



COPAKE PLANNING BOARD

MAY 5, 2016

MINUTES

DRAFT

Please note that all referenced attachments, comprising 8 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 Chris Grant, Julie Cohen, Jon Urban, Steve Savarese and Ed Sawchuk. Marcia Becker and Town Attorney Ken Dow were excused. Lisa DeConti was present to record the minutes. Town Board Liaison Terry Sullivan was also present.

ZONING BOARD OF APPEALS – Referrals

2016-1 ZBA REFERRAL – BARRY WINIKER & EILLENE LEISTNER – Birch Road [Taconic Shores]

- ZBA Resolution to Approve February 8, 2016 Action
- Letter from ZBA Chair Jon Strom to TSPOA dated March 26, 2016
- Letter from Morris Associates dated April 13, 2016
- Letter from Frank Peteroy dated May 2, 2016
- ZBA Amended Resolution to Approve dated May 4, 2016

Linda Chernewsky appeared before the Board representing Barry Winiker and Eillene Leistner. Ms. Chernewsky informed the Board that at the present time it is not in the applicant's budget to pave the driveway however the Engineer advised her that he would prefer to have the driveway paved due to the grade. Ms. Chernewsky submitted a profile showing the grading. She acknowledged that she spoke with the Town Highway Superintendent who advised her that he has no jurisdiction over this as it is a private road in the Taconic Shores Property Owners Association. Ms. Chernewsky also spoke with the Association who advised her that there is nothing in their regulations stating a driveway be blacktop or non-blacktop. Mr. Haight was confused as to why the applicant was appearing before the Board as there is nothing in the Town Code that states the driveway be asphalt or non-asphalt.

Ms. DeConti clarified that this application had previously been approved by the Planning Board at their January 7th meeting and the reason that Ms. Chernewsky is appearing again is that there was a misunderstanding by the ZBA that the driveway remain gravel. She explained that there

was mention of the driveway remaining gravel in the Planning Board minutes and referral letter to the ZBA inasmuch as asphalt was not in the applicant's budget at this time. The ZBA stipulated that the driveway remain gravel in their original approval. She advised that the ZBA has amended their approval stating that the new driveway design can be covered with asphalt.

Ms. Chernewsky explained that the ZBA referred the application back to the Planning Board so that their records could be updated accordingly. Ms. DeConti clarified that everything on the Site Plan remains the same with the exception of the driveway being asphalt.

The Board was in agreement that no action by them was needed. Mr. Haight will stamp the amended plans on Saturday.

PUBLIC HEARING

NONE

SUBDIVISION/SITE PLAN

2016-9 SITE PLAN REVIEW – MICHAEL & DIANE LA CONTE – Arbor Drive [Copake]

- Application for Site Plan Review
- Letter of Agency dated October 28, 2015
- Site Plan

Linda Chernewsky appeared before the Board representing Michael & Diane LaConte. Ms. Chernewsky informed the Board that the existing house is a four (4) bedroom house without a foundation. She explained that there are Cinder Blocks however she was not sure whether it is deep enough for frost or if there is a footing underneath. After discussing the options with the applicants Ms. Chernewsky acknowledged that the existing house will be demolished and a slightly smaller structure will be constructed within the existing footprint. She noted that there is an existing deck that will be removed and replaced.

Ms. Chernewsky noted that the set-backs are pretty tight. She explained that the property is between two (2) streets, Arbor Drive and Crescent Drive and asked whether the set-backs would be considered as two (2) front yards. Mr. Haight acknowledged that previous Building Inspectors considered this as two (2) front yard set-backs and asked what the new Building Inspector's views were on this. Ms. Chernewsky acknowledged that he was of the same opinion that this would be considered two (2) front yard set-backs. The Board agreed that the property would have two (2) front yard set-backs and two (2) side-yard set-backs.

Mr. Haight acknowledged that the new structure will be smaller and asked whether it is being moved in any way. Ms. Chernewsky advised that the structure is not being moved. It was noted that the right yard set-back is the only one being increased due to the addition of the deck.

Ms. Chernewsky advised that the bedroom count is being reduced to three (3) with two (2) being built now and a possible Master Bedroom being built in the future. She also noted that one (1) bathroom is being proposed now with another being added with the addition of the Master Bedroom.

Mr. Grant asked about the existing septic system and was advised that the system is a one-thousand (1,000) gallon concrete tank which was installed in 2008. Ms. Chernewsky asked if the existing septic is adequate for a three (3) bedroom structure and was advised by Mr. Haight that the system size is adequate however the Board will need to see something stamped by the Engineer that the system is in good working order. Ms. Chernewsky asked the Board if the dye test should be done before or after the structure is demolished. She was advised that it can be done any time however prior to demolition would be best. Mr. Grant asked where the location of the well is and Ms. Chernewsky advised that this will be added to the Site Plan.

Mr. Grant pointed out that variances will be needed from the ZBA and Ms. Chernewsky made note of the fact that several variances will be needed. Mr. Grant advised that a height variance will be needed as well.

Ms. Chernewsky will do a full submittal for the June meeting. Ms. Sawchuk suggested adding a location map to the Site Plan and Mr. Grant asked that a floor plan of the existing building be submitted. Mr. Urban suggested using pictures instead of a floor plan. Ms. Chernewsky will bring in pictures of the existing structure.

**2016-8 MINOR SUBDIVISION – JOHN A. LANGDON LLC – County Route 7A
[Copake]**

- Application for Site Plan Review
- Letter of Agency dated April 22, 2016
- Subdivision Map
- Minor Subdivision Fee

Donna Peck appeared before the Board representing John Langdon. Ms. Peck advised that Mr. Langdon wishes to subdivide his parcel of two-hundred and seven point two-zero (207.20) acres into three separate parcels. She explained that the house with three (3) acres has its own well and septic. The main house also has its own well and septic and is forty-one point six-seven (41.67) acres.

Mr. Grant asked whether there had been previous subdivisions. Ms. Peck advised him that there were none and the parcel is all one Tax Map number. Mr. Grant advised that a copy of the deed for the existing parcel is needed to make sure there are no restrictions on the property. He also noted that a Public Hearing needs to be held. Mr. Haight made note of the fact that an

Agricultural Data Statement needs to be mailed to the adjacent property owners. Mr. Grant also acknowledged that a Short Form SEQRA needs to be filled out. Mr. Grant asked whether the County needs to be notified of the Subdivision. Mr. Haight acknowledged that the County should be notified as it is within five-hundred feet (500') of a county road.

Mr. Haight advised that Parcel C would need to have it noted that nothing can be built on the parcel without Board of Health approval. Mr. Haight acknowledged that a Public Hearing will need to be set for next month's meeting.

2016-10 MINOR SUBDIVISION – DOUGLAS HAUSEMAN – Off Cove Road [Copake Lake]

○ Tax Map

Doug Hauseman appeared before the Board and advised that he recently purchased property adjacent to the property his grandparents owned on Copake Lake. He explained that the property furthest from the lake now has an existing easement to the lake and what he would like to do is add a twenty-five foot track to the parcel for lake access. Mr. Grant asked what the size of the parcel is and was advised that the existing parcel is point thirty-one (.31) acres and the total would include the twenty-five (25) foot tract added to it.

Mr. Grant advised that the Board is legally prohibited from creating a non-conforming parcel. Mr. Haight acknowledged that the parcel with the twenty-five foot (25') tract being added is an existing parcel and the remaining two (2) parcels will be merged together before the twenty-five foot (25') tract is subdivided off. It was noted that the parcels are in the 'R-2' District which is 30,000 square foot zoning.

Mr. Grant advised that a survey will be needed for next month's meeting. Ms. Cohen acknowledged that a deed will be needed as well and advised that when a new deed is drawn up the easement be removed.

Mr. Haight asked whether a Public Hearing should be set for next month's meeting. Mr. Grant advised him that a proper survey map is needed and questioned whether this would be available at that time. Mr. Hauseman will contact Dan Russell who is preparing the survey and have him e-mail the Board a copy. It was noted that a Public Hearing can be scheduled for next month's meeting and left open if needed. It was also noted that a fee will be submitted at next month's meeting.

MINUTES

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to approve the minutes of the March 3, 2016 meeting.

ADMINISTRATIVE

SOLAR PANEL MORATORIUM: Mr. Haight advised the Board that although the Board held a special meeting for the moratorium on Solar Panels the County Planning Board did not have a quorum so they could not review it. Mr. Grant did advise the Board that New York State is drawing up guidelines and regulations regarding this. Mr. Haight acknowledged that a new Board is being started for this however the Board cannot start anything until the Moratorium has been instituted.

Mr. Haight clarified that the additional section of Solar Panels being installed on the Campbell Subdivision is on the original Site Plan.

T-MOBIL TOWER: Mr. Haight advised that someone contacted us regarding the addition of an antenna on the Catamount Cell Tower and asked whether they need Site Plan Review. Mr. Grant acknowledged that the Board did previously review the addition of an antenna on the Catamount Tower. T-Mobil will be contacted advising them of this.

FENCING: Ms. DeConti advised the Board that two (2) letters were received regarding fencing that is being put up on North Mountain Road. Mr. Haight acknowledged that he drove through that area and did not see any fencing going up or any fencing supplies. Mr. Haight also made note of the fact that this is not under the Planning Board's jurisdiction as it is the Building Inspector that would need to send them to the ZBA if required.

CARRY OVER

The following matters were carried over to the next meeting:

NONE

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 8:05 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 8 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

BARRY WINIKER AND EILLENE LEISTNER

March 26, 2016	Jon Strom to Taconic Shores Property Owners Assn. (1)
April 13, 2016	George Schmitt to LMC Design (2)
May 2, 2016	Frank Peteroy to ZBA (1)
May 4, 2016	ZBA Resolution to Approve [Amended] (2)
February 3, 2016	ZBA Resolution to Approve (2)