DRAFT

Please note that all referenced attachments, comprising 17pages, 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 March 6, 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, Gray Davis and Jon Urban. Paulette Bonanno served as secretary of the meeting in order to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None.

SUBDIVISION

2008-04 Scholz, Estate of Alfred G. – Minor Subdivision/BLA - Black Grocery Road

Ms. Becker noted that the application requires classification as a minor subdivision with simultaneous boundary line adjustment. On a motion made by Mr. Grant and seconded by Mr. Davis the Board voted unanimously to classify this as a minor subdivision and simultaneous boundary line adjustment.

PUBLIC HEARING

2008-04 Scholz, Estate of Alfred G. – Minor Subdivision/BLA - Black Grocery Road

On a motion made by Mr. Grant and seconded by Mr. Davis, the Board voted unanimously to waive the reading of the public notice. Ms. Becker asked if anyone present wished to speak to this matter. There being no one, on a motion made by Mr. Grant and seconded by Mr. Davis, the Board voted unanimously to close the public hearing.

Virginia Sander, Executrix of the Estate, provided copies of the deed to Parcel 2 of Alfred G. Scholz dated December 15, 1945. Mr. Grant noted that the deed references 65 acres and that there is nothing in the deed restricting the subdivision.

The proposal is to subdivide Parcel 1 (one acre) from Parcel 2 and simultaneously merge it to Lot 601, P. 32. This will result in Ms. Sander's lot increasing in size from approximately one acre to approximately two acres. Four lots will remain, unchanged from the four in the existing subdivision.

The short form SEQR was completed and executed. On a motion made by Mr. Grant and seconded by Mr. Davis, the Board voted unanimously to make a negative declaration.

On a motion made by Mr. Grant and seconded by Mr. Davis, the Board voted unanimously to approve the minor subdivision of the Lands of the Estate of Alfred G. Scholz, pursuant to the map dated Revised March 4, 2008, prepared by Alvin Huehnel, and to simultaneously merge Parcel 1 with adjacent Lot 601, P. 32, the lands of Virginia Sander.

SUBDIVISION/SITE PLAN

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

John Baring and his architect, Don Pulfer, appeared to discuss site plan review of a proposed new home to be located on a hill off Chrysler Pond Road. The zoning is R. The existing driveway will be abandoned and a new gravel drive will be added; however, the existing curb cut will be used. A new well will be drilled, and a geothermal system will be used. Septic test pits will require a raised bed system. The house will have a metal roof with a long-lasting baked on finish; solar panels will be placed on the garage. The finish will be mostly stucco with some cement siding and/or metal panels.

The Board raised drainage issues because of the size of the structure at 4,788 sf and was advised that the water will be collected with gutters, and rain water leaders will take it off grade.

The preliminary sketch plan dated February 27, 2008, was accepted. (*I think we should have had a motion on this, which we can do at the April meeting.)*

The site plan checklist was then reviewed. Items that need to be addressed are:

- grading and drainage plan
- size of the septic tank and description
- septic approval from the CCDOH
- locater on site plan
- plan to show existing functional culvert under the driveway entrance

It was determined that a landscaping plan was not needed because the site is wooded.

Ms. Becker noted that the Fire Dept. recommends sprinklers in large homes where water access is limited. Mr. Pulfer responded that without a public water supply, sprinklers are not a solution.

The Board determined that a public hearing was not needed. Because the existing curb cut was being used, Highway Superintendent Proper's approval is not required.

2003-01 REVISION – MINOR SUBDIVISION/SITE PLAN REVIEW - CATAMOUNT DEVELOPMENT CORP. – State Route 23

Dale Salsman of Neopolis Consulting, the applicant, appeared to discuss the possibility of revising the major subdivision plan for this condominium hotel necessitated by reduced financing available in debt and equity markets over the past year. The lack of availability of capital to fund the extensive infrastructure required for the previously approved 125-suite condominium hotel is forcing the developer to pursue a phased approach.

The hotel was to comprise four buildings on ten acres. He stated that a rough approximation of how the construction of units was to be phased is: 75 in Buildings 1A & 1B; 35 in Building 2; and 15 in Building 3. The infrastructure is currently estimated at $6-$7 Million and consists of roads, sewage treatment plant and highway improvements as well as water source, fire fighting, emergency road access, and commercial components. The most significant costs will be excavation and the sewage system for the full project. Because NYS law does not permit phased condominium, a phased Planned Unit Development (PUD) is being considered. This will allow for phased sales because each PUD will be independent.

Mr. Salsman's attorneys have advised that in order for any changes to be considered by the Planning Board, the matter has to be referred back to the Planning Board from the Town Board. Therefore, first the matter will be brought before the Town Board, in April at the earliest, prior to making of any formal request to the Planning Board. He envisions that he will obtain Planning Board approval and financing for each individual phase.

He said that at issue was the size of each PUD and how that relates to the infrastructure. He indicated that a minimum of 40 units is needed in order to absorb the cost of a basic infrastructure (somewhat smaller than that previously approved for the entire 125-suite development) and also to gain access to lenders. Since a basic infrastructure is still very costly, at this time he is exploring reducing the size of the first construction phase from that previously approved so that only Building 3 is built. Three adjacent vertical PUDs of 8 units each with zero lot line is being proposed. The structures will continue to be multistory. This approach would use the existing infrastructure but would include construction of a new septic system and not a sewage treatment plant. The proposed septic system will then be replaced when the sewage treatment plant is installed later on when the subsequent phases are built out. It was also noted that the existing Town road will not change but that an emergency access road will still be needed. Mr. Salsman stated that the existing roads serve the 20 units in place now.

The Board advised that because Copake zoning ordinance does not allow for PUD development, any revision will take much time. In order to add PUD developments to the code, a public hearing at the Town Board level will be required and possibly one at the Planning Board level. Mr. Grant suggested simply dividing out a parcel as a subdivision without any zoning change. Mr. Salsman indicated that this will not work because Town rear and side yard setbacks will have to be met as well as water encroachments addressed. He noted that the project has been given significant variances already.

Mr. Salsman suggested that his attorney thought a Planned Commercial-Industrial District (PCID) might be designated, but Mr. Grant responded that this was intended for industrial use.

Mr. Grant suggested that Mr. Salsman's attorney could draft PUD language for the Town to initially consider. Mr. Grant noted that revisions will also require consultation with environmental conservation, transportation, health and fire agencies. There is also the question of how the Environmental Impact Statement might need to be revised. Mr. Salsman felt that a new EIS will not be required.

Ms. Bonanno noted that before any expenditure can be made by the Town for professional fees to evaluate any project revisions, the Board must pass a resolution creating an escrow and the escrow had to be funded by the applicant.

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

Ms. Becker noted that the most recent Environmental Assessment Form (EAF) identified easements onto the Marvin land that had not yet been obtained. She reported that she has asked the applicant, Steve Griggs, to obtain them in consultation with Planning Board attorney Lawrence Howard and to return to the Board for final approval with the executed easements. Final approval must also stipulate that bond estimates are good for one year and must be posted before a Copake building permit is issued.

OPINION

Lindsay LeBrecht-Funk appeared and provided a letter from her husband's attorney authorizing her to represent him before the Board. Because they are in the process of a divorce they are exploring options. She provided a map of their property on Birch Hill Road located in an R-2 zone. She is seeking a determination that it is acceptable to use the middle cottage as a home office for a home occupation. The cottage has two halves—both have kitchens and baths.

After some discussion of various sections of the code, it was determined that the cottage is an accessory dwelling unit. It was determined that she will be able to use the cottage as a home office based on Section 232-15 of the Code defines Home Occupation. It states, "Any gainful occupation carried out within a residence or accessory structure that is customarily conducted within a dwelling by the residents thereof and is clearly secondary to the residential use and does not change the character of the premises as primarily a residence."

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.

2006-33 MAJOR SUBDIVISON – Birch Hill Road – Birch Hill Partners, LLC

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

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

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

2008-02 MINOR SUBDIVISION – Overlook Road – Tilly Hill, Inc./Neil Costa

ADMINISTRATIVE

Classification of Fees

Ms. Becker advised that questions had been raised about the site plan review process fees being payable at the same time a subdivision is approved. Ms. Becker referred to Sect. 232.A (4) (8) of the code that addresses Integration of Procedures, "Whenever the particular circumstances of proposed development require compliance with either the special use procedure in this chapter or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance." Mr. Davis noted that when application is made to the Building Dept. for a permit and the conditions of Sect. 232-23A are met, then an applicant may have to return to the Planning Board to have a site plan review specific to the proposed structure.

Road Naming

Ms. Becker advised that no negative comments were received concerning the naming of the common driveway on the Steiner Property subdivision at Two Town Road. Therefore, the Planning Board will recommend to the Town Board at its next meeting that the driveway road be named Copake Valley Road.

Interview of Applications for Planning Board Members

The Board convened to executive session to interview the applicants for Planning Board members. Upon return to the regular meeting, the consensus of the Board was to recommend George Filipovits to the Town Board to fill the vacancy at the Planning Board and recommend Edward "Skip" Pilch, Jr., as an alternate.

Comprehensive Planning Committee

The Board selected Jon Urban as its representative and Gray Davis as the alternate to the Comprehensive Planning Committee.

MINUTES

On a motion made by Mr. Davis and seconded by Mr. Grant, the Board voted unanimously to approve the minutes of February 7, 2008, with changes to

2008-04 Scholz, Estate of Alfred G. – Minor Subdivision/BLA - Black Grocery Road

1. Page 5, change name to Alfred G. Scholz and last line to: "Theresa DeRocha, owner of Lot 599, P. 503, which is adjacent to Ms. Sander's lot, also appeared as did Krista Goodacre, her sister, and their father, John Wilkinson, spouse of deceased Ann Marie Wilkinson."
2. Page 6, add to first paragraph: "The deed for the 53 acre lot must be transferred from the Estate to its three heirs: Virginia Sanders, Frances Stang, and the heirs of Ann Marie Wilkinson."

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:20 p.m.

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Marcia Becker, Chair

Please note that all referenced attachments, comprising 17pages, are on file with the Copake Town Clerk and in the Planning Board office. <u>The referenced attachments are filed in the individual project files.</u> An annotated listing follows:

<u>Birch Hill Partners, LLC</u>

February 28, 2008 Prendergast to CPB
February 28, 2008 Spampinato to Becker
February 19, 2008 Prendergast to Proper
February 19, 2008 Prendergast to Baker

<u>Catmast Development Corp. (Stone Gate)</u>

February 28, 2008 Spampinato to Becker
February 14, 2008 Clark to Schmitt

<u>Catamount Development Corp</u>.

February 25, 2008 Becker to CPB

<u>CJ Realty LLC</u>
February 14, 2008 Fetherston to Bonanno

<u>John Mengler</u>
February 14, 2008 Becker to CPB

<u>Administrative</u>
March 8, 2008 Becker to Town Board
March 3, 2008 Becker to Town Board
February 14, 2008 CPB to Crowley
January 25, 2008 Masters to Crowley