



COPAKE PLANNING BOARD
MARCH 3, 2012
MINUTES

Approved
June 7, 2012

Please note that all referenced attachments, comprising 15 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 9:28 a.m. by Marcia Becker, Chair. Also present were Gray Davis, George Filipovits, and Steve Savarese. Chris Grant and Jon Urban were excused. Lisa DeConti was present to record the minutes. Due to the inclement weather on the regularly scheduled meeting date of Thursday March 1, 2012 the meeting was rescheduled for Saturday March 3, 2012.

ZONING BOARD OF APPEALS – Referrals

NONE

PUBLIC HEARING

2012-7 MINOR SUBDIVISION – OTTO EISERMANN – Route 344 [Copake Falls]

Mr. Eisermann was represented by his son for the Public Hearing. On a motion made by Mr. Filipovits and seconded by Mr. Savarese the Board voted unanimously to waive the reading of the Public Notice. On a motion made by Mr. Filipovits and seconded by Mr. Savarese the Board voted unanimously to open the Public Hearing for the Minor Subdivision of Otto Eisermann on Route 344.

Ms. Becker asked if anyone present wished to speak regarding this application. Being none, on a motion made by Mr. Filipovits and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

2012-3 MINOR SUBDIVISION – ROBERT KITCHEN – Farm Road

Ms. Becker advised the Board that Mr. Kitchen could not be present but Taylor Mickle would be attending. On a motion made by Mr. Davis and seconded by Mr. Savarese the Board voted

unanimously to waive the reading of the Public Notice. On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing for a Minor Subdivision and Boundary Line Adjustment of the properties of Robert Kitchen and Taylor Mickle on Farm Road.

Ms. Becker asked if anyone present wished to speak regarding this application. Being none, on a motion made by Mr. Filipovits and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

2012-5 MINOR SUBDIVISION – PHIL GELLERT/VIJOBA REALTY – Yonderview Road

Joan Gellert and Surveyor Dan Russell appeared before the Board for the Public Hearing. On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to waive the reading of the Public Notice. On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing for the Minor Subdivision for Jibova Realty on Yonderview Road.

Ms. Becker asked if anyone present wished to speak regarding this application. Being none, on a motion made by Mr. Davis and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

2012-6 MINOR SUBDIVISION/BLA – PHIL GELLERT/VIJOBA REALTY – Yonderview Road

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to waive the reading of the Public Notice. On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing for the Boundary Line Adjustment for Vijoba Realty on Yonderview Road.

Ms. Becker asked if anyone present wished to speak regarding this application. Being none, on a motion made by Mr. Davis and seconded by Mr. Savarese the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2012-7 MINOR SUBDIVISION – OTTO EISERMANN – Route 344 [Copake Falls]

Mr. Eisermann's son appeared before the Board representing his application. Ms. Becker acknowledged receipt of the new maps and deed that were submitted. Ms. Becker made note of the fact that the zoning district had been added to the map. Ms. Becker reminded the Board that Mr. Grant had asked that a note requiring new utilities to be put underground be added to the map. However, Ms. Becker reviewed the code which does not require this in a minor subdivision

and advised Mr. Eisermann that the Board cannot make this a requirement. Mr. Eisermann advised her that they would be complying with this as they prefer that the utilities be placed underground.

Ms. Becker pointed out that the outstanding items included the SEQR and the well location for the second lot. Mr. Eisermann advised her that the well location was pending the perc test approval and the driveway permit still needs to be provided. Ms. Becker asked if Mr. Eisermann had the septic system location for the existing structure. Mr. Eisermann pointed out the location behind the house on the map. Ms. Becker asked if he knew what condition the system was in. He explained that it is a concrete tank and that his father spoke with the Board of Health and the Building Inspector regarding this and it is being dealt with.

Mr. Filipovits asked if the SEQR could be reviewed without the well location designation. Ms. Becker advised her that the SEQR could be reviewed but only conditional approval could be given and the maps would not be stamped until approval was received.

After the SEQR was read, on a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to make a Negative Declaration. Ms. Becker made note of the fact that the State Department of Transportation Driveway Permit, the Department of Health Perc Test and sanitation design recommendation were still needed. On a motion made by Mr. Savarese and Seconded by Mr. Filipovits the Board voted unanimously to approve the Minor Subdivision of Otto Eiserman from a survey by Spencer Hall dated February 17, 2012 subject to receipt of the Department of Health letter and State Department of Transportation driveway letter.

2012-3 MINOR SUBDIVISION/BLA – ROBERT KITCHEN – Farm Road

Taylor Mickle appeared before the Board. Ms. Becker advised her that the outstanding items included the application fee of \$50.00 and the SEQR which needed to be redone. Ms. Becker acknowledged that the Check List had been reviewed at last month's meeting.

Ms. Becker acknowledged that the lot-line adjustment was put on the map and that no perc test was required. Ms. Mickle questioned how long it would take for the Boundary Line Adjustment to be recorded in the Public Records. Ms. Becker advised her that the maps would be stamped on Wednesday and then should be filed with the County Clerk but was not aware of the length of their process.

The SEQR was read. On a motion made Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to make a Negative Declaration.

2012-5 MINOR SUBDIVISION – PHIL GELLERT/VIJOBA REALTY – Yonderview Road

Dan Russell and Joan Gellert appeared before the Board. Ms. Becker acknowledged the new maps presented to the Board. Mr. Russell advised the Board that a Perc Test had been performed on the property and presented the Board with an original copy of the letter from the Fire Department.

Mr. Russell pointed out the perc test location on the new maps and advised the Board that he did not have the letter from the Department of Health as yet but hoped to have it by Wednesday. Mr. Russell also acknowledged that a copy of the Easements and Road Maintenance Declaration Agreement for the shared driveway was submitted for review by Attorney Ken Dow. Ms. Becker acknowledged that the changes for the driveway recommended by the Fire Department were on the map.

The SEQR was read. On a motion made by Ms. Becker and seconded by Mr. Filipovits the Board voted unanimously to make a Negative Declaration.

Ms. Becker made note of the fact that the location of the well and the location of the house were not accounted for on the map but pointed out that there is plenty of room for a house on the property. Mr. Russell did advise Ms. Becker that the house could be place within the required set-backs. Ms. Becker asked if Mr. Russell considered the side-yard set-backs. Mr. Russell discussed the possibilities of placement for the house on the thirteen (13) acres given the topography of the property, the set-backs and the location where the perc test was done.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to approve the minor subdivision of Vijoba Realty from a map prepared by Dan Russell dated February 16, 2012 subject to receipt of the Department of Health sanitation recommendation and review of the shared Easement and Road Maintenance Declaration by the Town Attorney.

2012-6 MINOR SUBDIVISION/BLA – PHIL GELLERT/VIJOBA REALTY – Yonderview Road

Ms. Becker then addressed the Boundary Line Adjustment for Vijoba Realty on Yonderview Road. Mr. Russell presented the Board with the correct maps. Ms. Becker advised the Board that the only submissions that came in were the new maps and noted that there wasn't anything outstanding with the exception of the new label for the map. Mr. Russell explained that lot-line 'AB' was being replaced by lot-line 'ABCD' to accommodate the one-hundred foot (100') set-back for future building.

Ms. Becker made note of the fact that at the previous meeting Mr. Grant had asked where the wood line was. Mr. Russell explained that the whole property is brushy and semi-open with no mature trees and east of line 'BC' is a corn field. He advised her that there really are no woods within one-hundred feet (100') of the property. Ms. Becker was unclear as to what Mr. Grant was referring to but Mr. Russell did note that Mr. Urban reviewed the property on his computer at the last meeting. It was noted that the tree line is way east of the property.

The SEQR was read. On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to make a Negative Declaration.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to approve the Boundary Line Adjustment between the lands of Vijoba Realty and Yonderview LLC from a survey prepared by Dan Russell dated January 31, 2012.

**2012 -9 SITE PLAN REVIEW – CAMPHILL VILLAGE NEW ADMINISTRATION
BUILDING – Camphill Road**

Yolanda Jansen appeared before the Board along with Alexandra Sloan and Kerst Dejog. Ms. Becker advised the Board that quite a bit of information had been received from Camphill Village a couple of days before the meeting.

Ms. Jansen made a presentation of the anticipated New Administration building. Ms. Jansen explained that the construction will take place at the entrance and the temporary building will be removed for construction of the Administration Building. Ms. Jansen went on to explain that although there appeared to be room for parking spaces at the entrance of the building, a traffic circle is planned for that area and the traffic circle and building demolition will be dealt with at a future time. Ms. Jansen also pointed out where the proposed overflow parking is being placed and acknowledged where some landscaping will be done.

Ms. Jansen went on to explain that the planned building is a two-level building with the second story at ground-level to appear as a one-story building. She explained that the first floor of the building will be visible at the rear view. Ms. Jansen explained that there is delivery access at the rear of the building. Ms. Becker advised Ms. Jansen that there are codes dealing with delivery and loading entrances. Ms. Jansen explained that this is basically an entrance for in-house deliveries and major deliveries will be handled in a separate building. Ms. Jansen also explained that the water lines need to be upgraded to provide adequate water pressure for the sprinkler system also allowing for the placement of a hydrant in the area.

Ms. Jansen acknowledged that she submitted a package to the DEC and made note of the fact that there are no changes to the SPDES Permit or collection system. Ms. Jansen explained that the building is being used to accommodate thirty (30) of the staff members plus a lot of public space, meeting room space and storage areas.

Mr. Davis questioned what the exterior surfaces would be. Ms. Sloan explained that they are considering a mixture of board and batton, stucco and concrete but this is still being decided at this time. Ms. Jansen also pointed out certain trees that will be removed but did note that there is a landscape crew that will draft up plans in the future. Ms. Jansen then went on to explain that the roof run-off will be put into rain gardens accomplishing some of the Storm-Water Treatment plans previously discussed in the Master Plan. Ms. Jansen also pointed out the progress accounted for on the Cover Sheet.

Ms. Jansen brought up the fact that they appeared before the Zoning Board of Appeals prior to the Planning Board meeting as they knew the building had been positioned eighteen feet (18') closer to the road than the seventy-five foot (75') set-back from the center line of the roads. Ms. Becker advised Ms. Jansen that going to the ZBA prior to the Planning Board caused a bid of confusion and Town procedure is to go to the Building Inspector first who informs the applicant to go either to the Planning Board for a Site Plan Review or the ZBA for a Variance and in this instance the applicant would be sent to the Planning Board first and then to the ZBA. Procedure would be followed in the future. Ms. Jansen did acknowledge that the area variance was granted at the ZBA meeting the previous month.

Ms. Becker reviewed the list of submissions and acknowledged receipt of the application fee, the cover letter, the ZBA application and decision to grant the variance, the letter to Mike Higgins of the DEC, a letter from Mike DeRuzzio to the Department of Health, Highway Superintendent Bill Gregory's overall comments, the response letter from the Department of Health, the Sloan Architect letter to the Highway Superintendent updating information and the letter from Sloan Architects updating submittal information.

Ms. Becker made note of the fact that a response from Mr. Higgins had not been received. Ms. Jansen explained that unless there was a change in the SPDES permit, a response would not be received as the DEC just wants to be kept informed of the applicant's progress. Ms. Becker advised Ms. Jansen that specific comments from Mr. Gregory concerning the path are still needed and questioned whether this should wait until the traffic circle is designed. Ms. Sloan requested comments on the path specific to this application.

Ms. Becker also acknowledged that a letter has not been received from Engineer Doug Clark. Ms. Jansen informed her that she received an e-mail from Mr. Clark who was unable to review the data as yet. Ms. Becker advised that she had a letter from Steven Wilkie who was supposed to give her some information about the back-flow. Ms. Jansen informed her that Mr. Wilkie provided this information directly to the Columbia County Health Department and the Columbia County Health Department letter referenced that he had received a preliminary report. Ms. Becker made note of the fact that this did not appear to be clear in the response.

Ms. Becker questioned whether conditional approval could be given at this time but felt that this should be dealt with at the next meeting so that Mr. Clark's comments can be reviewed. Ms. Becker advised Ms. Jansen that all the sheets are current as she replaced the new sheets in the plans and discarded the previous ones.

Ms. Becker did note that the applications for 'New House' and 'Hickory Renovations' were still pending. Ms. Jansen advised her that she needed to address the DEC comments for 'New House' and she has enough data regarding the sewerage plant at this time to respond. Ms. Sloan advised her that an e-mail had been sent to her regarding 'Hickory Renovations.' Ms. Sloan would re-submit the information.

**2012-1 MAJOR SUBDIVISION – COPAKE LAKE GOLF LLC – Lakeview Road
[Copake Lake]**

Ms. Becker advised the Board that this application is not finished with the ZBA as yet. Although neither Mr. Urban nor Jeff Plass was present at the meeting Ms. Becker updated the Board of the issue of connecting the two Parcel 1 pieces together. She advised them that a suggestion had been made to use the part of the road owned by Mr. Urban as a connector. Ms. Becker reminded the Board that they cannot create an undersized lot which the small part of Parcel 1 would be. Ms. Becker wanted to address this solution with Attorney Dow but was not sure whether this was still planned as the applicant was not present.

Ms. Becker advised the Board that the ZBA asked if the sewer line could be moved as the proposed sewer lines are close to the lake. Mr. Davis reviewed the plans and thought it could be moved back some but would still have to come to the connector near other property.

Ms. Becker submitted the letter from Highway Superintendent Bill Gregory who felt that the site distance to the Southeast should be increased by shaving the road side by cutting the existing bank twelve inches (12"). Mr. Davis expressed a concern that a lot of trees would be lost doing this. Ms. Becker was concerned about this as well. This would be brought up to Mr. Gregory.

Ms. Becker also entered into the record a letter from the Department of Health to Pat Prendergast, a letter to the DEC regarding the Stream Crossing Permit and a February 3rd letter to Pat Prendergast from the Health Department concurring with the DEC.

2011-8 CELL TOWER SPR – MARINER TOWER – West Copake

Chris Ciolfi appeared before the Board. Ms. Becker reminded the Board that conditional approval had been granted to Mariner Tower, however, there were some issues that needed to be complied with before a Building Permit could be granted.

Ms. Becker reviewed the conditions:

Town Code 230-7C(2) ‘Project Site Requirements.’ Ms. Becker noted that the record needed to reflect the fact that the Tower location is in the woods as there were certain requirements if this was not the case. The Board was in agreement with the location.

Town Code 230-10 ‘Monitoring and Evaluation of Compliance.’ Mr. Ciolfi explained that this concerned the fact that Cell Towers will give off a certain amount of energy and the Federal Government dictates how much energy the tower can give off. Mr. Ciolfi went on to explain that the emissions given off by a Cell Tower is so low that they are automatically in compliance, however, this needs to be documented. He explained that the law states that before the switch of the Tower can be turned on a base line documenting this needs to be established so that after thirty (30) days after the switch is turned on another measurement can be taken certifying that the Tower is in compliance. Mr. Ciolfi provided the name of a local engineer who can conduct the base line test at any time prior to the turning on of the switch. Mr. Ciolfi advised the Board that the fee for this needs to be charged to AT&T inasmuch as Mariner Tower does not provide this service. Mr. Ciolfi will put Ms. Becker in touch with a representative of AT&T.

Town Code 230-11 ‘Collocation and Town Services.’ Ms. Becker acknowledged that this was in the original application and concerned the connection of Town Services to the Tower. He advised her that this has been done.

Town Code 230-14 ‘Fee Scheduling and Bonding.’ Ms. Becker acknowledged that all the fees have been paid, the consultants have all been paid and the Bond has been processed as of last night. Ms. Becker did make note of the fact that Town Code says the Board has to agree. Mr. Ciolfi explained that Attorney Dow reviewed the Bond and fine tuned it so as to give the Town more protection. Ms. Becker advised the Board that Attorney Dow worked hard on this to protect the Town. Ms. Becker read the Bond to the Board who was in unanimous agreement. Ms. Becker advised the Board that a Performance Bond was needed by the Town to protect the site if it was going to be in an open field but the Board all agreed that the site is

in the woods. Ms. Becker asked if the Board all agree that a Performance Bond is not needed. The Board was in agreement that a Performance Bond with this.

Town Code 230-15 ‘Insurance and Indemnification.’ Ms. Becker advised the Board that Indemnification is in the Town Code and needs to be agreed to by the Board. Ms. Becker made note of the fact that Attorney Dow changed the wording to read **tower or site** throughout the Indemnification section. There was no objection by the Board to this.

Town Code 230-16 ‘Abandonment and discontinuation of use.’ Ms. Becker advised the Board that all Attorney Dow changed in this section was the time period of ninety (90) days per Town Code and the Applicant will comply.

Town Code 230-17 ‘Duty to Remove.’ Ms. Becker acknowledged that the time period of ninety (90) days was changed in this section as well.

Town Code 230-18 ‘Failure to Remove.’ Ms. Becker advised the Board that Attorney Dow also changed this section to read ninety (90) days and the applicant complied with this as well.

Town Code 230-19 ‘Penalties and Offenses.’ Ms. Becker advised the Board that this section was per Town Code.

Town Code 230-20 ‘Severability.’ Ms. Becker advised the Board that this section was also per Town Code as well

Ms. Becker advised the Board that the Bond was signed by all parties and informed Mr. Ciolfi that more Attorney fees were incurred. Mr. Ciolfi was in agreement with this. All conditions had been met.

MINUTES

Ms. Becker asked if there were any changes to the Minutes of February 2, 2012. No changes or corrections were needed. On a motion made by Mr. Filipovits and seconded by Mr. Savarese the Board voted unanimously to accept the minutes of the February 2nd meeting.

ADMINISTRATIVE

MARK FRANK FINAL SUBMISSIONS: Ms. Becker advised the Board that the Frank house site map has been up-dated and complies with the one-hundred foot (100’) set back from the lake. Mr. Davis clarified that the edge of the deck is right at the set-back. The Board was in agreement with this. Ms. Becker advised the Board that the landscape lighting had been removed. Mr. Davis acknowledged that this was no longer shown on the map. Ms. Becker made note of the fact that the trees to be removed and saved were indicated on the map and conformed to what was discussed at the Planning Board meeting. Mr. Davis pointed out that four (4) trees would be removed and one (1) would remain. Mr. Filipovits brought up the fact that it was noted at the

meeting that most of the pine trees were not worth keeping and the best one was probably the one that was being kept. Ms. Becker asked the Board if they were in agreement with the trees being removed and the ones remaining. The Board was in agreement. Ms. Becker noted that the description of the third floor rooms had been revised. Mr. Davis reviewed the plans and noted that two (2) rooms were defined as storage areas/potential bedrooms. Ms. Becker pointed out that this was what the Board had asked for. Ms. Becker acknowledged that the Grade Elevations were revised as per Planning Board request. Ms. Becker pointed out that the average grade could be used on this property as it is a legal lot. Mr. Davis clarified that the average grade was used for the height measurement. Ms. Becker made note of the fact that there were no grade changes within the one-hundred foot (100') set-back and fill will be brought in to make the grade at the front of the property conform with the drawings. Ms. Becker acknowledged that utility locations have been indicated. Mr. Davis reviewed the plans and concurred with this. Mr. Davis brought up the fact that the Town will not go underground with the utilities. However, once the Franks make their cut he will tie the utilities for the Brown house into this as well so as to make only one cut. Ms. Becker questioned whether this issue would be worked out. Mr. Davis advised her that this is the case. Ms. Becker then advised the Board that the driveway grade had been changed.

Ms. Becker read a copy of a letter from the Homeowner's Association approving the plans and suggesting that privacy trees be added.

Ms Becker advised the Board that there was only one outstanding item which was to make sure that the current waste-water system can handle the flow. Mr. Davis brought up the fact that when development was subdivided and the system was designed there were sixteen (16) lots taken into consideration. Ms. Becker brought up the fact that system capacity is seven-thousand-five-hundred gallons. Mr. Davis advised the Board that he counted six (6) bedrooms on the Frank plans not including the two (2) potential future bedrooms. Ms. Becker concluded that the Frank house would have a twelve-hundred (1,200) gallon per day use as an eight (8) bedroom house. Ms. Becker questioned whether the Board should require a spread calculation for the capacity of the sixteen (16) lots so that it can be submitted to the DEC. She noted that there is capacity in the system at this time. Mr. Filipovits believed the capacity issue will be dealt with as property owners of the other lots start to build. Ms. Becker asked the Board if a letter should be written to the Homeowner's Association alerting them to the situation. The Board was in agreement with this. Ms. Becker questioned whether further information was needed from the Franks. Mr. Filipovits did not believe this was needed as Mr. Frank is fine as there are still empty lots, however, the empty lots might have a problem in the future. A letter would be written advising the Homeowner's Association of the Board's concerns.

VACANCY ON PLANNING BOARD: On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to go into Executive Session to conduct an interview for the Planning Board vacancy. On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to come out of Executive Session.

MICHAEL BRAUNSTEIN: Ms. Becker advised the Board that Mr. Spampinato is no longer Mr. Braunstein's Attorney.

TRAINING SESSIONS: Ms. Becker advised the Board that there are training sessions this week and on March 17th.

AMERISTOP ABANDONMENT: Ms. Becker advised the Board that we are still in the process of dealing with the AmeriStop Abandonment and the Abandonment letter has not been written as yet as there is still some time to go before it is in effect.

SALVATORE CASCINO: Mr. Davis brought up the fact that he read an article about Mr. Cascino and questioned how he keeps avoiding his responsibilities. Mr. Savarese questioned whether he was required to post a Bond to the Town. Ms. Becker advised him that Mr. Cascino was required to do this but has never done so. Ms. Becker suggested that letters be written to the Supervisor by concerned individuals regarding this.

CARRY OVER

The following matters were carried over to the next meeting:

- 2010-2 SITE PLAN REVIEW CONSULTATION – AMERISTOP – Route 23**
- 2008-21 MAJOR SUBDIVISION – MICHAEL B. & BARBARA S. BRAUNSTEIN – Off Golf Course Road**
- 2011-18 SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]**
- 2011-27 SITE PLAN REVIEW – RUTH THOMAS – Route 7 [Copake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 11:30 a.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 15 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

PHIL GELLERT/VIJOBA REALTY

February 16, 2012 Miller to CPB (1)

CAMPBILL VILLAGE

February 21, 2012 Jansen to Higgins (3)
February 21, 2012 Jansen to DeRuzzio (2)
February 22, 2012 Gregory to Peteroy (1)
February 23, 2012 Jansen to Gregory (1)
February 29, 2012 DeRuzzio to Jansen (2)

COPAKE LAKE GOLF, LLC

February 3, 2012 DeRuzzio to Prendergst (1)
February 22, 2012 Gregory to Peteroy (1)