



COPAKE PLANNING BOARD

MAY 7, 2015

MINUTES

DRAFT

Please note that all referenced attachments, comprising 13 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, Marcia Becker, Jon Urban, Julie Cohen and Ed Sawchuk. Steve Savarese was excused. Lisa DeConti was present to record the minutes. Board Liaison Teresa Sullivan was also present.

ZONING BOARD OF APPEALS – Referrals

2015-10 ZBA REFERRAL – MATTHEW SHADIC – Pumpkin Hollow Road [Copake]

Submissions included:

- CEO Ed Ferratto's letter dated April 13, 2015
- ZBA Request for Area Variance
- Building Permit dated April 11, 2015
- Bargain and Sale Deed
- Pictures

Mr. Haight informed the Board that Mr. Shadic is seeking to build a single family residence in the 'R' District and needs an area variance for the left side yard of twenty-five feet (25') due to the solid rock formation and steep grade that limits the building envelope. Ms. Becker noted that the property is four and one-half (4½) acres.

Ms. Becker felt that the only thing that needs to be addressed is that the Erosion and Sediment Control Plan be very specific during construction and any plantings planned after completion be shown.

A letter will be written to the ZBA with the Board's recommendations.

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

2015 -9 SITE PLAN REVIEW – GARY SINGH – County Route 7A [Copake]

Submissions included:

- Application for Site Plan Review
- Pat Prendergast letter dated April 29, 2015
- Short Environmental Assessment Form (SEQR)
- Maps
- Department of Health letter dated April 27, 2015
- Determination from CEO Ed Ferratto dated May 5, 2015

Engineer Pat Prendergast appeared along with Gary Singh owner of the former JJ's Pizza building on the corner of County Route 7A and Empire Road located in the 'B1' Business District. Mr. Prendergast explained that Mr. Singh would like to open a Tavern and Liquor Store in the same location. Mr. Prendergast clarified that the classification of a Tavern/Liquor Store was the best option for Mr. Singh regarding DEC Flow Rates and Septic Systems.

Ms. Becker acknowledged that the Table of Uses in the Town Code allow for Bars and Restaurants. She also noted that CEO Ed Ferratto was consulted as to whether a Liquor Store was an allowed use and he determined that this would be an allowed used as a "Retail Store under 3,000 square feet is a permitted use in the 'B-1' District".

Mr. Prendergast pointed out that there is a parking lot at the back of Mr. Singh's property that will be used for parking. Mr. Prendergast then explained that approximately ten (10) years ago he designed a septic system for this property when Mr. Singh had wanted to put apartments on the upper floor of the building and this went through DEC and County Health Department approvals. Mr. Prendergast also pointed out that the SPDES Permit is still in effect and just needs to be renewed this month.

Mr. Haight asked whether Mr. Prendergast has planned any protection for the water coming into the building and was advised that a UV light will be used. Ms. Becker acknowledged receipt of a letter from the Department of Health.

Mr. Prendergast explained to the Board that the roof and upper floors of the building are not in good conditions and Mr. Singh's plans are to remove them. Mr. Prendergast presented plans of the planned single story building. Mr. Haight questioned what the siding would be and was advised by Mr. Singh that horizontal vinyl siding will be used.

Mr. Singh explained that the Tavern will be in one location, the Liquor Store will be in a separate location and a storage room for the Gas Station will be located at the back of the building. Mr. Haight questioned whether there will be any access between the Tavern and Liquor Store and was advised that there is no access. Mr. Haight then questioned what will be stored in the storage room and was advised by Mr. Singh that this would be limited to Convenience Store items and not Gas Station supplies. Ms. Becker asked what kind of alcohol will be sold in the Liquor Store and was advised that the inventory would be limited to liquor and wine, the Tavern will serve everything. Mr. Singh has already applied for the proper liquor licenses.

A discussion ensued regarding the space of the retail areas so as to determine the number of parking spaces required. Mr. Prendergast acknowledged that nineteen (19) parking spaces are planned. Mr. Grant pointed out that the Town Code requires one parking spot for every fifty (50) square feet of floor area. It was determined that there was approximately two-thousand and thirty (2,530) square feet which would require fifty (50) parking places. Mr. Prendergast will address this.

Ms. Becker questioned what source of heat is used for the building and was advised by Mr. Singh that there are underground propane tanks. Ms. Becker advised that these need to be accounted for on the plans. Mr. Haight asked where the Air Handlers for the air conditioning will be located and was advised that these will be on the roof. Mr. Haight suggested that these might be better on the ground at the back of the building. Mr. Prendergast agreed and will address this as well.

Ms. Becker acknowledged that a copy of the current SPDES permit needs to be submitted with the changes and additions. Mr. Haight recommended that fencing be used on the road side during construction for protection of passer-bys.

Mr. Grant brought up the fact that there is issue with the alteration of the structure in the center of the Hamlet and this is something the Board will need to consider very seriously. Mr. Prendergast asked if there was something specific the Board would like to see. Mr. Grant asked why the second story needed to be removed and was advised by Mr. Singh that the upper floors were not in very good condition and not worth saving.

Ms. Becker advised Mr. Singh that the Town has invested in a Hamlet Revitalization Plan and the people of the Town value the character of the Village and feel it is important for economic development. They feel it is beneficial to try to keep the look and character of the village as is. Ms. Becker did point out that there are sources of money available for restoring an old building. Mr. Prendergast will take this into consideration. Ms. Becker suggested Mr. Prendergast look at what the Copake Hamlet Revitalization Task Force has in mind. She advised that "Copake By Design" can be found on the TownofCopake.org website.

Mr. Haight questioned whether a handicapped ramp is included and was advised that there is. Mr. Grant acknowledged that inasmuch as this is located in the center of Town a Public Hearing should be held. Ms. Becker also pointed out that the Board need to take into consideration that this building is adjacent to the Grange which is an historical building. Ms. Becker also made note of the fact that this will need to be referred to the County and might be considered a Type 1 Action under SEQRA which would require the Long Form SEQR. The Board suggested Attorney Ken Dow be consulted for clarification.

**2015-11 MINOR SUBDIVISION – CARL CAMPBELL & CHRISTA PROPER– Route 23
[Copake]**

Submissions included:

- Application
- Subdivision Map
- Monolith Solar email dated April 30, 2015

Carl Campbell appeared before the Board wishing to subdivide approximately ten (10) acres from a parcel that is approximately twenty-five (25) acres. Mr. Haight clarified that these parcels are separated by Route 23. Ms. Becker made note of the fact that nothing can be done about the shape of the long, narrow parcel.

Ms. Becker questioned whether the parcel will be going to someone else. Mr. Campbell explained that the solar company Monolith Solar is interested in this parcel for a large scale ground-mounted solar system.

Ms. Becker questioned whether a perc test needs to be done as required by the Town Code. Mr. Haight explained that he had been contacted by Monolith Solar asking whether this is permitted by the Town. He then acknowledged that he spoke with CEO Ferratto who advised that this is permitted in all areas. Ms. Becker noted that if this subdivision is approved without a perc test the approval would have to be done conditionally. Mr. Grant felt the perc test would need to be done regardless as it would still need to be a viable building lot. Mr. Urban suggested subdividing the lot with the condition that it is not a building lot without a proper perc test.

Ms. Cohen advised that a driveway location also needs to be shown on the map and pointed out that the map shows an educational kiosk on the subdivided parcel. Mr. Haight will contact Monolith Solar to find out exactly what the Kiosk will be and whether it will have any bathrooms in it. Mr. Grant suggested consulting Attorney Dow for clarification as to whether a perc test and other requirements can be waived for a conditional approval of this subdivision. The condition would be to limit use to solar panels only.

Ms. Cohen referred to Town Code 197.24B which states that: *Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.*

Mr. Haight acknowledged that when he had spoken to CEO Ferratto to find out whether a ground-mounted solar system was permitted in the Town Mr. Ferratto told him that due to the size of the solar project they would have to come before the Planning Board for Site Plan Review.

**2012-29 SITE PLAN REVIEW – YONDERVIEW LLC/ED MILLER – Yonderview Road
[Copake]**

Submissions included:

- Department of Health letter dated April 16, 2015
- Department of Health letter dated May 4, 2015

Mark Rowntree and Julia Sedlock of Cosmo Design appeared before the Board representing Ed Miller and Yonderview LLC for an amendment of their Site Plan. Mr. Rowntree explained that conditional approval was given by the Planning Board contingent on a viable septic for the pool house. Mr. Rowntree submitted an updated letter from the Department of Health regarding the use of the pool house. Inasmuch as the toilet wasn't mentioned in the first letter Mr. Rowntree requested an amended letter from the Department of Health with reference to this.

Mr. Rowntree explained that the garage is to the north of the house and the pool is to the south. He pointed out that the two car garage is separated by a carport in the middle. Ms. Becker made note of the fact that the Mother-in-law apartment and gate house have been removed. Mr. Rowntree clarified that originally the Mother-in-law apartment was located in the gate house and was then moved to the pool house however, at this time the Mother-in-law apartment and gatehouse have both been removed. Mr. Rowntree also acknowledged that the pool house remains and has been amended to have only a toilet, living room and a small kitchen area. He added that there will also be an indoor shower as well as an outdoor shower which will be pumped to the existing septic leech fields from a one-thousand gallon holding tank.

Ms. Becker questioned whether a building permit has been received and Mr. Rowntree advised that he has not been before the Building Inspector as yet. Ms. Becker acknowledged that an updated Site Plan had been requested by the Board. Mr. Rowntree explained that the only difference was that the gate house and Mother-in-law apartment have disappeared. Mr. Grant advised that this should be noted on the plans. Mr. Rowntree will provide updated plans.

Ms. Becker made note of the fact that this had previously been accepted and approved by the Board subject to receipt of a Department of Health approval letter and a stamped set of prints showing potable water to the proposed gate house and pool house. A new set of plans will be submitted.

**2015-5 SITE PLAN REVIEW – MARIKA PRITCHETT & PAUL CASEY – Golf Course
Road [Copake Lake]**

Mr. Haight advised the Board that Marika Pritchett and Paul Casey are still going through the ZBA process. Mr. Haight explained that some of the neighbors are upset that the house is being moved further away from the lake and that it would be too close to the road. Mr. Haight acknowledged that the side lines are being adjusted as there were complaints from the neighbors that they were getting too close. Mr. Haight suggested that a letter be written to the ZBA advising them that the Planning Board is in favor of moving further away from the lake. Mr. Urban added that there is also issue with the rerouting of the septic which the Homeowner's

Association is not in favor of. Mr. Grant had mixed emotions about writing a letter inasmuch as the septic was an issue as well. Mr. Urban brought up the fact that the Board's position has always been to encourage the moving of structures further from the lake. Mr. Grant questioned whether the present structure was one-hundred feet from the water and was advised that it was approximately twelve feet (12') from the water. The Board was in agreement with a letter being written to the ZBA.

MINUTES

On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to approve the minutes of the April 2, 2015 meeting minutes.

ADMINISTRATIVE

ZADRIMA UPDATE: Mr. Haight advised the Board that the General Contractor for Mr. Zadrina wanted a temporary occupancy permit without the landscaping completed. CEO Ferratto advised Mr. Haight of this as the landscaping was a condition of the approval. Mr. Haight contacted the General Contractor and advised him that the Board would not grant recommend granting a temporary permit without the landscaping as this was a condition of the approval.

SPECIAL USE PERMITS: Mr. Haight acknowledged that the ZBA is sending a letter to the Town Board advising them that they are not in favor of Special Use Permits being handled by the Planning Board. Mr. Haight asked if anyone had suggestions or opinions on this matter to be added to a letter to the Town Board.

TRAININGS: Mr. Haight advised that there is training information in the Members packets and should they go to any trainings they should notify Ms. DeConti for her records.

CARRY OVER

The following matters were carried over to the next meeting:

- 2015-6** **MINOR SUBDIVISION – SCOTT & JACQUELYNE DECKER – Elm Street & Pine Street [Copake Lake]**

- 2012 -14** **SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill Road [Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Ms. Becker and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:25 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 13 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

MATHEW SHADIC

April 13, 2015 Ferratto to ZBA (1)

RUBIN QUICK STOP – GARY SINGH

April 27, 2015 DeRuzzio to Prendergast (2)
April 28, 2015 Short Form SEQRA (3)
April 29, 2015 Prendergast to Haight (2)
May 5, 2015 Ferratto to Becker (1)

CARL CAMPBELL AND CHRISTA PROPER

April 30, 2015 Villaneuva to CPB (2)

YONDERVIEW LLC/ED MILLER

April 16, 2015 Nostrand to Rowntree (1)
May 4, 2015 DeRuzzio to Miller (1)