



# COPAKE PLANNING BOARD

MAY 21, 2020

MINUTES

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## **DRAFT**

**Please note that all referenced attachments, comprising 31 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 Virtual Zoom meeting of the Copake Planning Board was called to order at 7:00p.m. by Bob Haight, Chair. Also in virtual attendance were Chris Grant, Marcia Becker, Julie Cohen and Steve Savarese. Ed Sawchuk and Jon Urban were excused. Attorney Ken Dow was also in virtual attendance. Lisa DeConti recorded the Minutes.

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

NONE

## **PUBLIC HEARING**

### **2020-3            BOUNDARY LINE ADJUSTMENT – SPRINGBROOK HOMES – Cambridge Road [Copake]**

Mr. Haight asked if anyone wished to speak on this application. No one was in virtual attendance to speak on this application. Mr. Haight closed the Public hearing.

## **SUBDIVISIONS/SITE PLANS**

### **2020-8            MINOR SUBDIVISION – MARIAN DUKSA – Weedmine Road [Copake]**

- Application for Site Plan Review dated May 20, 2020
- Survey Map dated May 15, 2020
- Survey Map dated June 8, 2006

Phil Wellner represented Marian Duksa who wishes to subdivide Parcels 1 and 2 shown on the June 8, 2006 Survey Map into Parcels A, B and C that are shown on the May 15, 2020 Survey Maps.

Mr. Haight asked whether anyone had any questions regarding this. Ms. Becker made note of the fact that this falls within the 1 to 5 year Fall Back Period so it can be classified as a Minor Subdivision.

The Check List was reviewed. It was noted that there is an existing Covenant showing an existing Right of Way which will need to be deeper to Parcel C.

Mr. Wellner advised the Board that a Curb Cut for the Driveway has been submitted to Highway Superintendent William Gregory and they are waiting for his response. Mr. Wellner also made note of the fact that there is on-site Sanitation accounted for on Parcel C. Mr. Wellner asked that a Waiver for Department of Health (DOH) approval be considered for Parcels A and B as the applicant plans on continuing to farm these parcels. Mr. Haight advised that notes will need to be put on the Survey that any future building will require DOH approval.

It was pointed out that the property is located within the “RU” Zoning District and the driveway location is accounted for.

A Public Hearing will be set for the next Planning Board meeting which is expected to be held by Zoom on Thursday June 18<sup>th</sup>.

**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]**

- E-Mail from Building Inspector Lee Heim dated April 2, 2020
- E-mail from Chair Bob Haight dated March 13, 2020
- DOH Letter dated December 11, 2018 with pictures
- Copake Conservation Advisory Committee Recommendation dated May 7, 2020
- E-Mail from Michael Duval (DOT) dated May 12, 2020
- Commercial Access Highway Work Permit Application
- Farm Market Entrance Plan, Property Detail and Work Zone Lane Closure Traffic Plan dated March 27, 2020

Attorney Michael Sussman and David Weiner were in virtual attendance representing the applicant.

Mr. Haight made note of the fact that nothing new had been submitted by the applicant. Mr. Sussman asked what documents the Board is specifically requesting. Mr. Haight advised him that a Floor Plan of the Farm Market and Large Barn is something specifically needed for Site Plan Review. Mr. Haight also acknowledged that he sent a Site Plan Check List to Mr. Weiner regarding this. Mr. Sussman believed that this was reviewed at the prior meeting. Mr. Sussman

also addressed the fact that he had been dealing directly with Attorney Dow and sent documentation to him.

Mr. Haight advised that a layout is needed for the Farmer's Market and made note of the fact that the number of parking spaces will need to be shown. Mr. Sussman believed that the square footage of the building determined the number of parking spaces needed.

Mr. Haight also brought up the fact that there is a stone and gravel pad to the side of the Farmer's Market and asked what is planned for this. Mr. Weiner acknowledged that this is over the septic and a Trellis is planned for this area. Mr. Haight made note of the fact that this was not on the plans that were submitted to the Board. Mr. Sussman advised him that if anything is to be built on this it will be accounted for on the plans.

Attorney Dow referred to the Town Code and made note of the fact that there are several different categories that a Farmer's Market could fall such as General Retail, Grocery or Farm Stand. Mr. Sussman was under the impression that the number of parking spaces would be determined by the square footage. Attorney Dow acknowledged that five (5) parking spaces are required for a Farm Stand however a Farm Stand is defined as being only four hundred (400) square feet. He then pointed out that a Farm Market is defined as being in excess of four hundred (400) square feet.

Mr. Sussman asked what the parking for a Farm Stand would be. Attorney Dow felt this would fall under General and Convenience Retail which requires 2.75 per 1,000 square foot of gross floor area plus one (1) space for each employee. However, Attorney Dow questioned whether this would fall under Grocery Store which would require 6.75 per 1,000 square foot of gross floor area. Mr. Sussman made note of the fact that the square footage of the Farm Stand will need to determine and put on the revised Site Plan along with the determined number of parking spaces.

Mr. Haight brought up the fact that the Site Plan does not show the fact that the Greenhouse is attached to the Farm Stand and the building behind it. Mr. Weiner stated that there is a five foot (5') alley between them. Mr. Haight asked whether the public will have access to the greenhouse and was advised by Mr. Sussman that the greenhouse will have no public access.

Attorney Dow clarified the fact that inasmuch as there is no definition in the Code of a grocery store the Farm Stand will need to be treated as retail. Mr. Sussman questioned what the number of parking was for a Farm Market. Attorney Dow clarified that there are no parking requirements for a Farm Market so it would fall under General and Convenience Retail which requires 2.75 spaces per 1,000 square foot of gross floor area or Grocery Store which would require 6.75 spaces per 1,000 square foot of gross floor area. Attorney Dow also noted that there is no definition of Grocery Store in the Town Code and General Retail contains the sale of groceries. Mr. Sussman asked whether there is any precedent that could be applied in this case. No one was aware of this previously being reviewed by the Board.

Mr. Haight questioned whether this should be considered a Retail Store for parking purposes. Attorney Dow pointed out that the definition in the Town Code of Retail reads: *A business establishment which sells goods and merchandise, including groceries, to consumers or other businesses at retail prices.* Mr. Sussman brought up the fact that the nature of what is being done in a building is relevant because of the draw it would require which is why he questioned whether there are any other precedents. Attorney Dow made note of the fact that General Retail

is less restrictive with a requirement of only 2.75 parking spaces per 1,000 square foot of gross floor area. The Board was in agreement that this fall under General Retail.

Mr. Sussman acknowledged that they will show between eighteen and twenty (18-20) parking spaces on the map for the Farmer's Market in light of the fifty-six hundred (5,600) square foot building and hopes this will satisfy the Town requirement. Ms. Cohen reminded him that one parking space is required for each employee as well. Mr. Haight also pointed out that handicapped parking will also need to be addressed. Mr. Sussman will contact Attorney Dow to discuss how to address what needs to be shown on the map regarding the Trellis.

**2019-24      SITE PLAN CONFERENCE– ECO-SITE II, LLC & T-MOBILE NORTHEAST LLC – Overlook Road [Copake]**

Although the applicant carried this over until next month Mr. Haight reminded the Board that there is a one-hundred and fifty day (150) time limit whereas the Board will need to make a decision. Attorney Dow acknowledged that the applicant contacted him regarding the fact that this time limit is winding down and asked that this be extended by mutual consent to at least the next Planning Board meeting. The Board was in agreement to this. Mr. Grant asked whether this needed to be in writing. Attorney Dow acknowledged that written consent is not required however if the Board wished to make a motion regarding this it would be acceptable.

- **On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to extend the Stop Clock one-hundred and fifty day (150) deadline for Eco-Site&T-Mobile Northeast LLC.**

**2020-3      BOUNDARY LINE ADJUSTMENT – SPRINGBROOK HOMES – Cambridge Road [Copake]**

- No New Submissions

Ms. Cohen recused herself to represent SpringBrook Homes. Ms. Cohen reminded everyone that the small point three-three-three (.333) acre strip of land belonging to Stuart Friedman who also owns Parcel 1 and the surrounding parcel is being transferred to Parcel 2.

Ms. Becker asked the reason for this. Ms. Cohen explained that the lot has some rock in it and this would allow the house to be pushed back slightly further. Mr. Savarese asked if this was a Boundary Line Adjustment and was advised that it is.

Ms. Becker made note of the fact that according to the revised SEQRA regulations a Part I does not need to be filled out for a Boundary Line Adjustment. Mr. Haight asked if anyone had any other questions. Being none...

- **On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Boundary Line Adjustment for Springbrook Homes from a Survey Map dated May 1, 2018.**

## MINUTES

The Minutes of the March 3<sup>rd</sup> meeting were approved by the Board.

**On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the March 5<sup>th</sup> Planning Board Meeting.**

## ADMINISTRATIVE

**THE BAIN FARM:** Mr. Haight noted that the Columbia Land Conservancy (CLC) is looking for a letter they can present to the State regarding the Bain Farm on Route 22 behind the Peck and Peck Funeral Home which is owned by Edgar Masters. Mr. Haight explained that the State is now looking for the Town's input when they are going to give money to someone who is putting their land into a conservancy. Mr. Haight noted that this is within the Town Scenic Overlay Zone and believes a letter in favor of this should be sent. Mr. Grant clarified that the applicant would be giving up their development rights to the property by doing this.

Mr. Haight acknowledged that the Gweneth Pierson Farm was doing the same thing however the deadline was last Friday. He explained that before and monies were given to the property owner Ag and Markets wanted input from the Town. Mr. Haight also made note of the fact that the CLC advised him that the State will be doing the same thing before giving any money to the applicant so they wanted to address this with the Planning Board at this time. Ms. Becker made note of the fact that Town Supervisor Jeanne Mettler wrote a letter of support regarding both applications.

The Board was all in favor of writing a letter of support for both applications.

**50 FOOT RIGHT OF WAY:** Mr. Haight advised the Board that he was contacted by someone who would like to purchase 50 acres that would be split between two property owners. He explained that there is an existing 30 foot Right of Way (ROA) to the property that might need to be expanded to 50 feet and asked if the Board could see any reason that this could not be done. Ms. Cohen asked whether the ROA was only to one (1) property. Mr. Haight explained that it is a 30 foot ROA to the property at this time. Mr. Grant assumed that the Town Subdivision requirements require access to a parcel which he guessed would be a 50 foot ROA. Mr. Haight questioned whether there could be a 50 foot ROA from the applicant's property on.

Attorney Dow questioned whether anyone on the Board had any recollection of similar applications. Mr. Haight remembered one on Golf Course Road as well as the one on the Braunstein property where the 50 feet applied from their point on. Mr. Haight also referred to the Scott Decker property at Copake Lake where the ROA was 25 feet until it reached his property and became 50 foot. Mr. Haight also noted that this property was split into 3 lots. Ms. Becker believed these were existing lots however Mr. Haight clarified that these were subdivided into three lots.

Ms. Cohen pointed out that a common driveway doesn't become applicable until there are 4 lots. Mr. Grant pointed out that the Decker property was not a Town road and was a private road. Mr. Grant also noted that a variance can be requested. Ms. Becker suggested a map be submitted. Mr. Grant suggested a Sketch Plan Conference for this. Mr. Haight will contact the caller and advise him accordingly.

## **CARRY OVER**

The following matters were carried over to the next meeting:

**2020-7            ZBA REFERRAL/SPR – CATAMOUNT SKI AREA – State Route 23 [Copake]**

**2019-24            SITE PLAN CONFERENCE– ECO-SITE II, LLC & T-MOBILE NORTHEAST  
LLC – Overlook Road [Copake]**

## **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 8:01 p.m.**

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 31 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**

13 LACKAWANNA PROPERTIES

April 2, 2020	Heim to Haight/CPB (1)
April 6, 2020	Haight to TB/BD/Dow/CPB (1)
April 8, 2020	NYS Dept. of State (5)
March 13, 2020	Haight to DeRuzzio (1)
December 11, 2018	DeRuzzio/DOH to Matuszek (1)
May 7, 2020	Conservatino Advisory Committee (2)
May 12, 2020	Duval to CPB (20)