

TOWN OF COPAKE
ZONING BOARD OF APPEALS
AMENDED MINUTES
SPECIAL MEETING - JULY 12, 2006

A special meeting of the Zoning Board of Appeals of the Town of Copake, NY, was held on Wednesday, July 12, 2006, at the Town Office, Copake, NY, and was called to order by Chairman Clark Simms at 6:50 p.m.

Board members Clark (Mac) Simms, Julie McKenna and George Ashley were present. Absent was Board member Stanley Gansowski and Frank Peteroy.

Chairman Simms reported the special meeting was called for the purpose of making a decision on two cases, #2006-11 Joseph Towbin, and #2006-09 David and Marilyn Goldman.

2006-11 - Chairman Simms reported the Towbins requested an area variance to build a screened porch on a portion of an existing deck on their home at Polk Drive at Copake Lake on a lot that is larger than minimum, but undersized for the district. The neighbors have no objections to the project. It was noted there will be no plumbing in the proposed addition.

A suggestion was received from Frank Peteroy that the Building Department be asked to assure that the deck footings are, or will be made, adequate to support the weight of the roof and the anticipated snow load.

A letter received from Morris Ordovery, Town Planning Board member, was read and is made a part of the Minutes by reference. The Town Planning Board said "The enclosure of the deck is acceptable so long as the modification is only a screened in porch and does not become an enclosed structure by the addition, for example, of storm windows or some other means of enclosure" and suggested a statement to that effect be added to any approval.

Julie said she spoke with a representative of the Towbins who said they will take down part of the deck.

Mac noted it was an undersized lot and they want to put a screened porch on a portion of an existing deck.

George Ashley moved to approve the area variance with the following conditions:

1. The new structure may have a fan and lighting, but must remain a screened porch. It must not be closed in, plumbed, or heated.

2. As the owner and builder intend, supports for the deck must be strengthened to accommodate the weight of the new roof and winter snow loads.

3. Construction should be in accordance with the New York State Building Code and should be approved by the Copake Building Department. Electricity should be provided through ground fault circuit interrupter outlets or AFCI.

The motion was seconded by Clark Simms and unanimously carried.

2006-09 - Application of David and Marilyn Goldman for a variance to erect a carport on their property at Golf Course Road, Copake Lake.

Chairman Simms stated the property slopes steeply from the road to the lake, but a 25 foot section bordering property of the Wallsheins has been built up to provide a parking area just off the traveled portion of the road. The parking area has no setback from the traveled portion of the road and is largely within the road right-of-way. Golf Course Road is a private road with a gravel surface, but 2002 town ordinance established the width of road and right-of-way of private roads as 50', the same as the width for town roads. The traveled way of private roads must be 18' wide, with a 2' surfaced shoulder on each side.

Mr. Simms said the Goldmans propose to build an open structure with wooden posts and roof. Less intrusive structures, however, were discussed, such as metal pole supported fabric or netting. Also considered since is the need for drop-down screening on the south side and road end in order to protect a car from sliced golf balls, the hazard identified as the source of need for a carport.

Chairman Simms noted that manufacturers of pole and fabric carports recommend a curved pole roof in snow areas. Noting a typical single car carport is 20' deep, 12' wide, and 8' high. Such a structure would be well within the legal setback from the Wallshein property. A two-car carport would be substantially more intrusive, 20' to 24' wide and 10' high.

A suggestion received from Frank Peteroy noted that a condition for granting of a variance or permit for an auxiliary structure should be installation in accordance with the manufacturer's instructions, and anchoring adequate to assure stability in conditions, including wind and snow, prevalent in the area. Allowing for maximum wind experienced, Copake is listed by the state as a 90 mph wind area.

A letter received from Morris Ordober, Town Planning Board, was read and noted the Planning Board does not believe the variance for a carport should be granted for the following reasons: 1) Proximity of the parking area to the side line of the lot; 2) proximity of the parking area and proposed structure to the right of way of Golf Course Drive; and, 3) location of the structure in the front yard of the house as per section 232-8.D(4).

For these reasons, the Planning Board recommends denial of the request, and said the owner can instead erect protective nets as their neighbor has done.

Julie said the request was more involved than she originally thought as it involved three variances and said a two-car carport was now being discussed, on or near the neighbors property.

Mac said the side set back by the Wallsheins should be maintained. He said the slope of the land precludes going down the side of the house.

George Ashley asked if it was a private road or maintained by the town, to which Mac replied it was a "private road."

Chairman Simms read a summary on the details and recommendations related to this matter (copy attached).

Julie said she agrees with the Planning Board's recommendation.

The "type" of poles was discussed as the Board felt this should be made clear, and it was agreed that "metal poles" would be permitted.

Provision "2" on the summary regarding "netting of two-car width" was discussed and agreed this provision be deleted.

Julie McKenna moved that the application for a carport be denied, but an area variance should be allowed for protection of a car with one-car netting erected in a portion of the existing parking area closest to the center of the Goldman's frontage. Netting supported by metal poles will be permitted, with the condition that netting protection should be provided for only one car at the south end (closer to the middle of the property) of the parking area, with width no greater than 12' and height no greater than 8 1/2'. Drop-down netting may be provided for the road side of the car and the south side.

The motion was seconded by George Ashley and unanimously carried.

Other Business: Flexible Lot Subdivisions

Julie McKenna said she would like to see language that addresses size of lots and amount of percentage of lot coverage.

It was discussed whether the Town Board should approve now and make changes later, on the proposed Local Law No. 4 entitled "Flexible Lot Subdivisions."

Mac said he would like to see some changes in the wording, as well, to which Town Board member Carl Ritchie agreed.

Discussion would continue at future meetings.

Julie moved to adjourn at 7:30 p.m., seconded by George Ashley and unanimously carried.

Respectfully submitted,

Louise Miller, Recording Secretary

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Attachment

ZONING BOARD OF APPEALS

TOWN OF COPAKE
230 MOUNTAIN VIEW ROAD
COPAKE, NEW YORK 12516

Special Meeting of July 12, 2006

Application for Area Variance of David and Marilyn Goldman

The Goldmans have developed on their property a parking area adjacent to the graveled portion of Golf Course Road. They seek protection of their car or cars from damage inflicted by stray golf balls from the golf course immediately across the road.

Concerns of both the Planning Board and the Zoning Board of Appeals (ZBA) include the following:

1. Structures in the front yard are prohibited (232-8-D (3)). The steep slope of the lawn from road to lake does, however, make location of a parking area in side or rear areas impractical.
2. The parking area provides no setback from the traveled portion of the road.
3. A 2002 Copake Town Ordinance established the width, including right-of-way, of private roads as fifty feet (50'), with 18' traveled portion and 2' shoulders on each side. A shelter for the Goldmans' car would clearly intrude on the road right-of-way, if not the shoulder and road itself.

The second and third concerns dictate that protection of cars along the Goldmans' section of Golf Course Road be as limited and unobtrusive as possible. The ZBA concurs with the recommendation of the Planning Board that application for a carport be denied, but that netting supported by ^{METAL} poles be permitted, with the following provisions:

- ~~1. Under current conditions, netting protection should be provided for only one car at the south end (closer to the middle of the property) of the parking area, with width no greater than 12' and height no greater than 8½'. Drop-down netting may be provided for the road side of the car and the south side.~~
- ~~2. Netting of two-car width may be installed if the parking area is shifted toward the center of the property, by building up a section where there are now trees and bushes and by returning a comparable section bordering the Wallshein property to grass. The 8' side setback should be maintained.~~