



COPAKE PLANNING BOARD

MARCH 1, 2018

MINUTES

DRAFT

Please note that all referenced attachments, comprising 1 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 7:10 p.m. by Bob Haight, Chair. Also present were Julie Cohen, Marcia Becker and Ed Sawchuk. Chris Grant, Steve Savarese and Jon Urban were excused. Lisa DeConti was present to record the minutes. Attorney Ken Dow and Town Board Liaison Richard Wolf were also present.

ZONING BOARD OF APPEALS – Referrals

2018-04 ZBA REFERRAL – COPAKE FIRE DISTRICT – County Route 7A [Copake]

- Building Permit Denial
- Request of Area or Use Variance and Special Use Permit
- Picture with measurements

Mr. Haight advised the Board that the Copake Fire District wishes to replace their existing sign with a new programmable sign.

Although this application was referred to the Board under Town Code 232-14H (*An existing sign that is to be reused for a different business or any other change shall be considered new and require approval*) Ms. Becker made note of the fact that Town Code 232-14I (*Identification signs may be interior lighted with non-glaring lights or illuminated with shielded lights. Intermittent, flashing, neon or colored lights shall not be used. Revolving signs are not allowed*) also needs to be considered by the ZBA.

Ms. Cohen asked whether this would be considered an emergency sign but it was agreed that it is not.

A letter will be written to the ZBA advising them the Board has no issue with this application however they recommended that they refer to Town Code 232-14I in addition to Town Code 232-14H.

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

- Site Plan Application
- Letter of Agency
- List of Abutters
- Building Permit Denial
- Location Map
- Proposed Site Plan
- Site Plan Fee

Evan Young appeared before the Board representing Camp Pontiac. He explained that Camp Pontiac wishes to construct four (4) new buildings on the site. Building #1 will be a Recreation/Art Center that is less than one-thousand (1,000) square feet. Mr. Young noted that an existing single wide mobile home will be removed and construction is planned to start in the Fall of 2021. Building #2 will be a 3 bedroom wood frame Seasonal Residence which will be occupied by one of the owners. Building # 3 will be a bunk-house for the Staff which will also have an exercise room and the existing building will be demolished to make room for this. Building #4 will be a one (1) bedroom Seasonal Residence which will be also be occupied by one of the owners.

Mr. Young acknowledged that they have been before the ZBA for a Special Use Permit for the two (2) seasonal residences for an accessory dwelling which requires a Special Use Permit.

Mr. Haight asked whether these houses will be tied into the new septic system. Mr. Young advised that they would. Ms. Becker asked whether the Building Inspector has all the specifications for the septic system and was advised by Mr. Young that he does. Mr. Haight requested a calculation for the remaining capacity of the septic system be submitted to the Planning Board after the new buildings are tied into the system. Ms. Becker acknowledged that the impact the increased construction has on the capacity of the system is an important factor for the Board to consider.

Mr. Haight asked which of the buildings were the highest and what the height is of that building. Mr. Young clarified that all the buildings will be single story buildings. Ms. Becker asked if Mr. Young had any elevations at this time. He acknowledged that there are none at this time.

Mr. Haight then asked whether all the buildings will be wood frame with wood sidings and Mr. Young acknowledged that they will be.

Ms. Becker also asked whether the potable water supplying these buildings will be monitored and questioned whether there will be enough water. Mr. Young made note of the fact that there are three (3) wells on the property and there is also a public water supply which the new buildings will be tied into. Ms. Becker then asked whether this will be monitored by the Health Department. Mr. Young acknowledged that the Columbia County Department of Health oversees this. Ms. Becker requested that this information be submitted to the Board.

Mr. Haight did make note of the fact that the Camp's full capacity is only a few months out of the year.

Ms. Becker questioned whether there are any State or County approvals that are needed. Mr. Haight advised that inasmuch as the Camp is on a County Road it will need to go to the County Planning Board.

The Check List was reviewed Ms. Becker requested information about the grading be submitted. Ms. Becker asked whether there will be parking around the buildings and was advised by Mr. Young that there is an existing parking lot which he pointed out.

Ms. Becker also asked whether there are fire and emergency zones and Mr. Haight asked whether the buildings were sprinkled. Mr. Young acknowledged that the existing buildings are sprinkled and the Staff/Bunk House will also be sprinkled. Mr. Young noted that Building #3 will most likely be sprinkled as well.

Ms. Becker asked the location of the energy sources. Mr. Young pointed out the transformer and noted that the buildings will tie into the existing underground energy source.

Ms. Becker asked whether the Zoning District is on the Site Plan. Inasmuch as it was not it was determined that this is located in the 'R' district.

It was also noted that the calculations for the water and septic need to be submitted to the Board.

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

PUBLIC HEARING

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

- None

Owner Alicia Metz appeared representing GRJH.

Mr. Haight reminded everyone that the Public Hearing remained open and asked that people be brief and not speak about anything they spoke about at previous meetings.

Mr. Haight asked if anyone would like to speak on this application.

Copake Resident LINDSAY LeBRECHT... asked that the Board be careful of what their decision is as twenty-eight (28) of the applicant's gas stations have had EPA lawsuits against them. Ms. LeBrecht also questioned whether this is a double use with two (2) different businesses being proposed.

Hillsdale Resident BARBARA SMITH ... questioned whether the Traffic Study is for the original plans. Mr. Haight clarified that the Traffic Study is for the plans currently before the Board.

Hillsdale Resident STEVEN SMITH ... questioned whether the current plans include the Drive-Thru Restaurant. Mr. Haight clarified that the Drive-Thru is included.

Copake Resident SCOTT ALTMAN... had concerns with the company having a history of problems with the EPA and asked the Board to take this into consideration.

Hillsdale Resident LEIGH McBRIDE... referred to the ZBA minutes where Jon Strom read into the minutes that ‘In any district where a gasoline/filling station is permitted it shall be subject to the following regulation, one of which is that no access drive shall be within 200 feet of and on the same side of as a school, public library, theater, church or other public gathering place, park, playground, or fire station unless a public street lies between such service station and such building or use. Ms. McBride questioned whether this was addressed in regard to the Post Office, if in fact the Post Office is considered to be a public gathering place.

Ms. McBride brought up the fact that this site was originally a gas station and the ZBA minutes stated that the gas tanks were removed and given to Catamount. It was also stated in the minutes that soil testing was to be done and documentation as to whether the tanks were removed was to be provided. Ms. McBride questioned whether this had or had not been done. Ms. McBride had a lengthy conversation with a representative of the DEC and he was unable to find any record of gas tanks at that site. She did note that if they were removed before 1986 it is possible that there is no record of this as this is when the regulations to register tanks came into effect. Ms. McBride had concerns as to whether soil testing had been done or not.

Mr. Haight asked if anyone else would like to speak on this application. Being none on a motion made by Mr. Haight and seconded by Mr. Sawchuk the Board voted unanimously to approve a motion to close this session of the Public Hearing, however, it will remain open until next month’s meeting.

SUBDIVISIONS/SITE PLANS

2017-45 ZBA REF/SITE PLAN REVIEW – JAVIER VARGAS & MONICA MACHADO – Golf Course Road [Copake Lake]

- None

Christopher Knox of Crawford and Associates appeared before the Board representing the applicants. Inasmuch as two members were absent from last month’s meeting Mr. Knox reviewed the application for the Board explaining that the applicants who are on the western side

of Copake Lake wish to demolish an existing three (3) bedroom residence and construct a new four (4) bedroom residence.

Mr. Haight brought up the fact that there will be a new septic system which will go across the street onto the Copake Lake Golf Course property which has been given Board of Health approval.

Mr. Haight asked what the applicant is before the ZBA for and Mr. Knox explained that the applicant needs set-back variances, needs relief for development within one-hundred and fifty feet (150') of the lake and relief for a septic within one-hundred feet (100') of the lake. Mr. Knox acknowledged that the ZBA granted a variance for development within one-hundred and fifty feet (150') of the lake and a septic within one-hundred feet (100') of the lake however there was a tied vote on the set-back variances. Attorney Dow clarified this and explained that when there is a tie vote there is a 62 day time period to reconsider and vote on this.

Ms. Becker asked if all the conditions of the Site Plan have been met from a Planning Board perspective. Ms. Becker suggested reviewing the Check List inasmuch as she and Mr. Sawchuk were not present during the previous meeting.

Ms. Becker asked where the location of the well was as Mr. Grant had said the well was downhill from the house. Mr. Knox said this is where it is believed to be however the well will be verified and any improvements that are needed to meet current DOH standards will be met. Ms. Becker asked whether the final location will go to the Code Enforcement Officer. Mr. Haight made note of the fact that a final CO would not be given without DOH approval. Ms. Becker requested a copy of the final location and approval when received.

Ms. Cohen asked whether the Zoning District was on the Site Plan and Mr. Knox acknowledged that it is and is in the 'R-2' district.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Javier Vargas and Monica Machado on Golf Course Road subject to Zoning Board approval.

2018-05 BOUNDARY LINE ADJUSTMENT – Angelo & Shirley Valentino – Chrysler Pond Road [Copake]

- Survey Map

Lindsey LeBrecht appeared representing Angelo and Shirley Valentino. Ms. LeBrecht explained that there is a buyer for Mr. Valentino's Spec House and he has requested a Boundary Line Adjustment to accommodate their circular driveway. Ms. LeBrecht explained that the survey was done today and the parcels are five (5) and nine (9) acres and a twenty to twenty-five by one-hundred foot (20'/25' x 100') portion will be taken from the nine (9) acre parcel and given to the five (5) acre parcel.

Mr. Haight made note of the fact that there is no documentation or dimensions depicting this and without a survey map the Board cannot proceed. Inasmuch as a survey would be forthcoming Ms. LeBrecht wondered whether the Board could accept this application and set a Public Hearing for next month's meeting. The Board had no objection with this.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to set a Public Hearing for next month's meeting.

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

- Letter from the Department of Health dated February 9, 2018

Owner Alicia Metz appeared representing GRJH. Ms. Metz acknowledged that the plans have not been updated as yet inasmuch as the DOH has made additional comments that need to be addressed. She also acknowledged that there have been negotiations with the Department of Transportation for a Traffic Study which will take about six to eight (6-8) weeks.

Mr. Haight addressed Ms. Metz and the fact that the plans have changed since her appearance before the ZBA due to the addition of a Drive-Thru which may or may not be a different business. Ms. Metz believed that the special use intention has not changed and it remains to be seen whether the Drive-Thru is an issue or not. Mr. Haight brought up the fact that the ZBA is the lead agency with SEQRA and the project needs to be looked at as a whole for SEQRA so this application will need to be referred back to them to address the changes that have taken place since then.

Ms. Metz questioned this and Attorney Dow explained that inasmuch as the ZBA is lead agency and addresses Special Use Permits the prudent and appropriate thing to do is to send this back to them and make them aware of the changes. Attorney Dow noted that the ZBA doesn't have any formal notice of anything that happened after they rendered their determination and approved the Special Use Permit so it is up to them to decide whether these change are substantive or meaningful or not.

Attorney Dow also brought up the fact that there are provisions under SEQRA to modify or reconsider a Negative Declaration based on new information and if it is considered to be significant, as Lead Agency they are the ones that should make that decision.

Ms. Metz questioned whether there will be a discussion and not a reversal to the prior decision if there are changes, all of which have been made at the recommendation of the Planning Board, the Public, the DOH, the DOT and the DEC with the exception of the Drive-Thru. Attorney Dow clarified that inasmuch as they made the Negative Declaration they should be the ones to ultimately decide whether this needs further consideration.

Ms. Metz questioned whether this would be done with a simple letter. Attorney Dow advised her that a letter will be sent along with the latest plans.

MINUTES

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the December 7th meeting minutes. The February 1st minutes could not be approved as a quorum of members present at that meeting was not met at tonight's meeting.

ADMINISTRATIVE

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT: Mr. Haight advised that Catamount requested to extend the approval of their Site Plan. Mr. Haight questioned whether this started when the Board gave their approval or at the end of the Court Decision. Attorney Dow did note that there are cases that feel the date should start when the litigation is settled.

Ms. Becker made a motion with Ms. Cohen seconding to extend the Site Plan approval for Catamount Ski Area/Berkshire Mountain Club at Catamount subject to their filing of their Subdivision and considering that Special Use Permit goes with the current Site Plan Approval. The vote did not carry with 3 in favor and Mr. Sawchuk opposing inasmuch as he was not pleased with the original process and felt that the traffic exiting the site was not properly addressed at that time.

Attorney Dow did clarify that there is a basis to extend the Site Plan due to the fact that there was litigation during the allowed time period. Attorney Dow did bring up the fact that it had been quite a while since the Court Decision was handed down.

Mr. Haight questioned whether this should have been put on the Agenda so as to notify the public that this was being considered by the Board. Attorney Dow advised that this would only need to be done if a Public Hearing was being held.

Ms. Becker brought up the fact that Mr. Sawchuk voted to deny during the initial vote.

Ms. Cohen questioned whether Berkshire Mountain Club or Catamount Ski area was requesting the extension and if this mattered or not. Attorney Dow was not clear on whether they were co-applicants during the process or not.

Ms. Becker referred to Town Code 232-23A9 which reads: *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.* Ms. Becker suggested asking the applicant to re-submit the application for the Board to review. Attorney Dow made note of the fact that if someone went through an extensive review and received a decision should they come back to the same Board a few years later with no change in circumstances the Board can easily say they find the same as they found previously as everything that was determined can still be valid unless someone shows a reason that it isn't. Attorney Dow did note that the Board is within their right to extend the Site Plan for another year if they so choose however they should come in for a review for an extension of another three years as conditions do change with time.

Mr. Haight will contact the applicant to see if they wish to re-submit their application.

LETTER FROM DOT: Mr. Haight informed the Board that the DOT advised that they need to be notified for anything residential or commercial on a State Road as anything commercial will need a traffic study and they will make a decision as to whether a traffic study is required or not on anything residential. He clarified that this is whether there is new construction or not and noted that a Traffic Study should have been done for Homestead Market LLC. Attorney Dow pointed out that they should have something documented if they expect the Board to send every application to them. Mr. Haight noted that the Board does send things to the County. Attorney Dow did point out that this is in the General Municipal Law and if the DOT demands this it should be in writing as they are burdening the Town Zoning process. Mr. Haight referred to the letter which stated that the Traffic Study is requested by our department as an involved agency under the State under SEQRA. Ms. Cohen clarified that this letter is specific to the GRJH Inc. Gas Station application. Mr. Haight referred to the letter where it stated that they have not yet received any submittals regarding the other store/restaurant referred to in your letter. The Traffic Study for the GRJH, Inc. site should include anticipated traffic from any currently proposed development near the site. Mr. Haight made note of the fact that this is from the letter Supervisor Nayer sent to the DOT regarding the fact that some residents consider this a dangerous intersection and in that letter he mentioned the Homestead Market.

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. Sawchuk and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:35 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 1 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

GRJH INC.

February 1, 2018

DeRuzzio to Smith/GRJH (1)