



COPAKE PLANNING BOARD

NOVEMBER 5, 2009

MINUTES

DRAFT

Please note that all referenced attachments, comprising 3 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.

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Marcia Becker, Chair. Also present were John Brusie, Chris Grant, George Filipovits, Skip Pilch and Jon Urban. Gray Davis and Planning Board Attorney Lawrence Howard were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None

PUBLIC HEARING

2009-11 BOUNDARY LINE ADJUSTMENT – Charlene Grant and JOSEPH LAPORTA – Route 7

On a motion made by Mr. Brusie and seconded by Mr. Filipovits the Board voted unanimously to wave the reading of the Public Hearing. On a motion made by Mr. Brusie and seconded by Mr. Filipovits the Board voted unanimously to open the Public Hearing. Ms. Becker asked if anyone wished to speak on this application. Being none, on a motion made by Mr. Brusie and seconded by Mr. Pilch the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2009-11 BOUNDARY LINE ADJUSTMENT – Charlene Grant and JOSEPH LAPORTA – Route 7

Joseph LaPorta appeared before the Board representing Charlene Grant. Mr. LaPorta presented the Board with several copies of the revised maps to which the surveyor added the boundary lines, the stake location, the house and driveway location off of Cove Road and the District Zone. Mr. LaPorta noted that the “R” District was noted at the bottom of the map.

Ms. Becker acknowledged that the width of the dirt road off Route 7 was accounted for on the map as well. Mr. LaPorta advised her that the property being purchased by Angelo and Francis Ambrosia will not abut the road and noted that the road is a private road to which the Ambrosia's have no access. Ms. Becker questioned whether the Ambrosia's could gain access to this road. Mr. LaPorta explained that access could not be granted inasmuch as the road is not an approved road by the Town as it does not meet Town specifications. Ms. Becker questioned whether Ms. Grant could convey access of the road to the Ambrosias. Mr. LaPorta pointed out that, as per Town specs, any future subdivision of Parcel 2 would require upgrading of the dirt road. Ms. Becker asked if this issue had been addressed and Mr. LaPorta acknowledged that it had on Note 6.

Ms. Becker noted that in last month's minutes, a copy of the deed was requested so that the Board would be aware of any restrictions pertaining to this property. Mr. LaPorta did not have a copy of the deed but assured the Board that there were no restrictions or covenants associated with this property. Gloria Lyons, Ms. Grant's sister, presented the Board with a copy of her deed which the Board would review at a later time. Mr. LaPorta advised the Board that he would provide Ms. Grant's copy of the deed if this was not sufficient.

On a motion made by Ms. Becker and seconded by Mr. Filipovits the Board voted unanimously to conditionally approve the Boundary Line Adjustment for the lands of Charlene Grant merging Parcels One (1) with Parcel Two "A" (2A) from a survey made by Dan Russell dated November 4, 2009 subject to review of the deed.

After the reading of the SEQR, on a motion made by Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to make a Negative Declaration on the SEQR for Charlene Grant.

2009-9 MINOR SUBDIVISION – CARL CAMPBELL & KRISTA PROPER – Bloody Hill Road

Larry Proper appeared representing Carl Campbell and Krista Proper who are subdividing their property and donating a portion of their property to the Taconic Hills School. Mr. Proper presented the Board with a revised map and noted that Parcel M2 and Parcel M3 would remain one parcel so as to comply with the proper zoning. Ms. Becker pointed out that the size of the combined Parcels was not noted on the map and asked Mr. Proper to make that notation on the map.

Ms. Becker acknowledged that inasmuch as these lots would remain as one Parcel the three (3) acre requirement has been met and noted that this has not been accepted as a Preliminary Sketch. The Check List was reviewed. Ms. Becker asked if any covenants or restrictions apply to the subdivision. Mr. Proper assured her that there are no restrictions on the subdivided land.

Mr. Grant questioned whether a Perc Test will be required. Mr. Proper advised the Board that a Perc Test had been done on Parcel 2A. Ms. Becker noted that a Perc Test is not necessary if one had been performed on Parcel 2A but informed Mr. Proper that the Board would need documentation from the Board of Health regarding this. Mr. Brusie pointed out that this also needed to be documented on the map. Mr. Grant also pointed out that the merged lots need to be noted on the map as well. Ms. Becker also advised that a description is needed on the document stating whether the merged Parcel includes the Parcel that had been Perced or a Perc Test will be

required. Ms. Becker also informed the Board that the Perc documentation for Parcel 2A is needed as well as documentation stating that Parcel 2A is being merged with the Parcel in Taghkanic.

After the Check List was completed, on a motion made by Mr. Grant and seconded by Mr. Pilch the Board voted unanimously to accept this map as a preliminary sketch, classify the application as a minor subdivision and schedule a Public Hearing for next month's meeting.

2009-10 MINOR SUBDIVISION – GLORIA LYONS – County Route 7

Gloria Lyons appeared before the Board regarding the property she wished to sell to her neighbor on Route 7 that appears to be in two separate districts. Ms. Becker advised the Board that she asked the Town Engineer, Doug Clark to clarify the zones in which Ms. Lyons' property is located. Mr. Clark supplied an enlarged map of Ms. Lyons' property which is divided between Zones "R-2" and "R".

A long discussion and interpretation ensued regarding the Town Code. Mr. Grant's interpretation was that more of the property was within the "R-2" zone and suggested speaking to Attorney Howard regarding this.

Mr. Urban pointed out that with the Boundary Line Adjustment, the land would be located more within the "R-2" zone which would accomplish what Ms. Lyons is requesting. Mr. Grant advised that the Town Code has to be followed and agreed that the property, although separated into two zones, is located more within the "R-2" zone.

Ms. Becker advised the Board that she discussed this with Attorney Howard and he informed her that a non-conforming lot could not be created. Ms. Becker's question was whether a non-conforming lot was or was not being created. Ms. Becker then advised the Board that Attorney Howard advised her that Ms. Lyons had the option of going before the Zoning Board for an area variance if a non-conforming lot would be created. The Planning Board would then have to deny Ms. Lyons' application so that she could proceed to the Zoning Board.

Mr. Urban believed that a non-conforming lot was not being created in this instance inasmuch as it is clearly in the "R-2" zone. Ms. Becker questioned which zone is the less restrictive of the two. It was the Board's opinion that the "R-2" zone was the less restrictive of the two.
(Reference 232-6 D)

On a motion made by Mr. Brusie and seconded by Mr. Pilch the Board voted unanimously to accept Gloria Lyons' Boundary Line Adjustment as a preliminary sketch from a survey map by Alvin Hunnell dated April 19, 2004, classify as a minor subdivision and schedule a Public Hearing for the next month's meeting.

MINUTES

Ms. Becker asked for a motion to approve the minutes of the October 1, 2009 meeting. There being no changes, on a motion made by Mr. Brusie and seconded by Mr. Pilch the Board voted unanimously to accept the minutes of October 1, 2009 meeting.

ADMINISTRATIVE

TOWN REVITALIZATION: - Ms. Becker informed the Board that a new group “Around the Clock” had been formed to revitalize the village. She noted that a large group of people attended the program. Mr. Brusie asked if any of the down-town non-operational business owners attended. Ms. Becker said they had not and noted that Mike Fallon, of the Auction House, was the only one present. Ms. Becker informed the Board that she consulted with the Building Inspectors regarding the empty General Store and after inspecting the property was told there were no health or safety violations on the property. Ms. Becker pointed out that the Copake Inn has people living there, including the owner. It was mentioned that a sign was posted in the front of the building advertising rooms for rent. Ms. Becker also noted that there are several building and fire code violations for that building but the building inspectors are unsure of what can be done at this point. Ms. Becker also noted that Gary Singh reportedly has people living in his building illegally without any permits. She told the Board that Ed Ferratto contacted the Town Attorney to see if there was any way the Town could prove that anyone was living there. Mr. Filipovits questioned whether the IRS could be contacted regarding the receipt of illegal rents.

VACANCY: – Ms. Becker brought up the fact that Mr. Grant’s seat will be up this year and questioned what his intent was going forward. Mr. Grant advised her that he sent a letter to the Town expressing his interest in remaining on the Board.

OUTDOOR WOOD BURNER: – Ms. Becker advised the Board that Attorney Howard is writing a law regarding Outdoor Wood Burners. She is working on a draft memo regarding Junkyard and Motor Vehicle Storage with the Task Force which will be presented to the Town Board.

TRAINING: – Ms. Becker advised the Board that she has been receiving a considerable amount of mail from the State regarding the training of people in Environmental issues.

BRAUNSTEIN: – Ms. Becker informed the Board that she received an update from Mr. Braunstein who is still active and looking at the driveway situation.

UPDATE LETTERS: – Ms. Becker advised the Board that letters had been sent out to all Carry-Over applicants asking of their intent going forward.

NEILSEN: – Mr. Grant asked if anything had transpired regarding Mr. Neilsen’s application. Ms. Becker informed him that the ZBA realized that they have to refer the application to the County Planning Board because it is within five-hundred feet (500’) of County Route 7. Ms. Becker also noted that Attorney Howard advised them to do this because if the procedure is not followed exactly, the decision can be overturned based on the fact that procedure was not followed.

CARRY OVER

The following matters were carried over to the next meeting:

- 2009-5 BOUNDARY LINE ADJUSTMENT– JOHN HILLIARD – Deer Track Lane**
- 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**
- 2008 – 25 SITE PALN REVIEW – Steve and Joan McMasters – Breezy Hill Road**

ADJOURNMENT

There being no further business, on a motion made by Mr. Brusie and seconded by Ms. Becker the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 7:50 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 3 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

October, 2009	Gloria Lyons Map (2)
October 20, 2009	Copake Economic Advisory Board Meeting (1)