



# **COPAKE PLANNING BOARD**

## **AUGUST 2, 2018**

### **MINUTES**

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#### **DRAFT**

**Please note that all referenced attachments, comprising 14 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.**

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A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Bob Haight, Chair. Also present were Julie Cohen, Chris Grant, Marcia Becker, Ed Sawchuk, Steve Savarese and Jon Urban. Town Board Liaison Richard Wolf was also present. Attorney Ken Dow was excused. Lisa DeConti was present to record the Minutes.

#### **ZONING BOARD OF APPEALS – Referrals**

NONE

#### **PUBLIC HEARING**

##### **2017-38      SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville] (Open since November 2, 2017)**

- Letter to Steven Smith, P.E. from the Michael DeRuzzio dated June 28, 2018
- Letter to Joe Visconti from Willard Miles, Designer for Steven E. Smith, P.E. dated November 27, 2017
- E-mail to Bob Haight from Michael DeRuzzio dated August 2, 2018

Alicia Metz appeared before the Board representing GRJH Inc. Mr. Haight reminded everyone that the Public Hearing remained open and asked anyone who spoke on an issue previously not to address the same issue. Mr. Haight also advised everyone that this is a comment period and not a question and answer session.

**Hillsdale Resident BARBARA SMITH ...** Mrs. Smith had concerns that Delivery Trucks could block traffic on Craryville Road should other vehicles prevent them from completely entering into the site. She also had concerns that vehicles coming down the

road might come down to fast and not see the delivery truck in time as there is a blind spot due to the make-up of the road. Ms. Metz explained that it is customary for the fill ports to be kept out of the normal traffic as much as possible which would alleviate a potential issue. She also noted that there is another means of ingress and egress. Ms. Metz did make note of the fact that the fill ports will be approximately halfway between the pumps and the back walls however the exact location is not known at this time. Mr. Sawchuk asked if a 'to be determined' location could be designated on the plans. Ms. Metz will address this.

**Hillsdale Resident AMY DAVIDSON ...** Ms. Davidson had concerns that a convenience store would change the character of the Town. She also had environmental concerns as well as concerns that another gas station might impact other businesses in the area causing them to close. Mr. Grant advised her that all land use decisions are subject to the State Environmental Quality Review Act (SERQA) which requires filing an Environmental Assessment Form. He added that this has already been done by the ZBA and a Negative Declaration was made.

**Woman ...** A woman who wished to remain anonymous strongly objected to the process the Planning Board follows and questioned why a Public Hearing was being held by the Planning Board when the ZBA was lead agency. She also objected to not being informed of the different stages of the application that have already taken place.

**Resident GREG OLSEN...** Mr. Olsen felt the project is out of place and pointed out that there is a gas station two (2) miles up the road as well as two (2) other gas stations in Hillsdale. He also had concerns that a new gas station might put other businesses in the area out of business. He also felt this doesn't address the needs of the town.

**Attorney BRIAN HENCHY (Representing Hillsdale Residents Steven and Barbara Smith) ...** Mr. Henchy addressed the Traffic Study which is now part of the record and questioned whether final approval had been given by the DOT. Mr. Haight advised him that approval has not been received as yet. Mr. Henchy wanted to make note of the fact that the study was conducted from a Tuesday through Thursday and suggested that the applicant consider an updated study to take the weekend summer traffic into account. He pointed out that there have been ten (10) accidents at this intersection in the past two (2) years and felt not doing an updated traffic study could put the Town at risk. He also felt that the additional traffic could add to the number of accidents and suggested a traffic light even though one was not required by the State. Mr. Henchy also questioned whether the traffic study took into consideration the two (2) new businesses in the area, namely the old Random Harvest and the Pasta Bowl which replaced AmeriPizza. Mr. Henchy once again asked that the Public Hearing remain open inasmuch as a response is forthcoming from the DOT.

**Young man ...** A young man who also refused to give his name had concerns that the increased traffic and fuel delivery trucks would discourage him from biking on the Rail Trail and hanging out with his friends at Random Harvest.

**Copake Resident SHERRY BURKE ...** Ms. Burke also had concerns of the increased traffic and environmental impact.

**Craryville Resident JACK ...** Jack wanted to express his support for the project and feels another gas station would be a Godsend. He also made note of the fact that there is not an overabundance of tractor trailers on Route 23. He didn't feel the traffic increase would be significant enough to impact the area. He was in favor of the competition which could bring better gas pricing to the area.

**Woman ...** The woman who previously spoke and wished to remain anonymous felt the Town of Hillsdale was an interested party that should have been notified when the ZBA conducted their Public Hearing as well as the New York State Department of Parks and the DEC. She objected to the process followed by the Planning Board and felt tonight's meeting should have been posted in the Columbia Paper as well as the Town Bulletin Board. It was her belief that the process was not law abiding. Mr. Urban advised this woman that the Board could have chosen to close the Public Hearing sooner but chose to keep it open at the benefit of the Public and acknowledged that the meeting was legally posted when it was opened. He also made note of the fact that the ZBA held its own Public Hearing which was also legally posted.

**Hillsdale Resident BARBARA SMITH ...** Mrs. Smith wanted to make note of the fact that she and her husband have been going through this process since November and have had every FOIL request they submitted answered and any copies they requested given to them as well as their attorney and wanted to clarify that the Planning Board are not obstructionists in not sending information that has been requested. She also wanted to thank them and Ms. DeConti for giving them everything they have asked for.

Mr. Haight closed the Public Hearing for the evening but made note of the fact that it remained open for the next meeting which will be held the first Thursday in September at 7 pm.

## **SUBDIVISIONS/SITE PLANS**

### **2018-07      ZBA REF/SPR – BLACK POINT ASSOCIATES LLC/BRAD PECK INSURANCE – County Road 7A [Copake]**

- ZBA Action Taken on Appeal Approval
- Surveyors Map

Kirk Kneller appeared before the Board and acknowledged receipt of his approval from the ZBA.

Mr. Kneller also made note of the fact that he spoke with Mr. Haight regarding a response he received from Michael DeRuzzio who indicated that the County had no interest in the septic as long as there are no additional receptacles on the property. Mr. Kneller also noted that the septic tank is one-thousand (1,000) gallons.

Mr. Kneller submitted the original survey map showing the well and the original septic and pointed out their location. Mr. Kneller also pointed out the location of the additional parking spaces and marked the handicapped parking as well.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan of Black Point LLC subject to the following being added to the Site Plan.

- Location of Well and Septic
- Handicapped Parking
- Any existing buildings on the property
- Fire Lane
- Zoning District B-R
- Additio

Mr. Haight will stamp the plans once he received the revised ones from Mr. Kneller.

### **2017-38      SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]**

- Letter to Steven Smith, P.E. from the Michael DeRuzzio dated June 28, 2018
- Letter to Joe Visconti from Willard Miles, Designer for Steven E. Smith, P.E. dated November 27, 2017
- E-mail to Bob Haight from Michael DeRuzzio dated August 2, 2018
- Revised Site Plan with Floor Plan and Elevations dated July 24, 2018

Alicia Metz explained that since she last appeared before the Board the DOH required that the Sand Filter system be used for the Septic and Water Treatment facility and the plans have been modified to show this. She also noted that the DOH has acknowledged the revised plans but hasn't reviewed them as yet but they are expected to do so. She also noted that the DEC will go along with the DOH requirements based on the approvals.

Ms. Metz also made note of the fact that after several months they heard back from the DOT and they are requiring that a videography be done on the culvert pipe below Route 23 which doesn't amend the plans. Ms. Metz acknowledged that she has not received any approvals in writing however they are expected eminently.

Mr. Haight acknowledged that a set needs to be sent to the County Planning Board once all approvals are received. Ms. Metz will forward any approvals she receives.

Mr. Grant asked for clarification of the DOH comments regarding the septic. Ms. Metz explained that two (2) different types of systems were discussed and they decided that they prefer that the Sand Filter system be installed. Mr. Grant questioned whether the DOH will be responding to the new plans and was advised by Ms. Metz that everything has been revised to accommodate their wishes so they don't expect to receive any new comments from them.

Mr. Grant made note of the fact that the applicant is waiting for a response from the DOH and DOT, be it further changes or approval. Ms. Becker pointed out that once these approvals are received the application can then be sent to the County Planning Board.

Mr. Sawchuk asked for clarification of the fueling of Diesel trucks and whether there will be a separate Diesel tank for this purpose such as the one at the Martindale ExtraMart. He was advised that there are no plans for a separate tank.

Mr. Grant asked whether there will be any signage on the building. Ms. Metz acknowledged that there are no plans for any signs on the building. Ms. Metz asked whether the Board allows LED lights as they have found them to be much safer. Ms. Cohen referred to the Town Code which states that they may be interior lighted with non-glaring lights or externally illuminated with fully shielded lights. It was noted that this appears in both the old and newly revised Code.

Ms. Metz acknowledged that she looks forward to submitting the final approvals soon.

### **2018-13      SITE PLAN REVIEW – DOUGLAS AND ELLEN MCHALE – Lands End Road [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial dated July 11, 2018
- Site Plan with elevations and floor plan
- Bill Baldwin and Son Inspection Sheet dated May 22, 2017
- Property description Report from Columbia County
- Pictures

Ellen McHale appeared before the Board and explained that she and her husband bought a two (2) bedroom house in which the previous owners turned one of the bedrooms into a sitting room. She continued to explain that they would like to return it to two (2) bedrooms by putting an eight by thirteen foot (8' x 13') second bedroom above the kitchen area. She also noted that this would be kept within the same footprint and no additional bathroom will be added.

Mr. Grant acknowledged that the applicant was sent before the Planning Board for a non-conforming structure but pointed out that it is actually because the structure is on a non-conforming lot. A question arose as to whether this application was under the previous Town Zoning Code or the newly adopted Town Zoning Code. Due to the date on the Building Permit Denial it was determined that this falls under the old Town Zoning Code.

Mr. Grant also questioned whether there were any bedrooms being added and was advised that none are being added. Mr. Grant pointed out that the only concern the Planning Board would have is whether or not any additional bedrooms were being added as the septic system might have to be upgraded. It was noted that no bedrooms are being added.

The Check List was reviewed. The Zoning District was missing from the Site Plan so the Board was in agreement that the applicant add this onto their plans and initial it.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Douglas and Ellen McHale.

Mr. Haight will stamp the plans on Saturday.

**2018-14        SITE PLAN REVIEW – JAMES MCNAMEE JR. – Cambridge Road [Copake]**

- Application for Site Plan Review dated July 25
- Building Permit Denial dated July 18, 2018
- Site Plan

The applicant appeared before The Board for a modification of a non-conforming structure on a non-conforming lot. The Board acknowledged that this application is under the new Town Code and under the new Town Code does not require Site Plan Review as long as the applicant meets the set-backs. The Building Department will be notified so the applicant can proceed.

The applicant's fee was returned.

**2018-15        LOT MERGER – ADAM REZNIKOFF – Lakeview Road [Taconic Shores]**

- Application for Boundary Line Adjustment dated July 31, 2018
- Lot Survey

This application was not reviewed inasmuch as Attorney Ken Dow advised the Board that the applicant needs to accomplish this merger with the County Real Property Agency.

Mr. Reznikoff will be notified of Attorney Dow's advice and his paperwork will be returned.

**2018-11        MINOR SUBDIVISION – COPAKE LAKE GOLF, LLC – Golf Course Road  
[CopakeLake]**

- Application for Site Plan Review

This application was not reviewed as the applicant did not receive his survey map from the surveyor.

## **MINUTES**

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to approve the minutes of the May 30<sup>th</sup> meeting.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to approve the minutes of the June 7<sup>th</sup> meeting.

## **ADMINISTRATIVE**

**RADIATION STUDY FOR CELL TOWER:** Mr. Sawchuk said he was in touch with an engineer who has performed this study before. He also questioned whether the escrow money should be returned if this study is not done. This will be discussed again when Attorney Dow is present.

**ABANDONMENT PRODEDURE:** Mr. Haight advised the Board that due to inactivity for more than six (6) months letters will be sent to 13 Lackawanna Properties and Frank & Marcia Peteroy notifying them that if no substantive action is taken their applications will be deemed abandoned.

**TOWN OF EGREMONT:** On Tuesday July 17, 2018 a Decision for a Special Permit was approved by the Town of Egremont for Catamount Ski Resort.

## **CARRY OVER**

The following matters were carried over to the next meeting:

- 2017-31      SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #1] –  
Lackawanna Road [Copake]**
- 2017-32      SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #2] –  
Lackawanna Road [Copake]**
- 2017-41      BLA/MINOR SUBDIVISION – FRANK AND MARCIA PETEROY – Route 22 &  
Old Highway 5645 [Copake]**

## **ADJOURNMENT**

There being no further business, on a motion made by Mr. Haight and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:40 p.m.

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Bob Haight, Chair



**Please note that all referenced attachments, comprising 14 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**

GRJH INC.

November 27, 2017	Miles to Visconti (1)
June 28, 2018	DeRuzzio to Smith (1)
August 2, 2018	DeRuzzio to Haight (1)

BLACK POINT ASSOCIATES

July 7, 2018	ZBA Action Taken on Appeal (2)
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DOUGLAS & ELLEN MCHALE

July 11, 2018	Building Permit Denial (2)
July 13, 2018	Application for Site Plan Review (1)
January 17, 2018	Site Plan w/Survey Map (3)
June 2, 2017	Bill Baldwin Inspection Sheet (1)
	Property Description Report (2)