



COPAKE PLANNING BOARD
APRIL 5, 2012
MINUTES

Approved
May 3, 2012

Please note that all referenced attachments, comprising 12 pages, are on file with the Copake Town Clerk and in the Planning Board office. An annotated listing of those attachments appears at the end of this document.

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Marcia Becker, Chair. Also present were Chris Grant, George Filipovits, Bob Haight, Steve Savarese and Jon Urban. Gray Davis was excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. SITE PLAN REVIEW – STEVE & EVA DOWDELL – Birch Road [Taconic Shores] – (2012-11)

The Board reviewed the Zoning Board Referral for Steve and Eva Dowdell. No one was present for the review of this application. Ms. Becker referred to Town Code 232.24B(2)(a)[5] which reads: *Any modification of a nonconforming building or structure is subject to a site plan review and approval by the Planning Board.* Ms. Becker noted that the Dowdell's have a pre-existing non-conforming structure on a non-conforming lot about twenty-two thousand (22,000) square feet in the 'R-2' zone with a rear set back non-conformity. Ms. Becker pointed out that the rear set-back should be seventy-five feet (75') and is presently fifty-seven feet (57').

Ms. Becker advised the Board that the Dowdell's are requesting to build a porch in the back of their existing structure. A discussion ensued as to whether the Board was given enough information for this review. Ms. Becker questioned whether the porch was to be an open porch or not, whether there is any landscaping anywhere and whether or not there was any screening on the property. Mr. Grant clarified that the Board was reviewing this application so that they can make any necessary recommendation to the ZBA. Ms. Becker made note of the fact that the Board would need to do a Site Plan Review as well, assuming the ZBA approved the variances.

It was decided by the Board that more information would be needed before any recommendations could be made. Ms. Becker will contact the applicants regarding additional information and will also write a letter to the ZBA informing them of the Board's decision.

2. SITE PLAN REVIEW – GLENN & DOREEN GANZ – Fairview Road [Taconic Shores] – (2012-12)

The Board reviewed the Zoning Board Referral for Glenn and Doreen Ganz. No one was present for the review of this application. Ms. Becker advised the Board that the Ganzs are requesting to tear down an existing deck and construct a seven foot (7') by eleven foot (11') patio deck and then construct a studio style all season patio room on top of the patio deck. Ms. Becker informed the Board that there is an existing deck already in the area. Ms. Becker advised that the Ganzs are requesting a side-yard set-back variance on the left side of the house.

Ms. Becker noted that this is a non-conforming undersized lot with a non-conforming structure. Ms. Becker questioned the distance on the lower side of the property. Mr. Filipovits pointed out that there would only be a three foot (3') distance from the property line with the proposed addition. Mr. Grant believed this would really compromise the set-back. Ms. Becker also questioned whether there was any screening at the property line.

The Board decided that they would need more information before they could make a recommendation to the ZBA. Ms. Becker will contact the applicant for more information and write a letter to the ZBA advising them of the Board's decision.

PUBLIC HEARING

NONE

SUBDIVISION/SITE PLAN

**2012 -8 SITE PLAN REVIEW – CAMPHILL VILLAGE NEW ADMINISTRATION
BUILDING – Camphill Road**

Yolanda Jansen appeared before the Board along with Alexandra Sloan. Before reviewing the application for the New Administration building, Ms. Becker discussed the delineation letter she received from the Army Corp of Engineers for the whole project. Ms. Jansen advised her that Camphill Village had someone flag the wetlands and arrange for the Army Corp of Engineers to come out. She also acknowledged that some modifications were made. Ms. Jansen noted that the maps were adjusted and now shows the wetlands as delineated. Ms. Becker clarified that this needs to be included in the Master Site Plan file. Ms. Jansen made note of the fact that each individual Site Plan now shows the delineated wetlands. She also acknowledged that the Army Corp of Engineers wants to avoid the discharge of dredged or filled materials into the delineated waters as much as possible and if Camphill Village decides they want to fill any portion of something they will follow the proper procedure required by the Army Corp of Engineers. At the moment nothing like that is being proposed. Ms. Jansen will provide the Board with the latest copy of the map supplied by the Army Corp of Engineers

Ms. Jansen advised the Board that the last time she appeared before them she had not heard from Highway Superintendent Bill Gregory or Engineer Doug Clark. Mr. Clark's letter had been received that day. Ms. Jansen spoke to Mr. Clark as well as Mr. Gregory prior to the meeting. Ms. Jansen advised the Board that after speaking with Mr. Gregory they have decided to move the foot path to be further away from the edge of the road so that it would be at the bottom of the bank which would save some of the existing trees in the area increasing the screening of the path.

Ms. Jansen informed the Board that a considerable amount of information had been sent to Mr. Clark regarding the sprinkler system. Ms. Jansen made note of the fact that conditional approval should be given for the Administration Building stating that a Certificate of Occupancy not be granted until the sprinkler system is operational. This is due to the fact that in order for the sprinkler system to work properly an upgrade needs to be done to the water supply system as water needs to be supplied to several buildings. Ms. Jansen advised the Board that Camphill Village is in complete agreement with Mr. Clark's condition and noted that the sprinkler system in the New Administration Building will not work properly without the upgrade to the water system.

Ms. Jansen referred to Mr. Clark's request that the storage be adequate to supply peak daily flow and would like an additional calculation from the Mechanical Engineer over and above what was provided so far. Ms. Jansen spoke with Mr. Clark regarding this and it was decided that this can be accomplished between Planning Board approval and bringing the drawing back for a signature. Ms. Jansen acknowledged that the Mechanical Engineer has made a lot of calculations but Mr. Clark requested a little more as he is not quite satisfied with what has been received at this time. Ms. Becker questioned what Mr. Clark was referring to. Ms. Jansen advised her that this referred to whether or not the water storage is adequate for the proposed system.

Ms. Jansen also pointed out that Mr. Clark requested that the Building Inspector be present for the testing which will need to be done during construction. Ms. Becker made note of the fact that this is tied to receipt of the Building Permit so notification to the Building Inspector would need to be given. Ms. Jansen informed the Board that a normal Fire Hydrant is being proposed. She pointed out that Mr. Clark requested that the Fire Chief be asked whether the fittings connecting the fire hoses are appropriate as he has come across instances where the fittings do not match. Ms. Jansen will address this when the drawings are submitted for signing.

Ms. Jansen also addressed Mr. Clark's concerns in the letter regarding the upcoming Traffic Circle application but noted that his requests do not need to be accomplished for the present project.

Ms. Jansen then referred to Mr. Clark's recommendation regarding approval subject to final approvals from the Columbia County Department of Health for connection to the existing water system. Ms. Jansen acknowledged that for the other buildings the image of the same check valve is sent which is the same check valve that has already been approved and has been commented about by Mr. Clark already. Ms. Becker questioned whether this has been sent for every building. Ms. Jansen advised her that this was apparently being done. Ms. Jansen noted that she would not be commenting on the Mechanical Engineers future proposals until she receives them so that she is sure of what is being designed. She will advise the Board accordingly.

Ms. Jansen noted that the calculation requested by Mr. Clark, the fitting for the Fire Hydrant and the approval for the back-flow prevention from the Health Department for the equipment that prevents contamination of the water system are outstanding. Mr. Grant questioned comments

made regarding the location of the Fire Hydrants. Ms. Jansen advised him that Mr. Clark felt the location was appropriate but in her discussions with the Fire Department regarding the hose fittings she would discuss the Hydrant location with them as well.

Ms. Jansen questioned whether conditional approval could be given at this time. Ms. Becker is undecided as how all the infrastructure improvements should be dealt with as the Board is really not seeing this. Ms. Jansen advised her that they have not been designed as yet and if the Board wants to be kept informed as copies are sent to the DOH she will supply these copies. Ms. Becker was not sure the Board needed to keep track of this. She will contact Mr. Clark regarding this.

Mr. Urban pointed out that everything is being built according to the Town's specs and will not be approved by the Building Inspector if these are not complied with. Ms. Becker was not clear how far the Board's jurisdiction goes. Mr. Urban acknowledged that whether the Board conditionally approved the application at this time or not the Town guidelines need to be followed and maintained, it is not the Board's responsibility to follow up on what has been done. Ms. Sloan made note of the fact that it is not mandatory for a sprinkler system to be included in the designs but Camphill chose to include it for the safety factor and the fact that it will allow them to do a lot more with the design. Mr. Grant pointed out that this is more of a Town Code issue than a Planning Board issue. Ms. Becker agreed and noted that everything is satisfied with the exception of the three (3) conditions in Mr. Clark's letter.

Mr. Grant asked for clarification of the parking situation. Mr. Grant reviewed the parking situation and Ms. Becker reminded him that overflow parking had been agreed to by the Board. Ms. Jansen pointed out the parking areas on the map. Mr. Haight questioned the total occupancy of the parking for each building. Ms. Jansen explained that the occupancy was calculated during the Master Plan which took into account that certain buildings are only used by people that live on the premises who are walked to the buildings and do not drive. She pointed out that the actual amount and distribution of the parking was devised by the requirements of the Village. Ms. Becker acknowledged that this was done according to Code throughout the whole Master Plan.

Ms. Jansen noted that there was a shortage of about fifty (50) spaces between what was required and what was added in all the specific places and a potential parking lot was provided should it be needed. Mr. Urban reminded the Board that it was decided that an additional parking area was included to bring the amount of parking up to Code. Mr. Grant acknowledged that at this time one-hundred and ninety seven (197) parking spots are accounted for and future construction will require the additional spots to bring the total up to two-hundred and fifty eight (258). Ms. Jansen made note of the fact that the Site Plan goes along with the specs for a Special Use Permit and if the property was ever sold and used for a different use it would have to be revisited at that time.

Ms. Becker questioned an issue that was raised regarding the historical significance of a couple of the present buildings, one of them being Bluestone. Ms. Becker brought up the fact that this was discussed during the Major Site Plan and it was determined that there was nothing significant but questioned whether this needed to be reviewed again. Ms. Sloan advised that nothing is on the Historic Register regarding this matter. Ms. Sloan explained that Bluestone was originally a farm house that was converted into an office. Ms. Jansen pointed out that it has been completely changed in the inside with nothing recognizable. Ms. Sloan acknowledged that this had been researched. Ms. Becker did note that there is nothing in the Code preventing demolition

of old buildings. Ms. Jansen made note of the fact that the Red Barn building was one of the more unique structures on the property and is being preserved.

Mr. Savarese advised Ms. Becker that she could check with the State Historic Preservation Office who will send someone down to review the situation and give an analysis as to whether any buildings are significant or not. Ms. Jansen acknowledged that she had been in contact with this office and they were going to send some photographs and details about the building but for some reason this had not been done. Mr. Savarese gave Ms. Becker the name of Virginia Bartos' who works at the State Historic Preservation Office and said and she would do an analysis and advise whether or not a building is historically significant. Ms. Becker noted that Bluestone, Red Barn and Orchard House were the buildings questioned. Ms. Jansen did acknowledge that Orchard House is in very poor condition, so close to the road that it creates a very bad site problem and the architectural analysis and quality of the building is such that they are at the top of the list for demolition rather than renovation.

Ms. Jansen did acknowledge that this was discussed in the Master Plan and it was determined that nothing was on the Historic Register. Ms. Sloan suggested that Camphill be notified of any plans by the Board to delve into this further. Ms. Jansen pointed out that this had been dealt with in the SEQR. Mr. Filipovits did bring up the fact that this had been reviewed in the Major Site Plan and if someone had concerns they should have brought them up during the Public Hearing for the Master Plan. Ms. Becker was in agreement with this.

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to approve the Site Plan for the New Administration Building at Camphill Village from a drawing by Sloan Architects dated March 23, 2012 subject to a review of calculations for the water peak daily flow, the verification of the Fire Company for the compatibility of the hydrant to their hoses, their approval of the location and type, Fire Company witnessing of the flow test, receipt of documentation for the back flow prevention approval from the Department of Health, the condition that the sprinkler system be completed and tested prior to issuance of a Certificate of Occupancy and the Building Inspector be notified to witness the testing and their report verifying that the sprinkler system and supply meet code requirements.

Ms. Becker advised that the maps will not be stamped before the conditions are met. Ms. Jansen will keep her advised of the infrastructure developments. Ms. Becker will discuss this with Mr. Clark.

**2012-1 MAJOR SUBDIVISION – COPAKE LAKE GOLF LLC – Lakeview Road
[Copake Lake]**

Jon Urban who previously recused himself from the Board explained to the Board that he was not able to present them with updated maps due to the fact that his surveyor's printer was not operational. Mr. Urban informed the Board that in his application to subdivide two parcels from the Copake Lake Golf Course property he is appearing before the ZBA requesting two variances, one that will allow him to go under the stream so that he can connect to the sewer system and another variance allowing him to disturb the soil within one-hundred feet (100') of the lake. He acknowledged that approval has been received from the Board of Health, the DEC and the Army Corp of Engineers and all that is needed is approval from the ZBA.

Mr. Urban then explained that in the process of separating off the two (2) parcels from the Golf Course a small parcel is left over which remains connected to the two-hundred (200) acre parcel by a long narrow strip of land. Ms. Becker advised the Board that Attorney Ken Dow researched this option and advised that this could be legally done.

Mr. Urban made note of the fact that the only process that needs to be completed is the ZBA determination of the variances. He advised the Board that if the ZBA does not grant the requested variance to go under the stream he will construct the necessary septic system. Mr. Urban did point out that the elevation of Copake Lake and the elevation of the stream bed is such that they could never interfere with Copake Lake as anything that he does would be downstream. Ms. Becker acknowledged that this was stated in the Army Corp of Engineer letter.

Mr. Grant questioned whether there will be an easement across the narrow strip of land for access to Parcel 7 and Parcel 6. Ms. Becker made note of the fact that the narrow strip of land is the road. Mr. Urban clarified that the piece of land that is the road remains part of the larger Golf Course property and an easement or whatever is deemed necessary will be granted to the two separate parcels for access.

Mr. Haight questioned whether there will be directional board on the stream crossing. Mr. Urban advised him that the crossing will be done underneath the stream. Ms. Becker brought up the fact that she received a new road alignment map which was revised in March. Mr. Urban advised her that after ZBA approval is received the map will be refined showing the trees that will remain. A discussion ensued regarding the one-hundred (100) year old tree that Mr. Davis expressed concern about at the previous meeting which Mr. Urban said would remain with the updated revisions.

Mr. Haight made note of the fact that his views were more slanted toward planting more trees that would be here for the next one-hundred (100) years rather than trying to save one that has been here for a hundred (100) years. Mr. Urban advised him that his plans allow for planting additional trees in that area as well. Ms. Becker did make note of the fact that there is nothing in the Town Code that prevents removal of trees. Mr. Urban did point out that although a fifty foot (50') right-of-way was required only twenty feet (20') is needed for his proposal so anything shown at the borders of the right-of-way has a leeway of twelve and half feet (12½').

Ms. Becker entered the Prendergast letter to the Army Corp of Engineers, the Army Corp of Engineers response and the Columbia County Planning Board response to the ZBA, and recommendations into the record. Ms. Becker did note that the Columbia County Planning Board did not need to be contacted by the Planning Board but they did make some suggestions in their response to the ZBA such as the stream crossing permit, the sewer line and the delineation of the sewer line set-backs. Ms. Becker did refer to the comments of the Columbia County Planning Board which stated *'that the existing section of Golf Course Road along the Copake Lake is annotated as "to be eliminated."*' Mr. Urban clarified that the existing gravel will be removed and top-soil will be put in its place.

Ms. Becker questioned what will be done regarding the Columbia County Planning Board's comment *'that if lake access is to be maintained for the existing docks that an access agreement may be required.'* Mr. Urban explained that the five (5) docks that are presently there have no legal right to be there and his attorneys have told him that they do not have squatter's rights because of the fact that they take the docks in and out each year which changes the time clock on

it. Mr. Urban said he is currently talking about letting them all come into the area and put their dock in a specific place. Ms. Becker questioned whether there will be an agreement for this. Mr. Urban advised her that there would be. Mr. Haight questioned the width of the area. Mr. Urban acknowledged that the area was approximately seventy to eighty feet (70-80').

Mr. Urban did make note of the fact that he did research this and the people that own the five (5) docks do have legal deeded lake rights from Woodchuck Lane, Four-Wheel Drive and Red Fox Lane and overtime the docks spread to the small remaining piece of his property. Mr. Urban informed the Board that his plans are to try to get one of the dock owners to move their dock to where they are supposed to be and then discuss the possibility of two or three of the other dock owners putting one universal dock on the remaining small piece of his property. Ms. Becker did question whether Mr. Urban planned on making it legal for the five (5) present dock owners to leave their docks there. Mr. Urban did advise her that he had no plans of making it legal for them to be there but will however give them an agreement to be in a certain area.

Ms. Becker made note of the fact that water quality testing is not required and entered Attorney Dow's opinion on the Parcel One merger and the Army Corp Letter into the record. Ms. Becker advised the Board that a Public Hearing, a SEQR, the ZBA decision and the Application and Fee are still needed and asked whether a consulting engineer should review the application. Mr. Grant did not feel a consulting engineer was needed as if the ZBA approves the application nothing could be added at that point. Mr. Urban did point out that this could always be an option after the ZBA made their ruling. Mr. Haight advised that he did not believe an engineer would need to review the application at this time.

Mr. Grant questioned whether there was a vegetation buffer between the road and the lake as the Board tries to discourage lawns that go right into the lake. Mr. Urban advised him that there is a very small area that he plans on protecting however the steep grade of the shore line protects this as well. He also acknowledged that no excavation would be done in the area either.

Ms. Becker did advise the Board that a recommendation needs to be made to the ZBA and asked what needs to be documented. Mr. Grant pointed out that the variances are still needed and they also need to be noted and mitigated through proper engineering. Mr. Urban requested that mention be made that the Department of Health, the DEC and the Army Corp of Engineers all gave their approvals. Ms. Becker assured him that those documents will be noted. Mr. Urban did advise that a map is being drawn up for the ZBA with the one-hundred and one-hundred and fifty foot (100-150') set-backs identifying which points will be affected.

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to schedule a Public Hearing.

Ms. Becker will write a letter to the ZBA.

MINUTES

The March minutes could not be approved inasmuch as Mr. Davis was absent and Mr. Grant, Mr. Urban and Mr. Haight were not present at the March meeting.

ADMINISTRATIVE

COPAKE CELL TOWER: Ms. Becker advised the Board that Cell Tower has been constructed by Mariner Tower and she is dealing with the RF engineer to do a base line evaluation and set up a monitoring protocol.

SALVATORE CASCINO: Ms. Becker informed the Board that Salvatore Cascino's associate came into the Building Department requesting Building Permit Applications for the exact same project that was denied in 2008. Ms. Becker told the Board that she wrote Mr. Cascino a letter asking him to provide the Board with an application, application fee and a site map and she gave him a site plan list and is waiting to hear back from him. Ms. Becker made note of the fact that Attorney Dow advised her that if the project is exactly the same as the project that was denied the Board does not need to review it. Mr. Cascino only needs to be told that this project has already been denied, he sued and it has been upheld. He appealed and it was upheld again and the Board does not have to deal with it. Ms. Becker did make note of the fact that she believed that the Town Board has plans to take action and remind Mr. Cascino that he owes the money and he cannot do anything else until he pays us.

ISLAND OF COPAKE LAKE SEWERAGE GROUP: Ms. Becker advised the Board that a letter was written to the Island of Copake Lake Sewerage Group.

ASSESSOR: Mr. Filipovits brought up the fact that he heard that the assessor would be going after individual homeowners that do not have the proper permits and if they do not pay the permits they will be fined as of May first. Mr. Filipovits made note of the fact that Camp Pontiac constantly builds without getting permits and questioned whether they should be contacted as well. Ms. Becker advised him that he should file a report regarding this. Mr. Grant did advise the Board that he heard that a complete revaluation of the Town is being done and an assessor will be hired to will look at permits and he believes that there will be an amnesty of sorts. Mr. Haight did make note of the fact that he was at that Town Board meeting and pointed out that although it was a kind of amnesty the permit still would need to be filed, paid for and Planning Board and ZBA review processes will still need to be gone thorough to get approval. Mr. Savarese questioned how this would be handled if it goes back to a previous owner. Mr. Filipovits noted that this would have to be proven. Mr. Filipovits expressed concern that Camp Pontiac is building a new gymnasium and does not have a permit. Ms. Becker once again advised Mr. Filipovits that he needs to make a complaint and write a letter to the Zoning Enforcement Officer. Mr. Haight brought up the fact that if there is no building permit the Building Inspector should shut the project down. Ms. Becker did make note of the fact that the Zoning Enforcement Officer gets copies of all building permits and he should be contacted to see if he has the building permit. Mr. Grant questioned when this would take place. Ms. Becker advised him that they are looking into it at this time and are sending people out on the road to take an inventory of the whole Town.

CARRY OVER

The following matters were carried over to the next meeting:

- 2010-2** **SITE PLAN REVIEW CONSULTATION – AMERISTOP – Route 23**
- 2008-21** **MAJOR SUBDIVISION – MICHAEL B. & BARBARA S. BRAUNSTEIN – Off Golf Course Road**
- 2011-18** **SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]**
- 2011-27** **SITE PLAN REVIEW – RUTH THOMAS – Route 7 [Copake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Filipovits and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:20 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 12 pages, are on file with the Copake Town Clerk and in the Planning Board office. The referenced attachments are filed in the individual project files. An annotated listing follows:

ADMINISTRATION

CAMP HILL VILLAGE

March 26, 2012 Jansen to Becker [CPB] (1)
April 5, 2012 Clark to Becker [CPB] (2)

COPAKE LAKE GOLF, LLC

March 8, 2012 Prendergast to Sherwood [USACOE] (1)
March 21, 2012 Stalker to Peteroy [ZBA] (2)
March 22, 2012 Higgins to Prendergast (2)
April 2, 2012 Dow to CPB (2)
April 4, 2012 Army Corp to Knox (1)

ADMINISTRATION

March 20, 2012 Shadic to Island at Copake Sewage Works Corp (1)