



COPAKE PLANNING BOARD

FEBRUARY 2, 2017

MINUTES

DRAFT

Please note that all referenced attachments, comprising 13 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, Ed Sawchuk, Steve Savarese and Jon Urban. Lisa DeConti was present to record the minutes. Town Board Liaison Terry Sullivan was also present. Town Attorney Ken Dow was excused

ZONING BOARD OF APPEALS – Referrals

2017-5 ZBA REFERRAL/SPR – RYAN WALSH AND JOHN BARBATO – Memory Lane [Copake Lake]

- Building Permit Denial/Referral
- Building Permit Application and Permit Form
- ZBA Request for Area or Use Variance
- Site Plan
- Elevations
- Pictures

The Board reviewed the application of Ryan Walsh and John Barbato who wish to modify and enclose an existing porch at their residence on Memory Lane. Mr. Grant made note of the fact that the size, description and location of the Septic System need to be put on the map.

Ms. Becker questioned what the percentage of lot coverage was and where the access point was on the property. She also requested that any lighting plans be added to the Site Plan. Mr. Haight pointed out that any outside lighting needs to be pointed downward.

Mr. Grant made note of the fact that the Subdivision Map was in the name of Douglas Hauseman and the names of Ryan Walsh and John Barbato should be added to the lot they own to match the name the application is filed under.

The Check List was reviewed. The Board noted that the names of Walsh and Barbato be added to the Subdivision and Site Plan, the Title of the Drawing be added and the name of the Person Responsible for the drawing be added.

A letter will be written to the ZBA with the Board's concerns and recommendations and advising them that the applicants need to appear before the Planning Board for a complete Site Plan Review as required by Town Code 232-24B(2)[5] which reads: *Any modification of a nonconforming building or structure is subject to a site plan review and approval by the Planning Board, in accordance with § 232-23.* Mr. Grant suggested the applicant be referred to the Site Plan Check List under Town Code 232-23A(2)(b).

2017-6 ZBA REFERRAL/SPR – John and MICHELLE SPIEZIA – Washington Drive – [Copake Lake]

- ZBA Request for Area or Use Variance
- Application for Site Plan Review
- Building Permit Denial/Referral
- List of Abutters
- Site Plan and Elevations

Linda Chernewsky appeared before the Board representing John and Michelle Spiezia who wish to add a second floor to an existing structure, add a new screened porch/deck, a mudroom and update the septic tank.

Ms. Chernewsky explained to the Board that she will need a minimum front-yard variance on Washington Drive due to an upgrade on the stairs and risers, a rear-yard variance and a right side-yard variance from the ZBA. Ms. Chernewsky also acknowledged that she will need relief from Town Code 232-24B(2)(a)[2] which reads: *A nonconforming building or structure shall not be added to, enlarged, reduced, or altered in any manner in a way which increases its nonconformity. Nothing herein, however, shall prevent the strengthening or increasing of the safety of all or part of a building or structure, provided that the repair or alteration will not increase the nonconformity* and Town Code 232-24B(2)(a)[5] *Any modification of a nonconforming building or structure is subject to a site plan review and approval by the Planning Board, in accordance with § 232-23.*

Ms. Chernewsky advised that a one-thousand (1,000) gallon concrete tank will replace the existing three-hundred (300) gallon metal tank. She made note of the fact that she spoke to Mike DeRuzzio of the Board of Health Department who had no issue with the upgrade as long as there were no problems when the system was opened. Ms. Chernewsky also noted that Mr. DeRuzzio acknowledged the fact that the system is being improved.

Ms. Chernewsky explained that the two (2) bedrooms on the first floor will be made into a Master Suite and the second bedroom will be moved to the second story addition. She also noted that the existing two (2) bedroom structure will remain two (2) bedrooms.

Ms. Becker questioned whether a height variance is needed inasmuch as a second floor is being added. Ms. Chernewsky advised her that none is needed.

Ms. Becker questioned the location of the neighbor's well and was advised by Ms. Chernewsky that the applicant has community water however it is not on the community septic system.

The Check List was reviewed. It was noted that the applicant is in the 'R-2' District.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for John and Michelle Spiezia on 10 Washington Drive subject to ZBA approval of the Front, Rear and Right Side-Yard Variances and relief from Town Codes 232-24B(2)(a)[2] and [5].

A letter will be written to the ZBA advising them that the Planning Board approved the application for John and Michelle Spiezia subject to their approval of the requested variances.

**2017-7 ZBA REFERRAL/SPR – LEONA & WENDY FITZGERALD – South West
 Colony Road [Copake Lake]**

- ZBA Request for Area or Use Variance
- Application for Site Plan Review
- Building Permit Denial/Referral
- List of Abutters
- Site Plan and Elevations

Ms. Chernewsky appeared representing Leona and Wendy Fitzgerald who wish to block the foundation under the corner and add a new roof extension to match the existing roof and deck on their existing structure on an undersized lot on South West Colony Road.

Ms. Chernewsky explained that she is proposing to square off the back corner of the house and add a foundation under the existing corner of the structure. Ms. Chernewsky went on to explain that she would be extending the existing roof-line over the shed roof of the existing footprint.

Ms. Chernewsky acknowledged that the ZBA had concerns about the size of the proposed deck so she reduced the size by two feet (2').

Ms. Becker questioned the lot coverage and Ms. Chernewsky noted that a variance is being requested for additional lot coverage.

The Check List was reviewed. Ms. Becker questioned where the parking area was and was advised that the applicants usually park in the back of the house. Ms Becker asked whether Ms. Chernewsky was just asking for a variance for lot coverage or was she asking for a variance for set-backs. Ms. Chernewsky explained that this was confusing because of the way the Code reads as she wasn't sure if decks were included.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Site Plan for Leona and Wendy Fitzgerald on 69 South West Colony Road subject to ZBA approval for a lot coverage and relief from Town Codes 232-24B(2)(a)[2] and [5].

A letter will be written to the ZBA advising them that the Planning Board approved the application for Leona and Wendy Fitzgerald subject to their approval of the requested variances.

2017-8 ZBA REFERRAL – TERANCE & EMILY SKYRM – Deerfield Circle [Copake]

- Building Permit Denial/Referral
- ZBA Request for Area or Use Variance
- Pictures
- List of Abutters
- Tax Bill
- Proof of Hardship

The Board reviewed the application for Terance and Emily Skyrm who are installing a naturally filtered swimming pool, which will be located in the back yard of their residence, and will have new fencing, gates, equipment and associated grading.

Mr. Haight acknowledged that the applicant's have DEC approval. The Board had no comments on this application.

A letter will be written to the ZBA advising them that the Planning Board has no concerns regarding this application.

2017-4 ZBA REFERRAL – CAMP PONTIAC – County Route 7 [Copake]

- Building Permit Denial/Referral
- ZBA Request for Area or Use Variance
- Crawford and Associates Letter dated January 12, 2017 Requesting Variance
- Proof of Hardship
- DEC Letter dated November 23, 2017 to proceed with construction
- Pictures
- Proposed Site Plan

Mr. Haight brought up the fact that this application should have Site Plan Review due to the cost associated with the installation of the proposed on-site wastewater disposal system.

A letter will be written to the ZBA advising them that someone from Camp Pontiac needs to appear before the Planning Board for a complete Site Plan Review as required by Town Code 232-23 which reads: *Prior to the issuance of a building permit in any business district, or for any multifamily dwelling, or for more than four apartments, condominiums or townhouses in any district, or any drive-in facility or service station, or for any structure greater than 3,500 usable square feet of floor space, including an agricultural building or any building costing more than \$400,000, the Building Inspector shall require site plan approval pursuant to this section. For purposes of site plan review, usable square feet can exclude crawl spaces, attics without windows, decks, closets, passageways or hallways.*

PUBLIC HEARING

NONE

SUBDIVISION/SITE PLAN

**2017-3 BOUNDARY LINE ADJUSTMENT – MICHAEL & EILEEN COHEN –
High Meadow Road [Copake]**

**2017-9 BOUNDARY LINE ADJUSTMENT – COHEN FAMILY PARTNERSHIP –
Snyder Pond Road [Copake]**

- Application for Boundary Line Adjustment
- Bargain and Sale Deed
- Site Maps

Ms. Cohen recused herself to present the application for Michael and Eileen Cohen. Scot Cohen was also present. Mr. Haight made note of the fact that when the original subdivision took place there was a road maintenance agreement in place and a revised road maintenance agreement needs to be submitted.

Ms. Cohen then explained that ten (10) acres from Parcel 3 will be going to Parcel 2A with approximately fifteen point two (15.2) acres going from Parcel 1 to Parcel 2A and six (6) acres going from Parcel 4 to Parcel 2A. She then explained that Four point eight (4.8) acres from Parcel 2B, will be going to Parcel 4 which belongs to the Cohen Family Partnership.

After discussion it was decided that a separate application needs to be submitted inasmuch as Parcel 4 belongs to the Cohen Family Partnership.

A Public Hearing will be set for both applications for next month's meeting.

MINUTES

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the January 5, 2017 meeting minutes.

ADMINISTRATIVE

LETTER FROM BARBARA AND STEVEN SMITH: Ms. Becker asked if Mr. and Mrs. Smith were on the agenda. Mrs. Smith explained that she sent the Board a letter regarding the application of GRJH Inc. for a gas station/convenience store at the intersection of Route 23 and Craryville Road. Ms Becker explained that letters usually get read into the minutes. Mrs. Smith was advised that the applicant will not be presenting their application until the March Planning Board meeting. Mr. Smith stated that they were in attendance to voice their concerns. Mr. Haight advised them that this is done at a Public Hearing and a Public Hearing was not scheduled at this time. Mr. Haight also advised that the ZBA, who is Lead Agency for this application, has already held their Public Hearing. Ms. Becker acknowledged the fact that the Planning Board can hold a Public Hearing however the applicant has not submitted an application for Site Plan Review at this time.

A letter dated January 26, 2017 was also received from Mr. and Mrs. Smith who fear an increase in traffic in what they consider to be an already dangerous intersection.

PETER CIPKOWSKI, HILLSDALE TOWN SUPERVISOR: Mr. Cipkowski attended the meeting to hear the application of GRJH Inc. He also questioned whether there will be a Public Hearing or not and was advised by Mr. Haight that this would be voted on and decided by the Board during the Review process.

LETTER FROM IRENE SAX: A letter dated January 19, 2017 was received from Irene Sax in opposition of the application of GRJH Inc. for a gas station/convenience store at the corner of Route 23 and Craryville Road. She feels the increase in traffic will make an already hazardous intersection even more so.

LETTER FROM CHARLES SIMON: A letter dated January 19, 2017 was received from Charles Simon in opposition of the application of GRJH Inc. for a gas station/convenience store at the corner of Route 23 and Craryville Road. He fears there will be an increase in traffic, noise and pollution and make Craryville less attractive and less appealing to future homes.

Please note that all referenced attachments, comprising 13 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

RYAN WALSH & JOHN BARBATO

January 23, 2017 Building Permit Application/Denial (2)

JOHN & MICHELLE SPIEZIA

January 25, 2017 Building Permit Application/Denial (2)

LEONA & WENDY FITZGERALD

January 18, 2017 Building Permit Application/Denial (2)

TERANCE & EMIL SKYRM

January 12, 2017 Building Permit Application/Denial (2)

CAMP PONTIAC ASSOCIATES

November 23, 2016 Malcolm to Aubin (1)
January 5, 2017 Building Permit Application/Denial (2)
January 12, 2017 Aubin to ZBA (2)

ADMINISTRATION

All letters submitted for GRJH Inc. will be included in the minutes of their Public Hearing