



Copake Planning Board

June 12, 2010

Special Meeting Minutes

Approved
July 8, 2010

A special meeting of the Copake Planning Board was called to order at 10:00 am by Marcia Becker, Chair. Also present were Gray Davis, George Filipovits, and Skip Pilch. Chris Grant, Steve Savarese and Jon Urban were excused. Lisa DeConti served as recorder of the Minutes.

The purpose of the meeting was to review two Site Plans referred to the Planning Board by the Zoning Board of Appeals.

ADMINISTRATIVE

Site Plan Requirements: - Ms. Becker addressed the fact that there are several million dollar properties on the market at Copake Lake. Ms. Becker estimated the present number to be around six (6) to ten (10). Due to that fact, Ms. Becker anticipates more review activity concerning non-conforming structures on under-sized lots and questioned what should be required by the Board for Site Plans that are received from the Zoning Board. She questioned whether expensive professional drawings should be required from everyone. She pointed out that John Houseman, one of the applicants present at the Special Meeting, is building a deck and changing the roof-line on his house. Mr. Davis believed applications should be approached by a case to case, dollar amount basis. Mr. Filipovits suggested a cap over twenty-five thousand dollars (\$25,000). Ms. Becker questioned whether a professional drawing should be required. Mr. Davis believed a drawing by an architect or engineer would make the most sense, once it reached the proposed dollar amount cap. Ms. Becker brought up the fact that the dollar amount is on the building permit. Mr. Filipovits suggested that the proper drawing be requested before the building permit is issued. Ms. Becker noted that Mr. Pilch reviewed Mark Frickey's application and pointed out that it is a whole house addition and renovation which he estimated at one-hundred-thousand dollars (\$100,000). Ms. Becker believed that the Board's policy needs to be changed. The Board was in agreement with this.

Engineer Doug Clark Consultation: - Ms. Becker advised the Board that she spoke with Engineer Doug Clark and sent him the package regarding the Fire Pond zoning specific district location as well as the Braunstein information. She noted that Mr. Clark's advice to the Board will have a big impact on what transpires on the Mosquito Island. Mr. Becker also noted that she asked him if there are any other state-of-the-art septic systems that they are not aware of. Mr. Davis felt this was the best way to approach questionable situations.

Letter Regarding Cascino Contamination: - Mr. Davis advised that a letter had been sent to the Board regarding the possibility of water contamination resulting from the recent findings on the Salvatore Cascino property. Ms. Becker noted that the letter was not received in time to be presented to the Town Board but would be reviewed at the next Planning Board meeting and placed on the record at that time and presented to the Town Board for their July meeting.

SUBDIVISION/SITE PLAN

2010-11 SITE PLAN REVIEW – JOHN HOUSEMAN –Copake Lake

Ms. Becker reminded the Board that there was a debate as to whether Mr. Houseman required a variance. She noted that the Zoning Board came to a strict interpretation that the deck addition to Mr. Houseman's dwelling increased the non-conformity as it was adding two feet to the non-conformity and this dictated how the Planning Board should proceed. Mr. Houseman advised the Board that the ZBA told him the septic tank would have to be moved out further as it was required to be ten feet (10') from the structure. Ms. Becker questioned whether that was a requirement of the building code as she believed it wasn't a requirement of the zoning code. Mr. Davis advised that a septic system needed to be a certain distance from a well. Ms. Becker noted that she had no knowledge of a requirement for a septic tank to be a certain distance from a structure. Ms. Becker questioned whether a condition should be included in the Site Plan that this ruling be researched. The Board was in agreement with this. Ms. Becker asked Mr. Houseman what the location of his well was. Mr. Houseman advised her that his septic was located in the front of his house with his well located in the back of his house.

Ms. Becker read the check list to see that everything was included in the drawing Mr. Houseman's presented to the Board and noted that a SEQR was required. Ms. Becker pointed out that the zoning district needed to be added to the drawing prior to stamped approval. Mr. Houseman reviewed the drawing and confirmed that the "R-2" district appeared on the document. In reference to the above discussion, Ms. Becker asked Mr. Pilch to follow-up on the cost of new applications above and below the suggested twenty-five thousand dollars (\$25,000) cap so that the applicant would be able to present the Board with the appropriate drawing. Ms. Becker noted that a copy of new building permits would be needed by the Board so they would be able to reference the costs of the project. Ms. Becker questioned what the cost of a professional drawing is. Mr. Davis advised her that the cost of drawings varied and was probably in the range of a few thousand dollars and more. He also noted that a survey cost would be in the area of seven hundred and fifty dollars (\$750.00) upward to several thousand dollars. Ms. Becker would research the costs in the area and would also get estimates from Morris Associates.

After the reading of the SEQR the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Filipovits to declare a Negative Declaration. On a motion made by Mr. Pilch and seconded by Mr. Filipovits the Board voted unanimously to conditionally approve the Site Plan of John Houseman pending awarding of a variance by the ZBA and verification that the septic tank doesn't have to be relocated per code.

2010-10 SITE PLAN REVIEW – MARK FRICKEY – Route 7, West Copake

The Board reviewed the addition of the garage, deck and bedroom for Mr. Frickey's application. Ms. Becker advised the Board that the structure cannot consist of more than three (3) bedrooms. Mr. Davis brought up the fact that there was a concern regarding the set-backs of the addition. Ms. Becker acknowledged that the current plan consists of three (3) bedrooms and the Board needs to add a condition whereas the Site Plan does not become a four (4) bedroom structure inasmuch as the present septic system would not accommodate this. Ms. Becker presented a letter from Flood Sanitation stating that the septic system was a one-thousand (1,000) gallon

concrete tank. Ms. Becker pointed out that Mr. Frickey presently has a three bedroom structure. Mr. Davis noted that the plan called for the master bedroom to be made into a den.

Ms. Becker advised that a letter needed to be issued by Mr. Frickey stating that the den would not be considered a bedroom as this would then require a higher standard of septic system. Mr. Davis questioned whether there was a way to police this. Mr. Filipovits acknowledged that this would be difficult.

Ms. Becker noted that there is no way for the set-back issue to be avoided and believed two variances would be needed before Mr. Frickey could proceed as it appeared he would be increasing the non-conformity on his property.

After the reading of the SEQR, on a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to make a Negative Declaration for environmental impact. On a motion made by Mr. Filipovits and seconded by Mr. Pilch the Board voted unanimously to conditionally approve the Site Plan of Mark Frickey subject to the variance granted by the ZBA and submission of a letter stating that the den will never be used as a bedroom as the septic system will not be able to handle the increased capacity.

ADJOURNMENT

There being no further business, on a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:30 a.m.

Marcia Becker, Chair