



COPAKE PLANNING BOARD

NOVEMBER 3, 2016

MINUTES

DRAFT

Please note that all referenced attachments, comprising 19 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, Julie Cohen and Ed Sawchuk. Steve Savarese and Jon Urban were excused. Lisa DeConti was present to record the minutes. Town Attorney Ken Dow was also present. Town Board Liaison Terry Sullivan was also excused.

ZONING BOARD OF APPEALS – Referrals

2016-25 ZBA REFERRAL – COREY BROUSSEAU – Route 22 [Copake]

- ZBA Application
- Building Permit Denial
- Letter of Agency dated October 15, 2016
- Site Plan
- Pictures

Mr. Haight informed the Board that Mr. Brousseau is before the Zoning Board of Appeals inasmuch as he wants to change the use of an old gas station into a welding shop. Mr. Grant acknowledged that it is the responsibility of the ZBA to approve a change of use however he noted that the premises have not been operable for over a year. Mr. Grant asked whether a use variance would be needed in this case. Mr. Haight advised him that Mr. Brousseau is applying for a different use which is an allowed use in this district with a Special Use Permit.

Ms. Becker believed that the applicant would need Site Plan Review inasmuch as the business he is considering is a service station and is also a commercial use which is subject to Site Plan Review. Attorney Dow advised that customers will not be coming and going on the premises as this type of business is not retail. He also noted that Mr. Brousseau would need a Building Permit before proceeding. Ms. Cohen pointed out that the Building Permit Application stated several times that there will be no changes to the building or driveway. Attorney Dow questioned whether Site Plan Review would be required inasmuch as no structural changes are being made.

It was Ms. Becker's belief that a service station would indicate that people would be going in and out of the establishment.

Mr. Grant made note of the fact the applicant does not seem to need a Building Permit and it would be up to the Building Inspector to require Site Plan Approval. However Ms. Becker pointed out that there is a Building Permit Application. Ms. Cohen advised that it was noted three times on the Building Permit Application that no changes are being made to the building or driveway. It was Mr. Grant's opinion that Site Plan Review is required inasmuch as a Building Permit Application was filed.

A letter will be written to the ZBA advising them that if a Special Use Permit is granted and the applicant applies for a Building Permit receipt of a Building Permit would be subject to Site Plan Review by the Planning Board.

PUBLIC HEARING

2016-21 SITE PLAN REVIEW – HOMESTEAD MARKET – Route 23 [Copake]

Mr. Haight reminded the Board that the Public Hearing remained open and anyone wishing to comment that they can approach the Board. No comments were made.

The Public Hearing was left open.

SUBDIVISION/SITE PLAN

2016-21 SITE PLAN REVIEW – HOMESTEAD MARKET – Route 23 [Copake]

- Revised Site Plan
- Lighting Plan
- Letter from Attorney Dow acknowledging the change in the B-2 District

Marc Schafler, Construction Manager, once again appeared before the Board representing the Homestead Market application. Mr. Schafler presented the Board with revised Site Plans and Lighting Plan.

The Board reviewed the revised Site Plan and acknowledged the updates. Ms. Becker asked if this application was sent to the Columbia County Planning Board and was advised by Ms. DeConti that she delivered it on Tuesday, November 1st. Ms. Becker made note of the fact that

the Board cannot approve this application until a response is received from the County Planning Board.

The Check List was reviewed. The Engineer's Septic Plan was acknowledged. The Board questioned when the response from the County should be expected. Attorney Dow advised that it would be within thirty (30) days of when they receive the full package. Mr. Grant asked whether approval could be given after that time or whether the Board would need a response. Attorney Dow explained that they have thirty (30) days in which to act and if they don't act the Board could proceed. Ms. DeConti referred to the County's application for Site Plan which reads that: "It is understood that if no action is taken on this referral within thirty (30) days (or mutually agreed extension of time), of the receipt of a completed referral by the County Planning Board we may proceed without its recommendation."

Attorney Dow also made note of the fact that receipt of the full package is contingent on the County's requirements. Ms. DeConti acknowledged that the County requirements are that all referrals must be postmarked or received twelve (12) days prior to their Board's regular meeting day of the third Tuesday of each month. She also noted that the County received the full package on November 1st so the Board can act at their next meeting which will be held on December 1st.

Mr. Grant advised that the Zoning District needs to be added to the Site Plan by the next meeting. He added that this can be hand-written in. Mr. Grant questioned whether this was subject to SEQRA and was advised that this was a Type 2 Action and does not require review under this part 617.5 of the New York State Code requiring SEQRA.

**2016-18 ZBA REFFERAL/PRELIMINARY SPR – GRJH INC./THOMAS CASEY –
State Route 23 [Craryville]**

- Letter from Attorney Dow acknowledging the change in the B-2 District
- Project Description
- Short Form EAF (SEQRA)
- ZBA Special Use Permit Application Rationale
- Location Maps
- Site Plan

Thomas Casey appeared before the Board representing GRJH Inc. and introduced Project Engineer Amy Haight of the Chazen Companies. Ms. Amy Haight acknowledged that this was a referral from the ZBA. Mr. Haight advised her that the Planning Board process can proceed simultaneously with the ZBA process.

Ms. Amy Haight explained that this review surrounds a 1.7 acre parcel with a structure in disrepair on the northwest Corner of Craryville Road and NY Route 23. She noted that the proposed building is approximately thirty-two hundred (3,200) square feet. She explained that the sketch presently shows forty-eight (48) parking spaces which include six (6) parking spaces

at three double sided pumps. She added that no historical significance, wetlands or endangered species were found on site and noted that this is a permitted use in this district with a Special Use Permit. She also pointed out that traffic is expected to generate less than one-hundred (100) trips during peak hours.

Mr. Haight questioned the location of the existing septic and wells. Mr. Casey explained that when they began the process they were informed that there is an existing septic and well on the property, however he could find no documentation regarding this so they are going with the assumption that they have to proceed as if there was nothing there and redo everything from scratch. Mr. Haight advised that there is an existing septic and well as there was never a permit filed to remove them. Ms. Amy Haight explained that when they are found they will be dealt with according to the required methods. Ms. Amy Haight explained that once they start going through the process there will be investigations on-site to locate them.

Ms. Amy Haight made note of the fact that they would like to reduce the number of parking spaces as their Traffic Engineer recommends twenty-eight (28) spaces for a building of this use and size which is less than the requirements of the Town. Mr. Haight asked whether they will be before the ZBA for this change and Ms. Amy Haight advised him that this was discussed at the ZBA meeting last week and the ZBA is in agreement with this. She explained that she suggested that they 'Bank' the extra twenty (20) spaces by leaving a location for them should they be needed so that the impervious surfaces are reduced. Mr. Grant advised that this would be a ZBA decision. Mr. Grant advised that a variance would be needed for the reduction in parking. Ms. Amy Haight questioned whether a variance would be needed inasmuch as they are 'Banking' the spaces. Mr. Haight advised her that the variance would be needed to 'Bank' them.

Ms. Amy Haight proceeded to explain that the hours of operations are expected to be from 6 AM to 11 PM.

Mr. Grant asked whether a Phase 1 Environmental Study had been done and was advised by Mr. Casey that one had already been done and the asbestos remediation had already been completed and certified. Mr. Grant questioned whether there was anything in the soil. Mr. Casey acknowledged that he had a letter which stated that there were tanks there at one time and were removed and given to Catamount Ski Area. Mr. Casey also advised that he has geologists on staff that will be brought in to do core samplings. Mr. Grant then asked whether the Phase 1 Environmental Study had recommended that they proceed to a Phase 2 and was advised by Mr. Casey that no Phase 2 Study was required. Mr. Grant asked for copies of those documents.

Mr. Haight asked what the size of the building will be as Ms. Amy Haight referred to the building on the Preliminary Sketch as a proposed size. Mr. Casey explained that they will be purchasing an existing building that will be moved to the site and there is a good likely hood that the building will be reduced in size from thirty-two hundred (3,200) square feet to approximately twenty-eight hundred (2,800) square feet.

Mr. Haight advised that they would have to go to New York State for approval of the driveway on Route 23 inasmuch as the driveway location is being changed and approval will also be needed from Town Highway Superintendent William Gregory on the Craryville Road side.

Ms. Becker advised the Board that they would need to establish themselves as Lead Agency. Ms. Amy Haight made note of the fact that the ZBA is Lead Agency for the Special Use Permit and the SEQRA has been circulated through them. Ms. Amy Haight asked whether an additional SEQRA will need to be circulated by the Planning Board. Ms. Becker advised her that if the Board wanted to do this it is within their jurisdiction. Attorney Dow advised that in similar cases one SEQRA was circulated and reviewed by both Boards prior to the Part II and Determination.

Mr. Grant acknowledged that the ZBA is Lead Agency on this Application and questioned whether the Public Hearing is still open at the ZBA. Mr. Casey advised him that the Public Hearing remained open. Ms. DeConti questioned whether a Public Hearing needs to be set by the Planning Board. Mr. Grant believed that inasmuch as the ZBA has established Lead Agency the Public Hearing is being governed by them and didn't see the need to have an additional one.

Ms. Amy Haight asked what other issues needed to be addressed for Site Plan Review. She was advised that the driveway entrance, lighting schedule, signage, lot coverage, lighting schedule, asbestos report and septic system approval for a new system or a stamped plan by a certified engineer for an existing one are needed

A discussion ensued regarding the lot coverage as forty percent (40%) of the proposed site is impervious surface. Ms. Amy Haight explained that if they can reduce the amount of parking this percentage will be reduced.

Ms. Becker suggested adding a location for a charging station. Mr. Casey did acknowledge that this is being considered. Mr. Casey also noted that LED lighting is planned for the pump area and some up-lighting is being considered for the building area. Mr. Sawchuk suggested bike racks and picnic tables

Mr. Grant questioned the location for the proposed diesel pumps as there would most likely be 16-Wheeler trucks entering the station. Ms. Amy Haight and Mr. Casey will take this into consideration.

Mr. Casey asked what his next steps will be and was advised that referral will be needed from CEO Lee Heim of the Building Department. Mr. Casey was advised that his next step after that will be to submit a Planning Board application. Attorney Dow noted that Mr. Casey can plan on appearing at the December 1st Planning Board meeting to submit his application and begin the process. Mr. Haight made note of the fact that a full set of prints are required for Site Plan Review.

Ms. Becker expressed concern about receiving the public comments from the ZBA for the Public Hearing. Mr. Grant suggested that the Planning Board hold a Public Hearing of their own. Mr. Casey acknowledged that so far there has only been one person speaking at the ZBA Public Hearing and he can supply the letter from them.

**2016-26 PRELIMINARY SITE PLAN REVIEW – COPAKE VALLEY FARM – Route 22
[Copake]**

- Application for Site Plan Review
- Building Description
- Site Plan
- NYS Department of State Letter dated April 8, 2011

Frank Peteroy appeared representing Copake Valley Farms. Mr. Grant asked whether the Building Inspector referred this application to the Board. Mr. Peteroy explained that CEO Heim has had irregular hours for the month of October due to required training. Mr. Grant advised him that until an application is referred by the Building Department the Board cannot take any action. A preliminary discussion was held.

Mr. Peteroy explained that the intent of this application is to build a livestock shed approximately two-hundred and thirty-six feet (236') long. Mr. Peteroy went on to explain that the existing two buildings will be the sides of the structure and a roof will be added connecting them. Mr. Grant questioned whether there are building permits for the existing buildings. Mr. Peteroy acknowledged that he is unaware whether the existing buildings have permits or not.

Mr. Peteroy went on to explain that on the other side of the building will be an equipment shed for trailers, hay wagons, trucks and other various farm equipment. Mr. Peteroy continued to explain that the roofs are integral and sloping toward each other with a common trough for storm water mitigation.

Mr. Peteroy then submitted an overall Site Plan of several different projects, explaining that each project will be handled individually and gave brief explanations of each project. He did note that general lighting will be low-key with no glare expected. Mr. Peteroy explained that the livestock building will have feed, water and livestock and the manure will be addressed separately.

Ms. Becker addressed the fact that the structure could be a 15,000+ square foot structure. Mr. Peteroy explained that there are two different structures connected by the roof. Ms. Becker advised him that this is considered one structure inasmuch as it is connected by the roof.

Mr. Grant expressed concern about commenting on a project that doesn't have a building permit application and could have buildings on it that the Board is unaware of whether there are Building Permits for. Attorney Dow advised that in a preliminary review the Board can have a conversation with the assumption that there are permits for these buildings and future discussions would be contingent on this.

Mr. Grant advised the Board that he needed to be excused at this time as he had something that he needed to deal with.

Mr. Grant asked Attorney Dow how a situation would be handled if an addition was being done to a house that was built in the 1700s. Attorney Dow advised him that this would not be an issue as it predates zoning. He did add that if a building was built after zoning was instituted then that would be a different story.

Mr. Peteroy felt Mr. Grant's question regarding whether the existing buildings had building permits prejudiced this application. Attorney Dow asked for clarification as to whether the structures Mr. Peteroy was proposing were independent of the existing structures. Mr. Peteroy explained that the existing buildings will be side walls to the proposed structures and attached by a roof. Attorney Dow advised Mr. Peteroy that Mr. Grants question about whether the existing buildings had building permits is a relevant concern as the proposed buildings are being integrated into the existing structures. Mr. Peteroy will address this with the Building Inspector.

Mr. Haight did acknowledge the fact that this application is a farm and is subject to an expedited Site Plan Review. Ms. Becker wanted clarification from the Building Inspector as there are several issues that need to be considered. She expressed concern that this is being handled as a segmented Site Plan and a prior review of this Site Plan by the Board had determined that this was not an agricultural use. Mr. Haight did note that there are cattle on the premises at this time which did not exist in the prior review.

Mr. Peteroy did refer to Town Code 232-26D(2) which reads: *Construction of agricultural buildings or structures less than 7,500 square feet in area. Any agricultural buildings or structures 7,500 square feet or more shall be permitted subject to expedited site plan review. No new agricultural buildings larger than 25,000 square feet will be permitted.* However everyone was in agreement with waiting for the Building Inspector's guidance on the project.

MINUTES

Ms. Becker addressed a correction that she noticed in the September 1st minutes in paragraph 2 on page 6 which mistakenly listed the Homestead Market Site Plan Review as a Minor Subdivision. Mr. Haight advised her that he requested this correction and Ms. DeConti acknowledged that this had already been corrected before the minutes were filed.

Mr. Haight made note of the fact that he had been absent from the Board at the October 6th meeting and could not approve the minutes. Ms. DeConti did acknowledge receipt of an e-mail from Mr. Savarese who approved the minutes.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted to approve the minutes of the October 6, 2016 meeting minutes as amended taking into consideration Mr. Savarese e-mail. Mr. Haight abstained.

ADMINISTRATIVE

TRAINING: Lisa DeConti advised the Board that she had received training certificates from Mr. Haight, Ms. Becker and Ms. Cohen and that the remaining members would need to provide certificates or acknowledgement that they have completed the required four-hour training for the year. Mr. Grant and Mr. Savarese will provide the necessary documents.

MONOLITH SOLAR UPDATE: It was noted that CEO Heim has discovered that the Solar Panels on the Monolith Solar site are operational. Ms. DeConti advised the Board that CEO Heim sent a letter to them to address this. Mr. Haight noted that a house cannot have their electricity operational without a permit and the Monolith Solar permit expires in December. He did note that nothing can be done until the permit expires. Mr. Sawchuk expressed concern that the electricity is being generated without a load which can cause a serious problem. Mr. Haight acknowledged that he is on the Committee regarding Solar Panels and said that they have asked the Fire Company for their input regarding this and he also believed that this can be an issue.

TERM LIMITS: Mr. Haight acknowledged that his term expires December 31st and he sent Town Clerk Larry Proper a letter expressing his desire to remain a Board Member.

EGREMONT PUBLIC HEARINGS: Correspondence was received regarding three Public Hearings that were scheduled for the Town of Egremont, two of which were cancelled.

CARRY OVER

The following matters were carried over to the next meeting:

**2016-20 PRELIMINARY SITE PLAN REVIEW – GRAY DAVIS – Lake View Road
[Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Haight and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Bob Haight, Chair

