

**DRAFT**

**Please note that all referenced attachments, comprising 33 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.**

**COPAKE PLANNING BOARD  
MINUTES of April 3, 2008**

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, Jon Urban and Planning Board Attorney Lawrence Howard, Esq. Gray Davis was excused. Paulette Bonanno served as secretary of the meeting in order to record the minutes.

**ZONING BOARD OF APPEALS – Referrals**

None.

**PUBLIC HEARING**

None

**SUBDIVISION/SITE PLAN**

**2006-05 SITE PLAN APPROVAL/MAJOR SUBDIVISION - CJL Realty, LLC,  
Empire Rd.**

The applicant did not appear and is seeking final approval. Ms. Becker advised that Board members have reviewed the full Environmental Assessment Form (EAF) and are ready to make a negative declaration. The Marvins, property owners across Empire Road, have given certain easements to the developer and the Town to maintain the storm water protection plan. Attorney Howard has reviewed the easements given to the Town and has recommended a minor change that refers to the Town of Copake as a municipal corporation. He advised that the easement is adequate. The Marvins have given an easement allowing the developer to enter their land and build scour holes. This easement was not approved by Attorney Howard because the Town is not a party.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to approve the Easement Agreement dated April 2, 2008, between Melvin and Angela Marvin and the Town of Copake with the minor change that refers to the Town of Copake as a municipal corporation.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to grant a negative SEQR declaration for the major subdivision and site plan of CJR Realty, LLC, pursuant to the full Environmental Assessment Form dated April 3, 2008.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to grant final approval of the major subdivision of CJL Realty, LLC, pursuant to the map entitled CJ Properties dated December 26, 2007, final revision, prepared by Maser Consulting, P.A., provided the bond estimates:

Stormwater Management Construction dated Revised December 6, 2007;  
Roadway Construction dated February 21, 2007;  
Stormwater Management Construction – On Site dated Revised December 6, 2007; and  
Stormwater Management Construction – Off site dated Revised September 4, 2007,

which are good for one year, are posted prior to the issuance of a building permit.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to grant final approval of the site plan of CJR Realty, LLC, pursuant to the map entitled CJ Properties dated December 26, 2007, latest revision, prepared by Maser Consulting, P.A., provided the bond estimates (see above) are posted prior to the issuance of a building permit.

**2008-07        SITE PLAN REVIEW - CATAMOUNT DEVELOPMENT CORP. –  
                    State Route 23**

Dale Salsman of Neopolis Consulting, the applicant, appeared with Stephen Reilly, Whiteman Osterman & Hanna, and attorney. Mr. Reilly explained that the applicant had received all Town approval for this 125 unit condominium resort hotel when the financial markets were different and that the phasing was 2-3 buildings with 40 units each. Now the development must be undertaken in smaller phases of 8-12 units with corresponding phasing in of the infrastructure. He advised that lenders are more willing to fund 12 units on guaranteed maximum contracts. He proposed discussing the use of Copake's Planned Commercial-Industrial District (PCID) zoning, phasing in the infrastructure, and establishing an escrow account for professional fees.

When Mr. Grant inquired about this code application, Mr. Reilly advised that it provides the flexibility to draw lots on a smaller scale in an R zone. A condominium structure will not work on the smaller scale since lenders need to finance on a per lot basis in order to sell units at a foreclosure sale. If Building 3 consisted of three lots, then the applicant can use three different lenders. A PCID (a floating commercial-industrial zone) could allow for a Planned Unit Development (PUD). Mr. Grant then read Sect. 232-12.A (1): "The Planned Commercial-Industrial Districts are planned and landscaped mercantile and/or manufacturing areas. They are intended to encourage orderly concentration of commercial-industrial facilities in selected areas of the Town, and they will assure that such uses will be compatible with, and will not adversely affect, abutting properties and the surrounding community."

Attorney Howard advised that he felt that Catamount could fit into that definition. The applicant was directed to go to the Town Board for PCID consideration and referral back to the Planning

Board. The Board discussed that “commercial” was the operative word and that a PCID could allow the applicant to undertake the resort hotel at the base of the mountain in such phasing as to be able to secure financing for the project. This approach could allow the property to be divided pursuant to PCID code. It could allow for the selection of lot lines with zero setbacks and could allow lot lines that run through the buildings. It is the applicant’s plan to build according to the original design. Mr. Reilly noted that if the project did stop, then the Town could be comfortable with each phase standing on its own.

The applicant is seeking a consensus that the Planning Board considers this approach feasible. The applicant also needs to begin discussions with the Town’s lawyers and engineers right away. Mr. Reilly noted that the PCID is a re-writing of the zoning for this lot in pieces but that the same end result would be achieved—that the Town would be subdividing in smaller parcels than allowed in the current code.

Mr. Grant noted that as long as the development applies to commercial, then PCID can be used. He also ascertained from Attorney Howard that separate PUD language, if adopted by the Town, would look similar to this, or that the PCID language could be amended. The Planning Board could make a recommendation to the Town Board that the language could be interpreted as commercial and that the Planning Board could be comfortable with the approval—that the PCID proposal fits in with the existing code definition. Or the Planning Board could recommend a minor revision of the language. Or the Town could adopt additional language or amend current zoning to allow for the project as a PUD.

The Planning Board will determine acceptability of access and emergency roads if any changes are made. Each phase will have to stand alone.

Ms. Becker noted time issues. It will take 2-3 months to amend zoning language to expand commercial residential development in the PCID code or to specify that PCID allows for a resort hotel as a commercial usage. It will take the same time to get a PUD approved. The Planning Board can work on the project simultaneously with engineers and attorneys.

Since the Town Board meets on April 10<sup>th</sup>, the Planning Board’s recommendation needs to be ready for that meeting. Mr. Grant was directed to write a recommendation and circulate to Board members for concurrence. His recommendation should address either an amendment to the definition of a PCID, the creation of a PUD or that this development already fits within the existing definition.

Mr. Urban also noted that if the project were submitted to the ZBA for a subdivision that runs through lot lines and with an estimated 50-60 variance requests, this will be onerous.

The Board determined that an escrow of \$5,000 for professional fees will be established with the standard replenishment provisions.

**2006-33 MAJOR SUBDIVISION – Birch Hill Road – Birch Hill Partners, LLC**

William Spampinato, attorney, and Patrick Prendergast, engineer, appeared to report on the project's progress. Mr. Prendergast advised that the layout is the same, regular grade elevations were added to each driveway, drainages and culverts were numbered, stormwater treatment provisions are in planning. DEC considers this project real low density development with environmental sensitivity design such as proposed. The drainage is designed for a 25 year storm event within a 180 acre watershed. The applicant is applying for a twenty-one hundredths acre permit from the Corps. of Engineers. Hillsdale Fire Chief Billy Baker is being consulted; he suggested a couple of dry hydrants in the pond; they don't comment on roads. They are in contact with the Dept. of Health.

Concerning the joint emergency access road with Catmast Dev. Corp., the engineer proposed an alternate exit in case the culvert washed out; Town Engineer Doug Clark is concerned about the cul de sacs in the back being land locked. The applicant is asking the Board to consider using the existing road used for the pond excavation project in lieu of the shared emergency access road; the shared road is so steep as to have to be scaled to ten degrees, and this is costly. There is a box culvert that crosses the wetlands at the longest end of the driveway through Lot 12. A private road is to be built to private road specifications (Chap. 180) with no intention to dedicate to the Town.

Based on the above, the applicant is seeking preliminary approval at the May meeting, noting that the outstanding issues are the additions to the Storm Water Protection Plan as well as the conservation organization.

Mr. Spampinato reported that on April 3, 2008, (copy attached) he submitted to the Columbia Land Conservancy the latest map with a survey description of the conserved land. They will be meeting to evaluate the easement. The Conservancy has expressed interest in Copake's first FLS. When the easement documents are completed they will be sent to Lawrence Howard. Lenders are requiring preliminary approval from the Town in order to proceed. The archeological survey is underway and costly at a \$7,000.

Ms. Becker advised that Mr. Clark had recently contacted her to note his concerns:

1. the private road specs differ from those for roads to be assumed by the Town
2. the dead-end cul de sacs
3. the emergency road connection to the culvert
4. wetlands
5. storm water management

The Board needs to see the SWPPP as well as the DOH package before the public hearing, which will be scheduled for the May meeting.

**2006-36 MAJOR SUBDIVISION - Birch Hill Road (Stone Gate at Copake Lake) –  
Catmast Development Corp.**

William Spampinato, Attorney, reported that DOH approval has been obtained and that the storm water management plan is in process. The joint emergency road may no longer be feasible because of Birch Hill's new plan. He advised that the covenants had been submitted and approved and that the Columbia Land Conservancy will require covenant revisions. A public hearing was requested for the May meeting.

While Mr. Spampinato advised that he considered the application complete except for the above items. Ms. Becker responded that because the matter was not on the agenda, the Board had not had an opportunity to review the file.

**2008-06 Boundary Line Adjustment – Lilley, Tammie and Michael J. –  
Taconic Shores**

The applicants appeared concerning the merger of Lots 341(.14 acres) and 342 (.16 acres) in the Taconic Shores subdivision. Lot 342 has a house and the other is vacant. The combined total is .3 acres. Letters of no objection were provided for two of three neighbors. Since recent consultation with Attorney Howard confirmed that a public hearing will not be needed for undersized lot mergers for real estate tax purposes, confirmed by Mr. Grant, the third letter was not considered necessary.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to approve the lot merger of Tammie and Michael J. Lilley pursuant to the sketch dated April 3, 2008, reflecting a combined lot area of .3 acres.

**2008-05 SITE PLAN REVIEW – 47 Chrysler Pond Road – John Baring**

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to accept the preliminary sketch plan dated February 27, 2008, and prepared by Green River Architecture.

**2007-16 SITE PLAN REVIEW - COARC – Route 7**

Michael Sullivan of Crawford Associates and Eric Sieber of COARC appeared concerning a change in the site plan that was recently approved. The applicant wishes to erect a 40 foot by 28 foot outdoor pavilion for the use of the summer camp. The pavilion will be erected on a slab and will have a tented top. There is currently no plan to install plumbing.

The Board advised that since this is an accessory structure permitted by right in the zoning code, a site plan review is not required. The application was returned and a letter will be provided.

**2008-08          MINOR SUBDIVISION – Sky Farm Road – Julie & Scot Cohen**

The applicants appeared concerning the subdivision of Parcel A, consisting of 5.648 acres and Parcel B, 10 acres on their Sky Farm Road property. They provided a letter from Larry Proper indicating acceptability of the driveway as well as the DOH letter. A public hearing will be scheduled for the May meeting. The \$50 check was received.

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to accept as a preliminary sketch plan the minor subdivision of Julie & Scot Cohen dated February 19, 2008, prepared by Philip J. Massaro & Son.

**2007-34          SITE PLAN REVIEW– 1212 County Route 27A – Paulette Bonanno**

The applicant appeared re the merger of the lot she owns and the adjacent lot held in trust for her, which was approved at the December, 2007, meeting. She is asking for site plan approval subject to the merger. Her mother signed over the trust to Ms. Bonanno, but the new deed has not yet been filed. The application fee for the site was paid. The DOH letter and septic approval were provided. The Board noted that the site plan needs contours and building dimensions.

A public hearing will be scheduled for May at which time the site plan will be corrected. A public hearing was held at the December meeting at which time the site plan review was tabled pending completion of the merger.

On a motion made by Ms. Becker and seconded by Mr. Urban the Board voted unanimously to approve the site plan subject to:

1. contours reflected on the site plan
2. dimensions of the proposed house be added to the site plan
3. merger of the lots

It was noted that the SEQR dated January 3, 2008, had already been completed.

Upon her return from recusal, Ms. Bonanno reminded the Board that a public hearing for both the Boundary Line Adjustment and Site Plan Review was held December 6, 2007, and that no one appeared to speak. She showed Mr. Grant a copy of the public announcement that was in the file.

## **CARRY OVER**

The following matters were carried over to the next meeting:

- 2005-18      SITE PLAN REVIEW AND MAJOR SUBDIVISION - Approximately 112 +/- Acres on Land Bounded by Mountain View Road and County Route 7A - Housing Resources of Columbia County, Inc.**
- 2007-02      SITE PLAN REVIEW – 13 Lackawanna Properties LLC– Salvatore Cascino**
- 2007-11      MAJOR SUBDIVISION – FLS – Farm Road – Karen B. Cohen**
- 2007-22      BOUNDARY LINE ADJUSTMENT - Copake Lake Golf, LLC**
- 2007-23      MAJOR SUBDIVISION – Copake Lake Golf, LLC**
- 2008-02      MINOR SUBDIVISION – Overlook Road – Tilly Hill, Inc./Neil Costa**

## **ADMINISTRATIVE**

The Board agreed to have the drawings for the HRCC proposal that are posted on the back wall of the meeting room taken down and stored in the Planning Board office along with the public binders.

## **MINUTES**

On a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to approve the minutes of March 6, 2008, with a change to Page 2 – Baring (2008-05) – delete italics.

## **INTERVIEW OF APPLICATIONS FOR PLANNING BOARD MEMBERS**

The Board convened to executive session to interview applicants for Planning Board membership. Upon the Board's return to the regular meeting, the regular meeting was reconvened with a report that no decision had been made at the executive session.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:45 p.m.

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Marcia Becker, Chair

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CJ Realty LLC

April 3, 2008	Keefe to Howard
March 26, 2008	Marvin to CPB
March 25, 2008	Fetherston to Marvin
March 18, 2008	Marvin to Keefe
March 13, 2008	Keefe to Marvin

Birch Hill Partners, LLC

April 3, 2008	Spampinato to Colyer-Pendas
April 2, 2008	Prendergast to Clark
April 1, 2008	Proper to Prendergast
March 31, 2008	Spampinato to Becker

Cohen

March 28, 2008	Proper to Becker
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Catmast Development Corp.

March 31, 2008	Spampinato to Becker
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13 Lackawanna Properties

March 14, 2008	Becker to Trotta
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Administrative

March 31, 2008	Goodhue to Becker
March 26, 2008	Wilson to Becker
March 14, 2008	Zezula to Masters
March 11, 2008	Perry to Officials
March 5, 2008	Becker to Valden
March 4, 2008	The Independent