



COPAKE PLANNING BOARD

OCTOBER 4, 2018

MINUTES

DRAFT

Please note that all referenced attachments, comprising 44 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 Julie Cohen, Chris Grant, Marcia Becker, Steve Savarese and Jon Urban. Ed Sawchuk was excused. Attorney Ken Dow, Town Board Liaison Richard Wolf and Supervisor Jeff Nayer were also present. Lisa DeConti was present to record the Minutes.

ZONING BOARD OF APPEALS – Referrals

NONE

PUBLIC HEARING

2017-38 SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville] (Open since November 2, 2017)

- Letter from Steve and Barbara Smith dated August 24, 2018
- E-mail from James Chamber dated September 30, 2018
- E-mail from Daphne Joslin dated October 3, 2018
- E-mail from Matthew Hardine dated October 3, 2018
- E-mail from Kevin Davis dated October 3, 2018
- E-mail from David Davenport dated October 3, 2018
- E-mail from Vanessa Howe-Jones & Sam Johnson Dated October 3, 2018
- E-mail from Nancy Wiese & Aram Fox dated October 3, 2018
- E-mail from Patrica Ackerman dated October 3, 2018

- E-mail from Ilyne Rabinowitz dated October 3, 2018
- E-mail from Cara Boyle & Craig Mende dated October 3, 2018
- E-mail from David Gurin dated October 3, 2018
- E-mail from Maura Pittelli dated October 3, 2018
- E-mail from John Penny dated October 3, 2018
- E-mail from Megan Piro dated October 3, 2018
- E-mail from Jennifer Racioppi dated October 3, 2018
- E-mail from Barbara Levine dated October 4, 2018
- E-mail from Enid Futterman dated October 4, 2018
- E-mail from Douglas Bandes dated October 4, 2018
- E-mail from Kate Feighery dated October 4, 2018
- E-mail from Beata Baird dated October 4, 2018
- E-mail from Gerry Melody dated October 4, 2018
- E-mail from Deborah McDowell dated October 4, 2018
- E-mail from Dan Latinsky dated October 4, 2018
- Letter from Attorney David Gordon dated October 4, 2018

There were no new submissions from the applicant so this application was held over until next month's meeting. However, inasmuch as there were a number of area residents present to speak on this application Mr. Haight proceeded with the Public Hearing. Mr. Haight advised all present that the Board deadline is ten (10) days prior to our meetings so all comments should be sent in by that deadline.

Mr. Haight advised everyone that inasmuch as new Town Zoning laws were recently adopted this project is subject to the new Code. Ms. Becker brought up the fact that parking standards have changed which would affect the number of parking spaces required.

Mr. Haight opened the Public Hearing for the evening and advised the residents that they will be give two (2) minutes to make their comments. He asked that they not repeat comments from past meetings. Mr. Haight made note of the fact that the applicant has already been granted a Special Use Permit by the Zoning Board of Appeals (ZBA) allowing a gas station and the Planning Board is here to conduct a Site Plan Review. He went on to explain that anyone commenting on the fact that they are against a gas station will have no impact on the Planning Board process and should have been done during the ZBA Public Hearings.

Craryville Resident DOMINIC SINISI... Mr. Sinisi expressed support for the project and felt it would revitalize Craryville. He felt it would be nice to see that corner developed.

Hillsdale Resident PETER COHEN... Mr. Cohen wondered how the new Zoning Code will affect the design, scope and scale of the project.

Hillsdale Resident DAMON CLIFT... Mr. Clift and his wife own a small organic farm and they have concerns of how fuel fumes from a 'Truck Stop' will affect their farm and the environment. He also had concerns that this could lead to a string of strip malls affecting the Rural Charm of the area. Mr. Haight set the record straight and advised the members that this application is NOT a Truck Stop and then acknowledged that there isn't even one parking space on the plans for a truck. He was questioned as to why a Tractor Trailer is shown on the plans. Mr. Haight explained that he requested this to show the entry and exit points the fuel delivery trucks would take.

'Save Craryville' Attorney DAVID GORDON... Mr. Gordon presented a Site Plan superimposed with the new Town Zoning Codes showing how the new Codes will affect the project. He feels that this project does not comply with the Hamlet Business Zoning of the new Code. Mr. Gordon feels the project does not comply with the new set-back requirements and noted that sidewalks are required in Hamlet zoning. He claims that the stormwater run-off is inconsistent with DEC requirements as he believes a portion of it will go into the adjacent land and not the stormwater treatment system. He also had concerns that hydro-carbons could run-off into DEC Wetlands. He also felt the scale of the project did not fit the Hamlet Zoning.

Copake Lake Resident DOUGLAS LYON... Mr. Lyon had concerns about environmental issues.

Resident LILLY SKUGEVIK ... Ms. Skugevig recently purchased the old Train Station and had concerns about noise and the environment.

Hillsdale Resident DAN ... Had issue with the size of the project and feels it doesn't fit in the hamlet.

Hillsdale Resident JOAN SCHMIDT... Ms. Schmidt was against the size of the project as well as environmental issues.

Craryville Resident PAULA ... Paula feels that the present site is an eyesore and feels there are not enough jobs in the area and it would be nice to have a business at this site instead of what is there now. Paula would like to see a car wash at the site!

Chatham Resident CARA ... Cara had concerns about whether there was an Environmental Impact Study (SEQRA) done.

Craryville Resident ZITA KOBOS... Ms. Kobos is on the Conservation Advisory Committee in the Town of Taghkanic and would like to report issues and concerns back to her committee. She also requested a copy of the SEQRA. She also had concerns of the size of the project.

Chair BOB HAIGHT... Mr. Haight clarified for the record that the number of jobs this project creates has nothing to do with the Board's decisions and no one on the Board is trying to 'push' this project. He also noted that he is trying to clarify some of the misinformation that is being commented on. He made note of the fact that the Board has been hearing comments regarding this project for almost a year even though some people have just heard about it.

Resident MOISHA GLECHMAN... Ms. Glechman is also on the Taghkanic Advisory Committee and she feels the project should visually fit the area.

Former ZBA Member HILARY THOMAS... Ms. Thomas addressed some of the inconsistencies and misconceptions she has seen and heard. She noted that this project was first brought before the ZBA in the latter part of 2016 and one of the big problems in a town the size of Copake is that it is hard to get people to invest money in it. She made note of the fact that many people blame the Boards for projects not being able to move forward however a lot of the times it comes down to other agencies that slow the process down such as the DEC, the NYS Department of Transportation or the Columbia County Planning Board, etc.

Ms. Thomas advised everyone that a Special Use Permit was granted by the ZBA, she believes, in December of 2016. She explained that the process is such that once approved by the ZBA the project then moves to the Planning Board for Site Plan Review. Ms. Thomas pointed out that GRJH has already met its approval process for a Special Use Permit and has moved to the Planning Board, not for approval of a Gas Station but for approval for various things such as downward lighting, stormwater treatment, road cuts from the Department of Transportation, a traffic study, etc.

Ms. Thomas acknowledged that the ZBA completed a SEQRA and an Environmental Impact Study was completed and a Negative Declaration was made based upon the information that the ZBA reviewed which was significant. Ms. Thomas brought up the fact that the site in question has sat vacant and dilapidated for twenty-five (25) years and has been for sale for ten (10) years and someone finally purchased it, put up some money and came to this Town for approval to open a gas station.

Ms. Thomas also referenced the fact that it has been mentioned that everyone should be notified when something like this is being proposed. Ms. Thomas explained that it is not in the Town's budget or even an applicant's budget to send a notice to everyone within the Town let alone adjacent Towns. She also pointed out that all that this should be affecting is the Town of Copake and its residents. Ms. Thomas then acknowledged the fact that this application has been noticed for a Special Use Permit in the official newspaper and on the Town's website under Public Notice and was held open for several meetings. Ms. Thomas noted that this process has been going on for over two (2) years and this is the final stage of the process. She made note of the fact that the many comments about this application not being noticed is untrue. Ms. Thomas also questioned what standing the many people from Hillsdale have to raise any issues in the Town of Copake.

Hillsdale Resident DAVID SANDBECK... Mr. Sandbeck is also against the scale of the project and the fact that it is not within the character of the town. He also had concerns that this would put other businesses in the area out of business.

Hillsdale Residents Steve and Barbara Smith's Attorney BRIAN HENCHY... Mr. Henchy brought up the fact that it was previously noted that Random Harvest should have had a Traffic Study and had concerns that the traffic study done for GRJH did not take this into consideration. Mr. Henchy believed it was within the Town's Code to request another traffic study from the applicant to account for this. Mr. Haight advised Mr. Henchy that the DOT is aware of the opening of Random Harvest in conjunction with this traffic study.

Hillsdale Resident BARBARA SMITH... Ms. Smith expressed her concerns regarding the safety of the intersection and made note of the fact that this does not only concern Copake Residents and affects anyone using that intersection. Ms. Smith referred to the recently revised Town Code which stated that a special use permit shall expire and become void one (1) year after approval unless the applicant shall have commenced and substantially proceeded with the use. Mr. Haight explained that the full approval has not been granted as yet.

Copake Resident LINDSAY LeBRECHT... Ms. LeBrecht also had concerns about the increase in traffic and felt the traffic study was not done at the right time of year.

Resident MATT ROGERS... Mr. Rogers also had concerns about the increase in traffic and feels that this will only make a dangerous intersection more dangerous.

Mr. Haight closed the Public Hearing for the evening but made note of the fact that it remained open for the next meeting.

SUBDIVISIONS/SITE PLANS

2018-17 MINOR SUBDIVISION – JOE FLOOD / J&J TWIN OAK LLC– Route 22 & Yonderview Road [Copake]

- Site Plan dated August 27, 2018

Joe Flood appeared before the Board and submitted a new survey map showing the four (4) lots he would like subdivided from the original parcel. Ms. Becker acknowledged the survey map from the previous subdivision that was filed with the County. The Board reviewed the two maps.

The Board classified this application as a Minor Subdivision. Mr. Grant acknowledged that the lots are contiguous and there is access from Twin Oak Drive which is a private drive with an easement. Mr. Grant asked whether there is a Road Maintenance Agreement and if there is one the Board requests a copy of this. Mr. Flood acknowledged that there is presently a Road Maintenance Agreement and he will supply a copy of this.

The Check List was reviewed. It was noted that the Zoning District is “RU”

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to set a Public Hearing for next month’s meeting.

**2018-22 SITE PLAN REVIEW – CAMP PONTIAC/MICHAEL ETRA – County Route 7
[Copake]**

- Letter from Andrew Aubin dated September 30, 2018
- Site Plan

Evan Young and Howard Scoffield appeared before the Board. Mr. Young acknowledged that Site Plan approval was received in June however there is a minor change that they would like to make. The house that was slated to be a Gym/Bunk House will now be only a Bunk House and they would like to add a forty-eight foot by forty-eight foot (48' x 48') Pole Barn building which will serve as the Gym/Fitness Center. Mr. Young explained that this will be a single story building and there will be a bathroom in it that will be hooked up to the public water supply and will have a one-thousand (1,000) gallon septic tank that will discharge to the existing sewer line.

Mr. Grant asked whether the SPDES Permit will need to be amended. Mr. Young said this will not be necessary as it will continue to be under ten-thousand (10,000) gallons per day. Mr. Grant asked for a copy of the SPDES Permit but was advised that there is already a copy of this in the files. Mr. Grant asked if there will be an increase in septic use and was advised that there will be approximately four-hundred and twenty (420) gallons more per day however the system is capable of handling the additional flow.

Ms. Becker asked whether the applicant will be getting individual building permits for each building and was advised by Mr. Young that this will be the case.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the revised Site Plan for Camp Pontiac dated September 19, 2018. Mr. Haight will stamp the plans and the applicant will be notified when they are done.

2018-23 SITE PLAN CONFERENCE – MIKE FALLON – County Route 7A [Copake]

- None

Mike and Seth Fallon appeared before the Board with Linda Chernewsky for a conference. Seth Fallon explained that they would like to construct a seventy-five-hundred (7,500) square foot Warehouse building on a 1.7 acre lot on the corner of Maple Avenue and Route 22 to house merchandise for their Auction House.

Seth noted that the entrance will be off of Maple Lane and will have simple lighting and a driveway with a turn-around. Mr. Haight made note of the fact that any lighting needs to be pointed downward and the Town Highway Superintendent needs to be consulted regarding the entrance off Maple Lane.

It was noted that this is in the SCOZ. Mike Fallon asked what colors would be best in this area. The applicant was told to go by Town Code 232-21H(18).

The Board didn't see any reason why the applicant couldn't move forward with this application.

Mr. Grant advised that the applicant make sure there are no wetlands that would require the applicant observing the one-hundred foot (100') set-back.

MINUTES

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to approve the minutes of the September 6th meeting and the Special Meeting Minutes of the September 22nd meeting.

ADMINISTRATIVE

FRANK AND MARCIA PETEROY: A request was received from Frank Peteroy to leave his application open however there has been no substantive action on this application for almost a year. The Board noted that the final letter be written to Mr. Peteroy advising him that his application be deemed abandoned and he can submit a new application when he wants to move forward.

13 LACKAWANNA PROPERTIES: A letter was received from Frank Peteroy on behalf of Copake Valley Farm to leave his application open. Mr. Cascino will be contacted and asked to provide some documentation that there is ongoing action regarding this application.

CATAMOUNT SKI AREA: Mr. Haight advised the Board that he spoke with Joe Visconte of the NYDOT who advised him that no action needs to be taken and that he needs no information from Catamount or the Copake Planning Board. Mr. Visconte said Catamount has his OK to move forward with their application.

CARRY OVER

The following matters were carried over to the next meeting:

- 2017-31** **SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #1] – Lackawanna Road [Copake]**
- 2017-32** **SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #2] – Lackawanna Road [Copake]**
- 2017-41** **BLA/MINOR SUBDIVISION – FRANK AND MARCIA PETEROY – Route 22 & Old Highway 5645 [Copake]**
- 2017-38** **SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]**
- 2018-11** **MINOR SUBDIVISION – COPAKE LAKE GOLF, LLC – Golf Course Road [CopakeLake]**

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

Please note that all referenced attachments, comprising 44 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

GRJH INC. PUBLIC HEARING

August 24, 2018	Smith to NYSDOT (4)
September 30, 2018	James Chambers to CPB (2)
October 3, 2018	Daphne Joslin to CPB (1)
October 3, 2018	Matthew Hardine to CPB (1)
October 3, 2018	Kevin Davis to CPB (1)
October 3, 2018	David Davenport to CPB (1)
October 3, 2018	Vanessa Howe-Jones/Sam Johnson to CPB (1)
October 3, 2018	Nancy Wiese/Aram Fox to CPB (1)
October 4, 2018	Patricia Ackerman to CPB (3)
October 4, 2018	Ilyne Rabinowits to CPB (1)
October 4, 2018	Cara Boyle to CPB (1)
October 4, 2018	David Gurin to CPB (1)
October 4, 2018	Marura Pittelli to CPB (1)
October 4, 2018	John Penney to CPB (1)
October 4, 2018	Megan Piro to CPB (1)
October 4, 2018	Jennifer Racioppi to CPB (1)
October 4, 2018	Barbara Levine to CPB (1)
October 4, 2018	Enid Futterman to CPB (3)
October 4, 2018	Douglas Bades to CPB (1)
October 4, 2018	Kate Feighery to CPB (1)
October 4, 2018	Beata Baird to CPB (1)
October 4, 2018	Gerry Melody to CPB (1)
October 4, 2018	Deborah McDowell to CPB (1)
October 4, 2018	Dan Latinsky to CPB (4)
October 4, 2018	David Gordon to CPB (7)

CAMP PONTIAC

September 20, 2018	Aubin to CPB (2)
--------------------	------------------