

Public Hearing & Regular Town Board Meeting

July 12, 2018

Supervisor Nayer opened the Public Hearing on proposed Local Law #4 of 2018 entitled "A Local Law To enact Local Law No. 4 of 2018 "A Local Law to Revise the Zoning Code of the Town of Copake" at 6:45pm with 13 people in attendance.

Public Comment:

Lindsey LeBrecht spoke about the effect that the proposed changes in the transient housing around the large lakes and ponds will have on the residents that rent out their houses and use that income to help pay their taxes and thanked the Board for changing that into a special uses district.

Gray Davis started to speak and Councilperson Gansowski stated before he spoke he felt he owed the Town Board an apology prior to continuing for the things that he said about the Board in the email he sent to Supervisor Nayer. Mr. Davis apologized to the Board for the email and he appreciates all of the hard work the Board does and it will not happen again. Regarding the rental housing Mr. Davis and several partners have several houses around Copake Lake and to restrict the rental of these properties would be tuff for them. These partners have done the rentals for around eight years and never once had one complaint. Mr. Davis stated that he has only heard of one complaint over near Rhoda Lake and if there is a problem with just one property owner, why is everyone else being made to apply for a special use permit.

Marcia Becker asked if the 30 day limit on transient changed since the April. Also is there any way to keep an inventory of homes in the Town that are used for transient housing?

Bob Haight stated that he believes that it was a mistake of the LURC, it was never the intent to not have transient housing in the Copake Lake area.

Supervisor Nayer closed the Public Hearing at 6:55pm.

The Regular Meeting of the Town Board followed with the following members present: Supervisor Nayer, Councilperson Miller-Simmons, Councilperson Mettler, Councilperson Gansowski and Councilperson Wolf.

A motion was made by Councilperson Mettler and seconded by Councilperson Wolf to waive the reading of the minutes of the 6/14/18 Regular Town Board Meeting, the 6/27/18 Special Town Board Meeting and the 6/28/18 Special Town Board Meeting and accept them as written and amended with the following correction on page # 3, 3<sup>rd</sup> paragraph, 5<sup>th</sup> line replace the word "back" to read "to the Town Board" of the regular town board meeting. Motion was carried.

Announcements:

Check the Website for announcements. American Red Cross is very desperate for blood donations so if you are able please donate. Supervisor Nayer introduced our new Resident Deputy Joe Kilmer to the Board and Public.

Correspondence:

From Kevin Egan Director, Government Affairs, Charter Communications – a letter advising effective on July 1<sup>st</sup> or after, Aplauso TV will launch as a replacement for El Garage TV.

From Andrew Dangler, Project Manager, Upstate N.Y. Section, Department of the Army – a copy of a letter to Janice Nelson advising that she will not need a permit for the removal and replacement of an existing retaining wall at 11 Lake Shore Drive.

From Brad Sherwood, Project Manager, Upstate N.Y. Section, Department of the Army – a copy of a letter to Robert Lazarus advising that he will not need a permit for the removal and replacement of an existing house and dock.

From Jeff Palmer, Business Development Manager, AES Distributed Energy – a letter advising the Town of Copake of their intent to construct a solar system totaling 1,240 KW at 100 Orphan Farm Road on lands owned by the State of New York Office of Parks, Recreation and Historic Preservation and will provide power exclusively for the benefit of the New York Parks.

From Tony Cockerham, Vice President, Spectrum Enterprise Client Service – a letter advising starting on or about July 24<sup>th</sup> customers will enjoy more channel offerings.

From Steve Chickery – an email expressing his disappointment in the way the Town is proposing Zoning Law Changes regarding Transient Housing/House Rentals.

From Gray Davis – an email expressing his disappointment in the way the Town is proposing Zoning Law Changes regarding Transient Housing/House Rentals.

From Timothy Stalker, Chairperson, Columbia County Planning Board – a letter advising that the CCPB finds that the Proposed Local Law to Revise the Zoning Code of the Town of Copake has no significant county-wide or intercommunity impacts associated with it and therefore, the Town of Copake may take final action with a simple majority vote.

Department Heads/Committee Reports: None

Public Forum:

Roberta Roll announced that the Grange has a lot of activities on August 4<sup>th</sup> in conjunction with the Copake Fire Company and the Copake Parks & Recreation Commission.

New Business:

Supervisor Nayer advised the Board that our C.E.O. works for three other Towns and Villages and they pay equally for the vehicle that he uses in performing his duties. Copake has never contributed for the vehicle. Lee uses the vehicle for a lot of work that he performs for us. Supervisor Nayer figured it would cost the Town about \$1,200.00 per year to enter into an Inter Municipal Contract with the Towns of Canaan, Hillsdale and the Village of Philmont. At the rate of \$1,200.00 per year we would be saving about \$700.00 per year if we got rid of our Town Car.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gansowski to authorize Supervisor Nayer to look more into this vehicle sharing contract to begin in January. Motion was carried.

Response to Public Comments regarding Proposed Zoning Changes:

Ken Dow explained that the 30 day period of renting your house is a very important part of the definition of transient rental house. Anything 31 days or over there is no requirement for a special use permit. If someone rents or advertises renting a house for 30 days or less at a time, for 92 days or more in a calendar year, then you would be required to have a special use permit. Currently there is nothing in the old Zoning if there is a problem with renters misbehaving there is no permit in place that the Town can revoke.

Councilperson Miller-Simmons said that she thought long and hard about the transient home definition and how it affected the Town of Copake's Rural Charm and the neighbors next to these rentals.

Councilperson Gansowski agreed that the Special Use Permit is a small price to pay for residents to be able to rent their homes out for additional income.

Councilperson Mettler stated that the way the Town worked this matter through when it was discovered, was a good compromise by all involved.

Councilperson Wolf added that this was a very complicated issue and was amazed that Attorney Dow was able to present this in such a clear and coded way.

The Board agreed that it would be very difficult to keep an inventory of the transient housing in the Town.

Old Business:

Supervisor Nayer advised that the estimate for the repairs to the Park Tennis Courts came in at \$15,000.00. We will have to bid this and then decide whether the Town will be able to do anything this year or add it to the 2019 budget.

Supervisor Nayer is still working with the Union on the retiree health insurance.

Resolutions:

The following Resolution was offered by Councilperson Gansowski and seconded by Councilperson Wolf:

Columbia County, NY Multi-jurisdictional Hazard Mitigation Plan

WHEREAS, the Town of Copake, a local unit of government located in Columbia County, New York, has participated in the preparation of the Columbia County, NY Multi-jurisdictional Hazard Mitigation Plan ("the Plan"); and

WHEREAS, the Columbia County, NY Multi-jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Town Board of the Town of Copake has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

Now, therefore, BE IT RESOLVED, by the Town Board of the Town of Copake, that the Town of Copake adopts the Columbia County, NY Multi-jurisdictional Hazard Mitigation Plan as it's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Resolution # 7	Supervisor Nayer	yes
Dated July 12, 2018	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Gansowski	yes
	Councilperson Wolf	yes

The following Resolution was offered by Supervisor Nayer and seconded by Councilperson Mettler:

To enact Local Law No. 4 of 2018 “A Local Law to Revise the Zoning Code of the Town of Copake”

WHEREAS, in 2011, the Town Board of the Town of Copake adopted the Town’s Comprehensive Plan, which remains in effect; and

WHEREAS, by Resolution dated December 9, 2011, and thereafter, the Town Board constituted and maintained a Land Use Review Committee (“LURC”) of citizens of the Town of Copake, which was directed, among other things, to review the Town Zoning Code in light of the newly adopted Comprehensive Plan and recommend changes to the Zoning Code to ensure consistency with the Comprehensive Plan, to update definitions, to review any new land use issues identified by the Comprehensive Plan and recommend changes necessary to address such issues, and to recommend ways to streamline the permitting processes of reviewing boards; and

WHEREAS, the LURC worked for over five years to prepare a revision of the Town Zoning Code, including revision of the Town’s official Zoning Map, and delivered a draft of its recommendations in 2017, which was then subjected to extensive review by the Town Attorney and numerous workshop meetings of the Town Board, Town Attorney, and members of the LURC to further refine the proposed law; and

WHEREAS, the proposed law was designated a Type 1 action for purposes of SEQRA, and a negative declaration was issued by the Copake Town Board on May 10, 2018, determining that the proposed law will result in no significant adverse impacts on the environment; and

WHEREAS, the proposed law was submitted to the Columbia County Planning Board in accordance with General Municipal Law section 239-m, which found that the proposed law has no significant county-wide or intercommunity impacts and may be enacted by the Town Board by a simple majority vote; and

WHEREAS, the proposed law was submitted to the Town of Copake Planning Board which returned its Report of Recommendations on May 30, 2018; and

WHEREAS, the proposed law was subject to two public hearings, duly and timely noticed to the public and required entities and held in accordance with law, on June 2, 2018 and July 12, 2018; and

WHEREAS, all legal prerequisites to the enactment of such local law have been timely completed; and

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interest of the Town of Copake to enact Local Law Number 4 of 2018, “A Local Law to Revise the Zoning Code of the Town of Copake” in order to maintain consistency between the Town’s adopted Comprehensive Plan and the Zoning Code, and for the reasons set out in Section 232-1(C) of the proposed revised Code;

It is hereby RESOLVED, by the Town Board of the Town of Copake, that Local Law Number 4 of 2018, "A Local Law to Revise the Zoning Code of the Town of Copake," which includes both revision of the text and tables of the Zoning Code of the Town of Copake and revision of the Official Zoning Map, is hereby enacted.

Resolution # 8	Supervisor Nayer	yes
Dated July 12, 2018	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Gansowski	yes
	Councilperson Wolf	yes

The Board applauded everyone involved in this process for many years leading up to tonight's adoption.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Mettler to go into Executive Session to discuss possible appointments. Motion was carried.

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski to return to the Regular Meeting. Motion was carried.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Wolf to appoint Rus Davis, Bob Haight, Tom Goldsworthy, Jacqueline Fallon, Mary Bradway, Christy Frank and Alan Friedman to the Copake Hamlet Route 7A Highway Rehab Citizens Advisory Committee. Motion was carried.

Supervisor Nayer appointed Councilperson Mettler as the Town Board Liaison to the Copake Hamlet Route 7A Highway Rehab Citizens Advisory Committee.

#### Councilperson Reports:

Councilperson Wolf reported on a meeting he recently attended in Hudson on the Broad Band progress which was also attended by a representative of the Governor's Broad Band Committee. The objective of this meeting was to provide information and it failed miserably as Charter Communications keeps changing their plan. Consolidated is progressing along well.

Councilperson Gansowski reported that Trout Unlimited is scheduled to start working on the bridge crossing the Norster Kill tomorrow and thanked Trout Unlimited for all the work they have done to obtaining the funding for these projects.

#### Public Forum:

Lindsey LeBrecht suggested the Town contact the Bank of Greene County regarding a grant for the tennis court repairs.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Miller-Simmons that the bills from Highway Abstract # 7 and the bills from the General Abstract # 7 be paid. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski that the meeting be adjourned. Motion was carried.

Respectfully submitted,

