



COPAKE PLANNING BOARD

SEPTEMBER 5, 2013

MINUTES

DRAFT

Please note that all referenced attachments, comprising 5 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 Marcia Becker, Chair. Also present were Chris Grant, George Filipovits, Bob Haight and Jon Urban. Steve Savarese was excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. ZBA REFERRAL/SPR – MARGARET PAWLIKOWSKI – Jefferson Drive [Copake Lake] – (2013-25)

Linda Chernewsky appeared representing Margaret Pawlikowski. Ms. Becker advised the Board that this is a ZBA Referral for a Site Plan Review and was referred to the Board for modification of a non-conforming structure. Ms. Becker made note of the fact that the Pawlikowski residence is in the 'R2' district and they are requesting a Side Yard Set-back, relief from two (2) Front Yard Set-backs and relief from (2) Rear Yard Set-backs inasmuch as it is a corner lot, as well as relief from Town Code 232-24 B.(2)(a).

Ms. Becker acknowledged the:

- Referral letter from Code Enforcement Officer Ed Ferratto
- Letter of Agency
- Request for Variances
- Photos

Ms. Becker informed the Board that Ms. Pawlikowski wishes to add a screened porch on an existing deck, add a mud room, square off the house and renovate the basement and interior of the house.

Ms. Chernewsky presented the existing Site Plans along with the proposed Site Plans and acknowledged that the structure is approximately two hundred and thirty-six feet (236') from the water. Ms. Chernewsky also made note of the fact that the well is on the side of the house and the structure is connected to the President's Estates Wastewater Treatment Sewage System. She pointed out that the roofline will be changed to a steeple roof and the structure will remain a three (3) bedroom structure as there will be no increase in bedrooms. Ms. Chernewsky noted that

the screened in porch will be placed above the existing deck and some digging is planned to modify the existing basement. It was also noted that there is an existing door in the basement.

Mr. Grant questioned whether a height variance would be required. Ms. Becker noted that no height variance was mentioned. Ms. Chernewsky pointed out that the pitch of the roof was being changed and the height will be twenty-five feet nine inches (25' .9"). A detailed discussion ensued regarding the measurement from the grade and it was agreed that no height variance was required.

The Check List was reviewed. Ms. Becker believed that a Grading and Drainage plan was not required at this time however Ms. Chernewsky acknowledged that a silt fence has been placed in the area for protection. Ms. Becker questioned whether the parking area would remain the same and was informed that there would be no change. It was noted that there is no residential code requiring parking regulations. Ms. Becker questioned whether any outdoor lighting is planned. Ms. Chernewsky advised her that there would be two (2) lantern type lights on the sliding door and two (2) on the bedroom door as well as a ceiling fan with lights in the screened porch. Ms. Becker questioned whether any County permits were required and was advised that none were required.

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to conditionally approve the Site Plan for the Margaret Pawlikowski renovation and addition submitted by LMC Design Dated August 2013 subject to the granting of the Front Yard Set-back of forty feet (40'), a Side Yard Set-back of forty feet (40') and a Rear Yard Set-back of seventy-five feet (75') by the ZBA.

Ms. Becker will stamp the maps once the variances are approved.

2. ZBA REFERRAL/SPR – MARIA AND DONALD POWERS – Starling Rd. [Copake Lake] – (2013-24)

No one was present regarding this application. Ms. Becker advised the Board that this is a modification of a non-conforming structure and is also a ZBA Referral however she has not received much information regarding it. She acknowledged the:

- o ZBA Application

Ms. Becker noted that the application lists three (3) lots however the tax map combines them into one lot. Ms. Becker pointed out that the lot size on the application and the lot size on the tax maps differ. Ms. Becker made note of the fact that the property is one-hundred and twenty feet (120') by sixty-five feet (65') indicating that the three lots are combined.

Mr. Grant questioned what the requested variances are for. Ms. Becker advised him that the ZBA application states a variance for the front and rear of the house for the purpose of adding a utility room to the left side of the house. It was noted that the structure is a two (2) bedroom house eight-hundred and forty-five square feet (845') with a crawl space basement and a three-hundred and fifty gallon (350) septic tank that was pumped out in March of 2013. Ms. Becker noted that the Powers will be adding a clothes washer and dryer to the house. Mr. Haight questioned whether there is an existing washer as an addition of a washer would increase the water usage.

Mr. Grant pointed out that the requested addition will increase the non-conformity of the structure. Ms. Becker will write a letter to the ZBA advising them that the non-conformity is being increased and requesting more information regarding this application.

PUBLIC HEARING

2012 -4 MINOR SUBDIVISION – MICHAEL FRIED/RMF PARTNERS – Woodchuck Road – [Copake Lake]

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to waive the reading of the notice of Public Hearing.

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing for Michael Fried/RMF Partners.

Ms. Becker asked if anyone wished to speak regarding this application. Inasmuch as no one present wished to speak regarding this on a motion made by Mr. Grant and seconded by Mr. Filipovis the Board voted unanimously to close the Public Hearing.

2013-7 MINOR SUBDIVISION – JOYCE K. COWARD – Lakeview Rd. [Copake Lake]

On a motion made by Mr. Haight and seconded by Mr. Filipovits the Board voted unanimously to waive the reading of the notice of Public Hearing.

On a motion made by Mr. Haight and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing for Michael Fried/RMF Partners.

Ms. Becker asked if anyone wished to speak regarding this application. Inasmuch as no one present wished to comment on this application on a motion made by Mr. Grant and seconded by Mr. Filipovis the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2012 -4 MINOR SUBDIVISION – MICHAEL FRIED/RMF PARTNERS – Woodchuck Road – [Copake Lake]

Ms. Becker acknowledged the:

- Public Hearing Notice
- Application
- Preliminary Sketch
- Application Fee

- Private Road Agreement
- Revised Subdivision Maps dated September 3, 2013
- Engineered Septic System Drawings by Pat Prendergast and Stamped by the Columbia County Health Department

Jeff Plass appeared before the Board representing Michael Fried/RMF Partners. He reminded the Board that this is a three (3) lot subdivision with one (1) lot accessed from Woodchuck Road and two (3) lots accessed by the Right-of-way of Michael Fried's property from Red Fox Lane. Mr. Plass noted that the outstanding issues were the road maintenance agreement and the septic design. Mr. Plass acknowledged the plans for septic approval for all three (3) lots.

Mr. Urban questioned whether the existing driveway will be used and was advised that it would be. Ms. Becker brought up the fact that Mr. Haight noticed that the plans had been changed as originally there was to be an easement between lots two (2) and three (3) for a septic system. Mr. Plass clarified that when holes were dug for the Perc Tests approval was received for three (3) systems. Mr. Grant questioned whether a letter from the Department of Health was received and Mr. Plass made note of the fact that a letter was not received and instead stamped plans from the DOH were submitted. Ms. Becker questioned whether a letter will be submitted. Mr. Plass said that he was advised by Mr. Prendergast that the approved septic system plans stamped by Ed Van Nostrand were sufficient.

The SEQR was reviewed. On a motion made by Ms. Becker and seconded by Mr. Filipovits the Board voted unanimously make a Negative Declaration.

It was questioned whether Attorney Dow should review the Road Maintenance Agreement. Mr. Urban suggested conditional approval pending Attorney Dow's review. Ms. Becker questioned whether the Board was comfortable with approval without Attorney Dow's review of the Road Maintenance Agreement. Mr. Grant agreed with conditional approval and brought up the fact that there was no Town involvement in the agreement as it was just between the owners.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the subdivision of Michael Fried/RMF Partners from a subdivision map provided by Jeffrey Plass revised September 3, 2013 subject to review and acceptance of the Road Maintenance Agreement by Attorney Dow.

Ms. Becker will stamp the plans once Attorney Dow reviews the Road Maintenance Agreement.

2013-7 MINOR SUBDIVISION – JOYCE K. COWARD – Lakeview Rd. [Copake Lake]

Jeff Plass appeared representing Joyce Coward. Ms. Becker acknowledged the:

- Public Hearing notice
- August 8, 2013 letter from the Department of Health
- Prendergast sheet dated July 22, 2013 stamped by Ryan Abitabile of the Columbia County Department of Health

- o E-mail by Highway Superintendent Bill Gregory acknowledging the issuance of a driveway permit

Mr. Plass acknowledged that since there was an issue regarding the driveway on Parcel 2 being ten feet (10') from the property line the property line was moved twenty feet (20') resolving this issue.

Ms. Becker made note of the fact that a receipt from the County Clerk had not been received for the filing of the previous sub-division. Mr. Plass advised her that it has been filed and a copy of his receipt was given acknowledging this. Ms. Becker did note that acknowledgement from the County Clerk will be sent to the Planning Board.

The SEQR was reviewed. On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to make a Negative Declaration.

Ms. Becker questioned whether the Board was comfortable accepting Superintendent Gregory's e-mail stating a permit will be issued and the copy of Jeff Plass' receipt until a more formal letter from the County Clerk is received. The Board was in agreement with this.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the 3 lot subdivision for the Joyce K. Coward application with Parcel 3 to be merged with properties of Copake Lake Golf LLC from a subdivision map prepared by Jeffrey Plass revised September 4, 2013.

MINUTES

Ms. Becker advised the Board that the July 13, 2013 Minutes needed to be approved by Mr. Grant, Mr. Haight, Mr. Savarese and herself. It was agreed that inasmuch as Mr. Savarese was excused a motion would be made contingent on his approval in letter form.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to accept the July 13, 2013 Minutes subject to written approval by Steve Savarese who was not present at this meeting.

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to approve the August 8, 2013 iMinutes.

ADMINISTRATIVE

POLAYES UPDATE: Ms. Becker advised the Board that she received an e-mail from Marc Bailey regarding the Polayes application advising her that the landscape architect wants to remove some trees changing the Site Plan that was approved. Ms. Becker noted that one of the trees is a Hemlock on the side of the property and the other is an Ash that was noted as an Elm on the survey. Ms. Becker explained that the Hemlock is dead and near the area of construction and the Ash is structurally unsound due to decay. Mr. Grant suggested replacement of the

shoreline tree so there will be stabilization of the bank. After review of the plans the Board agreed with the removal of the trees. No motion was required for this action. Ms. Becker will write a letter to Mr. Bailey regarding this.

LETTERS OF INTREST FOR BOARD POSITION: Ms. Becker advised the Board that there were three (3) letters of interest for the Board position vacated by Mr. Davis. She asked if September 14th would be acceptable for a meeting with these applicants. The Board agreed with this date. Ms. Becker will contact the applicants to set up the interviews.

CATAMOUNT UPDATE: Ms. Becker advised the Board that Catamount applied for a Regional Development Grant inasmuch as they did not receive any prior grants however they will not know anything until December. She explained that they hired a big construction company from Connecticut to do the construction plans. Mr. Haight questioned whether the plans were the same and Ms. Becker advised that they are similar but somewhat different. Ms. Becker made note of the fact that she advised them that their subdivision was never filed and their Site Plan approval expired several years ago. Ms. Becker did note that they hope to come before the Board for the first time in October. Mr. Urban made a point of saying that they be advised that this will be an informal meeting.

CARRY OVER

The following matters were carried over to the next meeting:

- 2013 – 20 JESSICA WANG & JAMES SPENCER – ZBA REFERRAL/SPR – Lakeview Road [Copake Lake]**
- 2012 -14 SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill Road [Copake Lake]**
- 2011-18 SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Ms. Becker and seconded by Mr. Haight, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:00 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 5 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

MICHAEL FRIED/RMF PARTNERS

August 12, 2013 Building & Code Enforcement Officer to ZBA (1)
Road Maintenance Agreement (2)

JOYCE K. COWARD

August 8, 2013 Abitabile to Prendergast (1)
August 28, 2013 Gregory to Becker (1)