



# **COPAKE PLANNING BOARD**

**JUNE 1, 2017**

**MINUTES**

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## **DRAFT**

**Please note that all referenced attachments, comprising 25 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 7:00 p.m. by Bob Haight, Chair. Also present were Marcia Becker, Julie Cohen and Ed Sawchuk. Chris Grant, Steve Savarese and Jon Urban were excused. Lisa DeConti was present to record the minutes. Town Attorney Ken Dow and Town Board Liaison Terry Sullivan were also present.

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

### **2017-28      ZBA REFERRAL – SEFKET & KUMRIJA METJAJIC –Hedges Road [Copake]**

- ZBA Request for Area Variance

Linda Chernewsky appeared before the Board representing Sefket & Kumrija Metjajic who received ZBA approval on August 3, 2016 for a right side-yard and rear yard variance for the construction of a detached garage. Ms. Chernewsky explained that the applicants would like to move the garage an additional foot from five feet (5') to four feet (4') to save the side-walk on the side of their house and keep the distance between the house and the garage so they are asking for an extension of their side-yard variance. Ms. Chernewsky added that the applicants received a letter from their abutting neighbor stating that they had no issue with the new variance.

A letter will be written to the ZBA advising them that the Planning Board had no issue with this application.

### **2017-29      ZBA REFERRAL – MICHAEL SHADIC – Lake Shore Acres Road [Copake Lake]**

- Building Permit Denial
- ZBA Request for Area Variance
- Site Plan
- Pictures

Linda Chernewsky appeared representing Michael Shadic who needs a rear-yard setback variance for a modular home. She made note of the fact that the Building Inspector didn't recommend Site Plan Review from the Planning Board. Ms. Chernewsky explained that Mr. Shadic is requesting a rear yard variance from the ZBA. She noted that all the other set-backs have been met and there is an open field at the rear of the property.

Ms. Becker also commented on the fact that the denial from the Building Inspector stated that a right side-yard set-back variance was also needed. Ms. Chernewsky clarified that when Mr. Shadic received the dimensions for the modular he discovered that the right side-yard set-back could be met so a variance was not needed.

Ms. Chernewsky mentioned that there is an open field at the rear of the property. Ms. Becker made note of the fact that the impact on neighboring properties is usually a factor when it comes to a variance however this is not a consideration in this instance due to the field at the rear of the property.

A letter will be written to the ZBA advising them that the Planning Board had no issue with this application.

**2017-30            ZBA REFERRAL/SITE PLAN REVIEW – MORGAN & KRISTEN DENNEHY –  
Mansion Drive [Taconic Shores]**

- ZBA Request for Area Variance
- Application for Site Plan Review
- Building Permit Denial
- Property Taxes
- Letter of Agency
- Pictures

Linda Chernewsky appeared representing Morgan and Kristen Dennehy for a project that the applicant plans on doing in three (3) phases. Ms. Chernewsky explained that the application is being presented as a whole because the applicant is before the DEC for approval of the complete project inasmuch as most of the residence is within one-hundred feet (100') of the wetlands.

Ms. Chernewsky went on to explain that the first phase will consist of a paver patio and an outside shower with a dry-well on the lower level, the second phase will consist of the extension of the living room on the second level with a deck above it and the third phase will be the proposed master bedroom and mud room.

Ms. Chernewsky made note of the fact that Building Inspector Lee Heim is not requesting a full design of the proposed upgraded septic at this point as the applicant is not applying for a permit at this time. However he has noted that Health Department approval is needed prior to the issuance of a permit. Mr. Haight advised that the applicant will need to revisit the Planning Board at that time as well.

Ms. Becker pointed out that the property is on two (2) lots and questioned whether they are combined or not as it would impact the side-yard variances. It was Ms. Chernewsky's belief that the lots are combined. Ms. Cohen advised the Board that the tentative taxes for 2017 still show the parcels as two (2) separate parcels. Ms. Chernewsky will follow up on this and speak with the surveyor to see if the paperwork has been filed for the merger.

Ms. Chernewsky did make note of the fact that the septic system is a one-thousand (1,000) gallon tank and is presently on the adjacent lot. She did acknowledge that Ed Nostrand inspected the tank and the tank is in good working order. Ms. Becker addressed the fact that the Board cannot approve a project without septic approval.

Ms. Becker questioned a basement room and bathroom as she believed this could be considered a bedroom. Ms. Chernewsky explained that this room is an office and noted that the ceilings are less than seven feet (7') high.

Mr. Haight advised that the conditions would need to include a note that the lots need to be merged and that the applicant needs to return to the Board with the proposed master bedroom and mud room as the septic system needs to be upgraded.

The Check List was reviewed. The work will be done in three (3) phases and will take approximately five (5) years.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Morgan and Kristen Dennehy on Mansion Drive in Taconic Shores subject to ZBA Approval, the DEC permit for work within one-hundred feet (100') of a wetland, the two (2) lots being merged and Planning Board approval at a later date of Phase 3 for the proposed master bedroom, mud room addition and septic system approval.

Ms. Chernewsky will X-out and initial the master bedroom and mud room for the required three (3) sets of plan to be stamped by Mr. Haight once ZBA approval is granted.

A referral letter will be written to the ZBA advising them that the Board approved the Site Plan subject to the above conditions. Ms. Becker would also like to recommend that the ZBA consider less pervious surfaces for the proposed patio due to its location to the lake. Ms. Chernewsky explained that the use of pavers is to limit the amount of digging near the lake. She did acknowledge that there will be spaces between the pavers for drainage.

**2017-24      ZBA REFERRAL/SITE PLAN REVIEW – STEPHEN & EVA DOWDELL –  
Birch Road [Taconic Shores]**

- Building Permit Denial
- Application for Site Plan Review
- Site Plan & Floor Plans
- Site Analysis drawing
- Fee

Sandra Baptie appeared before the Board along with Eva Dowdell. Ms. Baptie made note of the fact that the applicant's house is not on the lake and is approximately five-hundred feet (500') from the lake and approximately one-thousand feet (1,000') from the Community well. Ms. Baptie explained that the scope of the project is to transform a weekend house into a modest year-round house. Ms. Baptie made note of the fact that the existing house is six-hundred square feet (600) with two-hundred and forty square feet (240) being added. She noted that the addition will include a master bedroom and an addition to the kitchen. Ms. Baptie also explained that a detached two (2) car garage will be added.

Ms. Baptie acknowledged that the applicant appeared before the ZBA at their May meeting. Ms. Becker questioned what the size of the lot was and was advised that it is one-half (1/2) acre. Ms. Baptie made note of the fact that the applicant's house backs up to rock hill which is one of the reasons for the placement of the garage at the front. She then explained that there was also concern of disturbing the existing foundation of the house by attaching the garage to it.

Ms. Becker asked whether the garage had a loft and was advised by Ms. Baptie that it is a storage loft due its height. Mr. Haight questioned whether there will be an increase in the bedroom count and was advised that the bedrooms will remain at two (2). Mr. Haight also asked if anyone had any issue with the placement of the garage. Ms. Becker pointed out that it is not a Board decision and more of what impact this would have on the adjoining neighbors. Ms. Baptie made note of the fact that the grade will not be disturbed.

A letter will be written to the ZBA advising them that the Board had no issue with the placement of the garage as they see no alternative to its placement on the site.

The Check List was reviewed. Ms. Becker questioned why there were no contours on the maps and was advised by Ms. Baptie that they usually aren't done on small projects due to the expense. It was noted that the garage will replace an existing shed which will be moved to the other side of the property. Mr. Haight asked whether the new driveway will be paved or gravel and was advised by Mrs. Dowdell that they are planning on paving the driveway. The project is expected to begin during the summer and be completed by winter.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Stephen and Eva Dowdell from a Site Plan dated March 31, 2017 subject to ZBA approval.

## **PUBLIC HEARING**

**NONE**

## SUBDIVISION/SITE PLAN

### **2017-27      SITE PLAN REVIEW – FRED & ELOISE SILVERMAN – Blue Bird Road [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- Letter of Agency
- Letter from Ed Van Nostrand dated September 22, 2016 regarding septic
- Bill from Bill Baldwin & Sons, Inc dated September 14, 2016
- Property Description Report
- Approximate Building dimensions
- Elevations
- Fee

Linda Chernewsky appeared before the Board representing Fred and Eloise Silverman on Bluebird Road at Copake Lake for the replacement of a non-conforming structure. Ms. Chernewsky explained that the applicant wishes to replace the existing structure with a modular and would like to know if Site Plan approval is an option before giving a deposit to the company for the floor plans of the structure. She also noted that the existing garage will remain as well as the existing septic system. Ms. Chernewsky explained that the footprint will be changing inasmuch as the size of the modular is not the same as the size of the existing structure.

Ms. Becker referred to Town Code 232-24B(2)(b) as referred by the Building Inspector which reads:

*Replacement. A nonconforming structure may be replaced to occupy the same space on the lot or rebuilt providing greater yard space and less lot coverage and not exceeding the height of the prior structure except as provided above or as approved by the Planning Board in a site plan review and approval.*

Ms. Chernewsky made note of the fact that one of the reasons the footprint is moving is that she is trying to allow more room between the building and the property line. Ms. Becker asked whether the footprint is being expanded and Mr. Haight asked what the square footage is. Ms. Chernewsky could not supply this information inasmuch as the applicant has not contracted with the company as yet. Mr. Haight asked whether the proposed structure will be higher than the existing structure. Ms. Chernewsky acknowledged that it was likely the structure would be higher however she did not believe it would exceed the maximum height limit of thirty-five feet (35'). Without the plans she could not give an exact height measurement.

Ms. Becker then referred to Town Code 232-24B(2)(a) [4] which reads:

*Where a single-family dwelling exists on a nonconforming lot, a second story may be permitted over the same footprint, provided such addition does not exceed the height limitations in the density control schedule of this chapter for nonconforming lots.*

Mr. Haight did advise that Westchester Modulares can give the applicant the size of the model they are trying to sell. Ms. Chernewsky explained that the proposed modular is more of a custom modular than a standard one. Ms. Chernewsky submitted a floor plan that she put together from the measurements Westchester Modular's builder gave her. Ms. Becker advised that there is not enough information from the applicant for the Board to review. Ms. Chernewsky explained that the applicant would have to purchase the product in order to receive the plans from Westchester Modular due to the fact that it is a custom order.

Ms. Chernewsky will return with a revised Site Plan which will include:

- Elevations with dimensions
- Floor Plans
- Dimensions of the house on the Site Plan
- Bedroom Count
- Basement dimensions

Ms. Becker acknowledged that a dye test was done for the one-thousand gallon (1,000) tank. Mr. Haight made note of the fact that the letter from Ed Van Nostrand needs an engineer stamp on it.

**2017-19      ZBA REFERRAL/SITE PLAN REVIEW – SUE-JANE KERBIN-EVANS –  
County Route 7 [West Copake]**

- Revised Site Plan
- Septic Letter from Edward Van Nostrand dated June 1, 2017

Christie Wheate Billeci of CWB Architects appeared representing Sue-Jane Kerbin Evans for the addition of a screened-in porch at the back of the house and the replacement of an existing structure on the side of the house. Ms. Billeci did make note of the fact that the set-backs are met on the front and sides however a variance is needed at the rear of the house as well as a variance for development within the one-hundred feet (100') of the water. Ms. Billeci did advise the Board that all variances were granted.

Ms. Billeci reminded the Board that she appeared at the May meeting and was asked for some additions and changes after the Check List was reviewed. The following items were added to the Site Plan:

- Dimensions of property and buildings
- Location of utility poles and electric wires
- Notes on map that exterior lighting needs to be shielded
- Septic Letter from Edward Van Nostrand

Ms. Billeci did make note of the fact that the septic is not new however improvements have been made to the existing system which will include the system being moved further from Rhoda Pond. Mr. Haight asked if any bedroom are being added and was advised by Ms. Billeci that there is no increase in the bedroom count. Mr. Haight did make note of the fact that although it is good to have in the file the engineer's letter was not required inasmuch as there is no increase in the bedroom count. A discussion arose regarding whether Mr. Nostrand was an engineer. Ms.

Cohen pointed out that Mr. Nostrand was with the Department of Health for thirty (30) years and ran the Department that was responsible for approving all the septic systems.

The Check List was once again reviewed. The project is expected to begin with the septic system improvements and construction is expected to follow in the fall.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Sue-Jan Kerbin Evans on County Route 7 from the plans dated May 8, 2017

Mr. Haight wanted it noted that there is a letter in the file from Edward Van Nostrand regarding the septic system upgrade.

Mr. Haight will stamp the maps and Ms. DeConti will notify Ms. Billeci when they are stamped.

### **2017-26      SITE PLAN REVIEW – PETER KELLY – Wang Drive [Copake Lake]**

- Application for Site Plan Review
- Survey
- Floor Plan
- Building Permit Denial
- Pictures

Mr. Kelly appeared before the Board and explained that he recently purchased a three (3) bedroom Ranch House that he intended to remodel gradually however during the process he found that the house needed more work than expected and he was advised by Building Inspector Lee Heim that Planning Board approval was required.

The Board reviewed the scope of work and realized that this fell under maintenance and repair as no exterior changes are being made to the structure with the exception of the removal of a rear deck.

After discussion, on a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to waive the reading of the Site Plan Check List and Site Plan Fee because there is no change to the site itself.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Peter Kelly on Wang Drive at Copake Lake dated May 17, 2017 inasmuch as the scope of work appears to be Maintenance and Repair and there is no change to the footprint or the site.

Mr. Haight stamped one set of prints and will stamp the remaining maps when he returns from vacation.

Attorney Dow will address a letter to the Building Department advising them that Site Plan Review is not required unless the footprint or interior walls of a non-conforming structure are being changed.

## **MINUTES**

Mr. Haight asked whether there were any corrections or changes to the May 4<sup>th</sup> minutes.

Being none, on a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the May 4, 2017 meeting minutes.

## **ADMINISTRATIVE**

**NON-CONFORMING STRUCTURE SITE PLAN REVIEW:** Attorney Dow will address a letter to the Building Department advising them that Site Plan Review is not required unless the footprint or interior walls of a non-conforming structure are being changed or increased and is not necessary for maintenance and repair only.

**CJL REALTY SUBDIVISION:** Mr. Haight advised the Board that a letter was received by Andrew B. Fetherston P.E of Master Consulting regarding an extension of the expiration of the CJL Realty Subdivision. Ms. Becker made note of the fact that once a subdivision was filed it cannot be changed however Site Plan approval needs to be renewed. Attorney Dow referred to Town Code which follows and advised that the application can be resubmitted:

*Once a site plan is reviewed, approved, stamped and dated by the Copake Planning Board, the conditions for approval shall be valid for three years. If no construction has begun after three years, the site plan must be resubmitted to the Planning Board for review and re-approval.*

After discussion the Board decided that the applicant be contacted and informed that they need to re-submit the application so that the Board can review the project again.

**MARINER TOWER ESCROW:** Mr. Sawchuck advised the Board that he scanned in the documents he has been researching regarding a Radio Frequency Engineer and will forward them to the Board for their review.

**TOWN OF EGREMONT PUBLIC HEARING:** On May 8, 2017 the Egremont Planning Board unanimously voted to grant the application for a Special Permit for a change of use from residential to retail consumer services establishment for 377 Builders, LLC to adapt and reuse an existing non-conforming structure for commercial purposes.

## **CARRY OVER**

The following matters were carried over to the next meeting:

**2016-18          ZBA REFFERAL/PRELIMINARY SPR – GRJH INC./THOMAS CASEY –  
State Route 23 [Craryville]**

Prior to the meeting the Board reviewed the required submissions with the applicant. The applicant hopes to make these submissions at the July 6<sup>th</sup> meeting.

**2017-22          ZBA REFERRAL/SITE PLAN REVIEW – EMILY K. WEISS – High Ridge  
Drive [Copake]**

The applicant requested to be carried over to the July meeting.

## **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 8:50 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 25 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**

**SEFKET & KUMRIJA METJAJIC**

May 9, 2017                      ZBA Request for Area Variance (2)

**MICHALE J. SHADIC**

April 1, 2017                      Building Permit Denial (2)  
April 15, 2017                      ZBA Request for Area Variance (2)

**KRISTIN & MORGAN DENNEHY**

May 17, 2017                      ZBA Request for Area Variance (2)  
May 17, 2017                      Application for Site Plan Review (1)  
May 17, 2017                      Building Permit Denial (2)

**EVA & STEPHEN DOWDELL**

March 27, 2017                      Application for Site Plan Review (1)  
March 27, 2017                      Building Permit Denial (2)

**FRED AND ELOISE SILVERMAN**

September 21, 2016                      Bill Baldwin & Sons, Inc. (1)  
September 22, 2016                      Nostrand to Silverman (2)  
May 10, 2017                      Building Permit Denial (2)  
May 12, 2017                      Application for Site Plan Review (1)

**SUE-JANE KERBAN EVANS**

June 1, 2017                      Van Nostrand to Evans/Kerbin (1)

**PETER T. KELLY**

April 12, 2017                      Building Permit Denial (2)  
May 22, 2017                      Application for Site Plan Review (2)