



# COPAKE PLANNING BOARD

**FEBRUARY 1, 2018**

## **MINUTES**

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### **DRAFT**

**Please note that all referenced attachments, comprising 64 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.**

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A regular meeting of the Copake Planning Board was called to order at 7:05 p.m. by Bob Haight, Chair. Also present were Chris Grant, Julie Cohen and Jon Urban. Marcia Becker, Ed Sawchuk and Steve Savarese were excused. Lisa DeConti was present to record the minutes. Attorney Ken Dow and Town Board Liaison Richard Wolf were also present.

### **ZONING BOARD OF APPEALS – Referrals**

#### **2018-01      ZBA REFERRAL – KEVIN AND HILDY DIER – Birch Hill Road [Copake Lake]**

- Building Permit Denial
- ZBA Request for Area Variance
- Survey
- Pictures
- Tax Bill

Mr. Haight advised the Board that Kevin and Hildy Dier would like to construct a ten by fourteen foot (10' x 14') shed in their front yard. Ms. Cohen made note of the fact that the back yard of the residence is a wooded slope leaving no other location to place the shed.

After review the Board agreed that there were no other options for the applicant. A letter will be written to the ZBA advising them that the Board had no issue with this.

## **PUBLIC HEARING**

### **2017-38      SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]**

- Letter from Supervisor Jeff Nayer to the Department of Transportation dated December 15, 2017 (1)
- Points of Contention Letter from Barbara Smith (11)
- Consent Decree (44)

Owner Alicia Metz appeared representing GRJH. Ms. Metz submitted proposed elevations for the building which were made available for people attending the Public Hearing to review.

Mr. Haight reminded everyone that the Public Hearing remained open and asked people that spoke previously to please not speak about anything they spoke about previously. Mr. Haight made note of the fact that he, Ms. Becker and Ms. Cohen met with the applicants to discuss the outside appearance of the buildings which were revised as of the most recent Site Plan. He invited the audience to come to the front desk if they would like to view the newly submitted elevations. He also acknowledged that the DOT requested a Traffic Study.

Mr. Haight asked if anyone would like to speak on this application.

**Hillsdale Resident BARBARA SMITH ...** Ms. Smith submitted a letter comparing the Zoning Board of Approval (ZBA) process to the Planning Board process as she feels the application should return to the ZBA for further review due to the possible addition of a Drive Thru Restaurant.

Ms. Smith also submitted a Consent Decree regarding environmental issues that were identified as a result of a suit by the US EPA against the applicant.

Mr. Haight asked if anyone else would like to speak on this application. Being none he advised that this session of the Public Hearing is closed, however, it will remain open until next month's meeting.

## **SUBDIVISION/SITE PLAN**

### **2017-45      ZBA REF/SPR – JAVIER VARGAS & MONICA MACHADO – Golf Course Road [Copake Lake]**

- Department of Health Approval letter dated January 12, 2018 (1)
- Septic System Easement Agreement Draft (1)
- Revised Site Plan
- Landscape Plan

Christopher Knox of Crawford and Associates appeared before the Board representing the applicants. Mr. Knox reminded the Board that the applicants wish to demolish an existing three (3) bedroom residence and construct a new four (4) bedroom residence and are before the Board due to the cost of the project as well as the modification of a non-conforming structure.

Mr. Haight asked Mr. Knox what transpired at the ZBA meeting. Mr. Knox explained that the septic situation was discussed as was the recent DOH approval. Mr. Knox submitted the recently granted and the approval letter from the DOH. Mr. Knox also acknowledged that the ZBA wanted a copy of the Easement Agreement between the applicant and Copake Lake Golf Course. He made note of the fact that there is a draft agreement in place however it has not been finalized as yet. Mr. Knox asked whether the Planning Board would like a copy of the Draft Agreement as well. Mr. Haight acknowledged that he would like one for the Board's records and Mr. Knox submitted the draft copy and will submit another copy when it is finalized.

Mr. Grant asked why the applicant wasn't tying into the Community Septic System. Mr. Knox explained that the applicant contacted the Association however they were not able to come to a reasonable financial agreement. Mr. Grant asked what the distance is from the septic system to the lake and was advised that it meets the one-hundred and fifty foot (150') set back.

Mr. Knox also advised the Board that the ZBA requested that the set-back from the Northern property line be maximized. He noted that a revision has been made to the Site Plan adding an additional eighteen feet (18'). Mr. Haight asked if the ZBA was in agreement with this. Mr. Knox explained that the ZBA had requested fifteen feet (15').

Mr. Knox acknowledged that a Lighting and Landscaping plan had been submitted as requested by the Board at the last meeting. He did note that there would be no ambient light pollution. Mr. Knox also acknowledged that the applicants wish to keep several well developed trees and will be adding several three to five foot (3'-5') bushes that are native to the area with the rest of the area remaining as open lawn space.

Mr. Grant asked the location of the well and was advised that existing well is below the house. Mr. Knox noted that the applicants will have this examined to ensure that the casing meets the appropriate specifications. Mr. Grant then asked whether this will be one-hundred feet (100') away from the septic system and was advised by Mr. Knox that it will. Mr. Grant also asked how the piping that pumps out the septic is being kept from contaminating the well. Mr. Knox explained that the septic tank meets the required DOH set-back and in addition the building sewer line from the residence to the septic tank will be comprised of a single pipe with no joints which will limit the possibility of future leakage. He also made note of the fact that the soil in the area is pretty high in clay content and as so there is a lower risk of contamination to the well as acknowledged by the DOH.

Mr. Knox also acknowledged that the Drainage Plan was submitted as requested to the Board.

Mr. Grant asked the height of the structure and whether it is on a grade or not. Mr. Knox advised that the height is thirty feet (30') off the average grade and the site is fairly flat in comparison to the other sites in the area.

Mr. Grant clarified that the applicants are before the ZBA for a front and side yard set-back as well as the fact that the proposed structure will be larger than the existing one.

Mr. Haight made note of the fact that this application could not be voted on inasmuch as Mr. Urban was involved and unable to vote leaving only three (3) members which would not constitute a quorum. Mr. Knox explained to the Board that the ZBA did not want to move forward on this application without Site Plan approval. A letter will be written to the ZBA advising them why a vote could not be taken. Mr. Haight will attend the next ZBA meeting.

**2017-38      SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]**

- Letter from the Department of Health dated December 28, 2017 (2)
- Letter from Department of Transportation dated January 16, 2018 (2)
- Letter from Department of Health dated January 18, 2018 (2)
- Elevations

Owner Alicia Metz appeared representing GRJH. Ms. Metz acknowledged that pursuant to various conversations and suggestions from the Planning Board they put together some renderings of what they anticipate the building will look like. They hope to put these in the final renderings along with the final DOH and DOT comments.

Mr. Haight made note of the fact that the DOT requested a Traffic Study. Ms. Metz acknowledged that she had been in contact with a representative regarding the study however she did not receive anything from him as yet.

**2019-02      SITE PLAN REVIEW – Three Beaux LLC/BARRY BRUMBERG – Golf Course Road [Copake Lake]**

- Survey Map

Julie Cohen represented applicant Barry Brumberg, who is doing a Minor Subdivision in the Town of Taghkanic. Although part of Mr. Brumberg's property is in the Town of Copake, nothing being done affects this parcel. A letter will be written to the Town of Taghkanic advising them of this.

**MINUTES**

The December 7<sup>th</sup> meeting minutes could not be approved inasmuch as there was not a quorum of members present from the last meeting.

## **ADMINISTRATIVE**

**PLANNING BOARD OFFICERS:** Planning Board Officers could not be voted on inasmuch as there was not a quorum of members present to vote on this.

## **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]**

## **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 7:45 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 64 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**

JAVIER VARGAS & MONICA MACHADO

|                  |  |
|------------------|--|
| January 12, 2018 | DeRuzzio to Knox (1)                       |
| January, 2018    | Septic System Easement Agreement Draft (1) |

GRJH INC.

|                   |                            |
|-------------------|----------------------------|
| December 15, 2017 | Nayer to DOT (1)           |
| December 28, 2017 | DeRuzzio to Smith/GRJH (2) |
| January 16, 2018  | Visconti to Smith/GRJH (2) |
| January 18, 2018  | DeRuzzio to Smith/GRJH (2) |
| February 1, 2018  | Smith to CPB (11)          |
| January 19, 2017  | Consent Decree (44)        |