

D R A F T

Please note that all referenced attachments, comprising approximately 77 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 AUGUST 3, 2006**

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Edgar M. Masters, Chairman. Also present were Marcia Becker, Chris Grant, Morris Ordover and Terry Robbins. Edgar Masters introduced Lawrence E. Howard, Esq., attorney for the Planning Board substituting for Town Attorney Gifford Whitbeck, who has recused himself because of past work done for HRCC. Mr. Howard is known to the Planning Board from work completed on the Flexible Lot Subdivision project. Paulette Bonanno served as secretary of the meeting in order to record the minutes.

ZONING BOARD OF APPEALS - Referrals

Mac Simms, Chairman of the Zoning Board of Appeals, presented the Planning Board with the following referral:

Request for Area Variance – Stuart Troyetsky, Golf Course Road

The applicant is seeking to add a third story to an existing two story home so that the building would be 33 feet high on an undersized lot. Pursuant to the recent Chapter 24 revisions, the maximum allowable height is 25 feet. Mr. Simms presented sketch plan information, photos and the applicant's proposal that the ground level be raised by fill in order to reduce the building's height to 27 feet 2 inches. Mr. Ordover noted that the proposed structure was not permitted under old pre-existing undersized lot regulations and that now the applicant is proposing to exceed the new requirements of the revised Chapter 24. The matter was taken under advisement by the Board.

**2006-05 SITE PLAN APPROVAL/MAJOR SUBDIVISION - CJ Properties,
Empire Road**

Justin Dates and Joseph Dopico of Maser Consulting, applicant's engineer, appeared in place of Andrew Fetherston and provided additional plans for this project.

Mr. Dates reviewed the project's components:

- The site comprises 104 acres.
- It consists of vacant meadow and cornfield crop with wooded areas in rear.

- The wetlands located on the site are under Army Corp. of Engineers jurisdiction.
- The project consists of 14 units in residential 3-acre zoning.
- Lot sizes range from 3.5 to 14.8 acres with an average of 7 acres.
- The entrance is off Empire Road and circulation is via a loop road in the property center.
- All lots access the loop and there is no lot access onto Empire Road.
- Setbacks provided meet zoning requirements.
- Also proposed are 39 acres of conservation area, the majority of which are in the rear.
- No homes are to be constructed on the ridge line.
- Deed restrictions exclude further subdivision.
- Three detention basins are located on the site for storm runoff; they are designed to meet NYS DEC guidelines.
- The site plan was reviewed by the Town Engineer.

In response to the floor's being open for questions and comments, Mel Marvin, the property owner directly to the east commented that:

- His and the proposed development's property were originally farmland that was divided in half resulting in the property lines' now being contiguous.
- He owns 89 acres, 82.8 of which are designated CO-14 wetlands and join a continuous complex of wetlands that form the Drowned Lands Swamp Ecosystem, well known as one of the most biologically rich wetland complexes in the Hudson Valley.
- The Marvins are working with the US Natural Resources Conservation Service to enhance wetland wildlife.
- The Marvins use only 6.2 acres of the property that comprise a small shelf of land running along the edge of Empire Road, the widest point of which is 300 feet where their house is located.

The Marvins raised the following questions/issues: (They provided the Board and Maser with written copies of their questions.)

- How much of the storm water system is permanent since in some places on the plans it is labeled temporary?
- Since the two most northern retention ponds have overflow directly into the existing culverts that flow directly onto the Marvin property, what will be different?
- Where will the water flow from the new emergency road? Will it flow into the new culvert and then overflow into the Marvin's garden?
- How will the velocity of the water flow change?
- There is no culvert for the third detention pond and the wetlands come right up to the road.
- While the two southern retention ponds that are 250-300 feet from the road seem to handle the water run off from the main access road, how will the other run off from the driveways, parking areas, roofs, etc., be handled?
- What will be in the water run off, for example, sediment, pesticides, oils, phosphates?

- Since maintenance of the retention ponds is key to their success, who will maintain them?
- Re the water supply, fourteen wells are being dug and the Marvins have a 14 foot point well under their house. Empire Road has a history of difficulty in locating water as was the case with Roger Edelman who had to dig in four different places and finally had to go uphill to reach water. Is there some guaranty to protect the Marvins on a continued source of adequate water?
- Re the septic field, since it is to be located directly across from the Marvin house, they want to be reassured by the DOH's permit granting process that the septic will not adversely affect their home's water supply.

Mary Ackley, who owns a farm on Empire Road, had sent a letter and appeared:

- She is concerned about the existing buffer or hedge row, which separated her property to the north of the applicant's. Mr. Dates explained that the existing woodland would not be disturbed. Mrs. Ackley suggested adding an evergreen planting to increase the buffer.
- In response to Mrs. Ackley's question about the type of construction, Mr. Dates explained that five bedroom homes were planned and that while the developer intends to build out the homes, architectural drawings are not yet available.
- In response to Mrs. Ackley's question about how the roads would be maintained, Mr. Dates advised that they would be dedicated to the Town and that the property entrance would be just south of the northern property line.
- Mrs. Ackley then informed the Board that her family had no objection to the proposed development if all is done in compliance with zoning regulations, if the Marvins' concerns are addressed and if an evergreen planting is added to shield her property line.

There being no further questions, Mr. Masters asked Maser consulting to respond to all questions in writing. He advised that it was the Planning Board's intention to leave the public hearing open. Mr. Ordover referred to the Copake Fire Department letter already provided to the applicant and directed that the applicant respond to all the questions raised therein in writing.

2006-02 MAJOR SUBDIVISION - Steiner Properties - Two Town Road

The applicant, Ben Adams, was represented by George Schmitt of Morris Associates, Engineering Consultants. Mr. Masters noted that the SWPPP was reviewed by Charles Barrow and that comments were sent to Mr. Schmitt. It was agreed at the last meeting that the public hearing be kept open so that neighbors could receive and review the plan.

Brandee Nelson, of Crawford & Associates Engineering, retained by neighbor John Regan, appeared and provided an August 3, 2006, letter to Edgar Masters, which commented on the SEQRA, the subdivision design and addressed outstanding issues.

In addition to some points raised requiring Mr. Barrow's technical review, she noted the following:

- A long form SEQRA is required because the subdivision is major.
- There continues to be concerns about the wetlands on the site not being delineated, that all site improvements are located in the most appropriate areas of the site, and that the requirements for permitting the improvements be accurately ascertained, particularly those relating to Alden soils.
- She noted an inconsistency on the plans regarding maintenance of wetlands as they relate to the new road, the development and additional costs for which the Town may be responsible.
- Re soil testing for septic design, septic testing was considered limited.
- The Town was urged to revisit the issue of untreated water to be released via pipe extending 40 feet into Mr. Regan's property.
- Swales are not shown on the northern side of the road, and its grading will not prevent untreated run off into wetlands, into the stream onto the adjacent property.
- Clarification is needed on how the existing culvert under Two Town Road will be affected, given the long cul-de-sac.
- She suggested the Town require a road easement that would be used if further subdivision occurs.

Mr. Masters asked Mr. Schmitt to respond to the Crawford letter in writing.

While Mr. Regan noted he is negotiating a third party agreement to purchase additional land that would allow for a shorter cul-de-sac and less adverse impact on his property, Mr. Masters noted that the Planning Board can only deal with the matters before it; however, he urged Mr. Regan to continue his efforts.

Richard Koweek, attorney for John Regan, noted that the culvert going under the road will affect Mr. Regan's property and that no easement or authority for such has been granted.

In response to Mr. Robbins' noting that the public hearing should be closed, Mr. Koweek ascertained that further comments could be submitted on open issues and that he could provide written comment to the Board at anytime. It was agreed that comments would be limited to wetlands, storm water and road location. Mr. Masters noted that both Mr. Barrow's letter and George Schmitt's responses are of public record and that they would be provided to Mr. Regan. On a motion made by Mr. Robbins and seconded by Mr. Ordovery, the Board voted unanimously to close the public hearing.

2006-26 MINOR SUBDIVISION – D. Crepeau – Center Hill/Cambridge Roads

Mr. Masters opened the public hearing on this proposed subdivision. He noted that just prior to the meeting he had received a survey; the preliminary sketch was previously submitted; contours and elevations have yet to be submitted. The applicant wishes to subdivide 12.8 acres carving out a 4-acre parcel with access from Cambridge Road. Mr. Masters also told the applicant that the road entrance to the second parcel must be shown on the map. On a

motion made by Mr. Grant and seconded by Ms. Becker, the Board voted unanimously to close the public hearing.

Mr. Masters reminded Mr. Crepeau that he is required to obtain and submit the septic system approval from the County DOH. Finally, Mr. Crepeau was directed to consult with Larry Proper, Copake Highway Superintendent, to obtain approval of the proposed entrance to the property from Cambridge Road.

2005-18 SITE PLAN REVIEW AND MAJOR SUBDIVISION - Housing Resources, Inc. - Approximately 112 +/- Acres on Land Bounded by Mountain View Road and County Route 7A.

Mr. Masters noted that tonight the Board would address the 21 lots, 12 on the north side of the proposed Green and nine on the south side, that were originally presented as 5,000 sf lots. When the 50-foot ROW took 15 feet off the front of these lots, their area was reduced to 4,250 sf. Mr. Masters sought to clarify a misconception about the significance of the 5,000 sf minimum--that the Board had added to this misconception in stating that there was a 5,000 sf minimum at the last meeting. Rather, the minimum lot size in an R2 zone is 30,000 sf unless cluster zoning regulations are used, which is the case for this application. In cluster zoning the Board may use smaller lots; there are no minimums. This does not mean that the Board may not require 5,000 sf. Mr. Masters hopes the audience understands that the 5,000 sf lot minimum applies to pre-existing lots only, as clarified in Chapter 24 of the zoning code.

Mr. Bernardin provided ten copies of the following previously outstanding items:

- a) updated EAF that reflects the revisions discussed at the last meeting
- b) complete abutters list
- c) legal structure of the development and related parties

Mr. Howard agreed to undertake the paperwork flow/processing of the EAF and to ascertain from Mr. Whitbeck which agencies are to be notified.

A lengthy discussion of lot area followed, and Mr. Bernardin clarified that:

- A ROW is a strip of land fully dedicated for the purposes of a public road, and the rights are given to the public; all subdivided land must have access to the ROW.
- Copake requires a 50 foot wide ROW.
- Previously NYS allowed the ROW to be owned by a Home Owner Association (HOA) and then an easement was given to the public. Subdivision law has been revised due to the complexities of road development. A ROW can be owned by the HOA but the rights are given to the public.

Mr. Robbins requested the legal citation from Mr. Bernardin.

Mr. Pulfer continued to emphasize the planning goal: to create a village atmosphere (area of highest density) for senior residences linked to the Copake Hamlet via Taconic Street and that the density will be relieved by the Green.

Last month the Board, which is concerned with density and the space between buildings, asked Mr. Pulfer to explore re-sizing the 4,250 sf lots to 5,000 sf. Could he, how and was this a good idea?

Mr. Pulfer distributed a handout, copy attached, which describes the effect of increasing the 21 smaller senior cottages sites to 5,000 sf. This he could do by decreasing the duplex lot width from 100 feet to 92 feet. Increasing lot depths requires moving roads, changing the overall plan. This re-sizing at 5,000 results in a density reduction of the senior lots around the Green of less than 4%.

He provided sketches with 5,000 sf cottage lots without any real changes to the overall plan by:

- adding 7.5 feet in depth to properties facing the green and the road, thereby increasing lot length from 85 feet to 92.5 feet by 54 feet width.
- lengthening and narrowing (by 30 feet) the Green and reducing family lot sizes on the Green .

Mr. Pulfer noted the disadvantages of this plan:

- increasing the overall road length and utility costs since the cottages are placed farther apart; this is a 44% increase in space between buildings (20 feet increased to 28 feet);
- damage to the overall concept of concentrating the houses together.

This re-sizing at 5,000 sf results in a density reduction, including the Green area of a little over 2%. Mr. Pulfer stated that the density estimates indicate that the change in density by increasing smaller lots to 5,000 sf would be negligible.

Mr. Pulfer said he had not yet studied the placement of garages and carports, but in view of public comments, it was important for him to do so now. Since most cottages will be only 750 sf and since attached 24 x 12 foot garages would block light and air, detached garages may be preferable. He noted that at least a three foot setback is needed for fire safety and that on-site parking must be at least three feet from the property line (resulting in no less than six feet between adjacent property garages). The 20 foot side yard would not change. Mr. Grant pointed out that code requires accessory structure to be at least ten feet from the lot line.

Mr. Pulfer advised that:

- The design would allow for turn around of a car on the lot and for snow plow maneuvering.
- Carports work well with 50 foot lot widths and would not affect the side yard setbacks.
- Garage doors facing the street should be avoided.

Mr. Ordover suggested providing off-street parking, one car for each senior unit, and some overflow parking on the Green. Regarding Mr. Ordover's concern with lot coverage, Mr. Bernardin described building area at 750 sf for a cottage plus 300 sf for the garage plus 500 sf for the driveway (10 x 50) totaling 1,550 sf or 30-40% lot coverage for the cottages. Mr. Ordover noted that he believed even with the wider lots the Green would not have to be lengthened if some of the cottage lots did not face the Green.

Mr. Pulfer pointed out that creating grouping such as 6 carports, as was the case in their Chatham project, would not work in Copake since it would be detrimental to the streetscape. He also indicated that while the carports would create greater density, the design would accommodate and stay within setbacks.

Finally, Mr. Pulfer advised that if the detached garages could use the aforementioned three foot setback, then he could live with:

- a) a 54 foot width instead of 59 feet for the 5,000 sf lots
- b) a increase in lot depth to be taken from the green

Mr. Bernardin advised that substituting a carport for the rear garage results in lot coverage of 1,050 sf because the driveway area is no longer required and reduces lot coverage 20-25%. Further, if the purchaser opts for no carport, the house can be larger.

Mr. Pulfer advised that his goal was to demonstrate that an increase to a 5,000 sf lot does not make economic, social or architectural planning sense and that he has been able to demonstrate that while he can increase the lot size to 5,000 without any major interruption in the project, it is not in the best interests of the plan to do so.

Mr. Robbins voiced his opinion that the 5,000 sf lot is arbitrary, that it narrows the green, is contrary to the community plan and increases impervious surfaces. Mr. Ordover voiced his opinion that he is reluctant to commit to 4,250 sf because his main concern is too much land coverage. Mr. Grant continued to emphasize his concern about setbacks rather than lot area.

After discussion, the Board was not ready to make a decision on lot size and garage setbacks until Mr. Pulfer provided more information on size and location of garages, carports and driveways as well as house size on the cottage lots. The Board recognizes that the 5,000 sf number is not a mandatory zoning minimum. Mr. Masters advised HRCC to proceed with plans for building coverage, house, garage or carport on their preferred 4,250 sf lot size. If the Board is not satisfied with the resulting lot coverage, then HRCC must go to a 4,600 sf size, a width of 54.1 feet and a length of 85 feet.

Mr. Pulfer agreed to work out an overall approach to parking in the senior housing and Green area, including a plan for accommodating optional carports or garages for the senior cottages.

2006-27 SITE PLAN REVIEW - Roe-Jan Community Library – Route 22

The applicant was represented by Steve Tiger and Dora Filanowska, members of the Library and Building Committee. The Planning Board was given a site plan plus elevations for the proposed new library. The site is 300-400 feet from the Roe Jan Kill and nearby wetland; a map showing the flood plain was not provided. Mr. Masters pointed out that the 50 parking spaces proposed may be an issue because it may impact the building appearance, create substantial impervious surface area and create greater drainage issues. Because of water flow off Route 22 onto the site, NYS will require drainage measures. While Mr. Tiger advised that 50 parking spaces were required because of projected patrons, Mr. Masters suggested reducing the paved spaces and creating an auxiliary grass or gravel lot to cover overflow from special functions. Mr. Grant noted solar panels on the architect's building sketches; after discussion, the Board did not see a conflict with the SCOZ conditions. Aside from the issues discussed, the Board did not have objections at this time.

Mr. Tiger was advised to consult with the Copake Highway Department about the driveway cut, that a SWPPP is required and that a NOI must be filed with DEC because more than one acre of land is being disturbed. Also, NYS DOT must approve the entrance on State Route 22. He advised that the Library has retained an architect and engineer and that now fundraising activities are being undertaken in order to complete drawings and proceed further.

2006-25 SITE PLAN APPROVAL – Doug Gerber – Snyder Pond Road

The applicant is requesting site plan approval to build a home on the western end of Snyder Pond Road. Due to very steep terrain, the septic can be sited only 112 feet from the pond rather than the 150 feet required by the Town. Columbia County DOH only requires 100 foot from the pond.

The applicant provided a letter from neighbors Berg and Arisi indicating no objection to the plan. He has written to Zefer Investments, part of the Langdon organization, which owns the land at the top of his property, but has had no response. The Board accepted the letters and waived a public hearing.

The applicant provided a DOH letter dated August 1, 2006, re-confirming its original septic approval made at the time of the subdivision, of which Mr. Gerber's lot is #4. This original septic approval is dated April 16, 1977. In view of the fact that Copake zoning requires a 150 foot minimum setback from the lake for septic, the Board considered requiring the installation of a jet aerobic system in the septic system. After discussion, the Board held that it did not have the authority to require a septic process in addition to that required by the DOH. The lot is conforming (meets three-acre minimum), and the Board believes that the 1977 DOH approval runs with the land.

On a motion made by Mr. Robbins and seconded by Ms. Becker, the Board voted unanimously to approve the Douglas and Moram Gerber site plan on shown on the Plass, Rockefeller & Nucci survey dated July 13, 2006. Mr. Gerber promised to provide the Board with two copies of the subdivision septic approval as soon as possible.

**2006-13 MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT – N. Costa
- Center Hill Road**

Per the request of the applicant, these items remain on hold, indefinitely.

2005-11 RESIDENTIAL SITE PLAN REVIEW – Ismael Leyva, 4 Bird Lane

This item remains on hold since Mr. Masters has asked the applicant to submit a written request for the additional information that Mr. Leyva requires.

**2006-28 SITE PLAN APPROVAL – Zouros – Center Hill Road off Cambridge
Road.**

Mr. Robbins, Mr. Masters and Russell Jackson (the prior owner of the Zouros property) met with Mr. and Mrs. Zouros about two weeks ago at which meeting the same discussion was held as during the meeting with Mr. Masters and Ms. Becker. The application raised questions of storm water management and road drainage requirements that must be met and was assured that this was standard site plan review procedure.

ADMINISTRATIVE

Jeff Mischka – In response to Mr. Mischka's inquiry dated July 14, 2006, Mr. Masters advised that if his remaining lots in Taconic Shores total 30,000 sf or more, then he can sell his additional lot.

High Voltage Engineering – Mr. Masters met with representatives of this manufacturer of specialized electric components on July 18, 2006. The company wishes to expand its main plant located on Route 7A by 75 feet to the south and its upper building by 50 feet to the south. A new septic is to be installed. The company was asked to proceed with a site plan submission to the Planning Board. Some setback problems may be involved. The land is in BR and R zones, and it may be in the SCOZ. It employs 33, eleven of whom reside in Copake.

Costa/Ahrens Road Name – Marcia Becker advised that no agency objected to naming the new road on the Costa/Ahrens Center Hill subdivision Robin Lane, and the Board asked Ms. Becker to inform the Town Board of this fact so that the official name designation can be accomplished.

MINUTES:

Minutes of July 6, 2006 - On a motion made by Mr. Ordovery and seconded by Ms. Becker, the Board voted unanimously to approve the minutes of July 6, 2006, as amended, below:

1. Page 1, ZBA Referrals, item 2, change Town's ROW to road's ROW"

2. Page 4, Item 2005-18:
 - i. Insert as first line, “The applicant was represented by Kevin 'Neill, Executive Director of HRCC, Eric Bernardin, Fuss & O'Neill Engineers, project engineer, and Donald Pulfer, Architectural Bureau, architects.”
 - ii. Second sentence, change from “granted preliminary sketch plan approval” to “accepted a preliminary sketch plan.”

Minutes of June 15, 2006 – The Board noted receipt of Don Pulfer’s letter of July 26, 2006, with clarifications of the June 15, 2006, minutes, which were approved on July 6, 2006. These clarifications are:

1. Page 2, 2nd para. From bottom, change “a 200-foot radius around the parkland” to “a 200-foot radius around the wells”.
2. Page 4, 2nd para. delete third and fourth sentences and substitute, “The applicant responded that the 25-foot front yard setback was taken from the edge of the curb and that this was originally considered part of the lot. Subsequently, the applicant discovered that there must be a road right-of-way amounting to 15-feet on each side of the paving; this change was made just before the plans dated April 3, 2006, were revised.”

The Board has no objection to these clarifications.

ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Edgar M. Masters, Chairman

Please note that all referenced attachments, comprising approximately 77 pages, are on file with the Copake Town Clerk and in the Planning Board office. An annotated listing follows:

CJ Properties Subdivision (2006-05) - Empire Road

July 31, 2006 Shadic to Masters
August 3, 2006 Nelson to Masters
August 3, 2006 Marvin to CPB
August 1, 2006 Ackley to Masters

Steiner Subdivision (2006-02) – Two Town Road

August 1, 2006 Adams to Masters
July 25, 2006 Masters to Schmitt
July 24, 2006 Barrow to Masters

Housing Resources, Inc. (2005-18)

August 3, 2006 Bernardin to Masters:
Long Form EAF; Abutters List; legal structure
July 31, 2006 Robbins to CPB
July 30, 2006 Becker to CPB
July 29, 2006 Masters to CPB
July 29, 2006 Ordover to Masters
July 28, 2006 Levitt to Masters, Grant
July 26, 2006 Pulfer to Masters
July 28, 2006 Shadic, Holdridge, Filipovits, Streeter to CPB
July 27, 2006 Density Estimates

Ismael Leyva Residential Site Plan (2005-11) – 4 Bird Lane

July 27, 2006 Masters to CPB
July 13, 2006 Masters to Leyva
July 6, 2006 Barrow to Masters

Boundary Line Adjustments

Ordover to CPB

Certificates of Occupancy and Completion

July 27, 2006 Ordover to Masters, CPB

Amengual

July 24, 2006 Masters to Amengual

Mischka

July 24, 2006 Masters to CPB
July 14, 2006 Mischka to Masters

High Voltage Engineering

July 24, 2006 Masters to CPB