



# COPAKE PLANNING BOARD

**MAY 4, 2017**

## **MINUTES**

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### **DRAFT**

**Please note that all referenced attachments, comprising 38 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, Ed Sawchuk and Jon Urban. Chris Grant and Steve Savarese 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**

#### **2017-25      ZBA REFERRAL/SITE PLAN REVIEW – MEIR AND ELISSA BENUDIS – Lakeview Road [Taconic Shores]**

- Application for Site Plan Review
- Site Plan Fee
- Letter of Agency
- Proposed Scope of Work
- Building Permit Denial for Site Plan Review
- ZBA Request for Area Variance Packet
- Building Permit Denial for ZBA Variance
- Deed
- Proposed Site Plan
- Survey Map

Meir and Elissa Benudis appeared before the Board with Engineer Chris Knox. Mr. Benudis explained that he was advised by the Taconic Shores Property Owners Association that he needed to replace his septic system. He advised the Board that he will be replacing the existing metal tank with a twelve-hundred and fifty thousand (1,250) gallon concrete tank in the same location.

Mr. Haight asked whether the fields will be replaced and was advised by Mr. Benudis that they will not be replaced. Ms. Becker asked what the distance is from the septic to Robinson Pond

and Mr. Knox advised her that it is approximately sixty feet (60'). Ms. Becker made note of the fact that Department of Health approval is not needed and requested a letter from the engineer showing the system location and acknowledging that the system conforms to the house requirements and is up to code.

Mr. Haight asked whether a silt fence is located on the prints and was advised by Mr. Knox that although this is not on the prints it is standard practice. Mr. Haight requested that this be put on the prints.

Mr. Knox explained that the foot print of the house will not change at all and the only outside work being done will be new tile on an existing concrete patio that will not be changing in size. Mr. Haight made note of the fact that the applicant is not expanding the non-conforming structure and is just remodeling the inside of the house.

The Check List was reviewed. Construction will begin as soon as all approvals and permits are received from the Town.

On a motion made by Mr. Sawchuk and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Meir and Elissa Benudis on 392 Lakeview Road in Taconic Shores. Mr. Haight will stamp the Site Plan when the required copies are submitted by the applicant.

A letter will be written to the ZBA recommending a Silt Fence be used and added to the prints and that the Board requested a letter from the engineer stating that the system conforms to house requirements and is up to code.

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

- Application for Site Plan Review
- Building Permit Denial Letter
- Environmental Resource Mapper
- Letter of Agency
- Elevations

Christie Wheate Billeci of CWB Architects appeared representing Sue-Jane Kerbin Evans. Ms. Billeci acknowledged that she appeared at the April ZBA meeting for development within the one-hundred feet (100') of the water.

Ms. Billeci explained that the applicant would like to replace the existing twenty-four foot by ten foot (24' X 10') screened-in porch at the back of the house with a twenty-six foot by fifteen foot (26' X 15') structure. Ms. Billeci also advised the board that the applicant would like to replace the existing structure on the side of the house which is presently on piers and replace it with an eight and one half foot by twelve and one half foot (8½' X 12½') Mud-Room with a deck around it. Ms. Billeci also noted that the applicant would like to construct a one-story fifteen foot by

sixteen foot (15' X 16') addition. She pointed out that all structures meet the required set-backs. Ms. Billeci noted that almost the whole property is within the one-hundred foot (100') set-back from the water. Ms. Billeci acknowledged that the house is an existing two (2) bedroom structure that will remain a two (2) bedroom structure.

Ms. Becker asked if there was a floor plan and Ms. Billeci showed the Board the one that she had with her.

Ms. Becker believed that the non-conformity of the structure is being increased. It was clarified that this is what the applicant is before the ZBA for.

Ms. Billeci acknowledged that the existing septic is a one-thousand (1,000) gallon metal tank and is being replaced with a one-thousand (1,000) gallon concrete tank. Ms. Becker requested a letter from the engineer regarding the septic. The applicant will provide that.

The Check List was reviewed. The following items were needed:

- Boundaries plotted to scale
- Dimensions of all buildings
- Floor plans
- Location of electric wires connecting to house
- Septic Letter from Engineer

Ms. Becker asked where the location of the driveway is and was advised that the applicant is using a piece of the neighboring property. Ms. Becker asked if the Board needed to see this and Mr. Haight advised her that this is not necessary as it is not a new structure. Construction isn't expected to start until the fall of this year or the spring of next year.

A letter will be written to the ZBA advising them that this application is under review as we are waiting for several items from the applicant.

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

- Application for Site Plan Review
- Building Permit Denial
- Survey Map

Christopher Bellamy appeared representing Emily Weiss who wishes to replace an open deck with an enclosed porch which will become a three (3) season room and replace a covered porch with interior space and an additional bathroom. Mr. Bellamy acknowledged that he is before the Board for modification of a non-conforming structure. He added that there are no changes in size. Ms. Becker asked what the size of the lot is and was advised that it is six point nine (6.9) acres. There was some confusion as to what district the applicant's property was in. After discussion it was decided that this is in the 'R-2' District.

Ms. Becker questioned whether this was non-conforming because of the side-yard set-backs. Mr. Bellamy advised her that the applicant's structure is considered to have two (2) front-yards as it is a corner lot. Ms. Becker questioned which set-backs were affected. After discussion it was decided that there are two (2) front-yard set-backs and one (1) rear-yard set-backs.

The Check List was reviewed. Construction will begin sometime in July. The following items needed were:

- Septic Location
- Well Location
- Location of Propane Tank
- Location of Electric
- Lighting Schedule
- Zoning District

Mr. Bellamy will return next month with the required changes.

A letter will be written to the ZBA advising them that the Planning Board had no issue with this application as the discrepancies are so minor

**2017-23          ZBA REFERRAL/SITE PLAN REVIEW – HELEN & NATHAN BERNSTEIN –  
Lake View Road [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- ZBA Request for Area Variance Packet
- Letter to Building Department for Application of Building Permit
- Letter of Agency
- Septic Inspection Letter dated April 22, 2016
- Property Description Report
- Pictures
- Site Map

Linda Chernewsky appeared before the Board representing Helen and Nathan Bernstein for a screened-in porch addition, front porch addition, covered porch over the garage and a small bathroom. Ms. Chernewsky acknowledged that a variance is not needed for the screened-in porch and the covered porch as they are within the required distance from Copake Lake however the rear area of the bathroom encroaches on the side-yard set-backs.

Ms. Chernewsky acknowledged that there are three (3) existing bedrooms and the structure will remain there (3) bedrooms as no bedrooms are being added.

The Check List was reviewed. Construction will begin as soon as all approvals and permits are received.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Helen and Nathan Bernstein on 357 Lakeview Road at Copake Lake subject to ZBA approval for the covered porch and back bathroom.

Ms. Chernewsky asked the Board whether she can get approval for the screened-in porch so work can begin on this as there are no variances required for the porch. Mr. Haight will speak to Lee Heim regarding this.

Mr. Haight will stamp the Site Plans once ZBA approval is received.

### **PUBLIC HEARING**

**NONE**

### **SUBDIVISION/SITE PLAN**

#### **2017-14      SITE PLAN REVIEW – CONRAD POLLACK – Pioneer Drive [Upper Rhoda]**

- Letter from DEC dated May 1, 2017
- Letter from Kaaterskill Associates dated May 4, 2017
- E-mail from Michael DeRuzzio dated May 4, 2017
- Letter from Department of Health dated May 25, 2001
- Revised Site Plan

Joseph D'Anna appeared before the Board with Conrad and Donna Pollack. Mr. D'Anna presented the Board with revised Site Plans. Mr. D'Anna acknowledged receipt of a letter from the DEC delineating the wetlands and advising that everything planned is within the proper set-backs. Mr. D'Anna then acknowledged receipt of a letter from Kaaterskill Associates stating that in order to meet the one-hundred and fifty foot (150') separation from the boundaries of the NYS DEC wetlands, the proposed absorption field for this system will be moved approximately fifty feet (50'). Mr. D'Anna also acknowledged receipt of a letter from Michael DeRuzzio of the Department of Health stating that the conditions listed for the previously submitted septic system remain in effect.

Ms. Becker asked whether the septic system was proposed for four (4) bedrooms and was advised by Mr. D'Anna that it was. Mr. Haight asked why the one-hundred foot (100') buffer was not the same shape as the wetlands and was advised by Mr. D'Anna that it was taken from the greatest distance and in some places it is more than the required one-hundred feet (100').

Mr. D'Anna pointed out that the new Site Plan shows the location of the utility lines, the propane tank, the well and a new grading line showing the proper percentage of the basement. Mr. D'Anna also acknowledged submission of elevations and a lighting plan.

Ms. Becker referred to a note on the Site Plan stating that any land disturbed will be restored to grass and questioned what is there now. Mr. D'Anna explained that there are existing trees that are being removed for construction of the structure and any land remaining is being restored to grass. He also advised her that no other trees are being removed from the site and that no landscaping is planned and after construction what will remain are natural trees and grass.

The Check List was reviewed. Ms. Becker requested pictures of the site showing the landscaping. Mr. Pollack will forward them to Mr. Haight. The 'R' Zoning District was missing from the Site Plan and will be added and initialed by Mr. D'Anna. Construction will begin as soon as all approvals and permits are received from the Town.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Conrad and Donna Pollack dated May 1, 2017 on Pioneer Drive on Upper Rhoda Lake.

Mr. Haight will stamp the Site Plan on Saturday.

#### **2017-17        SITE PLAN REVIEW – JOHN & ROBIN KENNEDY – Island Drive [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- Revised Site Plan, Floor Plans and Elevations
- Letter of Agency
- Short Form SEQRA
- Island at Copake Lake WWTP Capacity Analysis
- Crawford & Associates Letter dated May 21, 2012
- Frank Bader E-mail dated April 27, 2017
- EAF Mapper Summary Report
- Artistic Landscape Rendering

Andrew Diddio of Taconic Engineering appeared before the Board with Bruce Moore representing John and Robin Kennedy. Mr. Diddio presented the Board with the Capacity Analysis for the Septic System at the Island at Copake Lake Homeowners Association as reported by Crawford and Associates and last revised August 28, 2012. Mr. Diddio explained that when this was last revised there were four (4) building lots that needed to be connected to the Association septic. He acknowledged that he has recently spoken with the Building Inspector

and checked the County Real Property information and the last remaining lot to be developed and connected is the lot being proposed by Mr. & Mrs. Kennedy. He noted that there is an allotment for seventy-five thousand (7,500) gallons per day and a total of four (4) bedrooms.

Mr. Diddio presented the Board with an artistic rendering of the existing landscaping and the landscape with the addition of the proposed structure. He also acknowledged that the applicants would like to maintain their screening at the lake as much as possible. Mr. Diddio made note of the fact that there are no other landscaping plans other than the grading at the front of the house and keeping as much of the natural forest as possible. Mr. Haight questioned what Mr. Diddio meant when he said there would be some limbing of the trees. Mr. Diddio explained that some limbs would be removed strategically for the applicant's view.

Mr. Diddio referred to the fact that there was an issue with the placement of the well at the previous meeting and the well location has since been moved southwest to comply with the one-hundred foot (100') set-back. Mr. Diddio also acknowledged that there was a discrepancy in the number of bedrooms and he clarified that the bedroom count will be at four (4).

Mr. Diddio then advised the Board that the ZBA was satisfied with what was presented to them at their last meeting and a Public Hearing is being held at their May meeting. Ms. Becker made note of the fact that quite a number of trees are being removed but it was pointed out that most of these are for the structure. Mr. Diddio did explain that the reason for the closeness of the structure is because the applicants would like to keep the forty inch (40") and thirty inch (30") oak trees that exist in their front yard. He also noted that the ZBA appeared satisfied with this.

Mr. Diddio acknowledged that the grade of the basement was adjusted so the structure will visually conform to two and a half (2½) stories. Ms. Becker referred to the Town Code definition which reads: *A basement shall be counted as one story determining the height of a building in stories when four feet or more of its height, measured from floor to ceiling, is above average finished grade.* The Board was in agreement that the grade of the basement conformed to code.

The Check List was reviewed. It was noted that the buried electric and the buried propane tank be added to the Site Plan.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for John and Robin Kennedy on Lot 5 on Island Drive at Copake Lake subject to ZBA approval.

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

**2017-18        SITE PLAN REVIEW – GOLF COURSE ROAD HOLDINGS/GRAY DAVIS – Golf Course Road and Lakeview Road [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- Site Plan
- Proposed Driveway Inspection Report

- Deed
- DOH letter regarding Septic Design
- Septic Design

Gray Davis appeared before the Board. Inasmuch as this application concerned Board Member Jon Urban Mr. Haight asked whether Mr. Urban needed to recuse himself. Mr. Davis explained that he now owned the two (2) lots previously owned by Mr. Urban so this was not necessary.

Mr. Haight asked whether any variances are needed from the ZBA and was advised by Mr. Davis that none are needed.

Mr. Davis acknowledged that the two (2) lots have now been merged into one, all the set-backs are being met and there will be no grading on the lake side however there will be some grading for the driveway. He also noted that all the trees on the Site Plan will remain.

Mr. Davis explained that he is before the Board because the square footage of the proposed structure exceeds thirty-five hundred (3,500) square feet. He did point out that the Town Code refers to useable square footage and in review of his Site Plan it appears that there is twenty-three hundred (2,300) usable square footage. He also informed the Board that the cost of the structure exceeds four-hundred thousand dollars (\$400,000.00) which is another requirement for Site Plan Review.

Mr. Davis continued to explain that this is Board of Health approved for a septic system for a four (4) bedroom home and also has approval to tie into the Community Septic, however he has opted to have his own septic installed. Mr. Davis submitted the Septic approval and design and noted that he also has a Right-of-Way to cross over another parcel of land from Lakeview Road. Mr. Davis also submitted the Driveway Inspection Report.

Mr. Davis pointed out a potential freestanding barn structure where Lakeview Road and Golf Course Road come together on his Site Plan should he want to add that in the future. Mr. Davis also pointed out a pool with a self opening gate. Mr. Davis then noted that all the power will be under-ground, there will be a buried propane tank, a generator and an HVAC unit.

Mr. Haight questioned where the front of the house is located and Mr. Davis advised him that it is on Lakeview Road. The Board was in agreement with this.

Mr. Haight asked if Attorney Dow would like to review the easement. Attorney Dow had no issue with it.

The Check List was reviewed. Construction on the project is expected to start soon and last approximately twelve (12) to sixteen (16) months.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Golf Course Road Holdings and Gray Davis on Lakeview Road and Golf Course Road at Copake Lake dated April 24, 2017.

Mr. Haight will stamp the maps.

**2017-20      SITE PLAN REVIEW – STEVE & ELLEN PASSAGE – County Route 7 [West Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- Letter from Applicant describing scope of work dated April 18, 2017
- Site Map
- Floor Plan
- Lighting Plan

Steve Passage appeared before the Board for the modification of a non-conforming structure on a non-conforming lot. Mr. Passage advised the Board that he wishes to construct a screened in porch and sun-room between his house and the barn. Mr. Passage also noted that he is remodeling the kitchen.

Mr. Passage explained that the two (2) rooms that are being added are one (1) story and both have cathedral ceilings. He pointed out that the additions will be fourteen feet (14') and the height of the house is twenty-five feet (25') with the kitchen being around twelve to thirteen feet (12' – 13').

The Check List was reviewed. Construction will begin three (3) months from receipt of approvals. Items needed were:

- Dimensions of all buildings
- Zoning District
- Name and Address

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Steven and Ellen Passage on County Route 7 dated May 1, 2017 subject to the Zoning District, the Dimensions of all buildings and the applicant's Name and Address and Lighting Plan be placed on the Site Plan.

Mr. Haight will stamp the Site Plan when the additions are made.

**2017-21      SITE PLAN REVIEW – MARGUERITE SHANNON – Lake View Road [Copake Lake]**

- Application for Site Plan Review
- Building Permit Denial
- Job Proposal
- Letter of Agency
- Survey Map

David Valentino appeared representing Marguerite Shannon.

Mr. Valentino explained that when he went to the Building Inspector, Lee Heim he was advised that he needed Site Plan Review for modification of a non-conforming structure. Mr. Sawchuk made note of the fact that the structure is not being increased. Ms. Becker questioned why Mr. Valentino was appearing before the Board as this seemed to be maintenance and repair. Ms. Cohen agreed. Mr. Haight made note of the fact that he had discussed this several times with Mr. Heim who said he didn't want to change this ruling until the new Town Code is in effect.

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

On a motion made by Mr. Haight and seconded by Mr. Urban the Board voted unanimously to approve the Site Plan for Marguerite Shannon and Linda Assande at 461 Lakeview Road, Copake Lake inasmuch as the scope of work appears to be Maintenance and Repair and there is no change to the footprint or the site.

On a motion made by Ms. Becker and seconded by Mr. Sawchuk the Board voted unanimously to waive the fee for Site Plan Review.

Mr. Haight will stamp the maps on Saturday.

## MINUTES

Attorney Dow submitted some corrections to the March 2, 2017 meeting minutes clarifying his comments in paragraph 2 under the Town of Copake Draft Solar Energy Law.

Being no other changes on a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the April 6, 2017 minutes and the March 2, 2017 minutes as amended.

## ADMINISTRATIVE

MARINER TOWER ESCROW: Mr. Sawchuk advised the Board that he sent out several notices to Professional Engineers regarding Mariner Tower. He said he heard back from John W. Naylor P.E. who was the engineer for the Town of Greenport for the analysis of their tower. He said that Mr. Naylor had several questions. Mr. Sawchuk reported that Mr. Naylor said a lot the details the Board is looking for can be found out from the lease subscribers of the tower. Mr. Sawchuk did say that the map shows that the radio frequency contours were done. Mr. Sawchuk will meet with Ms. Becker to go over the Mariner Tower Files. Mr. Sawchuk did acknowledge that the Engineer said that it would be tight to do what is needed with the amount of funds in the existing escrow.

**TOWN OF EGREMONT PUBLIC HEARING:** On Wednesday, May 17, 2017 the Egremont Zoning Board of Appeals is holding a Public Hearing to consider the application of Donna Leep and Donald Waite for a variance for their property located at 64 Main Street in the Town of Egremont.

### **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]**

### **ADJOURNMENT**

There being no further business, on a motion made by Mr. Haight and seconded by Ms. Becker, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:39 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 38 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**

**MEIR & ELISSA BENUDIS**

April 5, 2017                      ZBA Request for Area Variance (2)  
April 4, 2017                      Building Permit Denial (2)  
April 10, 2017                     Building Permit Denial (2)

**SUE-JANE KERBAN EVANS**

April 17, 2017                     Building Permit Denial (2)

**EMILY K. WEISS**

April 10, 2017                     Building Permit Denial (2)

**HELEN & NATHAN BERNSTEIN**

April 22, 2016                     Baldwin Septic Inspection (1)  
April 17, 2017                     Building Permit Denial (2)  
January 7, 2017                    Lee Heim to Raymond Sassoon (1)  
February 14, 2017                ZBA Action Taken on Appeal (2)  
March 21, 2017                    Building Permit Denial (1)

**CONRAD POLLACK**

May 25, 2001                      DeRuzzio to Haas (2)  
May 1, 2017                        NYS DEC to D'Anna (1)  
May 4, 2017                        Elsom to DeRuzzio (1)  
May 4, 2017                        DeRuzzio to Elsom/D'Anna (1)

**JOHN & ROBIN KENNEDY**

May 21, 2012                      Sullivan to Becker (3)  
August 28, 2012                  Island at Copake Lake WWTP Capacity Analysis (1)  
April 5, 2017                      Building Permit Denial (2)  
April 5, 2017                      EAF Mapper Summary Report (1)  
April 6, 2017                      Short Form EAF (3)  
April 26, 2017                     Bader to Didio (1)

GOLF COURSE ROAD HOLDINGS/GRAY DAVIS

March 20, 2017                      Building Permit Denial (2)

STEVEN & ELLEN PASSAGE

April 17, 2017                      Building Permit Denial (2)

MARGARUTE SHANNON

April 12, 2017                      Building Permit Denial (2)