

**DRAFT**

**Please note that all referenced attachments, comprising 15 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 January 3, 2008**

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

**ZONING BOARD OF APPEALS – Referrals**

None.

**PUBLIC HEARING**

**2007-29      SITE PLAN REVIEW – Center Hill Road Subdivision Parcel #6/  
ADA #1A & B – Neil Costa**

Upon a motion made by Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to waive the reading of the public notice. Mr. Masters 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. Grant, the Board voted unanimously to close the public hearing.

Mr. Costa appeared. The SEQR form was completed and executed. Upon a motion made by Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to grant a negative declaration. Upon a motion made by Mr. Grant and seconded by Ms. Becker, the Board voted unanimously to approve the site plan of Parcel #6 of the lands of Neil Costa and Lynn Ahrens located on Center Hill Road, prepared by Alvin Huehnel and dated October 26, 2007.

**2007-36      MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT –  
159 Yonderview Road – Vijoba Realty Co., LLC**

Upon a motion made by Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to waive the reading of the public notice. Joan Gellert representing the applicant appeared. Mr. Masters explained that the application was for a minor subdivision/boundary line adjustment taking two acres of the land of Vijoba Realty, identified as Parcel 1B, to be added to Parcel 1A, consisting of 11 acres and owned by Toby MJ Butterfield/Joseph Stabilito, resulting in a 13 acre parcel. He noted that no new lot will be created and that a condition of the approval is that the 13 acre parcel will not be further subdivided.

Mary Bernasco, the neighbor across the road, appeared as did Joan Laverick. They expressed concern about the steepness of the site and drainage into a stream that spills onto their properties. Ms. Bernasco said in heavy rains the water pools at the southern end of her property. It is understood that this water comes from under Yonderview Road as part of that road's drainage and has been a concern of Ms. Bernasco for some time. She also expressed concern about this water's affect on her trees and the steepness of the new driveway recently constructed on the property being merged. Mr. Masters said the Board will discuss the drainage issue with Larry Proper, Highway Superintendent.

There being no one else to speak, upon a motion made by Mr. Grand and seconded by Ms. Becker, the Board voted unanimously to close the public hearing. Upon a motion made by Ms. Becker and seconded by Mr. Urban, the Board voted unanimously to waive SEQR.

The Board noted that the abutting property was shown on the survey as owned by Edward & Nancy Bernasco. Mary Bernasco advised that she owned the property and that her husband, Edward, was deceased.

Upon a motion made by Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to approve the minor subdivision/boundary line adjustment merging Parcel 1B, owned by Vijoba Realty Co., LLC, with Parcel 1A, owned by Toby MJ Butterfield/Joseph Stabilito, as shown on the Alvin B. Huehnel survey dated revised December 8, 2007.

Ms. Gellert also inquired about subdividing six more acres of Vijoba's 400-acre hill, which will necessitate an additional driveway. The Board responded that this may pose drainage/steepness problems.

## **SUBDIVISION/SITE PLAN**

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

A drawing by Morris Associates shows the distance from the leach field to Chrysler Pond as 250 feet. The water supply is an existing well, which is more than 100 feet from the proposed new leach field. The site plan review checklist was then reviewed:

- #1 - not applicable
- #2 - existing driveway is adequate
- #3 - not applicable
- #4 – storm water and drainage is sufficient
- #5 – have DOH approval and stamped plan
- #6 – existing landscaping is a good buffer
- #7 – not applicable
- #8 – re impact of structure – adequate to protect against ponding and flooding
- SEQR – negative declaration

The SEQR form was completed and executed. Upon a motion made by Mr. Urban and seconded by Ms. Becker, the Board voted unanimously to make a negative declaration.

Chris Grant noted the plan lacked the requisite note that all new utilities will be underground. The requirement will be added with the Board's new stamp.

Upon a motion made by Mr. Grant and seconded by Mr. Urban, the Board voted unanimously to grant conditional approve of the site plan prepared by Morris Associates dated December 28, 2007, pending receipt of a copy of the deed merging the two lots.

**2007-35      MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT –  
Pumpkin Hollow Road – Susan Hawkins/Kevin Albright**

Ira Halfond, Esq., represented the applicant. The application is for a proposed boundary line adjustment of Parcel A, belonging to Kevin Albright and Parcel B, belonging to Susan Hawkins. Mr. Masters advised that the Board will accept the map as a preliminary sketch plan with the understanding that Parcel B belongs to Susan Hawkins and that a corrected survey will be provided at the next meeting showing the correct owners and the zoning district. The applicant was also asked to provide the recorded deeds of ownership.

Because the properties are partially located in Taghanic, the applicant was directed to ask that town if a submission were needed. Mr. Masters also questioned the need for a submission to the County by the Copake Planning Board and advised that he will look into the matter. A public hearing will be held at the next meeting. A SEQR form will be provided at that time.

Upon a motion made by Ms. Grant and seconded by Ms. Becker, the Board voted unanimously to accept the Survey of the Property of Kevin Albright prepared by Plass, Rockefeller and Nucci dated October 31, 2006, as a preliminary sketch plan and to classify it as a minor subdivision/boundary line adjustment, provided a revised survey reflecting the lands of Susan Hawkins is provided.

**2007-32      MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT –  
Center Hill Road – Peartree Properties**

Applicant Leonard Birnbaum appeared. The application concerns merging a strip of land on Center Hill Road identified as Parcel B (2.086 acres) and owned by Peartree Properties to Parcel C (12.673 acres) owned by Charles Sims. Parcel B is a separate parcel and tax lot that was presented by Jane Birnbaum at the November meeting and subsequently confirmed to Mr. Masters by her. It was noted that the strip of land has a steep bank, is mostly shale, and that the survey indicates it will become one merged lot.

Upon a motion made by Mr. Urban and seconded by Mr. Grant, the Board voted unanimously to accept the Peartree Property survey prepared by Plass, Rockefeller & Nucci dated December 7, 2007 for a minor subdivision/boundary line adjustment as a preliminary sketch plan and to classify it as a minor subdivision/boundary line adjustment. The public hearing will be scheduled for February.

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

Neil Costa appeared and provided a letter of intent about purchasing and developing Jane Birnbaum's property on the north side of Overlook Road across from the Ahrens, Birnbaum, Costa subdivision. Because further subdivision of her parcel will require Flexible Lot Subdivision, which Ms. Birnbaum prefers to avoid, Mr. Costa is seeking a review of an alternative proposal.

Mr. Masters referred to the November meeting when the Board concluded that further subdivision of the Birnbaum parcel will require FLS. Mr. Costa pointed out that Ms. Birnbaum can sell to a new owner and that Ms. Birnbaum will not be a party to the new development.

The Birnbaum property will be sold to Mr. Costa's company, Tilly Hill, Inc. Mr. Costa will create a four-parcel minor subdivision. Once approved and filed, Mr. Costa will sell back to Ms. Birnbaum approximately 4-8 acres of her original property, identified as Parcel 1 and containing her existing house. It is Ms. Birnbaum's intention to renovate and reside in the house. Mr. Costa will develop the balance of the 63 acres into three parcels. He has offered to impose covenants and restrictions upon all four parcels including restrictions on further subdivision of Parcels 1, 2 and 3. Further subdivision of Parcel 4, consisting of about 25 acres, shall be limited to one more parcel. This will result in a maximum of a five parcel development. His covenants include no-cut zones, homes to be built in envelopes, and earth-tone colors for exterior surfaces.

Mr. Masters noted that the remaining lots will be 10 to 12 acres each—protective of the rural character of the Town. Ms. Becker noted that the overall area now has a number of large homes on big lots and that this development is similar and will not be clustered. Mr. Grant pointed out that one house on 10 to 12 acres over a steep slope will restrict development. Mr. Masters noted that the sale could have been to another party unrelated to any previous development activity.

Ms. Becker noted that she felt that five lots are a major subdivision. Mr. Costa advised he is voluntarily imposing no further subdivision. Mr. Urban feels that because of the amount of land, the self-imposed restriction is an accommodation.

Upon a motion made by Mr. Masters and seconded by Mr. Grant the Board voted to accept as a preliminary sketch plan the map entitled "Proposed Minor Subdivision, Jane Birnbaum & Neil Costa, Overlook Road" dated December 18, 2007, and to classify it as a minor subdivision. It was noted that the driveways may change but that the house locations are fixed. The condition imposed was that Lots 1, 2 and 3 will not be further subdivided but that Lot 4 could be subdivided one more time by future owner(s), but not by Mr. Costa. Ms. Becker abstained.

**2007-17            SITE PLAN REVIEW – 179 County Route 7A – KeyBank, NA**

Ozzie Beichert of Timely Signs, representing the applicant, appeared to ascertain which signs the Planning Board will approve for the Bank's renovations, which include two new gables—on the north and east sides of the building. Mr. Masters noted that in previously submitted drawings as

well as the current drawings, the compass directions are incorrect. Mr. Beichert promised to make the necessary corrections on the final site plan.

The Board referred to Zoning Code Sect. 232-14, Sign Regulations.

Mr. Beichert advised that Key Bank now proposes that the monument sign, oversized from that previously approved by the Board, will be reduced by 60% and changed from eight feet to six feet above grade. The proposed size of the sign on the building that faces Main Street (13 feet by 1.5 feet) will remain the same. The north side gable sign will be eliminated. The ATM machine sign will not change.

Mr. Masters expressed concern that the illuminated sign on the gable facing Main Street may be of concern to the apartment building across the street. After discussion, it was agreed that this lighted sign can be turned off at 9 pm until daylight. Mr. Grant felt the Board must consult with counsel concerning restrictions on interfering with operations of businesses in the Town.

Mr. Masters noted that the proposed extension awnings on the east and north side of the building had not been discussed at the preliminary site plan meeting. The awnings are to block sun and are made of red acrylic fabric.

A public hearing was scheduled for the February meeting.

The following will be provided at that time:

- a sample for the awning fabric
- \$150 application fee
- scale drawing of both monuments - existing and proposed
- drawings with corrected compass directions

#### **2008-01      SITE PLAN REVIEW - County Route 22 – Underhill Inn**

John Mengler appeared to review his proposed renovation of the Underhill Inn to operate as a restaurant serving 20 people. The existing layout and proposed changes were reviewed; planned is a re-configuration of the ground floor of the existing building. The restaurant is located in an R-1 zone where restaurants are allowed with a special use permit.

Mr. Mengler advised that the Columbia County Dept. of Health has approved the septic system's capacity for 26 people as a food service establishment, and he will provide a copy of the approval. It was also noted that the Inn had not operated as a restaurant for the past eight years. Parking is based on building area and will comprise 29 spaces plus staff for a total of 34; the spaces should be 9 feet by 20 feet but are larger at 10 feet by 20 feet. Mr. Grant noted that, in addition to the ZBA special use permit, a building permit will also be required.

The Board asked that the applicant submit the following on an enlarged scale:

- proposed site plan locating
  - (a) existing building
  - (b) proposed addition
  - (c) proposed parking lot configuration including handicapped spaces
  - (d) new building entrance
  - (e) landscape screening
- updated restaurant layout with exits

Mr. Mengler was asked to contact Stosh Gansowski of the ZBA.

#### **PENDING FINAL APPROVAL**

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

#### **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.**

**2007-02 SITE PLAN REVIEW – 13 Lackawanna Properties LLC–  
Salvatore Cascino**

**2007-11 MAJOR SUBDIVISION – FLS – Farm Road – Karen B. Cohen**

**2007-20 BOUNDARY LINE ADJUSTMENT - Copake Lake Golf, LLC**

**2007-23 MAJOR SUBDIVISION – Copake Lake Golf, LLC**

#### **ADMINISTRATIVE**

Mr. Masters advised that:

- (a) The revised site plan for Camphill Village showing 20 foot parking spaces was stamped.
- (b) The new fee schedule was approved at the Town Board at the December 21, 2007, meeting.

## **MINUTES**

Upon a motion made by Mr. Masters and seconded by Ms. Becker, the Board voted unanimously to approve the December 6, 2007, minutes with a correction of name Cove Property in the Opinion section and correction in the Carry Over section “to the next meeting”, both on page 4.

## **ADJOURNMENT**

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

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Edgar M. Masters, Chairman

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Neal Costa

December 18, 2007 Costa to Masters

Peartree Properties

December 21, 2007 Birnbaum to Masters

Key Bank

January 3, 2007 Masters to CPB

December 17, 2007 Ligo To Whom It May Concern

Craryville Fuel

December 19, 2007 Van Nostrand to Beck

December 20, 2007 Schober to O'Neill

James Walton

December 14, 2007 Masters to Walton

Administrative

December 13, 2007 Masters to Gabaccia, Ritchie, Sacks

December 7, 2007 Bonanno to Clark, Howard, Nagle

December 13, 2007 Bonanno to Fitzgerald