



COPAKE PLANNING BOARD

FEBRUARY 5, 2015

MINUTES

DRAFT

Please note that all referenced attachments, comprising 18 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, Jon Urban, Julie Cohen and Ed Sawchuk. Chris Grant and Steve Savarese were excused. Lisa DeConti was present to record the minutes. Board Liaison Teresa Sullivan and Town Supervisor Jeff Nayer were also present.

ZONING BOARD OF APPEALS – Referrals

2015-1 ZBA REFERRAL – ALON BEN-MEIR – Howard Drive [Copake]

Submissions included:

- ZBA Request for Special Use Permit and Questionnaire dated January 12, 2015
- Copy of Survey Map
- Copy of Property Map
- Deed
- Property Taxes
- List of Abutters

2015-2 ZBA REFERRAL – ALON BEN-MEIR – County Route 7A [Copake]

Submissions included:

- ZBA Request for Special Use Permit and Questionnaire dated January 12, 2015
- Copy of Survey Map
- Copy of Property Map
- Deed
- Property Taxes
- List of Abutters

2015-3 ZBA REFERRAL – ALON BEN-MEIR – County Route 7A [Copake]

Submissions included:

- ZBA Request for Special Use Permit and Questionnaire dated January 12, 2015
- Copy of Survey Map
- Copy of Property Map
- Deed
- Property Taxes
- List of Abutters

Mr. Haight advised the Board that Mr. Ben-Meir owns three (3) houses on Upper Rhoda Lake which he rents out weekly on a transient basis and is appearing before the ZBA for a Special Use Permit for a Board House. Ms. Becker acknowledged that the ZBA referred this to the Planning Board for their recommendations.

Mr. Haight asked ZBA member Frank Peteroy whether this had been referred to the ZBA by CEO Ferratto or whether the applicant went directly to the ZBA. He was advised that this was not referred by Mr. Ferratto. Mr. Haight questioned whether the ZBA had made any determinations as yet and was advised that no determinations had been made and all that was done was that the application had been accepted by them and a Public Hearing scheduled.

Ms. Becker pointed out that a determination needs to be made as to whether this is a change from a residential use to a commercial use. Mr. Haight felt that the use is presently a residential use but a change to a Boarding House would constitute a commercial use. Ms. Becker felt this determination should be made by someone else so the Board will know what they are reviewing.

Ms. Cohen pointed out that the application fits the definition of a Boarding House in Town Code 232-3 {14} which reads: *A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three but not more than six sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boardinghouse.*

Mr. Haight made note of the fact that if defined as a Boarding House different regulations would apply such as handicapped parking and access. Mr. Urban agreed that a determination needs to be made first. Mr. Peteroy brought up the fact that it was noted that there are approximately thirty-five to forty (35-40) houses in Copake using this same concept.

Mr. Haight referred to an article from the Register Star in which the Hudson City Council noted that Bed and Breakfasts in the area are registered and pay taxes and these homeowners are doing the same thing without paying taxes. Ms. Becker reiterated that she felt an interpretation is needed prior to any recommendations.

A discussion ensued regarding rentals in the area and the complaints being received regarding Mr. Ben-Meir's residences. Mrs. Peteroy also acknowledged that she had been advised that weddings are being held at Mr. Ben-Meir's residence which adds to the complaints.

Ms. Becker suggested advising the ZBA that the Board would like a determination prior to any recommendations. Mr. Haight suggested that we ask the ZBA not to make any decisions until a determination of use is made. Ms. Becker also brought up the fact that the ZBA applications are not complete and requested more information. Mr. Haight, who attended the ZBA meeting, said that building prints and other information is being brought to the ZBA and he would like to see that information before making a recommendation. Ms. Cohen will research the applicant's website for further information.

Ms. DeConti asked for clarification as to what information needed to be requested from the ZBA. She was advised that a determination of residential use or commercial use be requested as well as a determination as to whether a Boarding House is a residential or commercial use. Mr. Peteroy advised that a Boarding House is an acceptable residential use according to the Town Code. Ms. Cohen pointed out that it stated that this shall not include transient accommodations. Mr. Haight noted that the applicant's attorney stated that this would be for transient accommodations. Ms. Cohen believed that this would not be a residential use. Supervisor Nayer suggested that Attorney Dow be consulted.

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

2014-23 ZBA REFERRAL/SPR – DAVID KIEFER AND ANDREA FRESHMAN – South West Colony Road [Copake Lake]

Submissions included:

- Revised plans
- Letter of Agency
- Department of Health Letter dated January 29, 2015
- Suggested Septic Monitoring and Maintenance Agreement
- Liability Release and Indemnification Agreement dated January 23, 2015

Linda Chernewsky appeared before the Board. Ms. Becker asked whether CEO Ed Ferratto changed any of the variance. Ms. Chernewsky believed that some were changed. Mr. Haight explained that the Department of Health requested that the house be placed in the original location closer to the lake due to its close proximity to the existing wells. However, since that request George Schmitt found a location further from the lake and one-hundred feet (100') from the wells. Ms. Chernewsky explained that they were able to locate the neighbor's wells and place the septic system one-hundred feet (100') diagonally away from the closest well.

Mr. Haight asked if that included the well across the street and was advised by Ms. Chernewsky that it did. It was noted that this was acceptable to the Department of Health. Mr. Haight questioned the fact that the applicant's well is within the one-hundred foot (100') set-back and acknowledged that a UV light is being added to the applicant's septic system. Ms. Chernewsky clarified that the applicant's well will also have a UV light added to it in addition to the one on the septic system.

Mr. Haight questioned whether the house was in the same location that it was when the Board first reviewed the application and was advised by Ms. Chernewsky that it was. However, she did note that it had been lowered by a foot to make the grading work.

Ms. Becker asked what variances were granted by the ZBA. Ms. Chernewsky advised her that all the variances had been granted. The variances granted were for construction within one-hundred feet (100') of a water body, front yard set-back variance, rear yard set-back variance and a height variance. Ms. Becker questioned whether a variance had been granted for grading and was advised by Ms. Chernewsky that this was included under the variance for construction within one-hundred feet (100') of a water body.

Mr. Haight advised that the only issues that needed to be resolved were the new location of the septic system and the fact that the system is within one-hundred feet (100') of the applicant's well as there were no other changes. Ms. Chernewsky made note of the fact that there will be less grading done with the revised plan than with the previous one.

Ms. Cohen acknowledged receipt of the Department of Health Letter and questioned whether the Septic Maintenance Agreement and the Liability Release and Indemnification Agreement had been received. Ms. Chernewsky submitted the signed and notarized Indemnification Agreement along with the Septic Monitoring and Maintenance Agreement. Ms. Chernewsky also made note of the fact that they will be contacting a local representative to have the inspection done.

Ms. Becker asked whether the Septic System documentation had been stamped and was advised that this was done. Ms. Becker questioned whether the Board was comfortable with the Morris and Associates plans and the Department of Health review or felt the Town Engineer should review this. Mr. Haight felt that with the type of system being installed and the Morris Associates' Engineer's stamp a review by the Town Engineer was not necessary. Ms. Chernewsky pointed out that other residents on the lake might also look into this type of system which would be beneficial to the area. Mr. Haight was in agreement with this.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for the David Kiefer and Andrea Freshmen residence dated January 16, 2015 by Morris and Associates Engineering subject to receipt of the Septic System Maintenance Agreement and acknowledgment of the applicant's compliance to the Department of Health January 29, 2015 letter.

Mr. Haight will stamp and sign the plans when the conditions are met.

2015-5 SITE PLAN REVIEW – MARIKA PRITCHETT & PAUL CASEY – Golf Course Road [Copake Lake]

Submissions included:

- Application
- Letter of Agency
- Plans

Mark Rowntree appeared before the Board representing Marika Pritchett and Paul Casey. Ms. Becker acknowledged the application, letter of agency and the plan. She asked if Mr. Rowntree had met with CEO Ed Ferratto and received any building permits. Mr. Rowntree advised her that he had met with Mr. Ferratto who suggested he meet with the Planning Board and the ZBA.

Ms. Becker clarified that the structure is completely new and does not fall under the guides of a replacement. Mr. Haight questioned whether the septic system is connected to the community septic and was advised by Mr. Rowntree that it is.

Mr. Rowntree advised that the Erosion and Sediment Control plans will be compiled by their landscape architect. He then acknowledged that although there are no wetlands on the applicant's property thirteen point five feet (13.5') of the screened in porch and deck is within the one-hundred foot (100') buffer zone and the proper documents and photos have been sent to the DEC for review. Ms. Becker questioned what the distance from the screened-in porch and deck is from the water and was advised by Mr. Rowntree that it is approximately thirty feet (30'). Mr. Rowntree did make note that it is only the deck and not the complete structure that is in the buffer zone.

Ms. Becker asked for clarification on the Erosion and Sediment Control. Mr. Rowntree explained that there will be silt fences around the whole property and they will install Erosion Control Netting where the driveway drops down and in other places where needed. He added that there will only be one retaining located north of the driveway.

He pointed out the existing sewer line within the ten foot (10') wide sewer easement and explained that the sewer line currently goes underneath the structure. He made note of the fact that Andy Aubin from Crawford and Associates suggested re-routing the system underneath the driveway and retaining wall. Ms. Becker noted that this would be going outside the easement and Mr. Haight acknowledged that a new easement would be needed and questioned whether everyone else on the system would need to approve of the change. Mr. Urban believed that a new easement would be needed for the Association. Ms. Becker pointed out that it would depend on how the easement was written. Mr. Haight asked what the percentage of drop on the line was as proposed. Mr. Rowntree pointed out that he is still waiting for a final proposal from Mr. Aubin but that Mr. Aubin said this would be the best solution.

Mr. Haight advised Mr. Rowntree that the Board would need information regarding the number of homeowners connected to the system, the use of the system now and how the capacity of this house would affect it going forward.

Mr. Haight asked what the number of bedrooms was in the previous structure and the number of bedrooms in the proposed structure. Mr. Rowntree advised him that the previous structure has three (3) bedrooms and the proposed structure will have three (3) and maybe four (4) bedrooms. Mr. Haight advised him that they would need a capacity letter from the Engineer who built the system if there were to be four (4) bedrooms.

Mr. Haight questioned what the average height of the structure was and was advised by Mr. Rowntree that it is approximately thirty feet (30') at the peak however it is within the thirty-five feet (35') allowance. It was noted that a front yard variance, both North and South side yard and rear yard variances will be needed.

The Check List was reviewed. Mr. Haight asked for clarification of the garage and was advised by Mr. Rowntree that he spoke to Mr. Aubin about having a reinforced concrete floor or drainage material topped with a concrete slab. Mr. Haight approximated the retaining wall at about four to five feet (4-5') and questioned what the finish would be. Mr. Rowntree will supply the correct measurement and the appropriate finish.

Ms. Becker questioned the location of the wells. Mr. Rowntree will have this added to the plan. Ms. Becker then questioned whether a gas tank will be placed in the ground and was advised that the location for this would need to be accounted for as well. Mr. Rowntree acknowledged that all the buffer areas are accounted for on the plans and noted that the main concern is the deck posts within the one-hundred foot (100') buffer zone. Mr. Haight questioned whether a permit will also be needed from the Army Corp of Engineers for this. Ms. Becker believed that this was not needed but suggested Mr. Rowntree check with Mr. Aubin regarding this.

Ms. Becker asked whether any lighting was planned and if so advised that it needed to be pointed downward. Ms. Becker then questioned whether there was any planting schedule. Mr. Rowntree will provide this. Ms. Becker acknowledged that the easement and Zoning Districts needed to be accounted for. Mr. Haight requested that a copy of the old easement be supplied along with a copy of the new one. Ms. Becker asked what the lot size was. Mr. Haight advised her that the lot size is thirteen thousand four-hundred and thirty-five feet (13,435') and the lot coverage was at eighteen percent (18%).

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to classify the Plans for Marika Pritchett and Paul Casey prepared by Cosmo Design Factory, dated February 5, 2015 and located at 167 Golf Course Road as a Minor Site Plan and accept it as a Preliminary Sketch.

2012 -29 SITE PLAN REVIEW – YONDERVIEW LLC/ED MILLER – Yonderview Road

Submissions included:

- Revised Site Plan

Mark Rowntree of Cosmo Design Factory appeared before the Board representing Ed Miller of Yonderview LLC. Mr. Rowntree reminded the Board that this application had been previously approved however the applicant will be making some minor changes.

Mr. Rowntree acknowledged that approval had been previously given for the Pool House which had the addition of a garage and carport. He explained that at this time they would like to make the garage a two-car garage with a carport and move it to a different location.

Mr. Rowntree pointed out that the Pool House which will remain in the original location is being reduced in size to a Cabana with a small kitchenette. He clarified that the Mother-in-Law apartment has been removed from the Pool House and is now being added to the Gate House. Mr. Haight asked whether there will be a bathroom in the Pool House and was advised that there would be. Ms. Becker questioned whether this will affect the present septic system. Mr. Rowntree advised her that a separate septic will need to be added for this structure.

Ms. Becker advised that a Building Permit will be needed and Mr. Ferratto will most likely request a Letter from the Department of Health.

Mr. Rowntree asked the Board what documentation he needed to provide. Ms. Becker advised that a Site Map should be provided and then approval will need to be given to the previous Site Plan. Ms. Becker wanted it noted that Department of Health approval is needed before the buildings are built and potable water plans are needed as well.

Ms. Becker advised that the new fees included a re-stamping fee of fifty dollars (\$50.00).

On a motion made by Ms. Becker and seconded by Mr. Sawchuck the Board voted unanimously to accept the revised Site Plan prepared by Christopher Hoppe and dated January 30, 2015 at 281 Yonderview Road Hillsdale, subject to receipt of a Department of Health approval letter, a stamped set of prints showing potable water to the proposed gate house and pool house.

MINUTES

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the December 4th meeting minutes.

ADMINISTRATIVE

PLANNING BOARD FEES: Mr. Haight advised the Board that the revised Planning Board Fees were approved by the Town Board

CATAMOUNT UPDATED SPDES PERMIT: Mr. Haight advised that an Updated SPDES Permit has been renewed for Catamount.

NEW YORK PLANNING FEDERATION CONFERENCE: Information regarding the New York Planning Federation Conference was included in the Board's Packet.

NEW TOWN BOARD LIAISON: The Board welcomed Terry Sullivan as the new Town Board Liaison.

CARRY OVER

The following matters were carried over to the next meeting:

**2012 -14 SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill
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 8:30 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 18 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

January 23, 2015 Liability Release and Indemnification Agreement (2)
January 29, 2015 DeRuzzio to Schmitt (2)
 Suggested Moitoring & Maintenance Agreement (2)

ADMINISTRATIVE

January 22, 2015 Gabriel to Gilbert (1)
January 22, 2015 SPDES Discharge Permit (11)