

**COPAKE PLANNING BOARD  
AGENDA MEETING MINUTES  
September 6, 2007**

The Agenda Meeting of the Copake Planning Board was called to order at 4 pm by Chris Grant, Vice Chairman. Also present were Marcia Becker, Gray Davis, Jon Urban and Paulette Bonanno, Administrative Assistant. Chairman Edgar Masters was excused due to illness. The purpose of the meeting was to review the agenda for the regular Planning Board meeting scheduled for Thursday, September 6, 2007.

The attached agenda was reviewed by the Board.

The meeting was adjourned at 5:30 pm.

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Chris Grant, Vice Chairman

Agenda  
Copake Planning Board  
September 6, 2007

- I. Zoning Board of Appeals Referrals – Julie McKenna/M. Simms
  
- II. Public Hearings
  - a) Copake Lake Golf, LLC – BLA Woodchuck Lane – J. Urban (2007-22)
  - b) Copake Lake Golf, LLC - Major Subdiv. Woodchuck Lane – J. Urban (2007-23)
  
- III. Subdivisions/Site Plans
  - a) Costa/Ahrens Subdivision – County Route 7A – CLC Revisions (2003-14)
  - b) David Kiernan – Valley View Road – new 50’ x 72’ +/- shed (2007-25)
  - c) CJ Properties – Empire Road – J. Dates (2006-05)
  - d) Steiner Properties LLC – Two Town Road (2007-20)
  - e) Michael Braunstein – Copake Lake (2006-21) – Classify as Major Subdivision
  - f) Camphill Village – D. Pulfer (2007-24)
  
- IV. Subdivision/Site Plan Carry Over
  - a) Housing Resources of Columbia County, Inc. (2005-18)
  - b) Catmast Dev. Corp. (2006-36)
  - c) Birch Hill Partners, LLC (2006-33)
  - d) Cohen FLS (2007-11)
  - e) 13 Lackawanna Properties LLC (2007-02)
  - f) Key Bank – Route 7A – Signs on Gables (2007-17)
  
- V. Administrative
  - a) Fees – Review
  - b) Chapter. 24 – Revisions to 12/16/06 Revisions
  - c) Training
  
- VI. Approval of Minutes of August 2, 2007 with the following revisions:
  - a) Page 4 (2007-21) Braunstein – change “move the sea plan ramp to the east side of Mosquito Island” to “construct a new sea plane ramp on Mosquito Island; existing ramp will remain but will not be used as such”
  - b) Page 6 (2007-22) – Copake Lake Golf LLC Section 2 is classified as Major Subdivision and therefore assigned #2007-23.
  
- VII. Adjournment

## **DRAFT**

**Please note that all referenced attachments, comprising 54 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 September 6, 2007**

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Chris Grant, Vice Chairman. Also present were Marcia Becker, Gray Davis and Jon Urban. Chairman Edgar Masters was excused due to illness. Paulette Bonanno served as secretary of the meeting in order to record the minutes.

#### **ZONING BOARD OF APPEALS - Referrals**

Matt Simms presented two referrals:

- a) Andrew P. Howansky – This is a request for an area variance to increase fence height from four to six feet to shield his home from headlight glare. The fence would be constructed along the entire front of the house, located on Route 22 at Farm Road. The ZBA is also considering other solutions such as plantings and trees. Mr. Grant recommended consulting with Larry Proper, Highway Superintendent, since setback from road and sight lines may be issues. In response to Ms. Becker’s question about whether the NYS Dept. of Transportation (DOT) has been consulted because Route 22 is a State road, Mr. Sims advised that the County Planning Board already has been notified and that he will check with DOT.
- b) Flanigan Corp.
  1. The applicant has requested an area variance to construct an air-lock vestibule entrance and enclosed side staircase on an existing home within the 100 foot setback from Copake Lake. The house is located on Golf Course Road. At issue is that the house does not currently meet the 100 foot setback regulation and therefore the additions would require an area variance.
  2. The applicant also requests approval to construct a parking pad on the property; currently parking is on the road or on the property in front of the house. Ms. Becker noted that if the proposed driveway is gravel and not paved, then it is not considered development; code prohibits development within the 100 foot setback.

The Board will consider these matters and get back to the ZBA.

## **PUBLIC HEARING**

### **2007-22      BOUNDARY LINE ADJUSTMENT/MINOR SUBDIVISION – Woodchuck Lane – Copake Lake Golf LLC/J. Urban**

The applicant proposes conveying Parcel A (1.93 acres), belonging to Copake Lake Golf, LLC, to the lands belonging to RMF Partners (1.58 acres). Parcel B, belonging to RMF Partners (.234 acres) will be added to lands belonging to Copake Lake LLC (148.771 acres).

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

Mr. Grant advised that discussion of the matter would be tabled pending submission of additional information to be provided by the applicant at a later date.

### **2007-23      MAJOR SUBDIVISION – Woodchuck Lane – Copake Lake Golf LLC/ J. Urban**

The applicant has proposed adding one new single family lot to the previously approved Minor Subdivision, reclassified as a Major Subdivision at the last meeting.

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

Mr. Grant advised that discussion of the matter would be tabled pending submission of additional information to be provided by the applicant at a later date.

## **SUBDIVISION/SITE PLAN**

### **2003-14      MINOR SUBDIVISION – Center Hill Road (Route 7A) – Neil Costa/ Lynn Ahrens**

Neil Costa appeared to request approval in order to file a map for revisions to the site plan approved May 4, 2006. These changes were requested by the Columbia Land Conservancy (CLC) after the subdivision was approved; the changes are necessary because two lots are not buildable, building locations have been replaced by building envelopes or Acceptable Development Areas (ADAs), and there is a height restriction on one of the ADAs.

Mr. Costa's letter to Alvin Huehnel, surveyor, dated August 21, 2007, which describes the revisions, changes and restrictions, was reviewed and is summarized as followed:

- a) Parcel 5 is not buildable.
- b) Parcel 2 is not buildable except that a barn can be built upon it with acceptable access to the structure's area.
- c) Parcels 3, 4 and 6 now have ADAs instead of building sites.
- d) ADA #1A and ADA #1B are defined as one – ADA #1.

It was noted that there is no need to change the driveway agreement.

Upon Mr. Grant's request for a copy of the revised CLC conservation easement, Mr. Costa promised to provide a copy shortly.

There being no further questions, upon a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant conditional approval of the subdivision map of Neil Costa and Lynn Ahrens dated Revised August 29, 2007, subject to the Planning Board's review and approval of the revised Conservation Easement with the Columbia Land Conservancy.

**2007-25      SITE PLAN APROVAL – Valley View Road - David J. and Susan E. Kiernan**

The applicants have requested approval to construct a new 50 foot by 72 foot barn at the rear of their property located on Valley View Road. The barn will be used as a tractor garage and for storage. It will be wood sided with a brown steel roof and concrete floor, have minimum lighting, no plumbing, no outdoor storage, and all new utilities will underground. Access will be a connecting drive from their home driveway with a turnaround to be added.

The Board reviewed the site plan to ensure that minimum setback requirements are met: 50 foot front and side yard and 100 foot rear. The site plan approval check was also reviewed.

The Board noted that the applicant needs to provide the following addition information:

- zoning district
- grading/contours/drainage
- location/design/type of construction/property use/exterior dimensions
- building elevations (pole place for pole structures)

There being no further questions, upon a motion made by Mr. Davis and seconded by Ms. Becker, the Board voted unanimously to accept the survey of the property of David J. and Susan E. Kiernan dated September 5, 2007 as a preliminary sketch plan. A revised survey that reflects the additional information indicated above must be submitted by the applicant for final site plan review and approval.

**2006-05        SITE PLAN APPROVAL/MAJOR SUBDIVISION - CJ Properties,  
Empire Rd.**

Justin Dates of Maser Consulting represented the applicant to review the latest plan revision dated July 27, 2007.

Mr. Grant reported that he had spoken with Andrew Fetherston and had relayed Charles Barrow's concern that the slope of #2 and #3 retention ponds was steeper than what Maser had indicated. Mr. Dates explained that when a slope is greater than 10%, their computer program automatically corrects for the steepness, i.e., the drain and four-inch perforated pipe cause the drainage to perform as if the slope were 10% slope. In effect, the two retention ponds are modeled as if the slope were 10% and not the actual 30% slope noted by Mr. Barrow. Mr. Grant directed that Mr. Barrow and Mr. Fetherston clarify the apparent discrepancy in the description and correction of the problem.

Based on the most recent meetings with the Marvins on the site, velocitation and scour ponds were redesigned, and the 15- inch north culvert was replaced by a 24- inch one. It was also recommended by Larry Proper that, during construction, some of the shelf rock in the north ditch be broken up to increase the depth of the ditch.

Other open items that were addressed include (a) the need to update the June, 2006, Hydrology Report because the stormwater calculations have changed; (b) the EAF has yet to be revised, (c) All easements/covenants must be updated from the previous submission (August, 2006) and sent to Town Attorney Carl Whitebeck with a copy to the Planning Board (It was noted that the maintenance agreements for the north retention pond and channel need updating.); and (d) Randi Shadic, Copake Fire Company Chief must sign off on the revisions (C. Grant will request.).

There being no further discussion, upon a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant conditional approval of the subdivision to be known as the Empire Meadows Subdivision, which is located on the lands of CJ Properties and reflected on the maps dated July 27, 2007, Latest Revision, subject to satisfactory compliance with the following conditions:

1. resolution of slope calculation by Charles Barrow and Andrew Fetherston
2. update of June, 2006, Hydrology Report to reflect new stormwater calculations
3. update of EAF specifying that there is a major impact on wetlands and that addresses the proposed mitigation measures in Section 3
4. review and approval of updated bonding information by Larry Proper
5. review and approval of revised HOA documents and deed restrictions by the Town Attorney and Planning Board
6. sign-off by Copake Fire Company

**2007-20 MAJOR SUBDIVISION - Two Town Road - Steiner Properties LLC**

William Spampinato, Esq., represented the applicant with George Schmitt of Morris Associates, consulting engineer. Mr. Spampinato advised that multiple copies of the August 16, 2007, plan revisions had been sent to Mr. Masters with a punch list completed for the issues raised in the June and July meetings.

Concerning the new subdivision plan, Mr. Schmitt noted that the 50 foot road width had been corrected to 60 feet. Mr. Grant requested an explanation for why the new plan has no Stormwater Management Plan (SWPPP) since the previous submission had one. Mr. Schmitt explained that, since the new plan disturbed less than five acres, only a State Wetlands Information Tool (SWIFT) evaluation is required: The land disturbance is reduced to 4.5 acres, and a road is no longer planned. He noted that he believed C. Barrow's letters to the Planning Board dated July 31, 2007, and August 23, 2007, indicate satisfaction with the stormwater issues.

Mr. Spampinato provided a September 6, 2007, letter from Richard Koweek, Esq., attorney for neighbor John Regan, advising that Mr. Koweek and Mr. Regan have reviewed the "Copake Valley Estates Declaration of Protective Covenants, Easements and Restrictions: Common Driveway Maintenance Agreement" and that Mr. Koweek has reviewed the subdivision map revised August 18, 2007, "Subdivision Plan Prepared by Copake Valley Estates." Mr. Koweek states in his letter that the proposed subdivision is acceptable to Mr. Regan and that Mr. Regan endorses the plan and requests Board approval. This responds to a concern raised by Mr. Barrow in his August 23, 2007, letter to Mr. Masters.

Mr. Schmitt further reported that he spoke with Mr. Barrow on Friday, August 31st and on Tuesday, September 4th about his concern #2(b) in the August 23<sup>rd</sup> letter. There is no longer a culvert feeding the ponds. Also, Mr. Barrow indicated in his last letter that, because the increased stormwater runoff (from 4.5% to 6%) to County Route 23 is small, it is considered acceptable. In the August 23<sup>rd</sup> letter, Mr. Barrow also recommends that the dimensions of the new hammerhead turnaround be reviewed by the Copake Fire Company; however, Mr. Schmitt has not been able to get a response, Mr. Grant will follow-up with Mr. Shadic to request the necessary approval letter.

Ms. Becker then reviewed the minutes of July 5, 2007, the applicant's last appearance date, and the Board was satisfied with compliance. It was noted that the flagpole access is reflected on the map, that the map includes the requested note that any further subdivision of Lot #2 must be submitted for Planning Board review and approval. Mr. Spampinato noted that he had sent the revised covenants to the Town Attorney after the July meeting and that he would follow-up to obtain the necessary approval letter.

Upon a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant conditional approval of the subdivision to be known as the Copake Valley Estates based on the site plan dated Revised August 16, 2007, and the subdivision plan dated August 18, 2007, subject to receipt of the following satisfactory to the Board:

1. letter from Charles Barrow confirming the acceptability of the Stormwater Management Plan as shown on the plans
2. letter from Copake Fire Company indicating acceptability of driveway and turnaround
3. review and approval by the Town Attorney and the Planning Board of the latest HOA Covenants, Easements and Restrictions and Common Driveway Maintenance Agreement.

#### **2007-24      SITE PLAN REVIEW – Camphill Village**

Carl Wolff of Camphill Village and Don Pulfer, architect, appeared to discuss an application to add an addition to the medical center located at the Balsam building. The medical center is located on the ground floor; the second floor has residences and dance space. The addition is small and is needed for desk space for an administrative staff of two as well as for file storage. Only a modest change in grading is needed.

At issue is the Town's parking requirements calculated at 37 spaces for the Balsam building and its proposed addition. Seven spaces are currently located on the site; overflow at the cooperative site provides nine additional spaces. Therefore, a total of 21 additional spaces are needed. However, most residents cannot drive and most people walk within the Village. Mr. Pulfer stated that the Balsam building cannot meet the Town's parking requirements and that this is a pre-existing non-conforming use. Historically, the Village has reserved areas with adequate parking space for a new user, as was the case in the site plan approved earlier in the year (2007-03).

He requested that the Board approve the site plan without the additional parking and that, in the event of conversion to another use, the Board address the problem at that time. The Board responded that a deed restriction and/or map designation of space for parking areas to be developed at some future date would be a likely component of any such approval. Mr. Davis suggested that a site distant from the Balsam building could be set aside for future parking in the event of a change in the building's use.

The applicant was asked to submit a revised site plan showing the proposed parking space set-aside for Board consideration.

#### **CARRY OVER**

The following matters were carried over to the August 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 SUBDIVISION – 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**
- 2007-17 SITE PLAN REVIEW – 179 County Route 7A – KeyBank, NA**

#### **ADMINISTRATIVE**

- a) Fees - A copy of the Planning Board fee schedule approved January 13, 2005, was distributed. Board members were asked to review and provided any recommended changes for the next meeting.
- b) Chapter 24 – Revisions to December 16, 2006, revisions. Mr. Grant advised that on an ongoing basis he is noting items that need to be considered for the next revision. He will summarize for Board evaluation at future meetings.
- c) Training – The attached training opportunities were distributed for consideration.

#### **MINUTES**

Upon a motion made by Ms. Becker and seconded by Mr. Davis, the Board unanimously approved the July 5, 2007, minutes with the following revision:

- c) Page 4 (2007-21) Braunstein – change “move the sea plan ramp to the east side of Mosquito Island” to “construct a new sea plane ramp on Mosquito Island; existing ramp will remain but will not be used as such”
- d) Page 6 (2007-22) – Copake Lake Golf LLC Section 2 is classified as Major Subdivision and therefore assigned #2007-23.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:30 p.m.

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Chris Grant, Vice Chairman

**Please note that all referenced attachments, comprising 54 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 Lake Golf LLC

August 13, 2007 Urban to Bonanno  
August 8, 2007 Becker to Urban  
August 6, 2007 Urban to CPB  
February 1, 2007 Shadic to Whiteman Osterman

Costa

August 21, 2007 Masters to CPB  
August 21, 2007 Costa to Huehnel

CJ Properties

September 6, 2007 Marvin to CPB  
September 4, 2007 Fetherston to Masters

Steiner Properties, LLC

September 6, 2006 Koweek to CPB  
August 23, 2007 Barrow to Masters  
August 22, 2007 Proper to Schmitt  
August 1, 2007 Schmitt to Barrow  
July 31, 2007 Barrow to Masters  
June 26, 2007 Spampinato to Masters

Braunstein

August 21, 2007 Masters to CPB

HRCC

August 28, 2007 Howard to Bonanno  
August 23, 2007 Nagle to Bonanno  
August 14, 2007 Pierpont to Masters  
August, 2007 Friends of Copake

Brian Dunn

September 4, 2007 Bonanno to Dunne  
August 24, 2007 Becker to CPB  
August 21, 2007 Masters to CPB

High Voltage, Inc.

August 3, 2007 Masters to Building Inspectors

Key Bank

August 21, 2007 Masters to CPB

Lynn Main

August 1, 2007      Bonanno to Whitbeck

Valentine

August 21, 2007      Masters to CPB

Route 27A/Chrysler Pond

August 21, 2007      Masters to Bartolo

Linder/Baptie

August 21, 2007      Masters to CPB

Czyzewski, Koch and Bienstock

July 25, 2007      Gant to ZBA

Ungar

August 27, 2007      Furst to Masters

Administrative

August 3, 2007      Masters to Miller

July 9, 2007      Bonanno to Sacks

December 3, 2004      Masters to Valentino

August 9, 2007      Perry to CPB

2007      Planning News