



COPAKE PLANNING BOARD

DECEMBER 7, 2017

MINUTES

DRAFT

Please note that all referenced attachments, comprising 8 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 Marcia Becker, Julie Cohen, Jon Urban, Steve Savarese and Ed Sawchuk. Chris Grant was excused. Lisa DeConti was present to record the minutes. Attorney Ken Dow and Town Board Liaison Terry Sullivan were also present.

ZONING BOARD OF APPEALS – Referrals

2017-45 ZBA REF/SPR – JAVIER VARGAS & MONICA MACHADO – Golf Course Road [Copake Lake]

- Application for Site Plan Review
- Building Permit Denial
- Letter of Agency
- Erosion and Sediment Control Proposal
- ZBA Request for Area Variance
- Site Plan

Chris Knox of Crawford and Associates appeared before the Board representing the applicants. Mr. Haight wanted to disclose to the Board that he is currently having Crawford and Associates doing some surveying for him at this time. Ms. Cohen acknowledged that they are doing work for her as well.

Mr. Knox explained that the applicants wish to demolish the existing three (3) bedroom residence and construct a new four (4) bedroom structure.

Mr. Haight asked what the applicant was before the ZBA for and Mr. Knox explained that he is before them for a set-back variance and work being done within one-hundred feet of the lake.

Mr. Haight then asked whether the applicant will be tying into an existing septic system or have their own system. Mr. Knox explained that the existing system is an on-site system that is considered inadequate. He also acknowledged that the applicants were not able to reach an agreement with the association so they are proposing to have a system installed that is located across Golf Course Road on the lands of Copake Lake Golf LLC with an easement that is being discussed at this time.

Ms. Becker brought up the fact that there was a Parcel 1 noted on the Site Plan and questioned whether there is a Parcel 2. Mr. Knox explained that there were originally two (2) parcels however the applicants decided to merge the parcels into one parcel.

Mr. Haight asked whether the septic system will be within one-hundred and fifty feet (150') of the lake and was advised that the proposed system will be just beyond that. Ms. Becker made note of the fact that the proposed system is expected to be just beyond the one-hundred and fifty foot (150') set back however that is not the case for the existing system.

Mr. Knox advised the Board that there is no disturbance proposed to the existing vegetation on the site and there are plans to add additional screening.

Ms. Becker asked what the existing set-back to the lake is and was advised that it is fifty feet (50'). It was clarified that the set-back is forty three point eleven feet (43.11') to the proposed steps.

Mr. Knox made note of the fact that there are plans to improve the drainage by redirecting the storm water to an existing storm pipe.

Mr. Haight asked what the existing square footage is of the existing structure is and was told that it is approximately twelve hundred and fifty five (1,255) square feet.

Ms. Becker asked whether Mr. Knox had any elevations. Cathy Chin, project architect addressed this and presented the elevation plans.

Mr. Haight questioned the height off the average grade. Ms. Chin advised him that it is approximately thirty feet (30') however she was mindful of staying beneath the maximum height elevation.

Ms. Becker made note of the fact that there are several slopes to the roofs which could cause a good amount of water run-off and questioned what the water management plans for this are. Ms. Chin addressed this explaining that there will be gutters and Mr. Knox will be working on the water being taken away in a controlled fashion to insure that there are no issues.

Ms. Becker asked when this will be done and was advised by Mr. Knox that this is being coordinated with the owners who are coordinating with the Golf Course as much of the drainage infrastructure will be tied into Golf Course property. Ms. Becker then asked if the collection of the run-off will be going up toward the Golf Course. Mr. Knox explained that it will go along the southern property line of the Golf Course. Ms. Becker requested to see the plans for this.

Mr. Haight noted that the applicant is ten point seven feet (10.7') from the property line. Mr. Knox made note of the fact that this is the measurement from the deck structure. Mr. Haight questioned the dimensions of the deck so that he can estimate the distance of the property line to the house. Ms. Chin estimated that the deck is approximately eight feet (8'). Mr. Haight then questioned the set-backs of the neighbor's house compared to the lake. Mr. Knox advised that the existing neighbor is approximately ten feet (10') from the applicant's property line and about the same distance from the lake as the applicant's proposed structure will be and there is no residence on the other side as it is a point of access to the lake.

Ms. Becker pointed out that the leech fields will be more than one-hundred and fifty feet (150') from the lake if they are successful in obtaining an easement for the septic system however the tank will not be. Ms. Becker made note of the fact that the ZBA variance is for the placement of the septic tank within the one-hundred and fifty foot (150') set-back from the lake. Mr. Knox acknowledged this.

Mr. Haight asked whether any alarms are planned for this in the event that the tank should overflow. Mr. Knox acknowledged that an alarm system is included that will have visual and audible notification.

Ms. Cohen asked whether the existing well which appears to be beneath the house will remain. Mr. Knox believed that this is the location of the well and it appears that it is in viable condition for continued use. Mr. Haight made note of the fact that it appears that the existing well is not within one-hundred feet (100') of the septic tank. Mr. Knox believed that the one-hundred foot (100') set-back is to the absorption area. Mr. Haight advised him that this is to the system. Mr. Haight pointed out that Department of Health approval is still needed for this.

Ms. Becker asked whether a definite Landscape Plan will be submitted. Mr. Knox acknowledged that nothing is planned for removal from the landscape on the submitted plans with the exception of the one tree next to the planned residence. He also pointed out the screening that the applicant is planning on adding. Ms. Becker questioned what the plan is for the area by the lake and was advised by Mr. Knox that it is presently grass.

Mr. Haight asked whether the Board had any comments to the ZBA. A letter will be written to the ZBA advising them that the Board had no comments at this time inasmuch as they are in the process of Site Plan Review.

Mr. Haight made note of the items needed which include:

- DOH approval
- Landscape Plan
- Final Drainage Plan
- Lighting

PUBLIC HEARING

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

- Letter from Kevin Davis dated December 4, 2017
- Letter from Jim Levendos dated December 4, 2017
- Letter from Linda Senk dated December 5, 2017
- Letter from Beth Servetar dated December 5, 2017
- Letter from Ryan Grevstad dated December 5, 2017
- Times Union Article “*Stewart’s Shop Expansion Causes Upset Among Neighbors*”

Owner Alicia Metz appeared representing GRJH. Mr. Haight reminded everyone that the Public Hearing remained open and asked if anyone would like to speak on this application. Mr. Haight asked that anyone that spoke at the Public Hearing last month discuss new information and not what was addressed last month.

Copake Resident JO WEISS... asked to review the Site Plan. She questioned whether the demand for gas in the area had been looked into inasmuch as there are other gas stations in Hillsdale and Martindale. She also questioned whether there are any aesthetic requirements for the building as she had concerns this would look like a ‘strip-mall’.

Hillsdale Resident BARBARA SMITH ... asked whether the Drive Thru was on the plans when first submitted to the ZBA and if not would a possible increase in traffic have an impact as to whether this would meet the Zoning requirements. Mr. Haight advised her that the Planning Board will make the decision as to whether a traffic study is needed or not. Ms. Smith asked how many parking spaces there will be and had concerns that this would become a ‘hang-out’ for school children.

Hillsdale Resident JASON SWANSON... reviewed the Site Plan. He had concerns about the Convenience Store being open twenty-four hours and how intense the lighting would be.

Copake Resident MICHAEL BONGIORNIO ... questioned what the potential income would be for the Town.

Hillsdale Resident CRAIG CUNNINGHAM... had concerns that this type of store could put other stores out of business. He also had concerns the building would be unsightly.

Copake Resident SHELLY KAPLAN... also had concerns the building would be unsightly.

Hillsdale Resident HILLARY MELVILLE... is one of the owners of the former Random Harvest. She also has concerns the building will not be aesthetically pleasing as well as concerns about the lighting, the increase in traffic and the impact on other businesses.

Hillsdale Resident MATTHEW WHITE... also had concerns about the impact on other businesses and the visual appeal of the building.

Hillsdale Resident PETER CIPKOWSKI... has concerns about the scale of the project and the impact on existing local businesses.

Town Resident ... One woman questioned the fact that there will be tables where customers can sit and eat and felt this wasn't the definition of a Convenience Store.

Copake Resident SCOTT ALTMAN... questioned who was responsible for picking the type of business being built on this property. Mr. Haight explained that the owner of the property makes that decision.

Hillsdale Resident STEVE SMITH... questioned who is responsible for requesting a traffic study. Mr. Haight explained that the Planning Board cannot tell a property owner or New York State that a traffic light is needed however the Town Board may request one. How the businesses affects traffic is something the Planning Board will discuss. Mr. Haight did note that the ZBA is lead agency on this project and a SEQR was done and it was determined that a traffic study was not needed.

Hillsdale Resident RICK DAWSON... questioned what this business will bring to the area that is not already provided by the existing businesses. He also had concerns about the impact this will have on other businesses in the area and did not feel it is an appropriate business for the area.

Copake Resident MAJ KALFUS... also felt the business was not appropriate for the area.

Copake Town Attorney KEN DOW ... Attorney Dow addressed the audience and the fact that a lot of their questions and concerns are outside the scope of zoning. Attorney Dow explained that the Board does not have the authority to make business judgments on behalf of the applicant and are not in a position to say we don't need the competition. The Board's responsibilities are whether the permitted use qualifies in the appropriate zone. The Zoning and Planning Boards take the law as they find it and make determinations about whether the application conforms to the written law they have before them.

Board Member MARCIA BECKER... Ms. Becker tried to clarify to the audience that the proposed business is in the B-2 Zoning District which is identified as Highway Business of forty thousand (40,000) sq feet and two of the special uses allowed in the Town of Copake are a Convenience Store with a special use permit and a Gas Station with a special use permit and the Zoning Board already granted the Special Use Permit.

Town Supervisor JEFF NAYER ... Supervisor Nayer suggested that anyone interested can go to the Town of Copake website and review the Town of Copake e-code to find the Zoning Laws.

Copake Resident MICHAEL BONGIORNIO ... questioned whether the Board could delay a decision until the new Zoning Codes are in effect. Supervisor Nayer explained that inasmuch as the project was in review at this time it would not be affected by the new Zoning Code.

Craryville Resident LEIGH McBRIDE... asked what kind of comments would be helpful to the Board. Attorney Dow suggested the Site Plan Check List be reviewed to familiarize oneself with the Site Plan process.

Hillsdale Town Resident BARBARA SMITH ... questioned whether the application be resubmitted to the ZBA inasmuch as the Drive-Thru was not a part of the prior review. Mr. Haight advised that a restaurant is permitted in that district so this wouldn't qualify.

Hillsdale Town Resident JEFF PAIGE ... questioned whether the parking met the current zoning. Mr. Haight advised him that the parking was in accordance with zoning.

Craryville Resident RICHARD McCORMAC... questioned whether the location of the fuel holding tanks was on the Site Plan. Ms. Metz will make sure they are accounted for. He also questioned the proximity of the leech fields from the roadway. Mr. Haight advised that this falls under the Department of Health review.

Copake Resident MICHAEL BONGIORNIO ... had questions about rain drain-off. Mr. Haight advised that this is a NYS issue.

Town Resident ... This resident had concerns about students crossing the street to go to the Convenience Store.

Mr. Haight closed this session of the Public Hearing, however, it remained open until next month.

SUBDIVISION/SITE PLAN

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

- Letter from Steven Smith, P.E. dated December 7, 2017

Owner Alicia Metz appeared representing GRJH. Ms. Metz submitted a letter from Engineer Steven Smith acknowledging conditional approval from the Department of Transportation (DOT) and verbal approval from the Department of Health (DOH). Ms. Metz advised that these will be submitted as soon as they are received. Ms. Metz believed these are the last two items needed from the Check List.

Ms. Becker asked to review the elevations. Ms. Becker suggested the applicant provide a rendering that can be viewed by Town residents.

MINUTES

On a motion made by Mr. Haight and seconded by Mr. Sawchuk the Board voted to approve the November 2, 2017 minutes.

EXECUTIVE SESSION

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted all in favor to go into Executive Session to interview applicants for an opening on the Planning Board due to the expiration of Marcia Becker's term. On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to come out of Executive Session and send a letter of recommendation to the Town Board that Marcia Becker remain in her position on the Board.

ADMINISTRATIVE

MONOLITH SOLAR: A letter was received from the Building Department regarding the fact that the applicant's Building Permit has not yet been closed out and a Certificate of Compliance has not yet been issued.

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

After the Executive Session was ended, there being no further business, on a motion made by Mr. Haight and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:50 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 8 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.

December 4, 2017	Davis to CPB (2)
December 4, 2017	Levendosto CPB (1)
December 5, 2017	Senk to CPB (1)
December 5, 2017	Servetar to CPB (1)
December 5, 2017	Grevstad to ZBA/CPB (1)
December 5, 2017	Bower to Smith (1)

GRJH INC. SITE PLAN

December 7, 2017	Smith to Metz (1)
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