



COPAKE PLANNING BOARD

JUNE 7, 2018

MINUTES

DRAFT

Please note that all referenced attachments, comprising 103 pages, are on file with the Copake Town Clerk and in the Planning Board office. An annotated listing of those attachments appears at the end of this document.

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Bob Haight, Chair. Also present were Julie Cohen, Marcia Becker, Ed Sawchuk and Steve Savarese. Chris Grant, Jon Urban, Town Board Liaison Richard Wolf and Attorney Ken Dow were excused. Lisa DeConti was present to record the Minutes.

ZONING BOARD OF APPEALS – Referrals

**2018-07 ZBA REF/SPR – BLACK POINT ASSOCIATES LLC/BRAD PECK INSURANCE –
County Road 7A [Copake]**

- None

Kirk Kneller informed the Board that he had appeared before the Zoning Board of Appeals and a Public Hearing was set for next month's meeting. Mr. Kneller also acknowledged that the ZBA appeared to be in agreement with him adding an additional ten (10) parking spaces to accommodate the addition he would like to construct.

Mr. Haight asked whether Mr. Kneller had anything from the County acknowledging that the well and septic system are adequate for the addition he is planning.

A discussion ensued regarding what is required for the Site Plan Process. Mr. Kneller was under the impression that he was only before the Planning Board for approval of a second use in the same building.

Mr. Haight advised Mr. Kneller that if the Board of Health does not get involved inasmuch as the building is pre-existing he can hire an Engineer to attest to the adequacy of the Septic System. Ms. Cohen suggested Mr. Kneller consult Joe Flood regarding the gallons per minute of the well flow inasmuch he was hired to drill the well.

The Check List was reviewed. It was noted that Mr. Kneller needs:

- DOH Approval for water and Septic
- Location of Well and Septic added to Site Plan
- Adequacy of Septic
- Gallons per minutes for existing well
- Handicapped Parking marked on Site Plan
- Any existing buildings on the property added to the Plans
- Fire Lane marked on Site Plan
- Zoning District B-R added to Site Plan
- Additional Parking Spaces added to Site Plan
- ZBA Approval

Mr. Kneller will return for the August 2nd meeting.

2018-08 ZBA REF/SPR– KRISTEL & ROB LAZARUS – Lake Shore Drive [Taconic Shores]

- Application for Site Plan Review
- ZBA Request for Area Variance
- Building Permit Denial
- Department of Health Letter dated May 10, 2018
- Letter of Agency dated May 10, 2018
- Tax Bills with proof of ownership
- Map of Taconic Shores location
- Pictures
- Site Plan with Elevations

Christie Wheate Billeci appeared before the Board with applicants Kristel and Robert Lazarus. Mr. Haight asked what the applicants were before the ZBA for and was advised by Ms. Billeci that they are before the Planning Board for a non-conforming structure and before the ZBA for rear-yard and side-yard set-backs, development within one-hundred feet (100') of water and a septic tank located within one-hundred and fifty feet (150') of a body of water.

Ms. Billeci explained that the existing house is a three (3) bedroom Ranch on a merged two and one-half lot parcel that sits very close to the property lines. Ms. Billeci explained that the applicants wish to replace the existing structure with a new three (3) bedroom house which will be more centered on the property. Mr. Sawchuk asked if there will be an entirely new foundation and Ms. Billeci acknowledged that the foundation will be new.

Mr. Haight asked what the distance from the old and new houses will be. Ms. Billeci explained that the distance will be the same with the exception of a seven and one-half foot (7 ½') bump out making the distance to the lake sixty-five feet (65'). Ms. Billeci made note of the fact that the reason the applicant is requesting a rear-yard set-back is that they wish to keep the Maple Tree located in their front yard.

Mr. Haight asked what the square footage of the existing and proposed structures are and Ms. Billeci acknowledged that the existing is one-thousand eight-hundred and eighty six (1,886) square feet and the proposed is two-thousand two-hundred and twenty four (2,224) square feet.

Ms. Billeci also acknowledged that a new Septic System has been designed and accepted by the Department of Health (DOH). Ms. Billeci added that the system has been designed to be outside of the one-hundred foot (100') buffer.

Ms. Becker noted that there are four (4) full bathrooms and questioned the fact that the den and wreck rooms could be additional bedrooms. Ms. Billeci explained that the wreck room is a room that has to be walked through to get to the screened in porch and has French doors that open into the Dining Room and it is pretty clear that this would not be used as a bedroom. Ms. Becker then brought up the fact that the letter from the DOH refers to a three (3) bedroom house which Ms. Billeci acknowledged the proposed structure is. Ms. Cohen noted that the Certificate of Occupancy will be designed for a three (3) bedroom house. Ms. Becker asked what the size of the septic system is and was advised that the newly designed septic system is twelve-hundred and fifty (1,250) gallons. Ms. Billeci also pointed out that there is an additional one-hundred (100) gallon tank on the plans. After reviewing the septic design the Board was in agreement with this.

The Check List was reviewed. Mr. Haight asked what the height of the structure is and Ms. Billeci advised him that the height is twenty-two feet (22').

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Kristel and Rob Lazarus on Lake Shore Drive in Taconic Shores from a Site Plan dated June 4, 2018 subject to ZBA approval.

A letter will be written to the ZBA advising them that the Board found the variance requests minimal and logical and feel the applicant is moving in the right direction by centering the structure on the property and saving the Maple Tree and they have approved the application subject to ZBA approval.

Mr. Haight will stamp the maps when ZBA approval is received.

**2018-10 ZBA REF – JAVIER VARGAS & MONICA MACHADO – Golf Course Road
[Copake Lake]**

- Letter from Shulman, Howard & McPherson LLP dated May 9, 2018
- Letter from DOH dated January 12, 2018
- Easement between Copake Lake Golf Course and Javier Vargas and Monica Machado
- Lisa of Abutters
- Pictures
- ZBA Request for Area Variance
- Site Location Map

- Building Permit Denial dated November 1, 2017
- ZBA Action Taken on Appeal Forms dated March 28, 2018
- Site Plan

This application was not reviewed at this time as the Planning Board approved it subject to ZBA approval at their March 1, 2018 meeting. A letter will be sent to the ZBA advising them of this.

PUBLIC HEARING

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

- Traffic Study by Creighton Manning dated May 17, 2018
- Steve Smith e-mail dated June 4, 2018
- Site Plan dated 5-15-18

Alicia Metz appeared before the Board representing GRJH Inc. Julie Cohen read the Traffic Study Conclusion into the record.

Mr. Haight reminded everyone that the Public Hearing remained open.

Hillsdale Town Resident MIKE DVORCHAK ... Mr. Dvorchak had issue with the fact that the Traffic Study was most likely done during the week and not on the weekend when traffic was the heaviest.

Craryville Resident MARY BETH KETZ... Ms. Ketz suggested an automated surveillance of the fuel tanks as she had concerns of leaks. Mr. Haight advised her that this is not under the discretion of the Planning Board and would be handled by the EPA. She also had concerns about a Drive-Thru but was advised by Mr. Haight that the latest Site Plan does not have a Drive-Thru on it.

Copake Resident FRAN MILLER ... Ms. Miller had concerns regarding the Environmental Impact of the project and/or spillage.

Attorney BRIAN HENCHY who is representing Hillsdale Residents Steven and Barbara Smith ... Mr. Henchy had concerns regarding the Drive-Thru but was advised that this has been removed from the Site Plan. He also asked to see the location of the underground Storage Tanks. He questioned whether the applicant was in compliance with DEC regulations for the underground tanks and their proximity to the road. He also questioned the accuracy of the Traffic Study being done during the week and not weekends and the impact of construction on the Craryville Road intersection. Mr. Henchy also had concerns that a Drive-Thru would be added in the future without the knowledge of the Board. Mr. Haight assured him that should the applicant decide to add a Drive-Thru at a later date they would have to appear before the Board to accomplish this. Mr. Henchy also had concerns about the monitoring of the underground fuel tanks.

Mr. Haight motioned to close the Public Hearing but Attorney Henchy made note of the fact that inasmuch as there was information forthcoming from the Engineer, the Public Hearing should remain open for comment should there be any changes. Mr. Haight agreed to leave the Public Hearing open.

Ms. Metz questioned whether the Public Hearing could be closed and re-opened in the event of any changes. Mr. Haight advised her that this would extend the project as another Public Hearing would have to once again be advertised prior to it being reopened.

SUBDIVISIONS/SITE PLANS

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

- Traffic Study by Creighton Manning dated May 17, 2018 CM# 118-023
- Site Plan dated 5-15-18
- Installation Manual for Pre-Treatment of Septic System

Alicia Metz appeared before the Board representing GRJH Inc. Julie Cohen read the Traffic Study Conclusion into the record.

Mr. Haight acknowledged that the Board of Health and New York State do not have any adverse issues with the project at this time. Ms. Becker questioned whether there are any letters from the Board of Health or New York State regarding this. Ms. Metz explained that most of the acknowledgments were verbal at this point as the two agencies have been in discussions with each other and once everything is resolved letters will be sent.

Mr. Haight questioned what the applicant has for monitoring. Ms. Metz advised him that there are three forms of electronic monitoring through an ATG Tank Gage System which is installed at each site. Ms. Metz explained that the tanks, the lines and the containment buckets above and below the dispensers are all monitored through this system which electronically calculates the volumes in the tanks looking for sudden losses sending an alerting signal if it detects any leak. Ms. Metz also noted that they have a central monitoring system of all their locations which will notify them in the event of a problem.

Ms. Becker referred to the proposed lighting for the project and asked whether they will be on continuously and was advised by Ms. Metz that there will be some continuous lighting for safety purposes however all lighting will point downward.

**2018-03 ZBA REFERRAL – CAMP PONTIAC/MICHAEL ETRA – County Road 7
[Copake]**

- Letter from Columbia County Planning Board dated May 16, 2018
- ZBA Action Taken on Appeal Forms dated June 6, 2018

Evan Young appeared representing the applicants. Mr. Young reminded the Board that when he was last before the Board the application needed to be sent to the Columbia County Planning Board (CCPB). Mr. Young acknowledged that the CCPB didn't have any concerns and just wanted the water and sewer addressed with the Department of Health and the DEC.

Mr. Young made note of the fact that the Special Use Permit and the Area Variance were received from the ZBA for the Accessory Dwelling Units. Ms. Cohen noted that there were conditions listed on the Action Taken on Appeal form from the ZBA which stated that:

- Units shall be owner occupied only, separate access will be provided
- Units shall not consist of more than two (2) beds, Living Room, Dining Room, Kitchen and one (1) Bath
- Units shall be only one (1) story in Height
- Units shall conform to New York State Fire Prevention Codes

Mr. Haight asked whether anyone had any questions regarding this application. Ms. Becker asked that the CCPB recommendations be read into the record.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Camp Pontiac from a Site Plan dated March 12, 2018 and revised March 29, 2018.

Mr. Haight will stamp the revised maps when they are received.

2018-09 SPR – JOHN & LAURA VAETH – Pine Street [Copake Lake]

- Building Permit Denial dated May 21, 2018
- Site Plan

John Vaeth appeared before the Board and explained that he and his sister bought a very small summer house on Pine Street at Copake Lake which was previously owned by Lawrence and Kathryn House. Mr. Vaeth noted that the house is zoned as a two (2) Bedroom house however there is only one (1) bedroom with very limited space and they would like to close in the existing deck for a place to eat. Mr. Vaeth acknowledged that Mr. and Mrs. House were previously approved and the Building Inspector advised him that all the variances are in place.

Mr. Vaeth acknowledged that the existing deck is seventeen and one-half feet (17 ½') from the property line. The Check List was reviewed. Ms. Becker asked that the floorplan be added to the Site Plan Mr. Vaeth prepared. They were added by Mr. Vaeth as was the R-2 District. Ms.

Becker then asked whether Mr. Vaeth owned the dock at the water and was advised that he did. Ms. Becker pointed out that the septic and fields also needed to be added to the site map and initialed by Mr. Vaeth.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for John and Laura Vaeth and Edward and Katie Temme dated January 14, 2018.

Mr. Haight will stamp the plans on Saturday.

MINUTES

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the May 3rd meeting.

A discussion ensued regarding the Special Meeting Minutes of May 30th on the following paragraph:

Mr. Sawchuk disagreed with the statement in the Report of Recommendations that stated that the Planning Board ‘had a significant role in the development of this proposed law.’ Mr. Haight made note of the fact that for the past year updated copies of the revised Zoning Code has been sent to all members. Ms. Becker pointed out that this was never discussed by the Board at any of their meetings. Mr. Grant felt that as Planning Board members they should have reviewed the document and made comments. Mr. Haight noted that the LURC and Town Board meetings over the past six (6) years have been open to the public. Mr. Sawchuk still objected to the use of the word ‘significant.’ Attorney Dow will change the document to read ‘Planning Board members had a significant role in the development of this proposed law.’

Ms. Becker made note of the fact that Mr. Sawchuk objected to the use of the word ‘significant’ when referring to the Planning Board’s involvement in the development of the proposed Zoning law. Ms. Becker acknowledged that the minutes reflected what was said at the meeting and when the changes are made by Attorney Dow they will be addressed at that time.

A discussion ensued regarding whether the Special Meeting Minutes should be approved. They were not approved inasmuch as Mr. Sawchuk did not feel comfortable voting on them and Mr. Savarese was not present at that meeting so a quorum could not be met.

ADMINISTRATIVE

JULY MEETING: The Board wanted it noted that there will be no Planning Board meeting in July.

CARRY OVER

The following matters were carried over to the next meeting:

- 2017-31 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #1] –
Lackawanna Road [Copake]**
- 2017-32 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #2] –
Lackawanna Road [Copake]**
- 2017-41 BLA/MINOR SUBDIVISION – FRANK AND MARCIA PETEROY – Route 22 &
Old Highway 5645 [Copake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Haight and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:53 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 103 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

KRISTEL AND ROB LAZARUS

May 10, 2018	DeRuzzio to Matuszek (1)
May 14, 2018	Building Permit Denial (2)
May 15, 2018	ZBA Request for Area Variance (2)

GRJH INC.

May 17, 2018	Creighton Manning Traffic Study (88)
June 4, 2018	Steve & Barbara Smith to CPB (4)

CAMP PONTIAC

May 16, 2018	Columbia Co. Planning Board to CPB (2)
June 6, 2018	ZBA Action Taken on Appeal (2)

JOHN & LAURA VAETH

June 2, 2018	Building Permit Denial (2)
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