

**D R A F T**

**COPAKE PLANNING BOARD  
SPECIAL MEETING  
MINUTES OF JUNE 15, 2006**

A special meeting of the Copake Planning Board was called to order at 7:00 p.m. by Edgar M. Masters, Chairman. Also present were Marcia Becker, Chris Grant, Morris Ordovery and Terry Robbins. Paulette Bonanno served as secretary of the meeting in order to record the minutes. The purpose of the meeting was to review the revisions made since the May 18, 2006 meeting and to consider for acceptance the preliminary sketch plan of the application of Housing Resources of Columbia County.

**2005-18 Housing Resources, Inc. - Site Plan Review and Major Subdivision of Approximately 112 +/- Acres on Land Bounded by Mountain View Road and County Route 7A.**

Mr. Masters opened the meeting by explaining that questions from the public would not be taken as in previous meetings; rather, questions could be posed to the applicant after the meeting or to the Planning Board. He clarified that there would be public hearings during the review process and that questions could be asked during those hearings. He further advised the group that, after the HRCC presentation, there would be a break and then the Planning Board would discuss other public matters to be followed by a closed session on personnel issues.

The applicant was asked to report on changes made since the last meeting. An overhead projection of the latest sketch plan and ortho photo were provided. Eric Bernardin, Fuss & O'Neill Engineers, project engineer, Donald Pulfer, Architectural Bureau, architects for the project, and Kevin O'Neill, Executive Director of HRCC, advised that comments about buffering and walking paths/pedestrian access across the site were considered and that the following minor revisions and clarifications were made:

- a) In the northern part of the site along Mountain View Road, between each two rows of lots, landscape buffers were added.
- b) Walking paths to the medical clinic were added.
- c) A paved 12 foot surface for emergency access/egress was added.
- d) Lots were reconfigured in that one single family, owner-occupied lot was eliminated to yield the land given to the landscape buffers, and one one-family rental unit was moved one block.
- e) The number of senior and multifamily units was unchanged.
- f) The wetland on the east side of the site was identified.
- g) Lot sizes were adjusted down slightly to yield the landscape buffers; this had no effect on side and rear yards; lot sizes are listed on the 6/9/06 sketch plan submitted at this meeting. Included are some lots at 4,250 square feet which the Board will review.

- h) No parking restrictions are being considered.

Terry Robbins ascertained that:

- a) There will be pedestrian access on the west side of the site to the common green.
- b) A walkway on east side runs into Town through Taconic Street.
- c) Every street has sidewalks on both sides.
- d) There is a 20-foot wide walkway to Main Street on the southern property line.
- e) The lot through which that walkway runs needs to be reconfigured so that the pedestrian walkway lies outside the lot, and the applicant agreed.
- f) There is a question about whether the land set aside as growing wild on wetland is to become parkland. The wetland on the east side that is open to the road might have a recreational use such as to view wildlife. Wetlands on the west side of the property are Army Corp. and not DEC-designated (12.4 acre minimum). Should these three wetlands be handled under a general wetlands permit filing?

Edgar Masters clarified that:

- a) Vehicles with access to Taconic Street will be only from the Green.
- b) All other roads will enter and exit at Mountain View Roar or County Route 7A.
- c) No vehicular access will be available to Taconic Street from any road other than from the Green.

Jean Peck, from the audience, requested an opportunity to correct information about Cemetery Road at this time and advised the Board that it does not run all the way back to the site so it cannot be used as access to Main Street.

Chris Grant:

- a) asked that the changes be superimposed on the ortho photo (about two months old) showing the slightly changed locations of the sewer treatment plant, the agricultural areas and the park area;
- b) asked that the photo identify the stream of treated water from the property, under Route 7A, into a culvert and then its continuance downstream; and
- c) ascertained that project density remains the same.

The applicant pointed out that because part of the park land will be retained for well pump houses, a 200-foot radius around the parkland needs to be protected from pesticides that may be used on the farmland. The applicant also reported that an extra well is being added as well as four separate observation wells at distances away from the proposed wells to determine their effect on the current residences.

In response the questions raised by Marcia Becker, the Board was told that:

- a) none of the 25-foot rear yard setbacks would be lost due to the addition of the landscape buffers and that the HOA would be responsible for their maintenance;

- b) traffic from the development would not overburden both Route 7A and Mountain View Road roads, that they can take significant traffic and that traffic was considered to be of no impact as to warrant a signal or deceleration lane;
- c) the applicant would provide traffic signage.

Morris Ordovery:

- a) raised the question about how mail would be handled, and the applicant advised that, once the local post office determines the project's requirements, they would be met;
- b) inquired about the monitoring of wells in Taconic Shores and was advised by the applicant that, if the TSPOA would consent, its wells would be included.

Chris Grant then raised concern about the traffic circulation in the Hamlet, particularly around the clock and the two Route 22 entries. The applicant advised that later on in the process traffic reports would be provided with more extensive analysis of changes in traffic patterns, that the prime concern now was pedestrian access safety.

Mr. Masters:

- a) referenced the latest drawings submitted to the Planning Board as those dated June 9, 2006;
- b) clarified that at this stage of the application, there is a need to consider acceptance of the preliminary sketch plan and classification as a major or minor subdivision, which will then allow the applicant to continue with its engineering and environmental studies;
- c) explained that over the past three to four months the plan has changed in response to Board questions and comments as well as those of the public, and that in his opinion the proposal has reached a level where acceptance as a preliminary sketch plan is warranted;
- d) advised that it is standard procedure of the Planning Board to classify the subdivision and then to accept the plan for further review;
- e) considers this a major subdivision;
- f) asked the Board if it is comfortable accepting the document with the understanding of the public that it is not approved, that changes will continue to be made, and that ultimately a decision will be made for the development to be built or not to be built.

Ms. Becker advised that according to Chapter 197 of the Subdivision Guide, the sketch plan must identify all adjacent property owners. While the applicant believed a list of all the tax lots had been received from the assessor's office and that a list of the neighbors was provided on the title sheet dated May 3, 2006, this information could not be located at the meeting. An immediate submission was promised. Ms. Becker also requested the changed lot dimensions since the April 3, 2006, sketch plan. The applicant advised that they would be recalculated and included in a larger scale plat after the engineering studies were completed. Mr. Robbins agreed that this is a logical course of events.

In response to the Board's request for all land restrictions including easements and covenants, the applicant advised that none had surfaced in the title report. There was a question of whether copies of all deeds were submitted in the May 3, 2006, submission, and the applicant advised the documents would be resubmitted.

Mr. Grant then raised the question of minimum lot areas, that the town's cut off is 5,000 sf and that the project is proposing 4,250 sf for the senior units. This is of concern because of the issue of the high density of the entire project. The applicant responded that the 15-foot front yard setback was taken to the edge of the curb and that this 15-foot grass belt was originally considered part of the lot. This five-foot difference in measurement between the 20-foot right of way and the grass belt was changed just before the plans dated April 3, 2006, were revised. The applicant advised that the same 5,000 square foot lot is described as 4,250 square feet because 15 feet of frontage are included in the road right of way.

Mr. Robbins also raised a question about the natural depressions the in park areas and whether they could serve as fire ponds. The project engineer responded that this would be gladly considered. Mr. Robbins also pointed out that in the water flow from east to west on the property, there is a need to convey water catchment in pipes and to make sure the pipes are accessible for maintenance.

Mr. Masters then outlined the most significant issues raised which need to be further addressed (the last three will be submitted within the week):

1. lot sizes in senior areas meeting minimum requirements
2. lot dimensions
3. identification of adjacent property owners
4. deeds
5. copies of newest plans

A motion by Ms. Becker was then made to accept the June 9, 2006 plans as a preliminary sketch plan and to classify the development as a major subdivision, conditioned upon the submission of the items listed above, satisfactory to the Board. Said motion was seconded by Terry Robbins and unanimously approved by the Board with the reiteration that the Board understands that this is the beginning of a review process.

#### Other Related Items:

Mr. Masters advised that he has e-mail correspondence from Kevin O'Neill about the Rural Community Assistance Program, which assists in measuring a town's need for municipal water and sewer systems through a survey questionnaire. Mr. Masters agreed to help set up a meeting, initially to only determine procedures and cost of such a survey.

Mr. O'Neill confirmed that he had met with the Town Parks Commissioner, who is agreeable to additional acreage from this development for the Town Park.

### Next Procedural Step – NYSEQRA

Mr. Robbins advised that the Board is in receipt of Part 1 of the full EAF including a list of involved agencies from the applicant's April 3, 2006, submission but that it is stamped as a draft. In order to establish itself as lead agency under SEQRA an updated and complete EAF must be submitted. This, along with a copy of the applicant's application, a description of the project and the preliminary sketch plan, will be included with the Planning Board's notification to all involved agencies requesting lead status. In light of the recent delineation of wetlands on the sketch plan, which fall under the jurisdiction of the US Army Corp of Engineers, this agency will be added to the list of involved agencies. Mr Robbins also advised that the project site was within a state designated agricultural district and that there would also be further implications involving the NYS Agricultural and Markets law.

After discussion it was determined that because of the thoroughness of the work prepared by the applicant during the pre-submittal stage and its review by the planning board that the scope of the project and its potential negative impacts were well understood and that an additional scoping process under SEQRA would not be necessary. In verbally reviewing the next step in the SEQRA process, Mr. Robbins noted that once the planning board was established as lead agency a determination of significance would have to be declared within 20 days. However, in spite of having to follow this procedure, it was evident that this project would be declared a Type 1 action under SEQRA and that a full Environmental Impact Statement would be required. Mr. Robbins noted that at the applicant's judgement this process could safely be initiated now.

Mr. Robbins made a motion that the project receive a preliminary classification as a Type 1 action under NYSEQRA. The motion was seconded by Mr. Grant and passed unanimously.

Mr. Bernardin promised a completed Part 1 of the Environment Assessment Form, updated preliminary sketch plans and an application with a project description for the July 6<sup>th</sup> Planning Board meeting. Mr. Masters advised that the EAF will be discussed at that meeting which is the next regularly scheduled Board meeting and that a special meeting is not warranted.

Ms. Becker noted that HRCC lacked board members from southern Columbia County and that there was a change in average income in Columbia County as reflected in HRCC's Copake Commons handout. Modest income is now \$30-38,160 and moderate income is \$44-57,240. Copies of the revised brochure were distributed.

### **Other Business:**

#### **Residential Site Plan Review – Mr. and Mrs. William Parmalee, 90 Farm Road**

Mr. and Mrs. Parmalee appeared before the Board for consideration of approval of a site plan for the addition of a second story to their home which was recently destroyed by

fire. The reconstruction will be on a smaller footprint and moves the house's three bedrooms to a second story. As long as the building height is not over 25 feet, a ZBA variance is not required. If, during construction, the height exceeds 25 feet, then a variance must be obtained and the applicants were so advised. The septic is a 1,000 gallon concrete tank installed 15 years ago that flows into a leach field. The Parmalees own the adjacent .85 acre site, and the property is not near a lake. Their well is located uphill from the septic at last 40-50 feet away. The house is 42 feet from neighbors, and the required side yard is eight feet. Copies of letters from neighbors were provided indicating no objection to the changes as well as a second copy of the drawings. Mr. Masters requested that a notation be made on the site plan that the public hearing was waived because letters from the neighbors expressing no objection were provided and advised that their names are not required to be indicated on the plans.

The Board referenced the new Chapter 24 of Section 232 of the Zoning Code on non-conforming use. It allows second stories on undersized lots, subject to site plan approval by the Planning Board, as long as it is within the parameters of Chapter 24.

The Planning Board determined that because this is a Type 2 action under SEQRA no further action is necessary. A motion to approve the site plan was made by Chris Grant, seconded by Morris Order and approved.

### **Personnel Business**

The Board then adjourned to closed session to discuss personnel matters.

### **Adjournment**

The meeting was adjourned at 9:30 p.m.

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Edgar M. Masters, Chairman