board, it was seconded by Shawn. The motion was carried.

The appointment of secretary brought forth a lengthy discussion, when Leslie asked former board member Mac Simms what the secretary duties entailed, and Jeff asked if it would be necessary, since the recording secretary position was expanded. Mac advised the new board to leave themselves the flexibility of responsibility sharing, and that the duties of the board secretary would be to coordinate with the town

board, Vana, and the ZBA chair. Stosh also brought up that it may be a legal issue, he would check with the town attorney. Jeff made a motion to table the appointment of ZBA board secretary, this was seconded by Shawn, and unanimously carried.

**Training:**

Stosh distributed information of a training session to be held 3/3/08, Poughkeepsie, NY, with a cost of \$300 + per individual. A discussion followed as to what the requirements for training were; Stosh informed the group that a minimum of 4 to 6 hours annually was the requirement. Jeff asked about the cost, is each individual responsible, yes. It was brought up that the course from *Pace* was free and given at local campus', but the course was already given. Leslie pointed out to the group from the information packet presented that 7 credit hours were earned from taking the course. Louis will bring information to the group for the February meeting regarding courses given in NYC. The deadline for being trained is 12/31/08. Leslie brought up the advantage of being trained sooner than later in knowledge of the job, and expressed her desire to be trained ASAP.

Concern was also expressed regarding when the courses were given, perhaps some investigation could be done to arrange for evening or Saturday classes. Discussion lead to near by town ZBA's, perhaps a course could be given locally (Copake Town Hall), incorporating the other board's to reduce costs, and tailor the time slot of when the course was given to be more accommodating to board members. Stosh will inquire from the *Pace Land Use Courses*, and the surrounding town's ZBA Boards to see if this could be done and/or feasible. Stosh will E-Mail the information to the other members. Jeff asked will the video recorded session of the course that is advertised in the packet of information handed out, meet the requirements of training. Stosh to investigate.

**OLD BUSINESS:**

**Public Hearing:**

None

**Other:**

*Town Code of ethics and Policy Manual* passed out, Acknowledgment of

receipt due by 2/28/08, return to Town Clerk. Discussion ensued as to whether it was the revised version, as of the Town Board meeting of last week or the version of 12/07. It was also suggested that when revisions are made, a revision date should be notated on the front cover. Concern was expressed regarding a few of the new policies, particularly who conducts interviews for new board members, and a clarification as to how many committees one can serve.

Leslie to draft a letter of these concerns to be discussed at the next meeting.

**Adjournment:**

Shawn made a motion to adjourn, seconded by Leslie, unanimously carried. Meeting Adjourned at 7:55 PM.

Respectfully submitted,

Theresa A Traver  
Recording Secretary