



COPAKE PLANNING BOARD
JANUARY 6, 2011
MINUTES

Approved
February 3, 2011

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, Gray Davis, and Jon Urban. George Filipovits, Skip Pilch and Steve Savarese were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. FRONT VARIANCE – ROBERT J. STASKEL – Snyder Pond Road

Ms. Becker advised the Board that although Mr. Staskel was not present, his Zoning Board of Appeals referral could be reviewed. Ms. Becker informed the Board that Mr. Staskel wished to put a garage in his front yard on a three (3) acre lot he owns on Snyder Pond Road. Ms. Becker explained that Mr. Staskel was granted a front variance by the ZBA inasmuch as his property is on a steep hill with a rocky area behind his house which is impractical for building. She noted that placement of the garage in the front yard meets the side yard set-backs and didn't believe this would have any negative impact. The Board was in agreement. Ms. Becker would write a letter to the ZBA advising them of the Boards comments.

2. SITE PLAN REVIEW – ROBERT & HEATHER KITCHEN – Farm Road

Robert Kitchen appeared before the Board and presented his site maps. Ms. Becker acknowledged that Mr. Kitchen was applying for a Special Use Permit for a Farm Stand on his property on Farm Road. She noted that he appeared before the ZBA and was awarded a Special Use Permit subject to a Site Plan Review. Ms. Becker advised that a SEQR was required and that the application also need to be reviewed by the Columbia County Planning Board inasmuch as Mr. Kitchen's property is within five hundred feet (500') of the Right-of-Way of an existing or proposed County or State Parkway, Thruway, Express-way, Road or Highway. Mr. Grant questioned whether this application would be considered for an exemption. Ms. Becker explained that this didn't qualify.

Mr. Kitchen explained that the Farm Stand would be placed fifty-three feet (53') off the Road inasmuch regulations required a fifty foot (50') set-back. Mr. Kitchen noted that regulations stated that he would need five (5) parking spaces for a Road Side Stand and advised the Board that there was plenty of room to provide for parking spaces that he would eventually have

covered with gravel. Mr. Kitchen also informed the Board that he also owns an adjacent parcel of thirteen (13) acres totaling twenty-one point one (21.1) acres. Ms. Becker questioned whether Mr. Kitchen's property was in the Ag District. Mr. Kitchen advised her that it was. Mr. Grant questioned whether the Table of Uses had specific regulations for Road Side Stands. Ms. Becker advised him that there were specific regulations for a Stand and noted that it is permitted in the 'R' District with a Special Use Permit.

Ms. Becker advised Mr. Kitchen that the Highway Superintendent had some issues with the entrance of the driveway. Mr. Kitchen explained that he was aware of this and would be grading his property accordingly. Mr. Kitchen also presented the Board with an e-mail from Ag and Markets advising him that licensing is not needed to sell his own product, however, should he begin selling other people's products or dairy, licensing would be required.

Mr. Kitchen explained that power lines would be placed underground to the building and lights would be shining down into the parking area. He also presented pictures of the landscaping he has planned. Mr. Grant noted that Mr. Kitchen's property is within the Scenic Corridor Overlay and the lighting would need to meet regulations.

Mr. Kitchen also presented the Board with a drawing of his planned signs and explained the planned placement of them which will be placed on his property past the State right-of-way and did not require a permit. Mr. Grant reviewed the regulations of a sign within the SCOZ which required the first sign to be no larger than fifty (50) square feet and the second no larger than thirty-six (36) square feet. Mr. Kitchen assured him that his proposed signs would be smaller than that. Mr. Kitchen also presented the Board with the pending work order for the electricity. Mr. Kitchen also advised the Board that his Building Permit stipulated that he would not be able to open without meeting the Highways Superintendent's recommendations.

Ms. Becker questioned what the hours of operation would be. Mr. Kitchen explained that this was pending at this point but he was looking at hours of Thursday through Sunday, 10 am to 4 pm with longer hours in the summer. Mr. Grant advised that inasmuch as Mr. Kitchen's business was agricultural, he was not subject to the design requirements of the Scenic Corridor Overlay Zone.

Ms. Becker acknowledged that a Special Use Permit had been granted by the ZBA, pending Site Plan approval by the Planning Board, however, the application needed to be sent to the County before final approval could be given.

After the reading of the SEQR, on a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to make a Negative Declaration for the SEQR for the Pigasso Farm Stand. Ms. Becker acknowledged that the fee would be waived inasmuch as a fee had been paid to the Zoning Board. On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to approve the Site Plan for Robert and Heather Kitchen for a Pigasso Farm Stand on Farm Road subject to approval by the Columbia County Planning Board and completion of the work required by the Highway Superintendent for the Parking Area Entrance Site Lines.

Ms. Becker questioned when the work would be done on the road. Mr. Kitchen advised her that this would depend on how frozen the ground was and whether the work could be done now or had to wait until the Spring. Ms. Becker would stay in touch with the Town Highway Superintendent as to the completion of his requests.

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

2011-1 SITE PLAN REVIEW – John Carfagno – Lincoln Road [Taconic Shores]

Wayne Foley appeared representing John Carfagno who is requesting a modification of an existing non-conforming structure which doesn't meet the rear set-backs. Ms. Becker explained that Mr. Carfagno wishes to construct a Car-Port that needs to be reviewed by the Board.

Mr. Foley presented the Board with a letter from Mr. Carfagno giving him permission to represent him along with approval from the Taconic Shores Property Owner's Association. Ms. Becker questioned whether the Car-Port would be open. Mr. Foley advised her that all sides would be open except for the one that extends off the garage. Mr. Foley noted that he checked with the Building Inspector and everything conforms to Town Code.

Ms. Becker questioned whether anyone's view would be obstructed by the new structure. Mr. Foley explained that there are pine trees approximately thirty feet (30') tall behind the structure with the structure being eleven feet (11') tall at its highest point. Mr. Davis questioned whether the existing driveway would need to be made wider. Mr. Foley clarified that no new driveway space would be added.

Ms. Becker questioned whether any other permits were required besides the permit from TSPOA. Mr. Foley advised her that Town approval would be needed. Ms. Becker requested Mr. Carfagno's name and address be added to the plans along with the 'R-2' Zoning District. Mr. Becker advised Mr. Foley that the fee is usually waived on an application that is as simple as this one.

On a motion made by Mr. Davis and seconded by Mr. Grant the Board voted unanimously to approve the Site Plan for Bird's Eye View on 125 Lincoln Road owned by John Carfagno, on a map drawn by Wayne Foley, dated January 6, 2011 for a Car-Port. Ms. Becker would stamp the maps on Saturday.

2011-2 MINOR SUBDIVISION – CHARLES SAPERSTEIN & SUSAN LEVINE – Craryville

Jeff Plass appeared before the Board representing Charles Saperstein and Susan Levine who own a little less than an acre on Carrol Road, off of Cambridge Road in Craryville. Mr. Plass explained that Mr. Saperstein wishes to add a 0.177 acre of land to his property which is totally surrounded by the properties of Peter and Carole Brown. He noted that there are no adjoining owners.

Mr. Plass presented a letter from the Browns and Sapersteins permitting him to represent them. Mr. Grant clarified that Parcel Two (2) is to be merged with Parcel One (1) and does not constitute a building lot on its own. Mr. Grant reviewed the map and noted that everything needed appeared on the map. Inasmuch as the letter presented to the Board from Mr. and Mrs. Brown did not state their approval of the subdivision it was noted that a Public Hearing would be needed. After the Minor Subdivision Regulations were reviewed, on a motion made by Mr. Grant and seconded by Mr. Davis the Board voted unanimously to accept this sketch as a Preliminary Sketch for the Boundary Line Adjustment of the lands of Peter and Carole Brown being merged with the lands of Charles Saperstein and Susan Levine from a survey by Plass, Rockefeller and Nucci dated December 9, 2010 and a Public Hearing set for next month.

After the reading of the SEQR, on a motion made by Mr. Grant and seconded by Ms. Becker, the Board voted unanimously to make a Negative Declaration of the short Environmental Assessment form. A fee of Fifty Dollars (\$50.00) was presented to the Board by Mr. Plass.

2009-13 SITE PLAN REVIEW – Jack and MARIA ZADRIMA – Golf Course Road

Architect Lucio DiLeo appeared before the Board with Jack Zadrina . Ms. Becker advised Mr. DiLeo and Mr. Zadrina that several Board members visited the site and there were concerns about the drop-off from Golf Course Road. Mr. DiLeo acknowledged that after reading the comments from the Board, changes were made to the plans and the house was flipped reducing the driveway by one-hundred feet (100') and reducing the impact of the drop-off.

Mr. Davis brought up the fact that the prior plans had a large retaining wall that has been scaled back. Mr. DiLeo noted that one is not needed and the one that is proposed is for aesthetic purposes. Ms. Becker pointed out the shrubs and grass on the plans which Mr. DiLeo explained presently exist on the property at this time and will remain.

Mr. DiLeo then addressed the height of the back of the house which he has graded up to hide the basement area. He noted that this will be landscaped to further reduce the impact.

Mr. DiLeo hoped that the changes met with the Board's approval. Mr. Davis pointed out that the concern of the Board was the overall bulk of the house prior to the latest changes which he felt were quite satisfactory. Ms. Becker noted that the latest changes gave the house more of a cottage-like feeling which Mr. DiLeo acknowledged was his intent. Mr. Davis noted that the overall height of the proposed structure was brought down from thirty-six feet (36') to twenty-seven feet (27'). The Board felt the changes were a vast improvement

Ms. Becker pointed out that the ZBA omitted the Variance for the expansion of a foot-print which is a technicality that needs to be rectified. Mr. DiLeo questioned whether he needed to go back to the ZBA. Ms. Becker would check on this and let Mr. DiLeo know how the ZBA will rectify the situation.

On a motion made by Mr. Davis and seconded by Mr. Grant the Board voted unanimously to approve the Site Plan for the Zadrina house on Golf Course Road, drawings by Studio RAI revised January 6, 2011, Sheets SPA-1, A-5 and A-6 subject to Zoning Board of Appeals

granting a Variance for expansion of a footprint for a structure on a non-conforming lot under 232-24B(2)(a)[4] of the Town of Copake Zoning Code.

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

Richard Neal appeared before the Board with Nancy A. Clark, Civil Engineering Consultant, Jos Smeele, Facility Manager and Michael and Alexandra Sloan of Sloan Architects. Mr. Neal acknowledged that September 17, 2011 of this year will be the fiftieth anniversary of Camphill Village and noted that much maintenance is needed prompting a master plan expansion of the Village of two-hundred and fifty (250) residents. Mr. Neal also made a point of noting that the Village does not intend to grow. Mr. Neal pointed out that some new buildings will be erected while others will need an incredible amount of maintenance and updating.

Mr. Neal noted that the black lines on the master plan denote the water zones which are places that cannot be changed. He proceeded to give a little background on Camphill Village and noted that most of the research on the Master Plan has been done on most points in question. He explained that the water infrastructure is in good condition and adequate for Village residents. Mr. Neal acknowledged that the septic system has had some updates in the past and is presently undergoing more updates. He made note of the fact that the septic system is more than adequate for the population of the Village.

Because of all the pedestrian population at Camphill Village, Mr. Neal explained that walkways are planned for wherever possible and requested that a circle be placed on the Town Road as it has been proven to slow traffic down. He continued to note that the circle is planned on being constructed in a way that snow plowing could be done without a problem.

Town Board Member Bob Sachs, informed Mr. Neal and the Board that he has been in contact with the Highway Superintendent who does have the documentation and is aware of a request for a traffic circle. Mr. Sachs explained that a full investigation needed to be done on this matter but the Highway Superintendent was in favor of this.

Ms. Becker pointed out that there were several different tax parcels on the map and questioned whether Camphill Village was one big lot. Mr. Neal acknowledged that the Village is one big lot and can be viewed as one project. Mr. Urban was in agreement of this.

Ms. Becker questioned what the first project would be and what would be done first. Michael Sloan explained that the wish was to have the Planning Board review the Master Plan as a whole and grant overall approval so that they could then proceed to a detailed Site Plan Review on each individual project. Ms. Becker then questioned whether the Master Plan would be approved with a Long SEQR form. Mr. Sloan informed her that this was the case for the Master Plan that would then proceed with the short SEQR form for individual phases of the project. Mr. Grant advised that with the long SEQR form an Environmental Impact Statement might be required. Mr. Grant questioned whether the process had been started. Mr. Sloan acknowledged that coming before the Planning Board to talk about the approach is the beginning of the process. Ms. Clark made note of the fact that no expanded population was proposed and believed this was very significant as far as the SEQR was concerned to which Mr. Grant agreed. Mr. Grant suggested that the

SEQR process be started as soon as possible in the event that the Environmental Impact Statement is required, as it is quite a long process.

Mr. Smeele pointed out that proceeding with a Master Plan was a way to deal with specific issues as a whole, such as parking. He noted that a large part of the Village's population does not drive cars and pointed out that Town Code requires more parking spaces per building than would ever be used by the residents. Mr. Smeele brought up the fact that there are many buildings in the Village and the required parking per building would not be suitable for what is being proposed. Mr. Grant was in agreement with this and noted that Town Code does not have provisions for Master Plans.

Mr. Urban questioned what the time line on the project would be. It was noted that the project is long term and would probably take fifteen (15) to twenty (20) years to complete.

Ms. Becker advised that the first things that needed to be done were to start the SEQR and bring in the Highway Superintendent regarding the road circle. It was Ms. Beckers understanding that the Village would be responsible for the expense of the circle. Mr. Neal agreed with this.

Ms. Becker questioned how the Board should proceed. Mr. Grant advised that the project needed to be viewed as a single Site Plan Review as there was no provision in the Town Code for review of a Master Plan. Mr. Sachs requested that a note be sent to the Comprehensive Planning Committee regarding inclusion of a Master Plan in the Town Code. Ms. Clark clarified that an overall single Site Plan Review was what the team was intending with more detail given to each individual Site Plan as the project moves forward. Mr. Neal questioned how the Board would proceed with a proposed campus as he felt this project was more like a campus than anything else. Ms. Becker explained that a Site Plan Review would be done with a long form SEQR which would apply to everything according to Town Zoning. Mr. Grant explained that the proposed Catamount expansion was approached as a big Site Plan Review using the long SEQR form. Mr. Smeele advised the Board that the team already had a SPEDES Permit as well as central water which all the new buildings would be a part of.

Ms. Becker noted that some demolition was included in the project along with some new building. Mr. Smeele explained that there was not much demolition to take place and that would be done closer to the end of the project as some of the buildings would be useful during construction of other buildings. Ms. Becker clarified that the complete finished project would be the subject of the Site Plan Review to ensure that there are no environmental issues that need to be corrected.

Mr. Smeele asked what the time line would be for Master Plan approval. Mr. Grant explained that this depended on whether an Environmental Impact Statement would be required which would draw the process out as Public Hearings would be needed and kept open as long as required.

Ms. Becker questioned how the Town of Taghkanic is included as they need to be involved as part of the project is in Taghkanic. Mr. Neal noted that there were no plans to involve Taghkanic at this time. Ms. Becker advised him that Taghkanic needed to be consulted. Mr. Grant noted that the County would also need to be involved as the Village is located on County Route 7.

Ms. Becker advised that a fee of one-hundred and fifty dollars (\$150.00) is required for this Site Plan Review but noted that should experts be required the fees would be at the expense of Camphill Village. Ms. Becker noted that an engineer might need to be consulted but didn't think legal advice would be needed. Mr. Sachs suggested a preliminary review by the Town Attorney to protect the Town against anything that would arise. Ms. Clark questioned whether an escrow would be set up. Ms. Becker advised her that an escrow is usually the process.

Mr. Urban questioned the Team's time line for getting started. Mr. Smeele advised him that their wish was to start their first project in the fall. Mr. Neal informed the Board that the three most urgent projects the Team wishes to start first are an administration building, another new house and correction of the parking situation by Fountain Hall. Mr. Urban questioned where the plans were for each individual project. Mr. Smeele informed him that these would be done on a project by project basis. Mr. Grant advised that it was his belief that the whole process will most likely be driven by the Environmental Review and suggested getting that underway as soon as possible. He suggested any changes required by the Environmental Review be done as soon as possible to move things along.

Ms. Becker asked whether any other agencies would need to be involved. Mr. Smeele advised her that they have regular contact with the Department of Health and noted that a new well is planned and they will be in touch with the Department of Health once that is started. Mr. Grant pointed out that one of the buildings is within the one-hundred foot buffer zone and questioned whether there were plans to get DEC approval for that. Mr. Neal advised him that this was an existing building that is non-residential. Mr. Grant advised that inasmuch as it is an existing building, no DEC approval would be needed.

Mr. Smeele questioned whether there is anything in the Zoning Code that would hinder this project such as the issue of parking spaces per building as it doesn't apply to the Village. Mr. Grant advised that this would be a ZBA issue and a variance could be applied for. Mr. Davis suggested that the Team review each project individually to see what parking was needed for each and then present their findings to the ZBA as a whole so that they would be aware of what is needed on a project by project basis. Mr. Sloan questioned how long Site Plan approval was good for. Ms. Becker advised him that approval is good for three (3) years but can be renewed when needed.

Mr. Neal informed the Board that a three-month Town permit issued for a trailer needed to house additional administrative personnel will be expiring soon and needs to be on-going until the Administration Building is completed. Ms. Becker advised him that the Building Inspector said this can be renewed when needed. Mr. Neal questioned whether this would need to be renewed every three months as the trailer will be needed for approximately two years. Ms. Becker suggested explaining the situation with the Building Inspector to see what can be done.

MINUTES

Ms. Becker asked if there were any changes to the Minutes of December 2, 2010 or the Special Appointment Meeting of December 12, 2010. No changes or corrections were needed. On a motion made by Mr. Davis and seconded by Mr. Urban, the Board voted unanimously to accept the minutes of the December 2nd and December 12 meetings.

ADMINISTRATIVE

ELECTION OF OFFICERS: - Ms. Becker advised the Board that the election of officers needed to be done and questioned whether everyone wished to remain in the same offices. On a motion made by Mr. Davis and seconded by Mr. Grant the Board voted unanimously to accept the officers of the Board. Ms. Becker will remain Chair, Mr. Grant will remain Vice-Chair, Mr. Davis will remain Secretary and Mr. Urban will remain Treasurer.

YEAR-END REPORT: - Ms. Becker advised the Board that a preliminary Year-End Financial Report for the Planning Board prepared by Lisa DeConti was available should anyone wish to review it.

CONSERVATION RESOURCES ADVISORY COUNCIL TRAINING: - Ms. Becker advised the Board that there will be Training from the Conservation Resources Advisory Council on January 31, 2011 if anyone was interested in going.

OUTDOOR WOOD-BURNING STANDARDS: - Ms. Becker advised the Board that New York State just passed new OWB Standards which have been filed with the Attorney General. She noted that this is usually handled by the Building Inspector.

MICHAEL B. AND BARBARA S. BRAUNSTEIN AND AMERISTOP UPDATE: - Ms. Becker advised the Board that the ZBA is getting close to making their decision on the Braunstein Application and noted that there were two (2) attorneys and two (2) engineers present at the last ZBA meeting. Ms. Becker acknowledged that Town Engineer Doug Clark has given his review and said that he had not been given enough information to give good advice. She added that Braunstein Engineer, Nick Demos' response was that he was not going to go into more detail until he knew that the project was going to happen. Mr. Grant pointed out that answers are needed before a decision can be made to decide if there is a risk to the Town. Ms. Becker noted that a decision should be made by the ZBA this month unless both parties agree to extend the deadline.

AMERISTOP: - Ms. Becker informed the Board that AmeriStop has received their Variance to have a Convenience Store that sells gasoline on a lot that is less than one (1) acre. They will be returning to the Planning Board for a Site Plan Review.

PRESIDENT'S ESTATES: - Ms. Becker advised the Board that the President's Estates have been dickering back and forth with a new septic system design and are about to apply to the Building Inspector for a permit to install a new septic tank within one-hundred and fifty feet (150') of Copake Lake. Mr. Davis questioned whether they were still doing 'Hold and Haul'. Ms. Becker acknowledged that this was still being done. She also noted that a Variance will be needed from the ZBA for replacing a grandfathered tank. Ms. Becker informed the Board that she had been advised that the rest of the system will be entirely outside the one-hundred and fifty foot (150') buffer. Mr. Grant questioned whether new leech fields will be installed. Ms. Becker clarified that only the tank is being replaced at this time. Mr. Grant pointed out that the system cannot be certified as the leech fields are not in proper working order. Mr. Davis questioned whether the old tank is leaking as past testing showed e-coli in the water. Ms. Becker was not aware of a leak but noted that it was not in working order. Ms. Becker acknowledged that she had spoken with Mr. Audin of Crawford Associates, who asked how they needed to proceed and was advised by

her to provide the Board and Building Inspector with a Site Map and their requests on moving forward. Ms. Becker also informed the Board that the present owners of the septic system wish to transfer ownership to the home-owners once the permit process is done as the DEC advised against transferring ownership until the permit process is completed.

BUDGET REVISIONS: - Mr. Sachs informed the Board that the Town Board has changed the scope of responsibilities of the Building Oversight Committee which will now make recommendations to the Town Board on the consolidation of the Zoning Enforcement Officer and the Building Inspector. Mr. Sachs noted that Mr. Davis volunteered his participation to this Committee and advised him that the scope of this may be more intense than originally anticipated and asked if he still wished to commit, as this would most likely include weekdays. Mr. Sachs asked Mr. Davis if coordinating meeting prior to the Planning Board meeting would be acceptable. Mr. Davis was agreeable to this. He suggested that the Planning Board decide who they wished to participate. Mr. Davis expressed concern that this might slow the process down. Mr. Sachs expressed a desire to expedite processes and ease the public's strain.

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**
- 2010-13 SPR – KATHY GLEESON & ELIZABETH FEENEY – The Presidents, Copake Lake**
- 2010-21 SPR – RICK AND PAM BROWN – Lot #2, Island Drive [Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Urban and seconded by Mr. Davis, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:00 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 1 page, is 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

MICHAEL B. & BARBARA S. BRAUNSTEIN

December 10, 2010 Clark to Nayer (1)