

DRAFT

Please note that all referenced attachments, comprising 16 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 February 7, 2008**

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 and Gray Davis. Jon Urban was excused. Paulette Bonanno served as secretary of the meeting in order to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None.

PUBLIC HEARING

2007-35 Susan Hawkins/Kevin Albright - Minor Subdiv./BLA – Pumpkin Hollow Road

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

Mr. Grant advised that the Board had received notification from the applicant's attorney, Ira Halfond, that this matter is to be withdrawn from the agenda.

2007-32 Peartree Properties - Minor Subdiv./BLA – Center Hill Road

On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to waive the reading of the public notice. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to open the public hearing. Mr. Grant asked if anyone present wished to speak to this matter. Ann and Michael McShea and Karen Anderson came forward. Applicant Leonard Birnbaum explained that he wishes to subdivide Parcel B from his property (a strip of land consisting of 2.086 acres and located on the west side of Center Hill Road) from Parcel A (44.87 acres and located on the east side of Center Hill Road) in order to add Parcel B to Parcel C (12.673 acres located west of Parcel B), owned by Charles S. Sims. No issues were raised about the application. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to close the public hearing.

The sketch plan checklist for a minor subdivision was reviewed. There were no covenants or deed restrictions according to the title report prepared by First American Title Insurance Company of New York dated October 24, 2007, which was submitted by Charles Sims to the Planning Board.

The short form SEQR was completed and executed. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant a negative declaration.

On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to approve the Boundary Line Adjustment for Peartree Properties of Columbia County, LLC, as set forth in the survey dated December 7, 2007, prepared by Plass, Rockefeller and Nucci, LLC.

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

On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to waive the reading of the public notice. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to open the public hearing. Mr. Grant asked if anyone present wished to speak to this matter. Matthew Cain came forward--he lives adjacent to Key Bank to the north at 185 County Route 7A. Diana Wilson, Diane Cinque and Morris Ordovery also came forward to examine the site plan papers.

Ozzie Beichert of Timely Signs, representing the applicant, explained that the applicant had submitted revised plans as requested by the Planning Board at the January meeting. He summarized that he had agreed to reduce the monument sign (sign 1) from 7'1/2" high by 6' 9'1/2" wide to 6' high by 5' wide as discussed at the previous meeting. He reminded the Board that he had requested approval to add two new gable signs—one (12' 8 1/2" by 1'6") on the gable facing the front of the building on Route 7A (sign 2) and one on the gable of the north side of the building facing Mr. Cain's house, which was eliminated. He noted that new lighted gable sign facing the street and the lighted monument sign will be turned off from 9 pm to daylight (defined at 6 am). He advised that while the 2' high by 6'8" wide ATM sign (sign 3), is to be replaced, it will be the same size and design as it now is. NYS law requires that the ATM sign remain be illuminated and on all night for security purposes due to ongoing banking activity.

Mr. Cain noted that on Monday, February 4, 2008, four new lights was installed on the building walls (two at the front of the building and two on the north side of the building facing Mr. Cain's home) and that the light glares into his property. Mr. Beichert advised that the lighting complies with New York State Banking Code related to bank security. Mr. Davis will research the lighting problem raised by Mr. Cain, and Mr. Beichert will consult with Barry Fowler, Key Bank Facilities Manager, to ascertain how the new lights can be shielded and still comply with NYS Code.

A sample of the new awning fabric was provided. It was noted that the awning was not to be illuminated and that it will be fixed and intended to shade the Bank interior from sunlight. The awnings will be on the outside of the building, 20 inches from the windows and extend from under the roof overhang. There will be three separate awnings with no graphics.

Mr. Grant noted that Town code limits commercial signs to two and that the third sign will require ZBA approval. Therefore, Mr. Beichert proposed that the lettering be eliminated at the sign at the ATM leaving the light--until such time as a ZBA variance can be obtained.

The corrections requested at the last meeting as well as correction of the Bank's address were noted as made, and the fee had been received.

There being no further questions or discussions, on a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to close the public hearing. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to approve the new monument sign and the new north gable sign as detailed in the plans of Brilliant Electric Sign Co., Ltd., dated December 19, 2007, and revised December 26, 2007, provided (a) both signs are turned off from 9 pm to 6 am daily, (b) the graphics at the ATM are covered, (c) Barry Fowler, Key Bank Area Facilities Manager, gives a written solution acceptable to the Copake Buildings Dept. that eliminates light spillage onto the property located at 185 County Route 7A, and (d) these conditions are appended to the approved site plan.

The short form SEQR was completed and executed. Mr. Beichert advised that this is an unlisted action pursuant to Sect. 167-2 of NYCRR. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant a negative declaration.

SUBDIVISION/SITE PLAN

2006-33 MAJOR SUBDIVISION – Birch Hill Road – Birch Hill Partners, LLC

Patrick Prendergast, project engineer, and William Spampinato, Esq., represented the applicant to review the plans for the Birch Hill subdivision dated January, 2008, showing the roads and septic locations. It was noted that the pre-existing road will be eliminated at about 1000 feet into the site, that the septic test holes were completed, and that .31 acres of wetlands are being disturbed (compared to an allowable level of up to .5 acres).

A three foot maximum grade on roads is planned as is a private roadway without paving according to Town specifications. The emergency roadway to be shared with Stone Gate/ Catmast Development Corp. (with a proposed 10% grade) was shown on the plans. Two cul-de-sacs are planned. The first will be a big turnaround with green space in the center; code calls for a cul de sac to be at a 3% or less grade and not located in any wetland area. The second will incorporate the existing stone wall.

It was also confirmed that the conserved areas now comprises 60% of the site. The conservation maps appear as page 2 of the Preliminary Site Plan entitled Property of Birch Hill Partners, LLP, dated December 10, 2007. Mr. Grant noted that County Planning approval is not required for this project. Subsequent to the meeting it was noted that while the applicant called this map a preliminary site plan, at this stage it should still be considered a preliminary sketch plan.

A complete storm water analysis (SWPPP) is required and being undertaken because more than five acres of land are being disturbed. Culverts are initially planned, and, if these do not work,

then three-sided boxed culverts will be substituted. When the SWPPP (which has been submitted to Clark Engineering for Town review) is determined acceptable, it will be submitted to the Town. The applicant was asked to submit its EAF, which will include a Phase 1 analysis as well as the conservancy agreement. When these are submitted to the Town and found acceptable, the applicant will then request preliminary approval of the site plan and SEQR. Mr. Prendergast advised that an archeological dig may be required.

2006-36 MAJOR SUBDIVISION - Birch Hill Road (Stone Gate at Copake Lake) – Catmast Development Corp.

William Spampinato, Esq., represented the applicant and advised that the most current plan entitled Stone Gate at Copake Lake Subdivision Plan prepared by Morris Associates and dated January 4, 2008, was submitted to the Board, Larry Proper, Copake Highway Superintendent, with detailed roadway drawings, and to Clark Engineering for Town review. Mr. Spampinato noted that the project had already received preliminary approval, and Ms. Becker advised that she will confirm per earlier minutes. He also noted that the project consists of 11 home lots and one community lot (12 acres) and that the SWPPP was completed. He also noted two changes since the last approval; the emergency road was added that leads to the Birch Hill Partners boundary line, and two septic systems were relocated because the corresponding two lots were moved away from the storm water drainage area.

Mr. Grant noted that the lake access issue is still unresolved and that it must be resolved prior to final approval if it is a part of the plan. He also mentioned that road and detention pond maintenance must also be included in the HOA covenants. Mr. Spampinato advised that the preliminary sketch plan was approved June 3, 2004, and that he was seeking final approval at the April meeting. He noted that the project fell below the SWPPP threshold requirements, but the analysis was completed in any event. He noted that the road will be private but built to Town specifications.

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. He advised that the ZBA hearing concerning the special use permit is scheduled for February 28th. He submitted a revised site plan that responds to the corrections raised at the Planning Board January 3rd meeting and that consists of the following pages:

- A1: Site Plan for A New Restaurant for Abby and Craig Chasky located at 3 Underhill Road, Copake, NY
- A2: John Mengler Site Plan dated February 7, 2008
- A3: John Mengler Floor Plan dated February 7, 2008

The plan scale was enlarged; the locator appears on the Chasky plan; the existing building appears on the Chasky plan without the new porch; the new porch appears on A1 and A3; the proposed parking with handicapped spaces and the existing building entrance appear on A1; A1 shows landscaping; A3 shows an updated floor plan.

Restaurant seating is for 20, and the floor area requirement is 15 sf per patron or a total of 300. With a Town parking requirement of one space per 50 sf of floor area, 20 parking spaces are required; however, 34 are provided, and spaces are 10' by 20', larger than the requisite 9' width.

It was decided that when the applicant is ready to install a sign, he will seek a permit from the Buildings Dept.

The Board determined that a public hearing is not required since one is being conducted by the ZBA. The Board also waived the site plan review fee (regular) since Board review of the plan is minimal and a fee is being paid to the ZBA.

On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to approve the site plan of John Mengler pursuant to plans identified as A1, A2 and A3 dated February 7, 2008, for a restaurant located at 300 Hill Road, Copake, NY.

The Board determined that this is an unlisted SEQR action. The short form SEQR was completed and executed. On a motion made by Mr. Davis and seconded by Ms. Becker, the Board voted unanimously to grant a negative declaration.

At the Agenda Meeting earlier in the day the Board advised that the Copake Fire Department needed to be consulted about the proposal. Ms. Becker agreed that she will contact them. Mr. Mengler was also asked to submit at least three copies of the plans to the Planning Board.

2008-03 MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT – Lots 300 and 301 -Taconic Shores - Leslie Vissers

Mr. Vissers appeared and described his proposal to merge Lots 300 and 301 located in the approved subdivision of Taconic Shores. He provided a written statement that only one house is located—on Lot 300 and advised that there are no covenants or deed restrictions.

The Board waived the public hearing.

On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to approve the merger of Lots 300 and 301 located in the Taconic Shores Subdivision owned by Leslie Vissers pursuant to the survey prepared by Matt Bowen dated April 7, 2007.

The SEQR was completed and executed. On a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to grant a negative declaration.

2008-04 MINOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT - Black Grocery Road - Estate of Alfred C. Scholz

Virginia Sander, owner of Lot 601, P.32 (approximately one acre), appeared. She is also the executrix of the Estate of Alfred C. Scholz, owner of Parcel 2 (53.32 acres). Theresa DeRocha, owner of Lot 599, P. 503, which is adjacent to Ms. Sander's lot, also appeared as did Krista Goodacre.

The proposal is to subdivide Parcel 1 (one acre) from Parcel 2 and simultaneously merge it to Lot 601, P.32. This will result in Ms. Sander's lot increasing in size from approximately one acre to approximately two acres. Four lots will remain, unchanged from the four in the existing subdivision.

A public hearing will be scheduled for the March meeting and the applicant was asked to provide copies of all relevant deeds as well as any covenants and restrictions on Parcel 2.

**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.**

Diana Wilson provided to Ms. Becker a package of letters of non-support submitted by the Friends of Copake. Ms. Becker advised that letters concerning this application could continue to be submitted.

PENDING FINAL APPROVAL

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

CARRY OVER

The following matters were carried over to the next meeting:

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

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

2007-22 BOUNDARY LINE ADJUSTMENT - Copake Lake Golf, LLC

2007-23 MAJOR SUBDIVISION – Copake Lake Golf, LLC

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

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

ADMINISTRATIVE

2007-16 – SITE PLAN REVIEW – COARC

The applicant was granted conditional site plan approval at the August 2, 2007, meeting. The Board advised that the applicant had since submitted a CCDOH letter and stamped septic plan

dated September 13, 2007, a condition of the approval. The Board reviewed the submission and determined that it was acceptable and advised that the site plan will now be stamped approved.

Road Naming - The Road Naming Procedure was reviewed by Ms. Becker.

Boundary Line Adjustment of Carl Ritchie and Chris Grant (2006-29) – This BLA was approved at the September 7, 2006, meeting. It was not until the contract of sale, including the visual easement, was completed that the application was considered complete by the Planning Board at its November 2, 2006, meeting.

Resignation of Chairman Edgar M. Masters – Mr. Grant acknowledged the resignation of Edgar M. Masters, a member of the Planning Board for the past 17 years. On behalf of the Copake Planning Board, Mr. Grant thanked Mr. Masters for his undying service to the Town of Copake and for the high standards he set that the Board hopes to maintain. He will be dearly missed.

Regularly Schedule Hours – Ms. Becker announced that the Planning Board will have regular scheduled hours at the Town Hall on Wednesdays and Saturdays from 10 am to 12 noon. The Wednesday hours will be maintained by Ms. Becker and Ms. Bonanno. Coverage for the Saturday meetings will rotate among Board members.

Board Vacancy – A public notice requesting applications for the Board vacancy resulting from Mr. Masters' resignation will appear Friday, February 8, 2008. The Board noted needed skills/characteristics include: ability to learn the zoning regulations, detail-oriented, conscientious, availability for meetings and consultation, communication skills and access to a computer. The Board encouraged attendees to spread the word for the need for applicants.

MINUTES

On a motion made by Mr. Davis and seconded by Ms. Becker, the Board voted unanimously to approve the January 3, 2008, minutes with the following changes on Page 6, Carry Over. Add:

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.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:40 p.m.

Marcia Becker, Secretary

Please note that all referenced attachments, comprising 16 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:

Hawkins/Albright

February 7, 2008 Halfond to CPB

Key Bank

January 22, 2008 Bonanno to Beichert

January 7, 2008 Masters to Beichert

CJ Properties

January 9, 2008 Howard to Masters

January 7, 2008 Masters to Howard

January 7, 2008 Masters to Barrow

January 7, 2008 Masters to Barrow

Birch Hill Partners, LLC

January 31, 2008 Spampinato to CPB

Catmast Development Corp. (Stone Gate)

January 31, 2008 Andreassen to Proper

January 17, 2008 Andreassen to Clark

Administrative

February 8, 2008 Job Posting

February 1, 2008 The Independent

January 29, 2008 The Independent

January 25, 2008 Bonanno to Hotaling

Stats December 2007