



# **COPAKE PLANNING BOARD**

## **JULY 16, 2015**

### **MINUTES**

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#### **DRAFT**

**Please note that all referenced attachments, comprising 51 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.**

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A regular meeting of the Copake Planning Board was called to order at 6:00 p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Jon Urban, Steve Savarese, and Julie Cohen. Ed Sawchuk arrived later in the meeting. Lisa DeConti was present to record the minutes. Town Attorney Ken Dow, Town Supervisor Jeff Nayer and Town Board Liaison Terry Sullivan were also present.

#### **ZONING BOARD OF APPEALS – Referrals**

##### **2015 -12      SITE PLAN REVIEW – NATHAN AND TARYN SAWYER – Lakeview Road [Taconic Shores]**

Submissions included:

- NYSDEC Notice of Receipt of Permit Application dated June 12, 2105
- NYSDEC/Army Corp of Engineers Joint Application
- Referral Letter from Ed Ferratto dated June 15, 2015
- Request for Area or Use Variance
- Taconic Shores Property Owners Association Project Location Map
- Building Permit Application dated June 13, 2015
- Bill Baldwin & Sons Inspection Sheet dated July 28, 2014
- EAF Mapper Summary Report

Taryn Sawyer appeared before the Board and advised them that she had been before the ZBA who referred her back to the Planning Board.

Ms. Becker reminded the Board that Ms. Sawyer's structure is a one story house with an attached deck without a roof. She explained that Ms. Sawyer wishes to expand the house by enclosing the deck which will extend the house six feet (6') closer to Robinson Pond. Mr. Haight acknowledged that an application for a rear yard set-back variance, a right side yard set-back variance and a variance for relief from building within one-hundred feet of a water body have been submitted to the ZBA.

Mr. Grant asked if any bedrooms were being added and was advised that the bedroom count would remain at two (2). Ms. Becker pointed out that the addition will add significant living space to the basement. Ms. Becker feels this should be considered an office/playroom/potential bedroom. Ms. Sawyer informed the Board that she has a one-thousand gallon (1,000) septic tank which Ms. Becker acknowledged was sufficient for three (3) bedrooms. Mr. Haight made note of the fact that the lot coverage appeared to be sufficient.

The Check List was reviewed. Mr. Haight asked if any outdoor lighting was planned and if so it would need to be pointed downward. Ms. Sawyer advised that the only light planned at this time is for the front door. Ms. Becker asked if the zoning district was on the map and was advised that it was not. Ms. Sawyer added the zoning district to the map and initialed the appropriate copies. Mr. Grant asked for certification that the septic system is in good working order. Ms. Sawyer submitted a letter from Bill Baldwin and Son. Mr. Grant advised her that a stamped letter from a certified engineer is required stating the system is in good working order.

On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to classify Ms. Sawyer's application as a Minor Site Plan Review.

On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to approve the Site Plan for Nathan and Taryn Sawyer subject to receipt of the approval of the ZBA variances and a stamped letter from a certified engineer stating that the septic system is in good working order.

## **PUBLIC HEARING**

### **2015 -9        SITE PLAN REVIEW – GARY SINGH [RUBIN QUICK STOP] – County Route 7A [Copake]**

Submissions included:

- William Newcomb Copake Grange 936 Letter dated June 22, 2015
- Edgar Masters Copake Conservation Advisory e-mail dated July 9, 2015

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted unanimously to open the Public Hearing.

Brief presentations to the public were made by both Mr. Prendergast and Mr. Wheeler. Mr. Wheeler was asked for clarification of the views and what the time-line is. He pointed out the different views but noted that the time-line has not been established as yet.

**Town Resident STU TROYETSKY ...** asked if the Planning Board was the only Board reviewing this. Mr. Haight acknowledged that it was however the prints have also been sent to the Revitalization Task Force and other committees in the Town and the Public Hearing is the chance for them to voice their comments.

**Town Resident and Supervisor JEFF NAYER ...** asked to speak as a resident of the Town. Supervisor Nayer acknowledged that the existing structure is in need of repair and some of the Town's residents may not be happy with the style of the proposed structure. However, as a Town resident he believes that a newer repaired structure would be better for the Town. Supervisor Nayer also made note of the fact that Mr. Singh is willing to make the structure any color the Board requests.

**Town Resident STOSH GANKOSKY ...** brought up the fact that in 1968 when it was King's Steak House he worked as a bartender after he got out of college and on a Saturday night approximately two-hundred dinners were served with thirty to thirty-five (30-35) bar customers on a Saturday afternoon. He would like to see that come back to the Town.

**Town Resident DONNA PECK ...** acknowledged that she also remembers the building the way Mr. Gankosky does however she also remembers the condition of the gas station prior to Mr. Singh purchasing it. She pointed out that he repaired and renovated it and it is now a clean well-run business. She feels that the new, fresh, well-run Tavern and Liquor Store that Mr. Singh is proposing will be a vast improvement.

**Town Resident ROBERTA ROLL ...** addressed the parking area on the curve of the building in relation to the Hamlet Plan and questioned whether this was necessary or whether it could be improved. Mr. Haight asked if they are curbing off the parking for Copake Deli or Copake General Store under her plan. Ms. Roll acknowledged that this has been under discussion in the Town for a long time. She was wondering whether this could be given some consideration inasmuch as this is a new plan in terms of changing it. Mr. Haight acknowledged that he has issue with this inasmuch as he has not seen this plan and it has not yet been adopted and didn't think it fair that Mr. Singh be made to conform to something that might or might not be adopted. He also brought up the fact that the Board has been asking for additional parking to meet Town requirements. Mr. Prendergast brought up the fact that this is a county right-of-way however there has always been parking there and should the Board come up with a better plan or wish to eliminate this in the future he had no issue with this. Supervisor Nayer brought up the fact that the Town has specific parking regulations of approximately fifty (50) square feet so if the Town adopts a plan it would be easier to eliminate that. The Board had no issue with this.

**Town Resident HILARIE THOMAS ...** questioned whether this is being built on the same footprint and was advised by Mr. Haight that it is. Mr. Wheeler explained that renovations will be on the same building with the top floor being removed and the rest of the building renovated. She made note of the fact that when the Town of Copake is 'Googled' the Clock and that building is what is shown. She believes this is a wonderful building and in her opinion is a part of Copake that people have grown up with. She acknowledges that there have been many changes in the Town that have not necessarily been for the better. Ms. Thomas feels the proposed building is similar in appearance to a pole-barn structure, looks very industrial, does not have a country feel and does not fit into the Town of Copake as the Comprehensive Plan sees it. She doesn't think it has any Rural Charm.

**Town Resident MARK ROWNTREE ...** made note of the fact that if you look at the buildings around the Town a majority of them have porches, overhangs or trim. He suggested a compromise of maybe adding dormers or trims that might soften the buildings appearance and also feels the building has an industrial appearance. He questioned whether the applicant had considered superimposing some of these details onto the drawings to see if they would help. Mr. Wheeler acknowledged that this has been considered. Mr. Rowntree questioned whether the applicant feels the context of Copake really demands that kind of structure.

**Town Resident CHRIS QUINBY ...** feels this is a step forward. He made note of the fact that Frank's Garage and the Circle Deli both burnt down and were not replaced with anything that remotely looked like what was there. He feels like this is a major improvement over what is there now and is a building that is moving forward in time.

**Town Resident ROBERTA ROLL ...** commented that she felt no one is saying that the existing building should be completely restored to what it looked like and agrees that this is a step forward however she feels that some details to soften it a little should be added to bring some kind of character to it.

**Town Resident JULIA SEDLOCK ...** agrees the building needs some softening and in her opinion it is the roofline that gives the building a monolithic industrial look. She suggested maybe only a small part of the second story of the building could remain. Mr. Haight advised her that height wise the structure is two-story inasmuch as it is a cathedral ceiling inside the main section.

**Town Resident and Supervisor JEFF NAYER ...** advised that there is a cost factor involved and noted that Mr. Singh has worked with the Town on many issues. He hoped Mr. Singh might be receptive to some kind of trim that wouldn't be too costly but did note that the building does belong to Mr. Singh and the Town has no design scale that needs to be followed.

**Town Resident HILARIE THOMAS ...** believes that the Comprehensive Plan needs to be complied with.

**Town Resident and Supervisor JEFF NAYER ...** advised that the Comprehensive Plan is a guideline.

**Town Resident HILARIE THOMAS ...** acknowledged that most of the other buildings in the Town that are now or once were commercial all have porches around them. She noted that this building also had a porch on it at one time and feels this would soften it. Ms. Thomas made note of the fact that the Town of Millerton has done a wonderful job of restoring buildings that were in disrepair. She felt this is something the Planning Board should consider.

**Town Resident FRANK PETEROY ...** also felt the design of the building does not comply with the Comprehensive Plan and feels this will bring the scale of the Town down.

**Town Resident and Supervisor JEFF NAYER ...** brought up the fact that the Town is just starting to be rebuilt and he doesn't want the Town to go backward he feels the Town needs to move forward.

**Town Resident FRAN MILLER...** acknowledged that at one time the Hollsapple House was a beautiful building however she feels is not beautiful now and is a detriment to the Town. She supports Mr. Singh's efforts to improve the building.

**Town Resident and Supervisor JEFF NAYER ...** Inasmuch as a decision will not be able to be made until next month's meeting Mr. Nayer asked the Board and applicant to see if they could come to some kind of agreement that might be beneficial to both parties. Mr. Haight was agreeable to this.

Letters from Copake Grange 935 Master William Newcomb and Copake Conservation Advisory Committee Chair Edgar Masters were read into the record.

The Public Hearing remained open.

## **SUBDIVISION/SITE PLAN**

### **2015 -9            SITE PLAN REVIEW – GARY SINGH [RUBIN QUICK STOP] – County Route 7A [Copake]**

Submissions included:

- Pat Prendergast letter dated June 10, 2015
- Part 1 of the Full Environmental Assessment Form
- Part 2 of the Full Environmental Assessment Form
- Proposed House Renovations by D. F. Wheeler
- Site Plan by D. F. Wheeler

Engineer Pat Prendergast appeared along with owner Gary Singh and Structural Engineer Daniel Wheeler. Ms. Becker advised the Board that Lead Agency had not been established.

Inasmuch as no other agency had an interest in lead agency status on a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to establish themselves as lead agency.

Mr. Prendergast acknowledged the trees on the proposed plans and pointed out the location of the air-condition unit, the driveway and the handicapped parking areas which consisted of one (1) in the front and one (1) in the back. The inset with the Grange location was also noted and Mr. Prendergast pointed out the location of the Grange on the locator map.

Mr. Prendergast made note of the fact that in the Business District the Town Code allows for use of public parking spaces if they are within four-hundred feet (400') of your property and pointed out that the Copake municipal lot is within 400' of the site

Ms. Becker asked if the SPDES Permit had been received and Mr. Prendergast explained that although he hasn't received it as yet it has been renewed and should be received within the week. The location of the lights were also pointed out and it was noted that any signage will be on the building and not stand-alone.

Mr. Prendergast advised that a letter was sent to Mike DeRuzzio of the Department of Health (DOH) to confirm that the well can be installed. He also noted that the DOH will need to issue a food permit and will do a walk through before any food will be able to be sold. Mr. Wheeler made note of the fact that a permit will not be issued until this is done. Mr. Haight requested that before occupancy a copy of the water quality of the well be submitted to the Board.

Mr. Grant acknowledged that there is a desire to have this business in the Town but with that are also issues about the design of the project and asked Mr. Singh to address them. Mr. Singh told the Board that this was the best he could do. Mr. Grant advised that there are some things like additional trim that might not be too expensive and would enhance the building and integrate it more into the Town. Mr. Grant made note of the fact that there is the Comprehensive Plan as well as a Hamlet Revitalization Committee which looks at the architectural integrity of the downtown Hamlet.

Mr. Prendergast noted that there are no architectural review standards built into the code and believed the Board could not deny Site Plan Approval without them. Ms. Becker explained that there are vague references to this in the Code.

Ms. Becker referred to Town Code 232-1-11 which reads: *To enhance the aesthetic aspects throughout the entire community and maintain its present natural beauty* and Mr. Grant referred to Town Code 232-23(3)(a) which reads: *Review of site plan. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations: Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.*

Mr. Grant noted that there are provisions for design review within the Town's Site Plan and advised that Mr. Prendergast should not make this assumption. Mr. Prendergast did point out that there are not specific architectural dimensions that need to be followed.

In relation to SEQRA Attorney Dow did want to acknowledge that the only reason a Long Form EAF needs to be addressed is due to the fact that Mr. Singh's property is adjacent to Copake Grange 935 which is a historical site and one of the things this brings into it is the impact of aesthetic resources. Mr. Wheeler did point out the visual effect and disrepair of the existing structure which is basically uninhabitable. Attorney Dow clarified that he was only pointing this out inasmuch as a long form is needed so that it brings up questions that wouldn't ordinarily be asked. Mr. Wheeler did address the fact that the Code is vague as to what the Planning Board can do as far as aesthetics without the provisions of some kind of architectural review.

Mr. Grant did bring up the fact that there were some concerns voiced during the Public Hearing and doesn't understand why this is not being addressed. Mr. Wheeler explained that the more intense you make the design, the more intense the cost becomes. Mr. Wheeler did point out that some of the designs that were suggested could become costly.

Ms. Becker addressed the comment made earlier about the building being uninhabitable and asked if it is structurally sound. Mr. Wheeler explained that there are two separate issues, one being structurally sound and the other being uninhabitable. He explained that the building is not structurally unsound but is uninhabitable.

Mr. Sawchuck asked if removing the second story is a less expensive alternative than renovating the second story even if left vacant. Inasmuch as the building is structurally sound Mr. Grant questioned whether it would be cheaper to leave the building intact and renovate the ground floor. Mr. Haight advised that there would be code requirements such as sprinkler systems, etc. to do this.

Part 1 (Project and Setting) of the Full Environmental Assessment Form was reviewed.

## **PART I**

Mr. Grant read Part 1 of the Long Form EAF into the record.

### **Section B, Government Approvals, Funding or Sponsorship**

- Box 'c' (City Council, Town or Village Zoning Board of Appeals) needed the 'No' box checked.
- Box 'f' (Regional agencies) needed the 'No' box to be checked.

### **Section C. 4, Existing community services**

#### **Section c, Which fire protection and emergency medical services serve the project site?**

- Community Rescue Squad needed to be added in addition to Copake Fire District

#### **Section d, Which parks serve the project site?**

- Bash Bish needed to be changed to Taconic State Park, Copake Lake needed to be removed and Copake Town Park needed to be added.

### **Section D.1. Proposed and Potential Development**

#### **Section a, What is the general nature of the proposed action?**

- 'Commercial' was added to the description of Tavern and Liquor Store.

#### **Section b, item c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor**

- .28 needed to be added as the applicant owns the adjacent parcel

## **Section D.2. Project Operations**

**Section k, Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy**

**Section ii, Anticipated sources/suppliers of electricity for the project**

- National Grid needed to be changed to NYSEG

## **Section L, Hours of Operation**

**Section I, During Construction**

- 7 am to 5 pm needed to be added to Monday - Friday
- 7 am to 5 pm needed to be added to Saturday

**Section I, During Operations**

- 12 pm to 12 am needed to be added to Monday - Friday
- 12 pm to 12 am needed to be added to Saturday
- 12 pm to 12 am needed to be added to Sunday
- 'Maybe' needed to be added to Holidays

Mr. Singh wasn't sure what time the bar and/or liquor store will close. Mr. Haight advised that he will not be held to the hours on this form.

**Section n, Will the proposed action have outdoor lighting?**

**Section i, Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:**

- A light height of twelve feet (12') needed to be added

## **Section E. Site and Settings of Proposed Action**

**Section E-1, Land uses on and surrounding the project site**

**Section a. Existing land uses**

- The 'Residential' and 'Agriculture' boxes needed to be checked.

**Section E-3, Designated Public Resources On or Near Project Site**

**Section e, Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?**

## **Section ii, Name**

- Copake Theater needed to be changed to Copake Grange 935

## **Section iii, Brief description of attributes on which listing is based**

- The description needed to be redefined as over one-hundred (100) years old.

## **Section h, Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?**

- The 'Yes' box needed to be checked instead of the 'No' box.

## **Section i. Identify resource:**

- The Town of Copake Scenic Corridor Overlay Zone (SCOZ) needed to be added as a local scenic resource

## **Section iii, Distance between project and resource:**

- 1 Mile needed to be added

## **PART II**

Part 2 of the Full Environmental Assessment Form was reviewed.

### **▪ Section 10, Impact on Historic and Archeological Resources:**

*Sub-Category 'a' The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.*

Mr. Sawchuck questioned whether the Board should take into consideration comments made at the Public Hearing from Hilarie Thomas regarding the aesthetic nature of the buildings in the Town of Millerton. Attorney Dow explained the process of SEQRA, explaining that any section deemed to have a 'Moderate to large impact' will be reviewed further in Part 3 of the EAF where the scope and magnitude of the impact is discussed. He also advised the Board that some subjective, judgments might need to be made as to whether there will be a significant adverse impact. Ms. Becker noted that Grange Master William Newcomb felt the project would have no impact on the Grange. Although Mr. Grant felt this would have a Moderate to large impact. After discussion it was decided that a small impact may occur.

▪ **Section 15, Impact on Noise, Odor and Light:**

Sub-Category 'c' *The proposed action may result in routine odors for more than one hour per day*

Mr. Grant and Ms. Becker believed this might cause a 'Moderate to large impact' to occur. It was noted that there is a deli and diner that both serve food in the center of Town. After discussion the Board decided to review this further under Part 3 of the EAF.

Section 1, Impact on Land; Section 2, Impact on Geological Features; Section 3, Impacts on Surface Water; Section 4, Impact on Groundwater; Section 5, Impact on Flooding; Sections 6, Impacts on Air; Section 7, Impact on Plants and Animals; Section 8, Impact on Agricultural Resources; Section 9, Impact on Aesthetic Resources; Section 10, Impact on Historic and Archeological Resources; Section 11, Impact on Open Space and Recreation; Section 12, Impact on Critical Environmental Areas, Section 13, Impact on Transportation; Section 14, Impact on Energy; Section 16, Impact on Health; Section 17, Consistency with Community Plans and Section 18, Consistency with Community Character did not need further consideration under Part III of the SEQRA as there was no impact or the impact was considered to be small.

▪ **Section 18, Consistency with Community Character:**

Mr. Grant felt this needed further consideration as some Town residents felt the character of the proposed building was not consistent with the character of the Town.

Sub-Category 'a' *The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.*

A discussion ensued as to whether or not the existing building is a historic building. Ms. Becker and Mr. Grant believed the building has been identified as a historic building. Mr. Haight questioned whether the building was identified by and registered with the state. Mr. Grant acknowledged that the Town consultants identified it as such however it has not been registered with the state. Mr. Grant brought up the fact that this was noted during the revitalization plan. Mr. Sawchuk made note of the fact that the Revitalization Plan says it is of historical importance however it does not state that it has been officially designated as historical. Mr. Haight did point out that the Revitalization Plan has not been adopted as yet.

Sub-Category 'e' *The proposed action is inconsistent with the predominant architectural scale and character.*

Mr. Grant brought up the fact that some of the residents felt the design of the proposed building does not fit the character of the hamlet and questioned whether this should be considered a 'Moderate to large impact' under Sub-Category 'e'. Ms. Becker, Mr. Sawchuk and Mr. Grant felt the architectural scale and character would have a 'Moderate to large impact' and needed to be reviewed further to see what mitigation this might need.

A discussion ensued as to whether this should be considered a 'Small impact' or a 'Moderate to Large impact'. Ms. Becker argued that Frank Peteroy who was involved in the Comprehensive Plan and Land Use Review Committee commented earlier that this was not consistent with the Comprehensive Plan and felt this should be reviewed more deeply. Mr. Urban did point out that Codes that have not yet been endorsed and adopted by the Town are being cited.

After a brief break each of the Board members expressed their views of why they feel this would constitute a ‘Small impact’ or a ‘Moderate to large impact’. A vote was then taken. The Board voted four (4) to three (3) with Mr. Haight, Ms. Cohen, Mr. Savarese and Mr. Urban voting for and Mr. Grant, Ms. Becker and Mr. Sawchuk voting against that this constitutes a ‘Small impact’.

Section 1, Impact on Land; Section 2, Impact on Geological Features; Section 3, Impacts on Surface Water; Section 4, Impact on Groundwater; Section 5, Impact on Flooding; Sections 6, Impacts on Air; Section 7, Impact on Plants and Animals; Section 8, Impact on Agricultural Resources; Section 9, Impact on Aesthetic Resources; Section 10, Impact on Historic and Archeological Resources; Section 11, Impact on Open Space and Recreation; Section 12, Impact on Critical Environmental Areas, Section 13, Impact on Transportation; Section 14, Impact on Energy; Section 16, Impact on Health; Section 17, Consistency with Community Plans and Section 18, Consistency with Community Character did not need further consideration under Part III of the SEQRA as there was no impact or the impact was considered to be small.

- **Section 15, Impact on Noise, Odor and Light:**  
Impacts on noise, odor and light needed further discussion

It was decided that Section 15, Impact on Noise, Odor, and Light (c & d) needed to be considered under Part III of the SEQRA.

### **PART III**

- **Section 15, Impact on Noise, Odor and Light:**

Sub-Category ‘c’ *The proposed action may result in routine odors for more than one hour per day*

The Board questioned whether the odor of food cooking could be a ‘Moderate to large impact’. Attorney Dow advised that the Board would need to consider the severity of cooking odors. Ms. Becker noted that the kitchen will be in the back of the building toward the parking lot and Mr. Haight pointed out that there is a Pizza Restaurant and Dinner in Town.

The Board voted all in favor on Sub-Category ‘c’ that there is no significant adverse environmental impact from this.

Sub-Category ‘d’ *The proposed action might result in light shining onto adjoining properties*

Mr. Haight made note of the fact that there are trees between the one house that might be affected by the lights and the other houses are far enough away to not be bothered. Mr. Prendergast acknowledged that the lights point downward and are only twelve feet (12’) tall.

The Board voted all in favor on Sub-Category ‘d’ that there is no significant adverse environmental impact from this.

Page 2 of Part 3 of the EAF was reviewed and filled out by Attorney Dow.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted all in favor to issue a Negative Declaration stating that this project will result in no significant adverse environmental impact on the environment and therefore an Environmental Assessment Statement need not be prepared and to have Attorney Dow prepare a finding summary and resolution notice of determination to be circulated.

Ms. Becker noted that a decision cannot be made at this time as a response from the Columbia County Planning Board is needed and their meeting is not until July 21<sup>st</sup>.

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

Submissions included:

- Denial Letter from Ed Ferratto dated June 15, 2015
- ZBA Approval dated June 29, 2015
- Letter from Jon Urban dated April 17, 2015

Representing Marika Pritchett and Paul Casey, Mark Rowntree and Julia Sedlock appeared before the Board and presented a revised Site Plan. Mr. Haight advised the Board that the applicant had been approved by the ZBA. He explained that instead of moving the structure back from the lake the structure will remain in the present location. Mr. Rowntree clarified that this was at the request of the ZBA so as to move further away from the sewer line easement.

Mr. Grant asked whether a height variance had been received inasmuch as the lot was non-conforming and could only be a height of twenty-five feet (25') so as not to have an excessive height on the lake side. A discussion ensued as to whether the lot was undersized or not which would determine whether a height variance was required. Some members of the Board believed a height variance was required. Mr. Rowntree advised the Board that he had several discussions with Ed Ferratto regarding the lot size and required variances and was not told he needed a variance for height. Mr. Grant told Mr. Rowntree that he believed that a height variance was required. Attorney Dow advised that Mr. Ferratto has the authority to interpret the code and the Zoning Board has further authority to interpret the code however the Planning Board does not and the Board can call it to their attention but the call has already been made. Attorney Dow advised the Board that they can bring it to Mr. Ferratto's attention and he can correct the mistake however the Planning Board does not have the authority to make the correction. It was Attorney Dow's opinion that the lot was undersized and not non-conforming otherwise the set-backs would not make any sense.

The Check List was reviewed. The landscape plan and rain gardens were discussed. Ms. Becker asked if a permit was needed from the Homeowner's Association stating that the septic could handle the capacity of the bedrooms. Mr. Rowntree acknowledged that one had been received. Ms. Becker requested that a copy be given to the Board for their files. Ms. Sedlock acknowledged that there is also a community well. Ms. Becker asked if there were capacity concerns for this. This was accounted for in the file however there was no DEC letter in the file. Mr. Haight asked that the lighting be accounted for on the elevations and a notation that they be

pointed downward. Mr. Grant had issue with the landscaping plan as he felt there should be some shrubs within the buffer zone. Ms. Becker did point out that the buffer zone is such a small area. Mr. Rowntree will revisit this.

On a motion made by Mr. Haight and seconded by Mr. Urban the Board voted unanimously to approve the Site Plan for Marika Pritchett and Paul Casey subject to receipt of a letter from the Homeowner's Association for septic and well capacity, a letter from the DEC, the outdoor lighting being put on the plans, the water line being placed on the legend, the 'R-2' Zoning District being put on the prints and clarification by the Building Inspector as to whether a height variance is required.

### **2015-13      ZBA REFERRAL – EDWIN KUESTER – Lakeview Road [Copake Lake]**

Submissions included:

- ZBA Approval dated June 29, 2015
- NYS DEC letter dated May 15, 2015
- NYS DEC Permit dated June 5, 2015

Lindsay LeBrecht appeared before the Board representing Edwin Kuester. Ms. LeBrecht reminded the Board that Mr. Kuester wishes to repair the existing wall of his shoreline slightly increasing the size.

Ms. LeBrecht advised the Board that she was before the ZBA who wanted to see a side cut of the project. Mr. Haight advised the Board that variances were granted by the ZBA.

Ms. LeBrecht acknowledged that Mr. Kuester wanted to extend the wall to the side because of the erosion problem. Mr. Haight brought up the fact that he visited the site and there appears to be a culvert on the property. Ms. LeBrecht clarified that this is a drainage point from Copake Lake Boat and Ski to alleviate the flooding in that area.

Ms. Becker made note of the fact that this application is a modification of a non-conforming structure which requires Site Plan Approval. Mr. Grant pointed out that inasmuch as this has been approved by the DEC and the ZBA he wasn't sure what more the Planning Board could require. Ms. Becker advised him that the Board would need to see what other comments or suggestions they might have for the applicant.

Mr. Haight asked if anyone had anything to say about the project. Mr. Sawchuk made reference to the fact that he wished that the structure wasn't poured concrete. Ms. LeBrecht noted that unfortunately there are some places around the lake that need these structures. Ms. Becker asked whether there was any drainage and Ms. LeBrecht explained that there is drainage and there is some vegetation there as well. Ms. Becker asked if there were any trees and shrubs and Ms. LeBrecht advised her that there are, along with some flowers.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Edwin & Joyce Kuester on Lakeview Road at Copake Lake.

**2015-14      BLA/MINOR SUBDIVISION – DIANE CINQUE – Farm Road [Copake]**

Submissions included:

- Subdivision Maps

Mr. Haight advised the Board that Ms. Cinque owns property adjacent to the parcel she purchased and she wishes to split the parcel and merge half the parcel with her property and her neighbor Karen Newman wishes to merge the other half with her property.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to classify the application of Diane and Thomas Cinque as a minor subdivision.

Ms. Becker asked whether the only access to the property was through an existing easement from Farm Road. Ms. Cinque acknowledged this. It was noted that although there is an easement on the parcel to be subdivided each half of the divided parcel will have road access as both Ms. Cinque and her neighbor's property have access. Mr. Grant questioned whether the deeds were needed for Ms. Cinque and Ms. Newman's parcels. Ms. Cinque supplied the deed to the parcel to be subdivided. Attorney Dow made note of the fact that the deed to the parcel to be subdivided is a Quit-Claim deed and had concerns that Title Insurance might become an issue at some point should the property be sold however he did not believe it to be an issue to merge the parcels.

Mr. Haight also acknowledged that there is a right-of-way on the parcel that will be abolished. Attorney Dow clarified that this is the right-of-way to serve the parcel and once the parcel is merged with the other parcel the right-of-way will disappear. Mr. Haight pointed out that the right-of-way goes into Frank Peteroy's property. Attorney Dow explained that any right-of-way the parcel has would go away, however it would be different if it was the Peteroy property that carried the right-of-way. Attorney Dow pointed out that the conditions would be stated in the deeds. Ms. Becker reviewed the Check List and made note of the fact that the only pertinent issue is the fact that the deed restrictions need to be clarified, the zoning district needs to be added to the map and a SEQRA needs to be filled out.

On a motion made by Mr. Savarese and seconded by Ms. Becker the Board voted unanimously to accept the Boundary Line Adjustment Subdivision map for Diane & Thomas Cinque as a preliminary sketch and set a Public Hearing for the August Meeting.

**2012-1      MINOR SUBDIVISION – COPAKE LAKE GOLF LLC – Off Golf Course Road [Copake Lake]**

Submissions included:

- Revised Subdivision Maps

Jeff Plass appeared before the Board representing Copake Lake Golf LLC and advised the Board that this is a revision of a 2013 subdivision. Mr. Plass reminded the Board that in 2013 a three-lot subdivision had been approved and just recently a build-out of Parcel One was started. Mr. Plass explained that there was an original approved driveway however the builder brought the Highway Superintendent to the lot and he suggested moving the driveway to a better location. He

continued to explain that the septic designed for Parcel Two is now the septic for Parcel One and a new septic has been designed for Parcel Two. He said that he has verbal approval from the County and is just waiting to receive the letter and once approved the finished septic drawings will be submitted.

Ms. Becker asked Attorney Dow whether this needed a new review. Mr. Grant noted that if it were within one-hundred and fifty feet (150') of the lake it would however it is not. It was decided that this is a Boundary Line Adjustment and will need a Public Hearing set for next month.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted to accept the revised Boundary Line Adjustment Subdivision map as a Preliminary Sketch and set a Public Hearing for next month's meeting with Jon Urban not voting and Julie Cohen excused earlier from the meeting.

## **2015-6            MINOR SUBDIVISION – SCOTT DECKER – Birch Road [Copake Lake]**

Submissions included:

- E-mail from William Gregory dated March 6, 2015
- Ed Ferratto letter
- Right of way & Road Maintenance Agreement
- Confirmation e-mail from CLCS Grant for Elm and Pine Street Homeowners
- DOH Letter dated July 14, 2015
- Raised Bed Septic Plans

Mr. Haight reminded the Board that Scott Decker was before the Board for a minor subdivision of three (3) parcels. The Board had requested a right-of-way and road agreement along with the fire department's approval of the road. Mr. Haight spoke with the Craryville Fire Department and they would not approve anything however when he spoke with Highway Superintendent Bill Gregory he had no problem with access. Mr. Haight went on to note that when Mr. Ferratto became aware of this he advised Mr. Haight that the responsibility of this fell under the jurisdiction of the Building Inspector and a letter was received from Mr. Ferratto stating that the road was accessible for fire apparatus.

Ms. Becker clarified that Mr. Gregory's letter did not give approval however he did acknowledge that with the improvements being made to the road and Mr. Decker taking over the snow removal responsibilities he did feel this would greatly improve the safety of all residents, current and future. Mr. Haight did refer to a letter from Mr. Ferratto where he stated that it is his opinion that Elm Street leading up to the subdivision of Scott Decker's parcel is suitable for emergency egress.

Mr. Haight noted that conformation that the grant to remediate drainage issues had been approved and acknowledged submission of the document he received from Mr. Decker. Mr. Grant had issue with the fact that the Craryville Fire Department would not approve the road for

fire apparatus as the fire companies have given approval before. It was noted that those were different fire departments. Mr. Grant had issue with this. Mr. Haight pointed out that according to NY Building Codes it is the responsibility of the Building Inspector to approve roads. Attorney Dow advised that the Building Inspector is the true authority as he is responsible for the enforcement of the building and fire codes and the Fire Commissioner had no obligation to make a decision one way or another. He is the official for the Town responsible for making determinations regarding the safety of building codes.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to accept the minor subdivision of Scott and Jacqueline Decker as a Preliminary Sketch and set a Public Hearing for the August meeting. Inasmuch as a letter will not be received from the Craryville Fire Department regarding Elm Street the Board requested that Mr. Ferratto submit a more signed letter approving the road.

Mr. Plass asked for clarification as to how many feet were needed from Mr. Decker's property to make a fifty foot (50') right-of-way. It was noted that ten feet (10') were needed from Mr. Decker.

## **MINUTES**

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to accept the minutes of the June 4, 2015 meeting as amended.

## **ADMINISTRATIVE**

**CARL CAMPBELL:** Mr. Haight reminded the Board that Carl Campbell wished to subdivide a portion of his property so that solar panels could be put on it. Mr. Haight asked for clarification from Attorney Dow as to whether the parcel could be subdivided without Board of Health approval. Attorney Dow advised that inasmuch as it is a commercial lot and no houses are being built on it there would be no issue in subdividing.

## **CARRY OVER**

The following matters were carried over to the next meeting:

**2015-11          MINOR SUBDIVISION – CARL CAMPBELL AND CHRISTA PROPER – Route 23  
[Copake]**

## **ADJOURNMENT**

There being no further business, on a motion made by Mr. Haight and seconded by Mr. Savarese, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 11:00 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 51 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**

### TARYN & NATHAN SAWYER

May 9, 2015	EAF Mapper Summary Report (1)
July 28, 2014	Baldwin to Sawyer (1)
June 12, 2015	Gabriel to Sawyer (3)
June 13, 2015	ZBA Variance Request (2)
June 15, 2015	Ferratto to ZBA (1)

### GARY SINGH/RUBIN QUICK STOP

June 8, 2015	EAF Part I (13)
June 10, 2015	Prendergast to Haight/CPB (1)
June 22, 2015	Newcomb to CPB (1)
July 9, 2015	Masters to CPB (1)
July 16, 2015	EAF Part II (10)

### MARIKA PRITCHETT & PAUL CASEY

April 17, 2015	Urban to Strom/ZBA (1)
June 15, 2015	Ferratto to ZBA (1)
June 29, 2015	ZBA Action on Appeal (2)

### EDWIN & JOYCE KUESTER

May 15, 2015	Baker to Kuester (3)
June 29, 2015	ZBA Action on Appeal (2)

### SCOTT & JACQUELINE DECKER

March 6, 2015	Gregory to CPB (1)
	Ferratto to Whom it may concern (1)
July 2015	Right of Way/Road Maintenance Agreement (3)
July 14, 2015	DeRuzzio to Decker (2)
July 15, 2015	Stein to Decker (1)