



COPAKE PLANNING BOARD

MAY 30, 2018

SPECIAL MEETING MINUTES

DRAFT

Please note that all referenced attachments, comprising 2 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 Special meeting of the Copake Planning Board was called to order at 7:05 p.m. by Bob Haight, Chair. Also present were Chris Grant, Julie Cohen, Marcia Becker and Ed Sawchuk. Steve Savarese, Jon Urban and Town Board Liaison Richard Wolf were excused. Lisa DeConti was present to record the minutes. Attorney Ken Dow was also present.

The purpose of the meeting was to adopt a Report of Recommendations in relation to the proposed Local Law to Revise the Zoning Code of the Town of Copake

§232-29(B.) OF THE CODE OF THE TOWN OF COPAKE

Ms. Becker felt that water should be added to the definition of EXTRACTIVE OPERATION which reads: *The excavation or extraction of less than 1,000 tons or 750 cubic yards, whichever is less, during twelve successive calendar months of earth, sand, gravel, stone, quarry material, clay, loam, humus, top soil or other earth material from a lot and removal thereof from that lot. An extractive operation includes all haulageways and all equipment above, on or below the surface of the ground used in connection with the excavation, as well as all lands included in the life of the mine including the temporary storage of such materials by stock piling, if permitted. An extractive operation also means the excavation or extraction of any amount of a mineral (s) that is removed in or adjacent to any body of water not subject to NYSDEC permitting authority. Such bodies of water are referred to as "unprotected waters" under Protection Waters legislation (Article 15 of the Environmental Conservation Law) or the Public Lands Law.*

Ms. Becker felt that the Board should consider being aware of water being extracted by somebody as this is beginning to be done by companies such as Poland Springs. Mr. Grant suggested bringing this up at the Public Hearing portion of the Town Board meeting as that is where all the comments will be recorded and if changes are made it will be incorporated into the final draft.

Mr. Haight asked if anyone had any questions as to why the Board was meeting tonight. Mr. Sawchuk felt that the revised zoning goes against everything that this Town should be.

Mr. Grant once again advised that comments should be brought up at the Public Hearing being held at the Town Board meeting as this session is not to make further revisions and as a Board we need to push this Report forward.

Mr. Sawchuk questioned what the motivation behind the revised zoning is and was advised that this was to conform to the Comprehensive Plan. He then asked if this plan is to go more dense with more development. Mr. Haight acknowledged that the plan did suggest an increase in the density such as an increase in lot size.

Attorney Dow explained that the Comprehensive Plan suggested a review of the Zoning Code to bring it into conformity with the Comprehensive Plan. He added that in 2012 the Land Use Review Committee (LURC) was formed and many people and included Mr. Haight and Mr. Grant who worked on reviewing the existing Zoning Code to make changes that seemed in accordance with the Comprehensive Plan. Attorney Dow noted that after a Draft was submitted he reviewed it and then many meetings were held with LURC members and the Town Board where several revisions were made until a final draft was adopted. He then acknowledged that the Draft needed to be reviewed by the Planning Board where recommendations will then be presented onto the Town Board.

Attorney Dow submitted a base line Report for the Board to review so they can make a recommendation to the Town Board.

Mr. Grant asked whether the Board needs to vote on the Report of Recommendations. Attorney Dow acknowledged that a vote was advised. The Report was read into the Record.

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.’

Mr. Sawchuk also objected to the line in paragraph three (3) which read ‘the extensive roles of members of the Planning Board in the formulation of the draft law....’

Mr. Sawchuk also questioned the basis for the three recommendations on page two (2) which are as follows:

- *Definitions and specifications of “minor” and “major” subdivisions in Chapter 232 (“Zoning”) and chapter 197 (“Subdivision of Land”) need to be reconciled and made uniform.*
- *The law should make clear that a boundary line adjustment (BLA) that does not increase the number of lots should not be counted as a subdivision for purposes of numerical thresholds for minor or major subdivisions.*

- *The permissibility within the various zoning districts of certain uses in the Table of Use Regulations (Utility-scale solar energy system; Professional Office; Storage, Commercial) has been omitted, and needs to be specified.*

Mr. Sawchuk suggested adding restrictions on the use of lights. He felt lights should be shut off after dark. A discussion ensued regarding the four (4) page section devoted to this subject. Mr. Grant once again advised Mr. Sawchuk to bring any issues up at the Public Hearing of the Town Board.

Mr. Sawchuk wanted it noted in the record that he objected to the exclusion of the issue of lighting after dark as he feels the Town is becoming too light up. He specifically objected to the lights of the Urgent Care facility on Farm Road. Ms. Cohen made noted of the fact that there are four (4) pages of restrictions regarding lighting.

Mr. Haight suggested a vote as to whether this be added to the Report of Recommendations. A vote was taken with Ms. Cohen, Mr. Grant and Mr. Haight against and Mr. Sawchuk in favor. Ms. Becker did not vote. The vote did not pass.

Ms. Becker brought up the section on Major Subdivisions and questioned the fact that a subdivided parcel can be sold and subdivided again after a five (5) year time period. Mr. Grant acknowledged that this is in the Code. Ms. Becker objected to the five (5) year time period. Attorney Dow brought up the fact that under the present Major Subdivision Code more issues would arise as time goes on if the base line is never reset. As an example Attorney Dow noted that if someone owned two-hundred (200) acres and sold one-hundred (100) each owner would have subdivision rights. If one owner subdivided five (5) times the other owner would lose his subdivision rights permanently. Mr. Grant did note that any developer would not wait five (5) years to develop land.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted four (4) to one (1) with Mr. Sawchuk against to accept the Report of Recommendations and pass it onto the Town Board dated May 30, 2018.

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 7:50 p.m.

Bob Haight, Chair

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ADMINISTRATION

May 30, 2018

Planning Board Report of Recommendations (2)