



COPAKE PLANNING BOARD

MAY 7, 2009

MINUTES

DRAFT

Please note that all referenced attachments, comprising 20 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, Gray Davis, George Filipovits, Chris Grant, and Skip Pilch. Jon Urban and Attorney Lawrence Howard were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

2009-3 MINOR SUBDIVISION – CHARLES PECK – Center Hill Road

Donna Peck appeared representing Charles Peck. Ms. Peck presented a letter from Mr. Peck giving her the authority to speak for him.

Ms. Peck explained that Mr. Peck would like to combine the present three piece parcel into a two piece parcel. She explained that there is one deed for the property and the intent is to file a map that has Parcel A and B combined into one piece and Parcel C as a separated piece.

Mr. Grant noted that the Board should have a copy of the deed inasmuch as they need to make sure there are no restrictions regarding subdivision of the property. Ms. Becker advised Ms. Peck that the maps were not stamped by the surveyor and requested a stamped map as the final version. She also pointed out that the Zoning District did not appear on the map and requested this to be shown on the new map as well. Ms. Peck acknowledged that a final map would be provided.

The Board accepted the map as a Preliminary Sketch and classified it as a Minor Subdivision. A Public Hearing was scheduled for the June meeting. (A check for \$50.00 was received with the application prior to the meeting.)

Mr. Grant made note of the fact that all utilities need to be underground. A discussion ensued regarding this and Ms. Peck acknowledged that she was aware of this requirement but was not advised of this by the electric company regarding the property in question. There was a question as to whether this applied only to Major Subdivisions. It was concluded that this would apply where ever possible.

2009-2 SITE PLAN REVIEW – SALVATORE CASCINO – 22 Lackawanna Road

Attorney Dennis Schlenker and Project Manager David Wiener appeared representing Salvatore Cascino. Mr. Schlenker explained that the property consisted of 8.6 acres and questioned whether everyone was aware of the history of the demolition of the Duksa Farm house. Ms. Becker noted that she looked through the old records and got the old assessment records for this property and pointed out that this seems to be a separate lot. She read a letter from Robert Trotta stating that “the improvement formerly known as Farm House on Lackawanna Road has been removed and should be removed from your assessment roll. Kindly inform with this office that you have removed same from value of farm and the amount of annual yield you had attributed to this structure.” Mr. Schlenker added that the house was taken off the tax roll. Ms. Becker pointed out that the land seemed to be separate and was not rolled into the adjoining property.

Ms. Becker acknowledged the demolition permit. Mr. Schlenker pointed out that the Site Plan for a house was straight forward and noted that Mr. Cascino’s intended use was for that of a residence for his wife, two children and grandchildren. He also noted that Mr. Cascino planned on being the General Contractor for the project and would be using sub-contractors and local people with licenses as electricians and plumbers. He pointed out that he had spoken to Mr. Shadic regarding this and any inspection process he wishes to engage in.

Mr. Schlenker acknowledged that the reason he was before the Board was due to the fact that the project exceeds the square footage of the Town’s 232-23 Site Plan Review requirement regulation. He also noted that the cost of the project was estimated at three-hundred-thousand dollars (\$300,000.00) inasmuch as Mr. Cascino was acting as his own General Contractor and had access to materials which would save him money.

Mr. Wiener explained that the house was to replace the one that was demolished and is a four (4) bedroom with four and a half (4½) baths. He believed that including the garage as habitable space was what put the square footage over.

Ms. Becker acknowledged that there was concern regarding the existing septic system and noted that the Building Inspectors recommended that the septic system be pumped by an authorized contractor who can certify its size and whether it is in good working order. Mr. Wiener questioned whether this would be a condition of the permit to which Ms. Becker responded with a ‘yes.’ Ms. Becker noted that the house this project would be replacing was a five (5) bedroom two (2) bathroom house and pointed out that no one knows what the existing septic system consists of and whether it is in working condition or not. Mr. Schlenker assured the Board that

whatever issues pertaining to this would be addressed and made note of the fact that no one wants any problem with this at all.

Ms. Becker provided Mr. Wiener with the current standards for a septic system for a four (4) bedroom house and questioned whether the existing system would meet these standards. She also acknowledged that they were not aware of the location of the existing septic system and noted that the location of the tank and the leaching fields needed to be put on the site plan. Mr. Grant pointed out that the Board also needed to be made aware of the location of the well inasmuch as there is a 100 foot buffer zone between the proposed house and the Noster Kill.

Ms. Becker brought up the question of “grandfathering” if the tank and field were found within the 100 foot buffer and noted that this should be discussed with the Building Inspectors. Mr. Davis believed it would have to be relocated because “grandfathering” would not apply since the previous house had been removed in 2007, and you wouldn’t want to damage the wetlands or streams. Ms. Becker was not sure about the matter of “grandfathering” any septic system remaining on the site. Ms. Becker believed this matter would need to be discussed with the land use attorney. Mr. Schlenker believed this could be worked out. Ms. Becker pointed out that the code stipulated that a septic system must be 150 feet from any water body.

After review of the check list it was decided that the site elevation would be added to the sketch as well as the surveyed boundaries, septic location, well location and drainage run-off plan from the structure. The Zoning District would be added as well.

The plan was accepted by the Board as a Preliminary Sketch and the project was classified as a Minor Site Plan. It was also acknowledged that a Public Hearing was not required. The application fee in the amount of fifty dollars (\$50.00) was received and the sketch would be amended for the next meeting.

2009-4 MINOR SUBDIVISION – MICHAEL & EILEEN COHEN – High Meadow Road

Scott Cohen appeared before the Board with Michael Cohen, representing the subdivision. Ms. Becker acknowledged that the application, letter and application fee of \$50.00 had been received prior to the meeting. Scott Cohen explained to the Board that the subdivision was part of estate planning and noted that he had appeared before the Board previously with a version of this plan.

Ms. Becker noted that the word “proposed” appeared in several places on the sketch and this would need to be clarified on the final sketch. Ms. Becker questioned the width of the building site on Parcel 2 on the sketch and asked whether there was enough room building for set-backs. Scott Cohen explained that the distance was adequate due to the sketch scale.

Mr. Grant questioned whether Mr. Cohen had Board of Health Approval (BOHA) and Mr. Cohen advised that he had approval for everything.

In regard to the Flag Lot portion of the conditions, Ms. Becker noted that the utilities needed to be buried. Mr. Cohen acknowledged that there were already utilities that existed prior to when his family had acquired the land and were above ground. He also noted that it was his intent to have any further utilities buried. Ms. Becker noted that the pole portion should not exceed 750

feet and the Board may waive this if the longer pole did not negatively impact land and provided adequate access. The Board did not feel this had any negative impact.

After review of the check list and conditions Mr. Grant asked if the proposed leach field was shown on Parcel 2. Ms. Becker questioned whether the map had the surveyor's name on it and it was decided that the final map would include this.

Mr. Cohen clarified that for the next meeting he needed to change the word "proposed" on the sketch, make sure that he had all the BOHA letters and also needed to supply the Board with a copy of the deed.

The Board accepted the map as a Preliminary Sketch, classified it as a Minor Subdivision and scheduled a Public Hearing for the June meeting.

2009-5 BOUNDARY LINE ADJUSTMENT– JOHN HILLIARD – Deer Track Lane

Ms. Becker advised the Board that she had received a call from John Hilliard to appear before the Board. Mr. Hilliard informed the Board that he was requesting a Boundary Line Adjustment in order to return his in-law's pool to them.

He provided the Board with the original map that the Planning Board approved in 2004. He noted that at that time part of the lot next door was combined with a 1.027 acre lot owned by George and Cathy Beneke who installed a pool. Mr. Hilliard pointed out that the property line was on the far side of the Beneke's pool at that time. He advised the Board that his wish is to move the property line to the other side of the pool so that the Beneke's could have their pool and shed back.

Ms. Becker advised that for example, adjacent lots in Taconic Shores are adjusted and re-filed but that would be a case of one person owning the adjoining pieces of property. She clarified that in this case the properties are owned by more than one owner. Ms. Becker's question was whether the Board needed to go through a Boundary Line Adjustment and Public Hearing.

Mr. Grant questioned what Zoning District the property was in and it was clarified that the District was the R-1 District. Mr. Hilliard made note of the fact that his lot is an 8.6 acre lot and he is planning to have a new survey done and believed he needed Board approval to do this.

Ms. Becker was undecided as to whether a Public Hearing was needed for this inasmuch as Mr. Hilliard did not own both pieces of property. Mr. Grant suggested that Mr. Hilliard obtain letters from his abutting neighbors. Ms. Becker clarified that this was a Preliminary Sketch classified as a Boundary Line Adjustment. Ms. Becker advised that the Board would need a new map. Mr. Hilliard agreed that a new surveyed map would be provided along with a new deed, letters from the abutting neighbors and an application fee in the amount of fifty dollars (\$50.00).

MINUTES

It was noted that the following paragraph of the March 5, 2009 minutes should be amended to read “*Mr. Brusie suggested amending this through the Comprehensive Planning Committee*” instead of the “*Planning Committee.*”

TIME LIMITS ON APPLICATIONS: – Ms. Becker asked if there were any other opinions regarding Time Limits on Applications. Mr. Brusie felt that a letter should be sent on an application that had been on the agenda for three months if the applicant had not been heard from and nothing had been done regarding this application. Ms. Becker felt that three months was too short a period and suggested a six month time limit. Ms. Becker noted that Attorney Howard advised that the Board could not remove someone from the agenda. Mr. Urban suggested giving Housing Resources a definitive time-line but was advised that this might not be possible. Mr. Grant noted that there was nothing in the Zoning Code allowing the Board to do this and a change would require an amendment to the Zoning Code. **Mr. Brusie suggested amending this through the Comprehensive Planning Committee.** Ms. Becker advised the Board that Housing Resources was not the only application considered in this matter and there were three in the carry-over list that fell into this category. Mr. Brusie questioned whether a letter could be sent to these applicants. Mr. Becker agreed that a letter could be sent asking for a update. Mr. Urban questioned whether some guidelines should be set up regarding this. Mr. Grant advised him that the Board did not have the legal right to do this and this would have to be done through the Zoning and Town Boards. Ms. Becker said this might be able to be done down the road. It was brought up that according to our attorney, it is their land, their project and their money and the Board cannot tell them what to do. The Board does, however, have the authority to look at approvals or permits that could run out of a time-frame and proceed accordingly. Mr. Grant pointed out that even if the application was terminated it could be re-started. It was noted that a Site Plan Approval is good for three years. Mr. Brusie noted that if a project was half done the Board could enforce some regulations by sending an inspector to condemn the project but nothing could be done on an open piece of land. It was questioned whether the Site Plan was approved for Housing Resources but it was clarified that the Preliminary Sketch Plan was accepted. Ms. Becker advised that letters would be sent out to update these projects. Ms. Becker did read a letter from Doug Goodhue suggesting that the inactive applicants be tabled. The Board pointed out that the inactive applications were technically already tabled. Ms. Becker acknowledged that Diana Wilson had approximately sixty (60) letters of no support to submit regarding the Housing Resources development.

On a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to accept the minutes of March 5, 2009 meeting as amended.

ADMINISTRATIVE

CATAMOUNT DEVELOPMENT CORP UPDATE: - Ms. Becker advised the Board that Catamount Development Corp had their Escrow monies returned and everything is on hold at the moment. She noted that their plan was to restart again in approximately a year and a half. Ms. Becker informed the Board that there was a big emergency there as the person who bought the house at the end of Nicholson Road wanted to have the road closed eliminating emergency access from the Catamount parking lot. Mr. Filipovits attended the Public Hearing in Egremont and reported that the Hillsdale Fire Chief and Assistant Fire Chief also attended. He noted that the lawyer representing the new homeowner retracted this action and is not asking to close the road at this time. He pointed out that Catamount has a rope across this road restricting access that could be untied if needed. He also made note of the fact that this action could be reconsidered in the future.

AGRICULTURE AND MARKETS LETTERS: – Ms. Becker advised the Board that she believed that due to the volume of letters from Agriculture and Markets regarding Article 78 it was best that they be viewed in the office by any Board member wishing to do so rather than be copied and distributed to everyone.

STATUS OF ARTICLE 78: – Ms. Becker informed the Board that after speaking with the Judge, Article 78 would not be looked at until the Ag and Markets situation was resolved.

LETTER OF THANKS TO LINDA GABACCIA: – Ms. Becker advised the Board that she had drafted a letter of thanks to Linda Gabaccia to be read in public at the next Town Board meeting. Ms. Becker noted that Ms. Gabaccia was responsible for contacting all the politicians including Senator Saland, and was responsible for letters from them as well as a resolution from the Democratic Committee and the Copake Town Board showing support for the Planning Board regarding its decision on the 13 Lackawanna Properties site plan review in 2008.

HOUSING RESOURCES: – Ms. Becker informed the Board that she received a letter from Housing Resources saying that they had been tied up waiting for one consultant to finish so that the remaining consultants could finish their work. She went on to say that they said they had been promised completion this week and should be ready to return at the Board's convenience. She acknowledged that she received a call from Kevin O'Neill the day before the meeting advising her that they want to get going again. Ms. Becker noted that in order for them to get going again, they must do workshops for the Board. She asked the Board if they felt these workshops should be part of the regular Planning Board meetings inasmuch as the schedule has been relatively light. Mr. Filipovits suggested doing it an hour before the regular meeting. Ms. Becker noted that they are ready to start the workshops next month. Mr. Davis asked if they had financing, however, Ms. Becker was not aware of that fact at this time. It was questioned as to whether a formal application needed to be submitted. Ms. Becker clarified that an application was already on file regarding this. It was then questioned why a workshop was in order. Ms. Becker pointed out that she and Mr. Grant were the only members of the Board presiding when the application was first presented and everyone else needed to be briefed on what the intended purpose of the project is. It was decided that the workshops would be during the regular Planning Board

meetings which would start at the regular time. A question was raised regarding an escrow account for this applicant and Ms. Becker informed everyone that this would be resolved when the Planning Board's lawyer and engineer were present to preside over this matter.

JULY MEETING: – Due to the Fourth of July meeting Ms. Becker asked the Board if they wished to change the regular meeting date. Lisa DeConti brought up the fact that it might be difficult for her to meet the deadline for the Public Records due to the holiday. Mr. Brusie asked if there was a way to pass a resolution to extend the date range for that one meeting. Ms. Becker advised that the Town Board would be able to do this and Ms. Gabaccia said that she would bring the matter of an extension up to the Town Board. It was decided that the regular meeting would remain on July 2nd for now.

DEC PUBLICATION: – Ms. Becker presented the Board with a Publication produced by the DEC that she believed would be helpful to the Planning Board in the future.

TRAINING : – Ms. Becker advised the Board that Training is becoming more and more difficult to get and noted that there is a Training Session on May 14th in Greene County on Residential Water Supply, Residential Septic Systems and Realty Sub-Divisions if anyone wished to attend.

BRAUNSTEIN UPDATE: – Ms. Becker informed the Board that William Spampinato is working with the DEC and the Columbia Health Department and has completed a Field Data including SWIPP Analysis and is expected to continue in progress for the next several weeks. She also acknowledged the Braunstein's wishes to be carried-over until the June meeting.

BUILDING INSPECTOR COPIES: – Ms. Becker asked the Board's permission to ask the Building Inspectors to give us copies of the building permits issued for projects that the Planning Board is familiar with so that the Board could follow up on these applications and close the files. The Board was in agreement with this.

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**
- 2008 – 25 SITE PALN REVIEW – Steve and Joan McMasters – Breezy Hill Road**
- 2006-23 SITE PLAN REVIEW – ROE JAN COMMUNITY LIBRARY – Route 22**

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Mr. Davis the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:10 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 20 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

April 8, 2009	O'Neill to Becker (1)
March 31, 2009	Cosgrove go Crowley/Becker (2)
March 30, 2009	Meyers to Nichols (1)
March 30, 2009	Meyers to Becker (1)
March 27, 2009	Schlenker to Rusnica/Cordler (1)
March 27, 2009	Schlenker to Kimball (2)
March 24, 2009	Howard to Kimball (1)
May 2, 2009	Becker to Copake Planning Board (2)
June 29, 2009	Trotta to Copake Assessor (3)
March 17, 2009	Becker to Copake Planning Board (2)
April 8, 2009	Becker to Gilbert (1)
April 3, 2009	Becker to Epstein (1)
March 17, 2009	Becker to Shadic (1)
	Dunwell (DEC) (1)

Inasmuch as there was no Copake Planning Board meeting for the month of April, the 18 referenced attachments for that month are being placed on file in the May 7, 2009 meeting minutes in the Town Clerk's office.

March 11, 2009	Kimball to Crowley (10)
March 19, 2009	Molinaro to Paterson (2)
March 22, 2009	Saland to Paterson (2)
March 25, 2009	DeConti to Copake Planning Board (1)
March 26, 2009	Democratic Committee (3)