



COPAKE PLANNING BOARD
DECEMBER 1, 2011
MINUTES

Approved
January 5, 2012

Please note that all referenced attachments, comprising 7 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, Steve Savarese and Jon Urban. Skip Pilch and Gray Davis were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. SITE PLAN REFERRAL – STUART TROYETSKY – Golf Course Road [Copake Lake] – (2011-25)

Linda Chernewsky appeared before the Board representing Stuart Troyetsky. Attorney Paul Freeman of Freeman and Howard was also present. Ms. Becker entered the DEC Permit authorizing construction of an 18 X 20 addition to the west side of the existing house and a deck stairway on the east side of the existing house into the record. Ms. Becker also acknowledged the Zoning Board of Appeals approval of a side-yard, rear-yard set-back and lake set-back variance for the one-story 18 x 20 addition to the Troyetsky residence.

Ms. Becker presented the Board with aerial photographs of Mr. Troyetsky's lot. She referenced an e-mail sent by Gray Davis. Mr. Davis felt the house as designed with the new addition helps the architecture of the house, grounding it to the site. In his e-mail, Mr. Davis noted that he had no issues with the proposed addition inasmuch as letters were received by the homeowner from the surrounding neighbors noting that they do not have any issues with the proposed design and set-back encroachments. Mr. Davis also acknowledged receipt of a permit from the DEC. Mr. Davis did suggest the planting of a few trees on both the road and lake side which he felt would help in screening the addition.

Ms. Becker also referenced a letter sent to the Planning Board and ZBA by Planning Board member and abutting neighbor Jon Urban in support of the project. Ms. Becker advised Mr. Urban that he would have to recuse himself from this application. Ms. Chernewsky questioned why Mr. Urban needed to recuse himself from voting. Ms. Becker explained that Town policy states that when a potential conflict exists the conflicting Board member needs to recuse himself from vote and discussion on the application.

Attorney Freeman questioned why a Site Plan Review was needed as his interpretation of Town Code was that the Planning Board would make their recommendation, one way or another, to the ZBA for their decision which was done and resulted in approval of the needed variances. Attorney Freeman's understanding of Attachment One of the Town Code was that after variance approval by the ZBA, the next step was to obtain a building permit from the Building Inspector and then proceed with the building of the addition. Attorney Freeman believed there was no provision in the Code that mandated Site Plan Review as the Town Site Plan Regulation indicated that Site Plan Review was only necessary if the building was greater than thirty-five hundred (3,500) square feet and the Troyetsky residence was nowhere near that square footage.

Attorney Freeman referred to the Non-Conforming section of the Town Code and believed the Troyetsky residence was a conforming structure. Mr. Grant advised him that the Troyetsky residence is a non-conforming structure on a non-conforming lot which requires a Site Plan Review. Attorney Freeman argued that the residence is a conforming structure. Mr. Grant explained that the Troyetsky residence does not conform to the lot-line as it is closer to the lot-line than it should be. Attorney Freeman agreed that the lot is under-sized but believed the structure was conforming. A discussion ensued regarding this matter. Ms. Becker advised Attorney Freeman that if this discussion was going to be a legal argument, the matter would be tabled until next month when the Town Attorney would be present. Attorney Freeman informed the Board that he did contact the Town Attorney regarding the Town Code. Ms. Becker advised him that this matter is referenced under Town Cod 232-24B (2)(a)[5] and the matter would be tabled until Attorney Rappleyea was present.

Attorney Freeman asked for clarification that the Troyetsky residence as it exists today was non-conforming. Ms. Becker advised Attorney Freeman that there would be no further argument without Attorney Rappleyea. Attorney Freeman advised the Board that he was not asking for a legal argument with Attorney Rappleyea, he just wanted clarification of the Board's position. Mr. Grant once again informed Attorney Freeman that the Board's position is that the building is closer to the lot-line than allowed and closer to the lake than the one-hundred foot set-back. Attorney Freeman believed that the variances resolved these issues and made the building conforming and once again asked for clarification that the issue was the closeness to the lake which caused the non-conformity. Ms. Becker advised him that this was one of the issues and at her insistence the matter was tabled.

Ms. Troyetsky asked the Board whether there were any changes she could make to make the building conforming. Ms. Becker advised Ms. Chernewsky and Attorney Freeman that the Board was here to complete the Site Plan Review and any arguments regarding the regulations would be done when Attorney Rappleyea was present. Attorney Freeman advised her that he would prefer to make progress on the Site Plan rather than argue his position on whether or not the Site Plan was needed.

Going back to Planning Board procedure Ms. Becker referenced the outstanding items and noted that the lot coverage needed to be scrutinized. Ms. Chernewsky advised her that the lot coverage at seventeen point three percent (17.3%) was less than the twenty-five percent (25%) limit. Mr. Grant questioned whether the coverage was twenty percent (20%) on a non-conforming lot. Ms. Chernewsky advised her that the coverage was twenty-five percent (25%) or ten-thousand (10,000) square feet. Although the lot is over the ten-thousand (10,000) square foot limit Ms. Becker acknowledged that they were alright in this area.

The Site Plan Check List was reviewed. Ms. Becker questioned what was being done with water run-off. Ms. Chernewsky advised her that no additional run-off was expected as the addition was just an extension of the existing house and made note of the fact that a silt fence was being added to protect the lake. It was noted that a DEC permit had been obtained and there would be no increase in sewerage usage. It was also noted that the well is located off the site. Ms. Becker questioned whether there were trees on the lakeside of the structure. Ms. Chernewsky advised her that there were trees in front of the addition that would not be removed and no additional lighting would be added.

Mr. Grant expressed concern regarding the lake-side view as he believes development is getting out of control and felt approval should be conditional on the existing vegetation remaining with the possibility of more planting being done. Mr. Troyetsky advised the Board that he had no intention of removing the vegetation. Referencing Mr. Grant's concern Ms. Becker asked if a planting/landscape schedule could be submitted regarding erosion control and screening from the lake to lessen the visual impact.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted four (4) in favor and one (1) abstaining, to approve the Site Plan for the Troyetsky addition on Golf Course Road from a Site Map by Morris Associates dated October 18, 2011 subject to receipt of an approved Landscaping Plan and no removal of the existing trees. Attorney Freeman advised that the conditions can be approved by the Board without a formal meeting. Jon Urban abstained.

2. ZBA REFERRAL – STEPHEN SANBORN – Route 7 [West Copake] – (2011-26)

Stephen Sanborn appeared before the Board and presented them with a Site Plan application. Ms. Becker acknowledged the submission of a DEC Wetland Permit authorizing the enclosure of an existing deck within one-hundred feet (100') of an adjacent area of fresh water wetlands. Ms. Becker also acknowledged receipt of a revised Site Map, the ZBA approval of a variance for enclosing an existing deck with windows and walls and an aerial photo of the lot.

Ms. Becker questioned Town Code 232-9 P(2) which stated that "*open porches and decks attached to a residence shall be exempt, provided that all other requirements can be met, and provided that such porch or deck shall never be enclosed.*" Ms. Becker made note that Mr. Grant's understanding of the Code is that an area variance can be applied for and granted for any area regulation in the Town Code. Mr. Grant acknowledged that his understanding was that the only thing that cannot be done is to create a non-conformity. Ms. Becker expressed concern that this could be a dangerous precedent that was being set in the Town. Ms. Becker made note of the fact that it's the duty of the ZBA to review each application on an individual case by case basis and therefore one decision does not necessarily set a precedent for similar ones that may follow.

Ms. Becker questioned whether there was a second story as the pitch of the roof could signal this. Mr. Sanborn advised her that there was no second story and the roof pitch was made steeper for weather purposes. Ms. Becker questioned how the drain-off was being dealt with. Mr. Sanborn explained that the water would run off the roof to the grass below and if he guttered the roof, there would be more run-off in a centralized area. Mr. Sanborn did make mention of the fact that he is considering the addition of gravel for this purpose. Ms. Becker questioned whether

any digging would be done. Mr. Sanborn advised her that nothing would be disturbed with the exception of the extra concrete forms that were needed and explained how this would be done. Ms. Becker asked if this information had been submitted when the Building Permit has been applied for. Mr. Sanborn advised her that a description to this effect had been submitted. Ms. Becker advised the Board that there was a staircase that needed to be dealt with. Mr. Sanborn explained that the direction of the existing staircase needed to be reversed and a permit would be applied for regarding this.

The Check List was reviewed and a new set of plans were submitted. Ms. Becker questioned whether a Buffer or Vegetation Cover was considered for the run-off. None was at this time but it was noted that the existing trees would remain. Ms. Becker advised Mr. Sanborn of the Lighting Code 232-9R which states that *“outside lights in any district shall be so directed or shaded as not to cause glare on nearby residential property nor cause a traffic hazard due to glare or color.”* Mr. Sanborn asked the Board whether low-wattage exterior lighting under the tree would be allowed. Ms. Becker advised him that the Board asks people to be sensitive to bright lights and the Board prefers less than more. Mr. Sanborn surmised that this would be allowed but needs to be tasteful.

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Stephen Sanborn and Constance Lopez from a map drawn by Steven Sanborn dated October 9, 2011.

Ms. Becker will stamp the maps on Saturday for Mr. Sanborn to pick up.

PUBLIC HEARING

2011-4 SITE PLAN REVIEW – CAMPHILL VILLAGE – Camphill Road

Ms. Becker advised the Board that the Public Hearing for Camphill Village was still open and inasmuch as the Board approved the Major Site Plan for Camphill Village at last month's meeting the vote needed to be rescinded and re-voted on.

Ms. Becker asked if anyone had any comments regarding this Public Hearing. Being none, on a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2011-4 SITE PLAN REVIEW – CAMPHILL VILLAGE – Camphill Road

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to approve the Major Site Plan for Camphill Village, Copake, New York, from a the map submitted by Erdman Anthony and Sloan Architects, revised June 22, 2011.

Ms. Becker will stamp the maps on Saturday and mail them to Alexandra Sloan.

2011-4 SITE PLAN REVIEW FOR NEW HOUSE – CAMPHILL VILLAGE – Camphill Road

Civil Engineer Nancy Clark appeared before the Board to present the application for a New House at Camphill Village. Ms. Clark pointed out the location of the new house on the Major Site Plan and explained that most of the Storm Water features are centered to the Site and there are no rain gardens or vegetated swales shown because of the steepness of the New House location.

Ms. Clark acknowledged that the New House Site Plan is consistent with the Major Site Plan. She made note of the fact that the SEQR, Columbia County Site Plan Review and Public Hearing had all been completed during the overall Major Site Plan. Ms. Clark advised that the New House is greater than seventy-five feet (75') from the center line of Camphill Road and is greater than one-hundred feet (100') from the edge of Aspen Pond and the edge of the stream below Aspen Pond and is greater than five-hundred feet (500') from the boundary line of the Town of Taghkanic.

Ms. Clark believes the Site Plan Check List has been complied with and noted that water service will be from Camphill's on-site existing system and waste water treatment and collection will be from their existing system. Ms. Clark acknowledged receipt of a letter from the Columbia County Department of Health informing her that they do not need to look at the Site Plan but do recognize that interior to the building there will be two (2) Back-flow prevention devices and they would like to see the standard Health Department application for that. Ms. Clark advised the Board that within the next few weeks the Mechanical Engineer for the project, ASW, will submit this information to the Health Department.

Ms. Clark explained that Mr. Higgins of the DEC tried to provide a letter for the meeting but was unable to however, she did contact the DEC and substantiated the existing capacity of the existing system along with the proposed demand for the twelve (12) residents of the New House. Ms. Clark made note of the fact that these twelve (12) residents already live on the Camphill Village property and are just being re-located. Ms. Clark acknowledged that the existing Waste Water Plant has significant available capacity so this is not an issue. She hopes that the DEC will also respond and say they do not need to review the Site Plan like the Health Department did.

Ms. Clark informed the Board that Engineer Doug Clark reviewed the project and he has recognized the plan is consistent with the Major Site Plan and Stormwater Management Plan that was done for the overall twenty (20) year plan. Ms. Becker acknowledged receipt of Mr. Clark's letter and noted that Mr. Clark commented on the steepness of the driveway. Ms. Clark acknowledged that the house is built on a hill and pointed out the access to the house from Camphill Road and noted that the roadway will be widened for accessibility.

Ms. Clark advised the Board that Fire Trucks will be able to access the roadway as was proven last winter when there was a fire in the garden shed. Ms. Clark also made note of the fact that the architect has been meeting with the Fire Chief and there was no problem with access at the time of the fire. Ms. Clark explained that when accessing New House there is an existing farm-way which is presently a dirt path and Camphill Village's Farm Staff requested the dirt path remain. Ms. Becker acknowledged the fact that Mr. Clark has no further concerns but recommended

approval subject to final approval from DEC for the connection of the existing Waste Water System and the Columbia County approval for the connection to the existing Water System.

Ms. Becker questioned the square footage of the structure. Ms. Clark advised her that the first floor square footage is three-thousand twenty-four (3,024) square feet, the Porch is five-hundred seventy-seven (577) square feet and the second floor is three-thousand one-hundred thirty (3,130) square feet.

Ms. Becker questioned how much ground cover there is. Ms. Clark advised her that this has already been covered in the overall Stormwater Management report. Ms. Clark advised the Board that a Notice of Intent will be sent to the DEC and the concept is that Camphill Village will go from construction project to construction project without hiatus and in that case the Notice of Intent will remain open with the DEC and if there is a hiatus for some unforeseen issue the Notice will then be closed with DEC to put the project on hold and then a new Notice of Intent will be issued when the project resumes.

The Check List was reviewed. Ms. Becker acknowledged that an overall parking area had been provided for in the overall plan. Ms. Becker noted that the only thing that is outstanding is the DEC response. Ms. Becker questioned whether anything had been done regarding buffer areas and existing vegetation cover. Ms. Clark advised her that this has been addressed and noted that a lot of the trees are young growth with indications of the ones that need to be removed along with proposed plantings of shrubs along the retaining wall. Ms. Clark did explain that some grading will be necessary for the serpentine driveway. Ms. Clark acknowledged the only lighting will be on the house for convenience as well pedestrian lights along the path.

The Board classified this application as a Minor Site Plan. Due to this fact, Ms. Becker acknowledged receipt of an overpayment fee in the amount of one-hundred and fifty dollars (\$150.00) which should have been fifty dollars (\$50.00). It was decided by Ms. Clark that this be applied to further Site Plans.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to approve the Site Plan for the New House at Camphill Village from a map by Erdman Anthony and Sloan Architects dated November 18, 2010 subject to receipt of the letter and approval of the DEC. The plans will be stamped on receipt of the DEC letter.

2010-15 SITE PLAN REVIEW – BOB & LINDA LEVITT – Old Cove Rd [Copake Lake]

Jeff Gardina appeared before the Board representing Bob & Linda Levitt. Ms. Becker addressed the new submissions. Mr. Gardina presented the Board with the application and a letter from the owner giving him permission to represent them. Mr. Gardina also presented an invoice showing that a twelve-hundred and fifty gallon (1,250) concrete septic tank has been installed. Ms. Becker noted that this is the proper size for a four (4) bedroom home.

Mr. Gardina acknowledged that the proper identification of rooms has been added to the new plans. Ms. Gardina advised the Board that the ZBA approved a variance for a garage in the front of the house which is the only new footprint being added to the property. Mr. Gardina made note of the fact that the floor plan will change but the structure will remain the same. He explained

that an addition will be added to the top of both the new and old garages creating the elevations shown on the map. Mr. Grant suggested the re-labeling of the exercise room to a potential future bedroom so that the inspectors will be on notice that this room could be converted to another bedroom.

The Check List was reviewed. Ms. Becker questioned who prepared the drawings and noted that previously Mr. Davis defined the drawings as CAD drawings. Mr. Gardina acknowledged that Jim Andrews, who is not a licensed architect, prepared the CAD drawing. Ms. Becker questioned whether stamped plans were required for an addition. It was noted that this could be a liability. Mr. Gardina acknowledged that there was one stamped set of plans and believed that they were given to the ZBA. Zoning Board Chair Jeff Nayer presented the Board with the ZBA's copy of the properly signed plans. Mr. Gardina will provide a signed copy for the Planning Board.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to approve the Addition for Robert and Linda Levitt on Old Cove Road from a plan dated September 30, 2011 subject to receipt of a stamped set of plans and the change of the label of the exercise room to a potential bedroom. Ms. Becker advised Mr. Gardina that three signed and stamped plans will be needed, one for the Planning Board, one for the Building Inspectors and one for the Assessor's office. Ms. Becker will stamp the plans when these are received.

2011-24 SITE PLAN REVIEW – MARK FRANK – Lot 3A Island Drive [Copake Lake]

Miguel Sostre appeared before the Board with Mark Frank. Mr. Sostre pointed out the new grading on the map which is stopped a greater distance from the lake than the previous plans showed. Mr. Sostre explained that the driveway is an eighteen percent (18%) slope and the contour changes have been removed. Mr. Grant clarified that there cannot be any disturbance or removal of soil within one-hundred feet (100') of the lake without a variance. Mr. Sostre explained that he wanted to move the 719 contour line up toward the property. Mr. Sostre acknowledged that if this is one of the conditions then this is the way he needs to proceed. Mr. Sostre explained that last month Mr. Davis made some suggestions regarding the 719 contour that prompted him to make the contour changes he did.

Mr. Sostre was confused about the fifty foot (50') foot set-back from the water and the one-hundred foot (100') set-back. Ms. Becker explained that the fifty foot (50') set-back requirement is an Army Corp of Engineers regulation which would require an Article 15 Permit. Mr. Grant clarified that this issue is a DEC issue and not an Army Corp of Engineers issue. Mr. Sostre acknowledged that he is beyond the fifty foot (50') set-back but within the one-hundred foot (100') set-back. Ms. Becker questioned whether Mr. Sostre's plans included disturbing the soil within the one-hundred foot (100') set-back from the lake.

Mr. Sostre explained that his plans included changing the contours between the one-hundred foot (100') and the fifty foot (50') set-back area on the outside edge of the property. Mr. Grant questioned whether this can be done. Ms. Becker acknowledged that according to Town Code the Board cannot allow this. Ms. Becker quoted Town Code 232-9 P (1) which stated that "*no development shall be permitted closer than 100 feet to a stream, creek, wetland or other body of water*". Ms. Becker then referenced the definition of Development which stated that "*any man-made change to improved or unimproved real estate, including but not limited to the*

construction or alteration of buildings, fences, walls, signs, or other structures, as well as mining, dredging, filling, paving, excavation or drilling operations." Ms. Becker questioned whether a variance can be applied for this. Mr. Grant advised her that a variance can be requested for this. Mr. Grant explained that the intent is to leave the shoreline as undisturbed as possible.

Mr. Sostre questioned why the fifty foot (50') set-back issue was brought up at the last meeting. Ms. Becker explained that part of Copake Lake is regulated wetlands and the other part of the lake is regulated navigable waters with the navigable water part of the lake being regulated by the Army Corp of Engineers who has different regulations than the Town. Ms. Becker noted that there are regulations for what can be done on the banks as a Protection of Waters permit would be required. She advised that this information can be obtained from the DEC.

Mr. Sostre addressed the Board's concern regarding proposed lighting on the property. He advised the Board that he has removed the proposed feature lighting. Ms. Becker reminded Mr. Sostre that she had given him information on the SPDES permit so that he could determine whether the existing septic system can handle the increased capacity. Mr. Sostre advised her that he is in the process of working with Mr. Higgins of the DEC regarding this matter and before the building permit is filed the issue would be resolved.

Mr. Grant questioned whether there were only two trees proposed for removal. Mr. Sostre explained that there is a row of six (6) trees that are tagged for removal. Mr. Grant explained that the Board does not like to see removal of trees on the shoreline. Mr. Frank explained that the trees being removed are a distance from the shoreline and there are bigger trees closer to the shoreline that will remain. Mr. Sostre explained that they will be clearing brush and taking out the row of trees in question. Ms. Becker questioned whether anything was planned to be planted in place of the trees being removed. Mr. Sostre explained that they believed that clearing the trees in question would help the remaining trees grow better. Mr. Urban stated that the lot has many trees.

Mr. Grant made note of the fact that the Board is not requesting that all the trees be kept but some of the significant trees be kept for the character of the lake. Mr. Sostre explained that the trees that can be seen from the lake are better than the trees that cannot be seen from the lake. Mr. Grant advised Mr. Sostre to work with the Homeowner's Association regarding the removal of the pines. Mr. Frank and Mr. Sostre explained that these particular trees are in the view of the lake and they had no objections to planting trees in another location. Mr. Grant agreed to the removal of some of the scraggly trees but not the mature trees.

Ms. Becker questioned the elevations on the plans. Mr. Grant made note of the fact that the designations of the storage rooms needed to be changed to potential future bedrooms. Mr. Frank advised that these rooms will not be bedrooms. Mr. Grant explained that these rooms need to be labeled as potential future bedrooms for the Building Inspectors when they do their annual inspections for tax purposes. Mr. Frank questioned if this was a new requirement. Mr. Grant explained that towns are doing this now as things have been mislabeled. Mr. Frank questioned why this needed to be done when he had no plans of utilizing these rooms as bedrooms. Mr. Grant explained that this is just to recognize a room that could potentially become a bedroom. Ms. Becker brought up the fact that new owners could convert questionable rooms into bedrooms.

Mr. Frank questioned whether the Brown's house is set-back more than one-hundred feet (100'). Mr. Grant believed that the Brown's house is at one-hundred feet (100'). Mr. Frank questioned the thirty-foot (30') height of the Brown's house and questioned why the elevation of the grade rose and how this was done if no dirt was added. Mr. Grant explained that the Brown's lot is a conforming lot and Ms. Becker explained that the elevation measurement is from the average grade not the lowest grade. Mr. Sostre was under the impression that he couldn't have any more than a height of thirty-five feet (35') at the back of the house using the lowest grade but could potentially have a grade at the back of the house of around forty feet (40') using the average grade. Mr. Frank acknowledged that using the average grade measurement gives him more flexibility with the contours at the back as using the lowest grade was what prompted them to consider raising the grade. Mr. Grant questioned whether this would change the contour map. Mr. Sostre acknowledged that the contour map will have to change for them to conform to the Town Code allowing for non-disturbance within the one-hundred foot (100') buffer zone.

Mr. Sostre asked the Board if conditional approval could be granted contingent on the fact that there is no disturbance within the one-hundred foot (100') buffer and approval from the Homeowners Association regarding the removal of the pine trees. Mr. Grant advised that the height from the average grade would need to be shown to the Board. Mr. Sostre informed him that keeping the contour lines where they are would tell him where the house would be and calculating himself to be at 717 at the back the house would bring him to 720 where the contour is. Ms. Becker expressed concern of the size and impact of the size on the character of the neighborhood of the lake. Mr. Sostre explained that a Gambrel roof was used to visually shrink the mass. He acknowledged that great pain was taken to minimize the height because that was what he believed the rules were and tremendous effort was made to soften the look from the lake view. Ms. Becker explained that in finishing the Town Comprehensive Plan it was noted that it is important to the people of the Town to keep the rural character and it is the Board's responsibility to ask people to be sensitive to this matter.

Ms. Becker questioned whether the Board was at a point where they can conditionally approve the Frank application. Mr. Grant expressed concern regarding the removal of the white pine trees. Ms. Becker did not realize that the pine trees in question were white pines and commented that the white pine is rare in the area due to the fact that they have been logged from the area. The Board suggested leaving the nicer of the pine trees and removing the straggly ones. Mr. Sostre explained that the remaining Hemlock, Birch and Oak trees were beautiful trees but felt the pines should be removed for the beauty of the property. Ms. Becker clarified that the Board's concern was the view from the lake and by removing the Pine Trees you would be removing evergreens from the lakeside view.

Mr. Grant questioned whether the property would be filled in at the contours. Mr. Sostre explained that the contours will need to be created at the front and there will be filling in where the tennis court is removed but nothing will be done at the back. Mr. Urban did not have any objections to the property being filled in to level it off. Mr. Grant questioned the connection to the sewer line. Mr. Sostre explained that the septic will need to be connected to the existing line and go across Island Drive driveway. The electrical utilities will follow the same path.

Ms. Becker questioned whether there was a Homeowners Association standard for driveways. Mr. Frank acknowledged that his plans included a gravel driveway. The Board was in agreement with this as this will help the run-off situation. Mr. Sostre questioned what the best place to

connect to the sewer would be. Mr. Grant advised him that the sewer area is at the bottom of the driveway across from Mr. Frank's residence. Mr. Sostre explained that this would be done at the discretion of the Contractor. Mr. Sostre reviewed what was needed by the Board for conditional approval. He was advised that revised plans would be needed, at least one White Pine remain and the driveway be changed from asphalt to gravel.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted four (4) in favor and one (1) abstaining to conditionally approve the Site Plan for the Frank residence on the island of Copake Lake from plans drawn up by Miguel Sostre dated October 28, 2011 subject to receipt of the SPDES Permit information stating the capacity of the septic system is adequate and revised plans indicating the changes discussed tonight. Mr. Grant abstained inasmuch as the Frank residence is across the street from his residence.

2011-27 SITE PLAN REVIEW – RUTH THOMAS – Route 7 [Copake]

Ruth Thomas appeared before the Board advising them that she owns the house at 189 Route 7A in Copake that is being renovated and was thinking of doing a little Farmers Market Country Store. Ms. Thomas explained that she is trying to decide whether to have the market in the downstairs half of her home with a rental on the upstairs or use the barn/garage as the Farmers Market. She advised the Board that plans are for a seasonal business at this point.

Ms. Thomas acknowledged that she appeared before the Zoning Board of Appeals and said that because they are in the 'BR' District this particular business is considered to be retail. Ms. Becker referred to Town Code 232-23A which states *Prior to the issuance of a building permit in any business district, or for any multifamily dwelling, or for more than four apartments, condominiums or townhouses in any district, or any drive-in facility or service station, or for any structure greater than 3,500 usable square feet of floor space, including an agricultural building or any building costing more than \$400,000, the Building Inspector shall require site plan approval pursuant to this section* and noted that the lot is .69 acres and the use is considered a permitted use.

Ms. Thomas explained that parking is available on the side of the building where the barn is and two to three (2-3) cars can fit on the front along the road. Ms. Becker advised Ms. Thomas that there are parking regulations and once the location of the business is determined and how many square feet will be used, there is a correlation between the square footage and the amount of parking needed. Ms. Thomas made note of the fact that the square footage is just below five-hundred (500) square feet for that one particular room and the Barn is one-thousand one-hundred and fifty (1,150) square feet but not all of the barn would be used for the Market. Mr. Grant noted that regulations require one (1) parking space for every fifty (50) square feet of customer floor area. Ms. Thomas figured that eight (8) parking spaces would be needed for four-hundred square feet and there wouldn't be enough parking if the barn were used. Mr. Grant advised that this was so unless a variance was granted.

Mr. Filipovits believed the barn would be the better use. Ms. Thomas explained that a kitchen would need to be added as well as plumbing, bathroom facilities and possible heating. Ms. Becker made note of the fact that she spoke to the Building Inspectors and was advised that the requirement of a public bathroom in a retail store is Health Department Code and is related to

how many people are working in the business. Ms. Becker also advised that if food is being sold that is not grown on your own property you would have to deal with the Health Department and get do whatever is required by them. Ms. Thomas advised her that she has already contacted the Health Department and they sent her to Ag and Markets inasmuch as she needs to obtain a license from them.

Ms. Becker also advised her that she needs to give consideration to the Americans with Disabilities Act for access to the store as well as Disability access to the bathroom facilities. Ms. Becker noted that signage also needed to be considered. Ms. Thomas informed the Board that Don Shadic advised her of the sign regulations in the 'BR' District and this was more than ample for her situation and she would stay within the compliance of the regulations. Ms. Becker also suggested that Ms. Thomas decide where she would want to locate her sign. Ms. Thomas informed her that inasmuch as the house was formerly a business a post for a sign already existed and would be used.

Ms. Thomas asked if she could have both the option of using the house or the barn considered for Site Plan Review and can both options be approved. Mr. Grant advised her that there would be an issue with the parking. Ms. Thomas suggested considering the four-hundred feet (400') inside the house or the four-hundred feet (400') in the barn. Mr. Grant agreed that this could be done as customer square footage is what the Board has to consider for parking.

Ms. Becker asked if Ms. Thomas wished to submit formal plans and applications to go forward. Ms. Thomas advised her that this is what she would like to do. Mr. Grant questioned whether this could be accepted as a Preliminary sketch. Ms. Becker agreed that the parking would have to be noted on the sketch and a little more information would be needed regarding the barn. Ms. Thomas would return at the next meeting. Ms. Thomas questioned whether a Public Hearing would be needed. Ms. Becker advised her that a Public Hearing will be held because it is a business in a Business Residential district.

2012-01 SUBDIVISION – JON URBAN – Golf Course Road [Copake Lake]

Jon Urban asked the Board to confer on a submission he would like to make regarding a subdivision he is considering from maps he had just received that day. Mr. Urban explained that he owns a little piece of property at the entrance of the Golf Course and bought the piece of property next to it. Mr. Urban continued to explain that he wants to take the road that goes along the lake and swing it away from the lake to come off of Lakeview Road at a different angle thus creating two building lots that would become lakefront lots. Mr. Urban spoke to the people from the highway department and will have the road engineered to the proper specs with a median in the middle.

Ms. Becker questioned who will own the Road. Mr. Urban explained that the Golf Course owns the road and will continue to do so. Mr. Grant questioned whether the one small lot where the current mailboxes are located could be considered a part of Parcel One as he had concerns that a non-conforming lot would be created. Mr. Grant acknowledged that inasmuch as this project is part of the Golf Course Subdivision this might be considered a Major Subdivision. Ms. Becker acknowledged that a SEQR would be needed. Mr. Urban questioned whether this can be accepted as a Preliminary Sketch and a Public Hearing scheduled.

On a motion made by Mr. Grant and seconded by Mr. Filipovtis the Board voted unanimously to accept the Subdivision Map for Copake Lake Golf LLC Major Subdivision from a survey map drawn by Plass, Rockefeller and Nucci dated December 1, 2011 and schedule a Public Hearing for the next meeting.

MINUTES

Ms. Becker asked if there were any changes to the Minutes of November 5, 2011. No changes or corrections were needed. On a motion made by Mr. Filipovits and seconded by Mr. Grant the Board voted unanimously to accept the minutes of the November 5th meeting.

ADMINISTRATIVE

ADMINISTRATIVE ASSISTANT RE-APPOINTMENT: Ms. Becker advised the Board that Lisa DeConti needs to re-apply for her job with the Planning Board. Mr. Filiovits acknowledged that if the new Town Policy Manual goes through, re-appointment will be done every three to four (3-4) years. The Board will recommend Ms. DeConti to the Town Board.

BRAUNSTEIN UPDATE: Ms. Becker advised the Board that the Braunstein's filed a Notice of Appeal and reserved their right to file an appeal as the law of Appeals say they have nine (9) months to file an appeal before the right expires, however, after sixty (60) days an offer to dismiss should be filed and the motion usually results in an order from the court giving them a definite deadline. Ms. Becker acknowledged that the Attorney has not filed an appeal to dismiss and is just waiting. Ms. Becker noted that the Braunstein Application has been before the Board since 2008. 2011

CASCINO UPDATE: Ms. Becker advised the Board that the Appeal will be dismissed if Mr. Cascino does not file his brief by December 27, and if he doesn't file the Board will be completely done with Mr. Cascino. Ms. Becker noted that Mr. Cascino still has not paid the ten-thousand dollars (\$10,000) plus, he still owes the Planning but the Lawyer has not been told to collect it as yet.

CATAMOUNT PROJECT: Ms. Becker advised the Board that an article in the Columbia Paper stated funding from the Governor's Economic Development Council for the Capital District was requested for the development of an Adventure Park and Condos at Catamount.

AMERISTOP: Ms. Becker informed the Board that AmeriStop has not come back to the Planning Board for a while and she and Ms. DeConti were wondering if a letter should be written to them asking where they are in the application and should they be considered abandoned. The Board was in agreement with this.

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]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Mr. Savarese, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:30 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 7 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

STUART TROYETSKY

November 18, 2011 Urban to Becker (1)
November 30, 2011 Davis to Becker (1)

CAMP HILL VILLAGE

November 30, 2011 Clark to CPB (1)
November 28, 2011 DeRuzzio to Clark (2)
November 22, 2011 Clark to Becker (2)