



COPAKE PLANNING BOARD

DECEMBER 4, 2014

MINUTES

DRAFT

Please note that all referenced attachments, comprising 3 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 Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Steve Savarese, Julie Cohen and Ed Sawchuk. Jon Urban was excused. Lisa DeConti was present to record the minutes. Supervisor and Board Liaison Jeff Nayer and Attorney Ken Dow were also present.

ZONING BOARD OF APPEALS – Referrals

2014-26 ZBA REFERRAL – GRAY DAVIS – Cove Road [Copake Lake]

Submissions included:

- Referral from ZBA Chair, Hilarie Thomas dated November 22, 2014
- Application Request for Rear Yard Set-Back Variance
- ZBA Referral letter from CEO Ed Ferratto dated November 10, 2014
- Map & Site Plan
- Pictures

Bob Haight, Chair acknowledged that Gray Davis appeared before the Board last month for a Site Plan Conference and was advised that he would need to appear before the ZBA for a fifty foot (50') rear yard variance. As discussed in depth at the November 6th meeting the Board noted that the dimensions of the applicant's lot are difficult and challenging.

The Board was in agreement that a letter be written to the ZBA recommending that a rear yard variance is needed due to the size and shape of the parcel.

2014-27 ZBA REFERRAL – DAVID SHILLING – County Route 27A [Copake]

Submissions included:

- Referral from ZBA Chair, Hilarie Thomas dated November 22, 2014

- Ed Ferratto Referral Letter dated November 10, 2014
- Building Permit for Chicken Coop dated October 11, 2014
- Building Permit for Fence dated October 11, 2014
- Request for Area Variance for Chicken Coop and Fence
- ZBA Application
- Deed
- Map
- Pictures

Mr. Haight acknowledged that the Chicken Coop and Fence have already been built in the front yard of Mr. Shilling's property. Mr. Grant brought up the fact that the variance would be granted after the fact.

Mr. Grant questioned what the Town Code states regarding Chicken Coops and was advised by Mr. Haight that buildings are not allowed in the front yard. It was noted that the structure is also within two-hundred feet (200') of the property line. Ms. Cohen referred to Town Code 232-90(5) which states: *Buildings for the housing of fowl or farm animals, including horse stables shall not be located in the required front yard or within 200 feet of a property line or public street right-of-way.*

Mr. Grant believed that the Code stated that Chickens are not allowed in certain districts, however Ms. Becker believed that there is nothing in the Code restricting Chickens. It was also noted that the Chicken Coop is not considered an accessory building and is not in an agricultural district. Mr. Haight also made note of the fact that the fence is over eight feet (8') high.

Ms. Becker questioned what can be done to remedy the situation as there have been complaints from the neighbors. Mr. Grant advised that the ultimate decision is the responsibility of the ZBA.

The Board agreed that a letter be written to the ZBA advising them that this is in violation of the Town Code.

PUBLIC HEARING

2014-23 MINOR SUBDIVISION – FARMLAND RENEWAL – County Rte 7A [Copake]

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to open the Public Hearing. Mr. Haight asked if there was anyone present wishing to speak on this application. Being none, on a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2014-23 MINOR SUBDIVISION – FARMLAND RENEWAL – County Rte 7A [Copake]

Submissions included:

- Department of Health Letter
- County Highway Letter
- Ag Data Statement
- Deed

Bob Bernstein, Managing Member of Farmland Renewal LLC appeared along with surveyor Dan Russell. Mr. Haight questioned whether the Perc Test had been done. Mr. Russell acknowledged that the test was completed and submitted a letter from the Department of Health and the County Highway Department. Mr. Russell noted that the driveway location and leech field locations have both been placed on the maps along with a potential site for a future house that meet the appropriate set-backs.

Mr. Russell advised that the Department of Health and the County Highway Department have both looked at the lot. Mr. Russell also acknowledged that the minimum lot width has been accounted for. Ms. Becker noted that there is a small portion of the property that is not in the ‘R’ District and asked that this be shown on the map.

The Check List was reviewed. Ms. Becker questioned whether the owner of the property, Alice Belt’s address was listed on the map or whether there is anything submitted that contained her address. Mr. Russell advised her that he had submitted papers that list the address. Ms. Becker also questioned whether the width of the driveway was accounted for on the map and was advised by Mr. Russell that it was not. Mr. Russell placed and initialed the measurements on the maps.

Ms. Becker then asked if there were any current restrictions on the parcel and was advised by Mr. Bernstein that there are presently none in the deed however the land will be placed in a Land Conservancy. Mr. Grant questioned whether the land had been previously subdivided. It was noted that this subdivision would be the fifth subdivision on this land. Mr. Bernstein advised the Board that there is already an option on the land to be placed into a Conservancy and the closing is scheduled on December 17th. The Board requested that receipt of a document related to the Conservancy be a condition of the approval.

In regard to the Ag Data Statement Ms. Becker asked the Board whether they felt this would have any adverse impact on the agriculture in the area. The Board was in agreement that there would be no adverse impact.

On a motion made by Mr. Savarese and seconded by Ms. Becker the Board voted unanimously to approve the Subdivision for the property of Alice Belt from a map surveyed by Dan Russell dated November 24, 2014 subject to receipt of the conservation agreement advising that the land has been placed into a conservancy with the Scenic Hudson Land Conservancy.

Mr. Haight will stamp the maps on Saturday.

**2014-28 SITE PLAN REVIEW – JOHN LYNCH & BRENDA WEHLE – White Barn Road
[Copak]**

Submissions included:

- Application
- Map
- Department of Health letter dated October 27, 2014
- Ag Data Statement
- Letter of Submission
- Application Fee

John Lynch appeared before the Board with Board Member and builder Julie Cohen who recused herself from this application. Ms. Cohen made note of the fact that Mr. Lynch is before the Board for a Site Plan Review inasmuch as the building he is proposing will cost more than four-hundred-thousand dollars (\$400,000.00). Ms. Cohen acknowledged that the land had been perc tested for a four (4) bedroom home and added that the house will be in a wooded area and not visible. Ms. Cohen also noted that an old timber frame barn, presently in storage, will be reconstructed on the property.

Mr. Haight asked Ms. Cohen what her schedule was for building. She acknowledged that CEO Ferratto had already given a permit to blast and the concrete is scheduled to be poured in the spring. Ms. Becker questioned the location of the septic as it appeared to be quite a distance away. Ms. Cohen explained that the septic will have a twelve-hundred and fifty (1,250) gallon tank and at least two (2) velocity reduction boxes.

Mr. Haight asked how the electric will be coming in and was advised by Ms. Cohen that the electric is all underground. Ms. Cohen also acknowledged that everything else but cable is underground. Ms. Becker questioned the height but was advised that the height is not above what is allowed. Mr. Height questioned the well and driveway locations and Mr. Lynch added these to the maps and initialized them.

The Site Plan Check List was reviewed. It was noted that a Grading and Drainage plan was not necessary due to the existing contours. It was noted that all lighting will point downward. Mr. Grant requested that the height above grade be added to the map.

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to classify the John Lynch application as a Minor Site Plan Review.

On a motion made by Mr. Savarese and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan of a single family residence for John Lynch and Brenda Wehle from plans drawn by Bateman Architects dated November 24, 2014 subject to receipt of a full set of prints showing the location of the wells, the driveway and the height of the structure not to exceed the Town Code of thirty-five (35) feet.

MINUTES

On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to approve the minutes of the October 2nd and November 6th meeting minutes.

ADMINISTRATIVE

FARMLAND RENEWAL AND THE COPAKE CEMETARY ASSOCIATION: Mr. Bernstein asked if the Board would be able to re-stamp the previously approved lot-line adjustment map between Farmland Renewal and the Copake Cemetery Association inasmuch as it had never been filed with the County. On a motion made by Mr. Haight and seconded Mr. Grant by the Board voted unanimously to re-stamp the lot-line adjustment survey map between Farmland Renewal and the Copake Cemetery Association dated August 27, 2014, and previously stamped on June 7, 2014.

LETTERS OF INTEREST: Mr. Haight asked if any additional letters of interest have been received for the Planning Board seats besides those of existing members Chris Grant and Steve Savarese. He was advised that none were received. Mr. Haight then asked what procedure needed to be followed and was advised that letters of recommendation be written to the Town Board. On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to nominate the two existing Planning Board members, Chris Grant and Steve Savarese be renewed for another term.

PLANNING BOARD FEES: Mr. Haight informed the Board that he had some suggestions for an increase in Planning Board fees. Mr. Grant felt a Park and Recreation fee should be added. Supervisor Nayer explained that the Taxpayers of Copake fund the park and this would be an added burden to them. After discussion it was decided that this was not necessary. Attorney Dow suggested a steeper increase in the per lot fee of the Major Subdivision so as not to burden someone who has gone over the threshold subdividing just one more piece of their property. Mr. Grant felt an increase in the fee was necessary as the Town Code dictates a Conservation Easement when going over the threshold which requires quite a bit more work by the Board.

After discussion the Board decided fee increases would be as follows:

- A Minor Subdivision increase to \$150.00 and \$50.00 per lot from the existing \$50.00 fee.
- A Major Subdivision increase to \$500.00 and \$75.00 per lot from the existing \$300.00 and \$50 per lot
- A Minor Site Plan Review increase to \$75.00 from the existing \$50
- A Major Site Plan Review increase to \$300.00 from the existing \$150.00
- A Boundary Line Adjustment increase to \$150.00
- A Re-Stamping Charge of \$50.00 be instituted
- If it is decided by the Town Board that the Planning Board grant Special Use Permits a charge of \$100.00 be instituted

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to recommend the fee increase to the Town Board for approval.

ALPER LAWSUIT AGAINST THE CATAMOUNT SEQR: Attorney Dow advised the Board that he has started to review documents from the Site Plan Review and Minor Subdivision for the Berkshire Mountain Club at Catamount to prepare for the Lawsuit against the Town by Gert and Cindy Alper of the Swiss Hutte. On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to authorize Mr. Haight to verify the answer in the Gert and Cindy Alper lawsuit which is presently being draw up.

APPOINTMENT OF BOARD OFFICES FOR JANUARY: Mr. Haight advised that the Board that Officers need to be voted on for the coming year. On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously that the Officers of the Board remain the same for the coming year.

CARRY OVER

The following matters were carried over to the next meeting:

- 2012 -14 SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill Road [Copake Lake]**
- 2014-23 ZBA REFERRAL/SPR – DAVID KIEFER AND ANDREA FRESHMAN – South West Colony Road [Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Ms. Becker and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:15 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 3 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

DAVID KIEFER & ANDREA FRESHMAN

October 6, 2014 Sawyer to Kiefer (1)

ADMINISTRATIVE

October 15, 2014 Grant to CPB/TB (1)

October 29, 2014 Savarese to DeConti/CPB (1)