

**Town of Copake  
Zoning Board of Appeals  
Minutes – May 22, 2008**

**The regular monthly meeting of the Zoning Board of Appeals of the Town of Copake, was held on Thursday, May 22, 2008, at the Copake Town Office, 230 Mountain View Road, Copake, NY. Acting Chair, Leslie Wood called the meeting to order at 7:05 PM.**

**Introductions began the meeting; roll was called with the following ZBA Board members present: Leslie Wood, Jeff Nayer, and Frank Peteroy. Stanley Gansowski, Shawn McClain, and alternate, Louis Kibler were absent.**

**An audience of approximately 8 was present, including Building Inspector, Donald Shadic, and Zoning Enforcement Officer, Ed Ferratto.**

**Minutes:**

**Jeff made a motion to approve the minutes of April 24, 2008, this was seconded by Frank. The motion carried, unanimously.**

**Public Hearings:**

**None**

**New Business:**

**New Appeals:**

**Application: 2008-06, Flanigan Corp, 141 Golf Course Road, Copake Lake, Area Variance to replace existing house, to exceed height limit: Both Mr. And Mrs. Schultz, applicants and officers of Flanigan Corp. were present and came forward to answer questions, while the Board members reviewed the application.**

It was determined that they are requesting a permit to replace the existing, ranch style house on the property with a cape cod, which would have a cathedral ceiling on the second floor, which would raise the height of the building to 31.8 feet from its' present 17.0 feet. The lot size is 100' x 137', in R-2 Zone.

Frank asked why they had included the old 2007 application. The Schultz' explained that the 2007 application which had been approved, had been for repairs to the basement/foundation and expansion of the deck, but after estimates came back for the project, it would be cost prohibitive to repair the foundation of the existing house. They wanted the home to be used as a full time residence, so changed the plan for the Cape Cod, using a smaller footprint, which would bring it 2 feet further from the lake.

Discussion continued as to current zoning laws, and why they exist, the intent to keep bulk to a limit on smaller lots. The density map shows that there is 100 ft on one side of the proposed house and 70 ft on the other side. The size, volume and shape of buildings on an undersized lot are clearly stated, but this is a unique situation, because of the slope of the land, and on a preexisting lot.

Reference to 232-3, *Height of Building* was referenced to determine measurement of height since 1/2 basement is exposed. The pitch/ slope of the land runs to the lake. Leslie asked that the applicants provide the grade lines to help determine the pitch.

Frank asked when property had been divided, was it pre- zoning. Mr. Schultz said on or about 1962. He referenced 232-24.C.2, and said that he considered it to be a conforming lot, and sited the Troyetsky case.

Jeff made a motion to accept the application, and schedule a Public Hearing, this was seconded by Frank. The motion carried, unanimously. Public Hearing set for June 26, 2008.

**Application: 2008-07, Juan Kreutz and Catrin Grote, 137 Golf Course Rd, Copake Lake, Area Variance height restriction for addition of second floor:** Linda Chernewsky of Morris Associates was present to answer any questions. She was representing the applicants for this application. The application and maps were reviewed.

Linda was questioned regarding the footprint of the building, would the addition of the mudroom not increase it, she said it would replace a part of the existing deck.

Again, reference was made of 232-3, *Height of Building*, because the pitch of the property. Linda informed the board members that there was a 2 to 6 ft grade elevation change. The original house had been built in 1965. The plans propose a change from a 3 bedroom, 1 bath to a 4 or 5 bedroom, 2 bath.

Frank asked about the current septic system, would it be able to handle the increase. Reference was made to a letter issued by David G Goldman, (5/6/08), attesting that both the association well and wastewater treatment plant are capable of handling the increase. Some question regarding a 3" or 4" connecting pipe from the house into the system was now code, investigation would continue.

Jeff asked as to whether the existing foundation would support the addition. Linda replied that the current 8" block foundation was tested and determined to be in good shape and would support the additional weight. Frank asked if Morris Associates would in fact take full responsibility. Linda said yes, it would.

Jeff made a motion to accept the application and schedule a Public Hearing, this was seconded by Frank. The motion carried unanimously. Public Hearing is set for June 26, 2008.

#### Correspondence:

An invitational schedule was passed out for Board Members wishing to attend a Planning and Zoning Summer School. Anyone wishing to attend need to make their arrangements.

Frank requested that the address of new applications be included on the preliminary agenda, to provide the Board Members the opportunity to visit the site prior to a meeting. It was duly noted and shall be included.

#### Old Business:

None

**A very lengthy discussion continued regarding zoning law 232-24.C.5.a, 232-24.C.2, and 232-24.B.2.a.1-5 . The discussion included the conforming and non-conforming lots and buildings and the definition and interpretation of such.**

**Adjournment:**

**Frank made a motion to adjourn the meeting, this was seconded by Jeff. The motion carried, unanimously. The meeting was adjourned at 9 PM.**

**Respectfully Submitted,**

**Theresa A Traver  
Recording Secretary**