

DRAFT

Please note that all referenced attachments, comprising 10 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 December 4, 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, Skip Pilch and Jon Urban. John Brusie, Gray Davis and George Filipovits were excused. Planning Board Attorney Lawrence Howard also attended. Lisa DeConti served as secretary of the meeting in order to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None.

PUBLIC HEARING

2008-22 MINOR SUBDIVISION – JOHN J. BELFONTE, JR. – Anthony Street

On a motion made by Mr. Pilch and seconded by Mr. Grant the Board voted unanimously to waive the reading of the Public Hearing notice for John Belfonte.

Ms. Becker asked if anyone present wished to speak on this application. Being none, the Board voted unanimously on a motion made by Mr. Grant and seconded by Mr. Pilch to close the Public Hearing

SUBDIVISION/SITE PLAN

2008-23 MINOR SUBDIVISION – JOHN J. BELFONTE, JR. – Anthony Street

Jeff Plass appeared before the Board with Mr. Belfonte. Ms. Becker noted that there was some confusion regarding the Right-of-Way on Parcel 3. Mr. Plass proceeded to explain the Right-of-Way between the three parcels. After the discussion Ms. Becker decided that the Declaration of Covenants should be reviewed. After review of the covenants it was noted that each of the three parcels had legal access.

Ms. Becker acknowledged the Board had been presented with everything they needed. Mr. Grant proceeded to read the SEQR. After the SEQR, on a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to grant a Negative Declaration.

Ms. Becker asked if there were any other questions regarding this application. Being none, on a motion made by Mr. Grant and seconded by Mr. Pilch the Board voted unanimously to approve the Minor Subdivision of John J. Belfonte, Jr. from the Subdivision Map dated September 5, 2008.

2006-23 SITE PLAN REVIEW – ROE JAN COMMUNITY LIBRARY – Route 22

Steven Tiger, Chairman of the Building Committee and Nick Demos the project civil engineer appeared before the Board. Ms. Becker asked whether the Columbia County Planning Board letter was received and it was acknowledged that Ned Schnier had received a copy. Mr. Becker noted that the County Planning Board recommended approval of the project.

Ms. Becker informed the Board that she had received an updated package from Mr. Demos and noted that it was another Storm Water Pollution Prevention Plan which had previously been reviewed by the Town Engineer, Doug Clark. Mr. Demos noted that there had been no change and acknowledged that on the first SWPPP there had been no construction plans. Ms. Becker believed that inasmuch as Mr. Clark had already given his approval it was not necessary for him to have to review the new plan. It was decided that a copy would be given to Mr. Clark for his records.

Ms. Becker asked Mr. Demos for a complete set of as-built plans but advised him that she believed this would not prevent the Board from moving forward at this time. Ms. Becker noted that a letter from the Department of Transportation approving the curb cut had not been received as yet. Mr. Demos acknowledged that he had been trying to get the letter prior to the meeting. He advised the Board that he would supply the letter as soon as he was able to obtain it. Ms. Becker acknowledged that a variance had been obtained in 2006 inasmuch as the lot was slightly smaller than the ten (10) acres required for a cultural institution.

The Check List was reviewed and a discussion ensued regarding the parking area. Attorney Howard questioned the amount of seats planned for the Library and then advised that inasmuch as the regulation required one (1) parking space for every three (3) seats and he felt comfortable with this table.

Ms. Becker addressed whether there were any dry hydrants or fire ponds. Mr. Demos questioned whether they were needed and noted that the ponds on the Site Plan are for collecting run-off which will not always contain water. Ms. Becker advised that she would address the Hillsdale Fire Department regarding this. Mr. Tiger noted that there is internal fire protection within the building.

Ms. Becker questioned the heating system and it was noted that the system was Geothermal Heating. She also asked when construction was due to begin and it was noted that it was scheduled for the end of the month with a completion date around August 2009.

Mr. Becker acknowledged that all the necessary state permits, the Health Department letter, the County Planning Board Referral, the variance and the special use permit had been obtained and pointed out that the Department of Transportation letter was still needed.

Ms. Becker questioned whether the Board needed to talk about Bonds and asked what the budget of the project was. She was advised that the amount was in the range of \$1.8 to \$2 Million. Attorney Howard asked whether the project would be dedicated to the Town and pointed out that a bond would only be needed to meet Town required improvements. It was Attorney Howards recommendation that a Bond was not needed as this was usually required when something in particular was asked for that the Board was afraid would not be accomplished. He also noted that a Bond would be necessary in the event that the Town would be responsible for completing something that was unfinished which was not the case with this application.

Ms. Becker asked if the Board had any other questions or concerns and acknowledged that she would contact the Hillsdale Fire Department regarding fire suppression. Inasmuch as there were no other concerns, the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Grant to conditionally approve the Site Plan of the Roe Jan Community Library from a map dated November 24, 2008 contingent upon approval of the Department of Transportation letter and review by the Hillsdale Fire Chief.

2008-26 MINOR SUBDIVISION – MARY LOU JANSSEN AND CLAYTON CARL – County Route 7

Mary Lou Janssen and Clayton Carl appeared before the Board with Daniel Russell for a Minor Subdivision on County Route 7. Ms. Becker made note of the fact that an application fee in the amount of Fifty (\$50) Dollars was due to the Town of Copake. Ms. Janssen provided a check in the afore mentioned amount.

Mr. Russell informed the Board that a subdivision had been done in 2002 on the property owned by Ms. Janssen and Mr. Carl. Mr. Russell noted that Ms. Janssen was the owner of Parcel 2 which is 18.42 acres. Mr. Russell also pointed out the proposed driveway on the map and noted that Mr. Carl had an approval letter from the County Department of Public Works regarding this. It was Mr. Russell's belief that a Board of Health approval would be required regarding for Parcel 2B.

Ms. Becker noted that there were no covenants or deeds required as they were dealing with a field survey but agreed that approval as well as a Perc Test would be needed from the Board of Health. Mr. Carl informed the Board that the test could be performed as early as Saturday, December 6th if the weather permitted. Ms. Becker also requested that the Zoning District be added to the map and questioned whether any Rights-of-Way were involved in this subdivision. Mr. Russell and Ms. Janssen clarified this on the map that was involved.

Ms. Becker advised that the dimensions of the new property needed to be defined on the map and again noted that a letter from the Department of Health was needed showing where the Perc Test for the septic system had been performed.

Mr. Grant asked if letters from the adjoining land owners could be obtained approving the site revision in lieu of a Public Hearing. It was decided by all that a Public Hearing would be scheduled for the next meeting.

The Board accepted the map from Ms. Janssen and Mr. Carl as a preliminary sketch and noted that a Public Hearing would be scheduled for the January meeting. Inasmuch as the January

meeting date would fall on January 1, 2009 a date would be determined for the next meeting and all parties involved would be notified.

2008-27 BOUNDARY LINE ADJUSTMENT – JOHN SWIATEK – Lakeview Road

Dan Russell appeared representing John Swiatek and informed the Board that Mr. Swiatek wished a Boundary Line Adjustment for his Lots on Lakeview Road in Copake Lake. Mr. Grant advised that when he did his subdivision one of his neighbors was against any lots less than one (1) acre.

Mr. Russell acknowledged that fact and noted that he intended to speak with Mr. Swiatek regarding this. Mr. Russell planned on suggesting that this parcel be slightly larger than one acre. Mr. Grant was concerned that problems could arise inasmuch as there didn't seem to be enough road frontage. Mr. Russell asked what the required frontage was noted that the frontage would be somewhere over one hundred (100) feet.

Mr. Grant questioned the dimensions of the lots and Mr. Russell clarified that Mr. Swiatek was transforming Lot 10 which is 1.6 acres into a 1 acre parcel and would then merge the remaining .6 acre into Lot 9 making that a 1.6 acre parcel.

Ms. Becker asked Mr. Russell if Mr. Swiatek wished to appear before the Board at next month's meeting. Mr. Russell informed her that this was Mr. Swiatek's intent and Ms. Becker accepted the map as a preliminary sketch and acknowledged that a Public Hearing for a Boundary Line Adjustment would be scheduled for next month's meeting. This is a Boundary Line Adjustment within a previously approved Sub-division.

MINUTES

On a motion made by Mr. Grant and seconded by Mr. Pilch the Board voted unanimously to accept the minutes of the November 6, 2008 meeting.

ADMINISTRATIVE

Columbia County Referrals - Ms. Becker informed the Board that the Columbia County Planning Board would like to avoid reviewing certain items. She noted that the only item she was concerned with was the one dealing with mining operations. She pointed out that the County did not want to review any Variances, Site Plan Reviews or Special Permits for Mining Operations of a scale that would not require mind land reformation permits. Ms. Becker wondered if that was in conflict with the Town Law. Mr. Grant pointed out that the Town Law covers mining and did not know why the County would not want to get involved. Attorney Howard clarified that it was the County's intent for the Board to ask the Town Board not to forward this information. He also pointed out that if the Board did not pass a resolution saying they will not forward the information, the County would still respond to anything forwarded to them. Attorney Howard clarified that the County was asking the Board to cross things off their list but noted that the Board did not have to comply with this request. Mr. Urban questioned whether everything could

be crossed off with the exception of mining. Mr. Grant noted that mining regulations were governed either by the DEC or Town regulations as the County doesn't have anything to say regarding this. Mr. Becker noted that the County didn't want to review anything below this threshold and wondered whether this was in conflict with the Board's zoning regulations. Mr. Grant did not believe this was the case. Attorney Howard agreed that none of this could be in conflict as the Town's local law. He noted that the County was requesting that the Board pass a law so they would not have to consider this. Ms. Becker felt the Board could make a recommendation to the Town Board regarding this. Mr. Grant offered to review this subject as well so that Ms. Becker could respond to the County. Attorney Howard advised that the Board could always forward something to the County if they were particularly concerned about a certain matter and noted that this would waive the thirty (30) day waiting period allowing more freedom. He believed there was no reason not to agree with this.

Rescheduling of the January Meeting – Ms. Becker advised the Board that the next Planning Board meeting date would fall on January 1, 2009 and therefore would need to be rescheduled. She noted that the dates of January 6 & 7 were available. After a brief discussion the date of January 7, 2009 would be set for the next meeting and all parties would be informed of this date.

Housing Resources – Ms. Becker advised the Board that since the last meeting, she received a call from Jim Galvin from Columbia Economic Development Corporation (also referred to as the Hudson-Columbia Partnership) informing her that Housing Resources was applying to them for funding in order to complete their Site Plan Review project. Mr. Galvin wanted to know what the Board's requirements were and Ms. Becker advised him that the Board's basic requirement would be that Housing Resources establish a \$10,000 Escrow Deposit before the Board started working with them again. Mr. Galvin also questioned the time frame to complete the Site Plan Review and Ms. Becker informed him that the time frame was in the range of six months to a year. Ms. Becker noted that she had heard nothing from Kevin regarding this and expressed her wish for the Board to put some kind of time-frame on this review. Attorney Howard acknowledged that this was reviewed at a prior meeting and advised that the Board could send a letter after a certain amount of time such as three to six months, asking the applicant to respond ten days before the next meeting or the Board would deem this application abandoned. He clarified that the Board was not taking any action by sending a letter but rather stipulating that they would take action if no response was received. Lisa DeConti questioned whether the Board was allowed to deem an abandonment. Attorney Howard believed that this was not an issue inasmuch as an uninterested applicant would not respond and an interested applicant would move forward. He would look into this but did not believe this to be a problem. Ms. Becker acknowledged that a letter would be sent to Housing Resources regarding this and if they were not heard from within the proper time period action would be taken at the following meeting.

Economic Planning Commissioner – Ms. Becker asked the Board if they were aware that there was a new Commissioner of Planning and Economic Development in Columbia County named Kenneth Flood. She noted that this was a newly created position at the Columbia County Planning office whereas Mr. Flood would assume the duties now held by the Director of Planning Roland Vosberg and Columbia Economic Development Corporation director James Galvin.

Building Expansion Procedure – Ms. Becker informed the Board that Building Permits were being issued for additions to buildings on a regular sized conforming lot that did not require a Site Plan Review for the original building. She expressed concern that the Board did not have

any regulations to address this. Mr. Grant believed that the Board's regulations were pretty clear whereas any building over 3,000+ square feet. Ms. Becker questioned whether this was something that the Building Inspector should be responsible for to which the Board agreed. Attorney Howard questioned whether there was a time-frame on this and pointed out that if the addition did not require a Site Plan Review the Building Inspector was following the rules. He suggested building a time-frame into the regulation. Mr. Grant believed that it was the total square feet of a building that mattered and additions needed to be calculated into the original structure. Ms. Becker would speak to the Building Inspector as to what procedure he was following. Attorney Howard was not sure that the wording of the regulation required additions to be calculated into the original building. It was acknowledged that the regulation did not refer to aggregate square footage. Lisa DeConti questioned whether that included separate buildings, inasmuch as separate buildings were a part of the site Mr. Becker was referring to. Mr. Grant acknowledged that this would be subject to the laws describing accessory structures.

New York Planning Federation Membership – Ms. Becker notified the Board that membership in the New York Planning Federation needed to be renewed at the price of \$150.00.

Stella Anastasia Letter – Ms. Becker informed the Board that a letter was received from Stella Anastasia opposing the Larry Linder Boundary Line Adjustment.

Consultant Schedule for 2009 – Ms. Becker asked Attorney Howard if he wanted to be taken off the schedule should the Board encounter an extremely slow period in the coming months. Attorney Howard acknowledged that this was up to the Board's discretion. Mr. Grant suggested approaching this matter on a case by case basis depending on what was on the agenda. Attorney Howard had no objection to this but could not guarantee his availability under those circumstances. He was in agreement to this on a short term basis but would reconsider this in the long term.

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.**
- 2007-11 MAJOR SUBDIVISION – FLS – Farm Road – Karen B. Cohen**
- 2008-07 SITE PLAN REVIEW - CATAMOUNT DEVELOPMENT CORP. – State Route 23**
- 2008-23 MINOR SUBDIVISION/BLA – Lawrence Linder and Sandra Batpie – Lakeview Road (Taconic Shores)**
- 2008-24 MINOR SUBDIVISION – Al Fair – Breezy Hill Road**
- 2008-21 MAJOR SUBDIVISION – Michael B. & Barbara S Braunstein – Off Golf Course Road**

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Mr. Pilch the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:40 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 10 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:

Copake Valley Farm

November 8, 2008 Becker to Perry (1)

Roe Jan Library

November 8, 2008 Becker to Perry (1)

November 19, 2008 Stalker to Beker (2)

Belfonte

Declaration of Covenants (3)

Administrative

Sample Resolution (3)