



COPAKE PLANNING BOARD

SEPTEMBER 1, 2016

MINUTES

DRAFT

Please note that all referenced attachments, comprising 7 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 6:55 p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Steve Savarese, Julie Cohen and Ed Sawchuk. Jon Urban and Town Board Liaison Terry Sullivan were excused. Lisa DeConti was present to record the minutes. Town Attorney Ken Dow and Town Supervisor Jeff Nayer were also present.

ZONING BOARD OF APPEALS – Referrals

None

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

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

- Application for Site Plan Review
- Building Permit Application/Denial
- Site Maps
- Letter of Agency dated July 19, 2016
- Application Fee for Site Plan Review

Marc Schafler, Construction Manager, appeared before the Board advising them that he would like to restore the former Random Harvest building and business. He acknowledged that he received a demolition permit and a permit for concrete. He explained that he would like to eliminate the upstairs apartment and create a meeting room to meet with local farmers. He added that he would also like to add handicap access and a handicap accessible bathroom to the upstairs with two (2) appropriate exits. Ms. Becker asked if this upstairs space would be residential and Mr. Schafler advised her that it would not.

Ms. Becker asked if Mr. Schafler spoke with Code Enforcement Officer Lee Heim and was advised that he had. She also asked whether this was considered a change in use. Mr. Haight believed this was a change in use inasmuch as there will be seating for the planned deli area. Mr. Schafler explained that there will be some seating at the deli but he expects that most people will take what they purchase with them.

Ms. Becker questioned what district the applicant's property is in as she believed it to be in the 'BR' district. Mr. Haight advised her that the 'BR' district in that area is actually the 'B-2' district as it was discovered that there was an error to the map as noted by Engineer Doug Clark who prepared the maps for the Town. Ms. Becker believed this needs to be clarified before they could proceed forward on any application.

Mr. Haight asked the Board if they considered Mr. Schafler's application a change in use because if there was no change in use it wouldn't matter what District the applicant's property was in. It was acknowledged that a Deli had originally been in the previous building. Ms. Becker clarified that the original Random Harvest was a Retail Store and Mr. Schafler plans on doing the same type of business that existed before so this would not constitute a change in use.

Mr. Haight advised Mr. Schafler that the Board would need the septic system information along with Board of Health approval. It was noted that there are presently thirty-five (35) spaces. Mr. Grant clarified that inasmuch as twenty-seven parking spaces were required for the square footage of this building there are enough spaces planned.

A Public Hearing will be set for next month's meeting and it was noted that this application also needs to be sent to the County.

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

- Letter from Ryan Biggs/Clark Davis dated July 11, 2016
- E-mail from Attorney Ken Dow dated August 29, 2016

Thomas Casey appeared before the Board representing GRJH Inc. He acknowledged that he would like to put a Convenience Store and Gas Station on the 1763 State Route 23 site in Craryville. Ms. Becker asked for clarification that this is in the 'B-2' District and not in the 'BR' District as a Convenience Store and/or Gas Station is not allowed in the 'BR' District. After a lengthy discussion it was clarified that this is considered the 'B-2' District. After being advised of the discrepancy on the Map Mr. Casey acknowledged that inasmuch as the requirements for a

Special Use Permit are more restrictive in the 'B-1' District he followed the requirements for that Zone so that he would meet the criteria.

Mr. Haight asked if Mr. Casey had a site map to present. Mr. Casey explained that at this point he is working with the current survey map. He also acknowledged that he is working on a Class 'A-2' Survey and he believes that this meets all the preliminary criteria. He also made note of the fact that CEO Lee Heim made a determination that inasmuch as this is a corner lot the lot is considered to have two (2) front yard set-backs, two (2) rear yard set-backs and one (1) side yard set-back.

Mr. Casey advised the Board that a hearing has been set up for the ZBA meeting on September 22nd however he has been hesitant to move too much further until that. He did acknowledge that he is proposing a building of about three-thousand square feet (3,000) with four (4) gas pumps and one (1) diesel and/or kerosene pump. He did note that the tanks will be underground and they will be environmentally safe. Mr. Grant asked whether any environmental hazard studies have been done as yet such as a Phase 1. Mr. Casey acknowledged that an asbestos abatement had been done on the property and he expects his own geologist will be brought in to do core samplings. Mr. Casey also noted that he was told that there is a well and septic on the property however he has no documentation on this and will move forward as though they are not as his plans include a new well and septic.

Ms. Becker advised Mr. Casey that he can run the ZBA and Planning Board applications concurrently however he is hesitant to move too far forward without knowing whether or not he will be able to complete his project. Mr. Casey was advised that ZBA approval is the first step he needs to complete and this is a permitted use in the 'B-2' District. Mr. Grant also advised him that a Phase 1 Environmental Study is needed for him to proceed. Ms. Becker pointed out that a SEQRA will also be required. Mr. Grant also suggested Mr. Casey look into whether any State Permits would be needed. Mr. Casey was also advised that there might be requirements from the State for a drive way curb cut.

A letter will be written to the ZBA advising them that Attorney Dow will be supplying a letter acknowledging the error on the 2007 Clark Engineering Town of Copake Zoning Map that added the Scenic Corridor Overlay and was prepared as an unofficial map for Planning Board use only. His letter will state that the applicant is located within the 'B-2' Zoning District and a Convenience Store and Gas Station is a permitted use within this district with a Special Use Permit and that a full Site Plan Review will need to be forthcoming.

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

- Proposed Site Plan
- Letter of Agency

Gray Davis appeared before the Board and submitted an updated Site Plan. Mr. Davis advised the Board that he is in the process of buying lots six (6) and seven (7) on Golf Course Road that

he plans on merging together. Mr. Davis explained that he is planning on building a single story single family residence and noted that all the set-backs are within the proper distances.

Mr. Haight asked whether Mr. Davis appeared before the Building Inspector and was advised that he had not. Mr. Davis explained that his lots are just under two (2) acres in the 'R-2' Zoning District and what he is proposing is just a little over six percent (6%) of lot coverage. He acknowledged that presently the septic is approved to tie into the Homeowner's Association Septic System however he is not sure whether he will proceed in that direction or install a private septic system.

Mr. Davis also made note of the fact that he will be placing a driveway on Lakeview Road and will need to contact Highway Superintendent Bill Gregory regarding a curb cut. Mr. Davis also noted that there will be some excavation which will include continuing the existing berm Northward along Lakeview Road for some protection against car headlights and noise. He added that there will also be an addition of a fence and considerable landscaping.

Mr. Davis also noted that he plans on keeping a fair amount of the existing trees and will possibly be adding some additional screening. Mr. Davis did acknowledge that he has some plans for grading within the one-hundred foot set-back to the lake and was advised that he will need an area variance from the ZBA.

Mr. Haight also advised that the front of the house needs to be clarified before the height of the fence set-backs can be determined. Mr. Davis made note of the fact that he will also need an easement to exit onto Lakeview Road which he can receive from owner Jon Urban.

2016-22 SITE PLAN REVIEW – CHARLES SCHADE – Lakeshore Drive [Taconic Shores]

- Application for Site Plan Review
- Department of Health Letter dated July 22, 2016
- Elevations and Floor Plan dated February 2016
- Existing Site Plan dated March 2016
- Application Fee for Site Plan Review

Linda Chernewsky appeared representing Charles Schade and submitted a letter from the Department of Health regarding the proposed septic system. Ms. Chernewsky informed the Board that Mr. Schade wishes to remove an existing shed on his property and reconfigure the floor plan of his home. Ms. Chernewsky explained that there are presently two (2) small bedrooms at the front of the house with a larger bedroom toward the back of the house that he wishes to make a master bedroom with an on-suite out of. Ms. Chernewsky went on to explain that Mr. Schade would like to extend his house out four feet (4') at the front to make the existing bedrooms larger. Ms. Chernewsky made note of the fact that the existing house is three (3) bedrooms and will remain three (3) bedrooms.

Ms. Chernewsky also acknowledged that the septic system has been re-designed and approved by the Department of Health. She added that Mr. Schade also wishes to repair and replace his current retaining wall. Ms. Chernewsky explained that there is a large tree that Mr. Schade wishes to save and he has been advised by the DEC and Habitat that they are agreeable to a stone retaining wall going slightly into the water and around this tree.

Ms. Becker pointed out that the structure is almost doubling and asked whether Ms. Chernewsky will be appearing before the ZBA. Ms. Chernewsky acknowledged that she will be going to the ZBA for variances.

Ms. Becker advised Ms. Chernewsky that the Site Map is incomplete. Mr. Haight acknowledged that the septic needs to be one-hundred and fifty feet from the water and advised that Ms. Chernewsky will need relief from Town Code 232-9P1 which is for a one-hundred-fifty-foot setback from a lake or stream and reads: *No septic tank or tile field shall be located closer than 150 feet from a stream, creek, wetland or other body of water. No development shall be permitted closer than 100 feet to a stream, creek, wetland or other body of water.* Ms. Becker also suggested that the water line should be accounted for on the Site Plan.

2016-19 BOUNDARY LINE ADJUSTMENT – COHEN FAMILY PARTNERSHIP – High Meadow Road [Copake]

- Application for Boundary Line Adjustment
- Department of Health Perc Test Results dated October 22, 2003
- Survey Map dated October 3, 2003
- Application Fee for Boundary Line Adjustment

Julie Cohen recused herself from the Board to represent the Cohen Family Trust. Ms. Cohen reminded the Board that when the original Subdivision was done it resulted in an unusual flag-lot that is ninety percent (90%) wetlands and what they would like to do is merge part of the flag-lot with Parcel 1 which will leave Parcel 2 with additional road frontage.

A Public Hearing will be set for next month's meeting and an Ag Data Statement and SEQRA Form will be provided by Ms. Cohen next month as well.

MINUTES

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the minutes of the July 7, 2016 meeting.

The minutes of the August meeting could not be approved at this time inasmuch as there was not a quorum of members present from that meeting.

ADMINISTRATIVE

2007 TOWN OF COPAKE UNOFFICIAL ZONING MAP 'R-2' / 'BR' DISTRICT DISCREPANCY:

Attorney Dow advised the Board that he had done extensive research regarding the mistake of the 'BR' / 'B-2' Zoning District discrepancy on the 2007 Clark Engineering Town of Copake Zoning Map that added the Scenic Corridor Overlay and was prepared as an unofficial map for Planning Board use only. He clarified that this district was originally created as the 'B-2' district and has never been changed from that. He explained that in 2005 the Town adopted the Scenic Corridor Overlay Zone (SCOZ) and when Engineer Doug Clark reproduced the map for the SCOZ he mistakenly changed this district from 'B-2' to 'BR'. Attorney Dow added that the only change to be made to this map was the addition of the SCOZ, not a change in districts.

Mr. Grant questioned the fact that the new map is a legal document adopted by the Town and it didn't matter that this was done in error. Attorney Dow explained that in researching the minutes of the Town Board he acknowledged that the map was never adopted as a whole as the addition of the SCOZ was the only thing adopted at that time. Ms. Becker questioned this as she believed there were other revisions adopted at that time through the Zoning Review Committee. Attorney Dow referred to the Town Board minutes that stated that the Town adopted the Town of Copake Scenic Corridor Overlay Zone as part of the Town of Copake Zoning Map. Mr. Grant questioned what exactly was adopted at that time as it was his understanding that the entire map was adopted as a whole. Attorney Dow clarified that the only thing adopted at that time was the addition of the SCOZ to the Town of Copake map, not the entire map as a whole.

Ms. Becker believed that the map in the Zoning Code book needs to be taken into consideration. Attorney Dow acknowledged that the resolution adopting the map stated that the Town Board adopted the map entitled Town of Copake Scenic Corridor Overlay Zone as part of the Town of Copake Zoning Map. Attorney Dow made note of the fact that the only change that was made was the addition of the Zone called the SCOZ. Mr. Grant believed that even though the map was adopted in error it was still a law. Attorney Dow once again pointed out that the SCOZ was adopted as a part of the existing official map. Attorney Dow made note of the fact that this was the conclusion reached by the Code Enforcement Officer and it is not in the authority of the Planning Board to over-ride his decision. Mr. Haight acknowledged that the District is 'B-2'. Mr. Grant suggested that Attorney Dow provide a letter for the Board's record regarding this. Ms. Becker was in agreement as the Board has been using this map 'as is' for the past ten (10) years.

SUBDIVISION MAPS: The Subdivision Maps for Douglas and Jill Hauseman and John Langdon LLC have been filed with the County.

PLANNING BOARD APPLICATION PACKET: Lisa DeConti presented the Board with a draft copy of a Planning Board application packet and asked for any suggestions the Board might have for its completion.

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. Haight and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:00 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 7 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. / THOMAS CASEY

July 11, 2016 Ryan Biggs/Clark Davis to Town of Copake (1)
August 29, 2016 Dow to CPB (1)

CHARLES SCHADE

July 22, 2016 DeRuzzio to Schmitt (2)

COHEN FAMILY PARTNERSHIP

October 22, 2003 Rowe to Cohen (3)