



COPAKE PLANNING BOARD

APRIL 4, 2019

MINUTES

DRAFT

Please note that all referenced attachments, comprising 78 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.

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Julie Cohen, Ed Sawchuk, Steve Savarese and Jon Urban. Town Supervisor Jeff Nayer, Town Board Liaison Richard Wolf and Attorney Ken Dow were also present. Lisa DeConti was present to record the Minutes.

ZONING BOARD OF APPEALS – Referrals

2019-10 ZBA REFERRAL – JUDITH CHURCH – County Route 27 [Copake]

- Building Permit Denial dated February 20, 2019
- ZBA Request for Area Variance Dated February 27, 2019
- Survey
- Pictures

The Board reviewed the ZBA Referral for Judith Church who would like to install an eight foot (8') deer fence around her entire property. Ms. Cohen acknowledged that the applicant has 3.77 acres. Mr. Haight had issue with this type of fence being installed in a non-agricultural area. Mr. Haight also noted that Ag and Markets requires a minimum of seven (7) acres for farming. Mr. Grant suggested the Garden be fenced and not the whole area. The Board was all in agreement against the fencing around the applicant's property.

A letter will be written to the ZBA informing them of the Board's recommendation.

PUBLIC HEARING

2017-38 SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville] (Open since November 2, 2017)

- Presentation from Paul Rubin of HydroQuest dated March 25, 2019

Mr. Haight reminded everyone that the Public Hearing remained open and there is a two (2) minute time limit to speak. He asked everyone to please state their name and the Town they live in.

Craryville Resident TIM HEFFERNAN... Mr. Heffernan had concerns regarding well contamination due to the fact that his house is within approximately one-hundred yards of the proposed gas station and the water table is quite high. Mr. Heffernan questioned whether the applicant had any insurance to protect him should his well get polluted.

Hillsdale Resident STEVE SMITH... Mr. Smith referred to the ZBA minutes of November 17, 2016 where it was stated:

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall consider:

*Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
Answer: NO*

Mr. Smith was strongly opposed to this statement and then referred to Town Code 232-21.J which reads:

Approval of a site plan shall be contingent upon a determination by the Planning Board that the site plan adequately protects the health and safety of the community and does not create any undue hazard, and, to the extent reasonably feasible, protects adjacent land uses and the environment, is compatible with neighborhood character and is consistent with the Comprehensive Plan.

Mr. Smith strongly urged the Board to take this under consideration. Mr. Smith felt consideration should be given as to whether this should be sent back to the ZBA.

Copake Resident FRAN MILLER... Ms. Miller addressed the fact that Copake is also over an aquifer and many of the families around the circle have been touched with all forms of cancer. She felt the Board should consider the fact that the site in Craryville is so close to an aquifer.

Hillsdale Resident BARBARA SMITH ... Ms. Smith had concerns regarding contamination of the aquifer from a hydrocarbon spill or rain water runoff as well as the impact on the wells and farm land.

Hillsdale Resident AMY DAVIDSON... Ms. Davidson wanted to express her concern for the community and the water and the future of Craryville.

Mr. Haight closed the Public Hearing for the evening and noted that it will remain open.

SUBDIVISIONS/SITE PLANS

2019-7 SITE PLAN REVIEW – COPAKE LAKE BOAT AND SKI – Lakeview Road [Copake Lake]

- Crawford & Associates Septic Inspection Letter dated March 28, 2019
- Bob Haight Letter to Lee Heim RE: Town Code 232-21 dated March 16, 2019
- Letter from Attorney Ken Dow RE: Required Site Plan Review dated March 13, 2019
- Letter from Attorney Ken Dow to Lee Heim RE: Required Site Plan Review dated March 16, 2019
- Floor Plan & Elevations

Russell Funk appeared before the Board in response to a Stop-Order received from Lee Heim, the Building Inspector.

Mr. Funk advised the Board that he started this process with the Building Inspector last December when he issued a Demolition and Building Permit. He noted that after the slab was poured he was notified with a Stop-Order. Mr. Haight acknowledged that he became aware of the construction on the site and notified Mr. Heim that Site Plan Review was required according to Town Code 232-21 which states that :

“All building permits for business & commercial uses need Site Plan Review unless the Building Permit is exempted for:

- 1. Ordinary repair or maintenance of existing structures or uses*
- 2. Farm stands*
- 3. Clearing or grading incidental to an existing use or an exempted use*
- 4. Exterior alterations to a residential structure*
- 5. Interior alterations that do not substantially change the nature of an existing commercial structure*
- 6. Residential and commercial timber logging.*

Mr. Haight acknowledged submission of a letter from Crawford & Associates regarding the results of the Septic Inspection on Mr. Funk’s property. Ms. Becker then acknowledged

submission of the floor plans and the amended floor plans that show the addition of the septic system.

The Check List was reviewed. Ms. Becker questioned whether there was any seating inside the building and was advised that the only seating is on the outside deck. Ms. Becker brought up the fact that total parking calculation is determined by retail space. She asked where the employees parked and was advised that they park in the back of the building. Mr. Urban made note of the fact that the applicant is downsizing the building and at the same time is adding additional parking spaces. Ms. Cohen referred to the Town Code which requires 2.75 parking spaces for each one-thousand (1,000) square feet of gross floor area. Mr. Haight acknowledged that the applicant's building is under one-thousand (1,000) square feet and he is providing three (3) parking spaces which conforms to the Code.

It was noted that Columbia County Planning Board approval is not necessary and the applicant has already been in contact with the Department of Health. It was determined that the Zoning District was not on the maps and was added and initialed by the applicant.

Mr. Grant brought up the fact that the Engineer's letter was not stamped by Crawford and Associates. The applicant will provide this.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for RHF Marine Enterprises, Inc. dated February 14, 2018 subject to receipt of the stamped letter from the Engineer.

Mr. Haight will stamp the plans when the stamped Engineer's letter is received.

2019-8 SITE PLAN REVIEW – COPAKE CAMPING RESORT – County Route 7A [Copake]

- Application for Site Plan Review dated March 14, 2019
- Short Form SEQR dated March 14, 2019
- Letter of Agency dated March 13, 2019
- CPL Letter dated March 22, 2019
- Site Plan dated April 2019

Civil Engineer Richard Andreassen and Attorney Dan Huffenus appeared before the Board to represent the applicant.

Mr. Andreassen advised the Board that the applicant purchased the property located on County Route 7 formerly known as Copake KOA last year. Mr. Andreassen explained that the property consists of approximately one-hundred and eighty-three (183) acres and the Campground is concentrated on the front forty (40) acres. He explained that there are currently two-hundred and fourteen (214) RV sites, twenty-three (23) Cabins and four (4) tent Sites and is located in both the Copake Hamlet Business and the Rural Residential and Agriculture District. He added that all sites are furnished by public water systems consisting of wells and sewage disposal systems.

Mr. Andreassen made note of the fact that they worked with the DEC last year to evaluate the waste water systems throughout the campground. He noted that they found sixteen (16) septic systems throughout the area with the majority in good working condition. However he added that there were a few in poor working condition and they are working with the DEC to replace them.

Mr. Andreassen advised the Board that the applicant wishes to add an additional thirty-two (32) RV Sites throughout the campground situated either adjacent to or between the existing sites so there will be no clearing or expansion as they will be incorporated within the existing footprint.

Mr. Haight asked whether the applicant plans on remaining open throughout the year and Mr. Andreassen acknowledged that this is what the applicant's plans are. Mr. Haight explained that in order for the applicant to open year-round an area variance would be needed from the Zoning Board of Appeals (ZBA) as stated in the definition of a Campground according to the Town Code which is as follows:

CAMPGROUND - Any parcel or tract of land including buildings or other structures, under the control of any person, where five or more campsites are available for temporary or seasonal overnight occupancy. Seasonal is to be defined as six months, subject to obtaining an area variance from the Zoning Board of Appeals.

Attorney Dow advised that a campground is prohibited in the Hamlet Business District so there cannot be any expansion in that part of the property and an Area Variance will be needed to expand in the RU District where the bulk of the property is located. Attorney Dow also made note of the fact that the usual procedure is for the applicant to go before the ZBA prior to Site Plan Review however in this instance the process can go forward inasmuch as the applicant is not requesting a variance in relation to the physical layout of the property and there is a provision in the Code that states a Site Plan should be integrated whenever possible. Ms. Becker questioned whether the Board could proceed or not without knowing exactly what they are looking at. Attorney Dow acknowledged that the Board can begin to look at the submitted plans for the expansion at this point.

Inasmuch as the Town Code defined seasonal as six months Mr. Grant questioned whether full year use is prohibited. Attorney Dow addressed the fact that the Definition of Camping is seasonal without obtaining an area variance meaning the six (6) month time period is subject to receipt of a variance.

Mr. Haight made note of the fact that it is Mr. Andreasson's choice to either proceed with Site Plan Review and run the processes concurrent or wait until everything was finalized with the ZBA. Ms. Becker suggested Mr. Andreasson present what is being submitted.

Mr. Haight asked Attorney Dow what the difference is between a Major and Minor Site Plan Review so as to know how to classify this application as the Board has different fees for a Minor or Major Site Plan.

Mr. Andreasson acknowledged that there are no buildings being built on the site and they plan on moving the Miniature Golf Site. Mr. Haight asked what the exact number of sites are planned for expansion. Mr. Andreasson clarified that there are looking to add thirty-two (32) additional sites. Ms. Cohen clarified that four (4) of the sites are being converted to RV hook-ups.

Ms. Becker questioned what the plans are for Waste Water Treatment. Mr. Andreasson acknowledged that they are presently working with the DEC and last year water meters were installed throughout the campground to measure the usage. Mr. Andreasson added that there are a couple of bath houses on the site as well as a laundry area which they already have data for.

Mr. Grant asked what the status was with the DEC and Mr. Andreasson explained that an evaluation of all the water systems has been done and there is a schedule to replace several of the existing systems that were found in poor condition to bring them up to current standards. Mr. Grant asked whether these systems are shared and Mr. Andreasson acknowledged that they will be shared. Mr. Andreasson explained that at this point there are some individual units and some shared units and at this time they plan on putting in a collection system for larger treatment systems. Mr. Grant advised that the Board will need copies of these plans and Mr. Andreasson agreed however he did note that at this time it is a work in progress and the DEC is doing a joint review with the Department of Health.

Ms. Becker asked what the potable water source is and Mr. Andreasson explained that they are drilled wells and he pointed them out on the map. He also noted that there are three (3) active wells on site. He also made note of the fact that the DEC inspects the water system every year and there are permits for them and they will be working with them for the expansion. Mr. Andreasson clarified that the DEC permit is for three-hundred and twenty-five (325) sites and they currently have two-hundred and forty-one (241) which is well below their permit limit. Ms. Cohan added that even with the expansion the total will be well below their limit. Mr. Grant made note of the fact that the community septic will have to be approved by the DEC. Mr. Andreasson also acknowledged that they are working with the DEC to get a SPDES Permit in place. Mr. Grant advised that the Board will need to review these documents.

Mr. Andreasson acknowledged that his next step is to go to the ZBA. Attorney Dow suggested the applicant go to the Building Inspector prior to the ZBA so that the Building Inspector will be able to address any elements that don't apply to the Code. Mr. Andreasson did send a set of plans to the Building Inspector and he will check back with him to see if anything else might be needed.

**2019-9 BOUNDARY LINE ADJUSTMENT – MARC SCHILDER – Pond Hill Road
and Lakeview Road [Copake Lake]**

- Application for Site Plan Review dated March 26, 2019
- Bargain and Sale Deed
- Philip J. Massaro & Son Land Description

Marc Schilder appeared before the Board for a Boundary Line Adjustment. Mr. Schilder explained that he would like to move the boundary line to take in the containment and drainage system.

A discussion ensued as to whether this application is a Boundary Line Adjustment or a Subdivision. Attorney Dow clarified that although this is a Boundary Line Adjustment legally it falls under a Subdivision classification and as such is treated as one.

Ms. Becker questioned whether this application is subject to SEQR or is it exempt. Ms. Becker asked for a survey that has the dimensions on it and whether the house is depicted on that one. Mr. Schilder acknowledged that the house is depicted on the other survey. Attorney Dow clarified that a SEQR is required as a Boundary Line Adjustment is treated like a Subdivision so a short form SEQR needs to be filled out.

The Check List was reviewed. It was noted that the Zoning District needs to be added to the Survey.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to Set a Public Hearing for next month's meeting.

2017-31 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #1] – Lackawanna Road [Copake]

2017-32 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #2] – Lackawanna Road [Copake]

- Letter from William Kimball of the Department of Agriculture and Markets dated March 11, 2009
- Letter from William Kimball of the Department of Agriculture and Markets dated April 17, 2009
- Letter from Patrick Hooker of the Department of Agriculture and Markets dated May 11, 2009
- Letter from the Department of Agriculture and Markets dated March 31, 2009
- Memorandum to Department of Agriculture & Markets dated April 15, 2009
- Memorandum to Department of Agriculture & Markets dated April 17, 2009

David Weiner appeared representing Salvatore Cascino and noted that at the last meeting he was asked to address the issue of farm operation history and provide additional information to show this is a legitimate farm operation. Mr. Weiner acknowledged that he had previously provided documentation from the Department of Agriculture and Markets however that didn't seem to be sufficient. Mr. Haight addressed this and explained that he researched this further and discovered reply letters between the Town and the Department of Agriculture and Markets. Mr. Weiner stated that Ag and Markets stood by its opinion. Mr. Haight disagreed and noted that Ag and Markets stated that it was stopping the investigation at that time because of the ongoing litigation. Mr. Weiner stated that this was because they were waiting for more information from the Town. Mr. Haight made note of the fact that a final decision was never received from Ag and Markets.

Mr. Weiner addressed the fact that at last month's meeting Mr. Savarese suggested the submission of revenues and receipts showing the activities of the farm. Mr. Weiner made note of the fact that as he was doing this he realized that these papers contained a lot of confidential information so he prepared a summary to present. Mr. Haight clarified that the requests from the Board included sales receipts and leases but were not interested in the dollar figures. Mr. Weiner had issue with submitting the specifics of the lease. Ms. Cohen pointed out that the lease should already be on file as a copy of the five (5) year lease needs to be attached when applying for the Agriculture Exemption. Ms. Becker agreed with this.

Mr. Weiner stated that he compiled a list of revenue from Bank Statements rather than receipts as he was not aware of how much hard copy receipt data there is. Mr. Weiner also noted that in 2016 and 2017 he was in the hospital and Mr. Cascino was in jail and data from that period was lost as a lot of the files were taken out by the accountants.

Mr. Weiner made note of the fact that the three (3) primary products of the farm are cattle, hay and trees as several trees had been cut down. Mr. Weiner noted that between 2012 and 2014 the primary product was the sale of hay as well as the leasing of one-hundred and twenty (120) acres for hay production. He added that sales were primarily to Dutchess, Columbia and Putnam Counties. He added that the first cow purchases were in 2009 and in 2015 and 2016 Mr. Cascino shifted more over to Cattle due to the fact of declining hay sales. Mr. Weiner noted that in 2016 and 2017 cattle sales declined some but picked up in 2018. Ms. Becker asked whether these are being submitted to the Board as just showing them to the Board doesn't really accomplish anything. Mr. Wiener wasn't sure these will be submitted or how they would become part of the record. Mr. Haight asked what problem Mr. Weiner had with submitting this data. Mr. Weiner had issue with the dollar amount and the source of the transactions. Mr. Weiner added that this year Mr. Cascino sold nine (9) cows and purchased eight (8) sheep.

Mr. Weiner asked whether a schedule like the one he presented would be adequate for the Board. Attorney Dow replied that this would not be sufficient. Attorney Dow acknowledged that money coming in and money going out is not going to satisfy the Board to get them to where they need to go as money going into the bank does not show what activity is being done. Attorney Dow pointed out that the fundamental problem is that there has been activity going on for a very long time on the farm that was not supposed to be going on.

Attorney Dow explained that showing a farm is active will take more than just showing revenue. He noted that there is nothing stating whether this revenue is for activities that weren't supposed to be going on. He clarified that in order to show activity there needs to be documentation and receipts from things that show what is transpiring. Attorney Dow clarified that there needs to be receipts that are directly related to agriculture and not just money coming in and out. Attorney Dow also pointed out that what is needed is to show something and show it credibility to overcome a very long history of not being able to rely on assertions. It needs to be something that is convincing and that will take some paperwork.

Ms. Becker added that it is pretty straight forward. She used her daughter who is a horse farmer as an example and noted that she is able to produce hay bills, income, vet bills, horse shoe receipts and leasing arrangements for her business. She added that this is some of what would be needed to show the running of any farm operation. Attorney Dow addressed the fact that at last

month's meeting it was noted that there are approximately forty (40) beef cattle and there should be receipts for whatever transpires in this type of farm operation.

Mr. Weiner again made note of the fact that he lost track of some of the data however Attorney Dow pointed out that this data would be kept by the accountants and should be able to be retrieved. Mr. Haight asked how long the farming operation has been in effect. Mr. Weiner noted that this has been taking place since 2003. Mr. Haight made note of the fact that Mr. Weiner only showed him three (3) receipts.

Attorney Dow brought up the fact that there is an existing determination by the Board from ten (10) years ago that is backed up by the engineers that what was being proposed was not an agricultural operation. Attorney Dow added that there were other issues such as composting, mulching, getting rid of debris as well as the fact that a formal decision by the Board of what was being presented was not credible and not consistent with agriculture. He added that if it can be shown that there are changed circumstances to overcome the previous ten year old decision then the Board can reconsider the matter.

Mr. Haight brought up the fact that the grinder is still on the farm and if this is to be determined a farm operation then equipment like that should not be stored there. Mr. Weiner addressed the fact that when Mr. Cascino bought the farm he was going to compost on the farm but that scenario has since been abandoned. Mr. Weiner added that it is not the intent to use the grinder anymore or bring in third party material to grind up, compost and sell. Mr. Haight did note that if they get to the approval point one of his stipulations would be that equipment like that would have to be removed from the farm because they are not part of the farm operation. Mr. Haight had no issue with equipment such as bulldozers, excavators, dump trucks or tractor trailers that could serve a purpose on a farm.

Mr. Weiner asked for clarification as to whether receipts and financial records would be the most convincing documents for the Board to prove a legitimate farm operation. Mr. Haight clarified that he doesn't need financial records but does need to see receipts of farm transactions such as the buying and selling of animals, feed, vet bills. Mr. Grant did note that the receipts have to be fair market value arms length transactions. Mr. Weiner made note of the fact that most of the incoming money has been going into fertilizer for crops. Ms. Becker asked whether someone is leasing the land for the crops and was advised by Mr. Weiner that someone is leasing the land. Attorney Dow pointed out that the applicant is dealing with beef cattle that require more transactions on a regular basis than dairy cattle would.

Mr. Sawchuk was not in agreement that composting equipment would not qualify as farming equipment. Attorney Dow clarified that it was denied for this particular operation in the past for a number of reasons and also went through the courts after the Board's decision.

Mr. Weiner once again asked for clarification as to what he should compile for the Board. Attorney Dow advised him that if this operation has been going on for years the Accountant's should have extensive records to show as accountants do not throw these types of records away. Mr. Weiner asked what else would be required from the Board once the issue of records is resolved. Ms. Becker added that she would have questions regarding the operations on the farm such as the green house. The Board pointed out that they would have to make a determination regarding the legitimacy of the farm before they could delve into these types of issues.

Mr. Savarese made note of the fact that he has never seen any product sales from the farm stand on the property. Mr. Weiner explained that the Town has never allowed this to open. Mr. Haight clarified that the town did not allow the building to open due to the fact that it was built without a permit.

Attorney Dow addressed the fact of confidentiality and noted that legitimate dealings of confidential business records could possibly be redacted however he did not feel that there is a good reason to redact ordinary transactions such as commodity prices

Mr. Grant made note of the fact that financial records should be submitted. Mr. Weiner acknowledged that Tax Returns are filed however he did not feel that it was proper to make Tax Returns part of the public record. Attorney Dow will look into exactly how this should be handled

2017-38 SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]

- Certified Sandborn Map Report and Photos
- NYLD Leak Detection, Inc Field Report – Utility Location
- Revised Site Plan

No one appeared representing GRJH. Mr. Haight advised everyone that the Save Craryville Group asked if they can have Hydro- geologist Paul Rubin make a presentation. Mr. Rubin of HydroQuest approached the Board to make his presentation.

Mr. Rubin started his presentation stating that although this application is for a gas station any proposal for this particular site that is high in a chemical load and has a risk contaminate transport either on or off site would be something that should be considered. Mr. Rubin explained that this particular site has a fairly large watershed with a stream that comes down toward it and goes underground through a culvert and drains down to the wetland that is greater than one-hundred (100) acres.

Mr. Rubin continued to explain that this area has been mapped by NYS museum geologists in field work and what they determined is that there is a relatively moderate to high yield of highly transmissive sand and gravel aquifer. He had concerns about high chemical load activity that might potentially degrade that water resource. He stated that ground water flows through a sand and gravel aquifer quite rapidly, the higher the slope the faster it will go. He noted that this permeability allows infiltrating rain water and snow melt to recharge the aquifer and then in turn recharge not only the sand and gravel aquifer but also the underlying bedrock aquifer in which people have wells. In looking at the whole picture a nice size sand and gravel aquifer has the potential for future land growth.

He also made note of the fact that no one knows what contaminates are being picked up by the stream going under the site but if any land use is put in with a high chemical load activity those contaminates have a risk of contaminating the ground water within the sand and gravel aquifer. Mr. Rubin also noted that the distance between the site and the wetland is very short and eventually

drains down into the Taghkanic Creek making it a multiple receptor situation. Mr. Rubin made note of the fact that this site stands out from other sites since it not only has a sand and gravel aquifer but has a stream running underneath it. He noted that any contaminate leeching off parking lots, a failing septic system or untreated hydro-carbons from gas stations have a risk of contaminating the streams, the wetlands or the sand and gravel aquifer as well as the bedrock aquifer beneath it down to the Taghkanic Creek. Mr. Rubin suggests this land use be denied.

Mr. Sawchuk asked whether the wetlands Mr. Rubin is speaking of are delineated and documented or is this his analysis. Mr. Rubin stated that it is on the maps. Mr. Sawchuk asked whether there was any consideration on the use of dye and how long it would take to migrate. Mr. Rubin stated that you would need specific data to know the exact answer. Mr. Sawchuk asked what would happen to the petroleum dropping runoff from the asphalt on the site. Mr. Rubin stated that it would build up during dry times and once it rains it would runoff to the wetland system. Mr. Sawchuk asked whether Mr. Rubin was referring to a chemical load, BOD load or a combination load. Mr. Rubin replied that it is a chemical load that is a type of carbons. He also added that septic contaminants can come through to a wetland which can build up a biochemical BOD count which in turn deoxygenates the water making it such that fish can't live and then the system becomes utropic.

Mr. Haight acknowledged receipt of the new revised Site Plans he received from the applicant with the addition of the front porch, picnic tables and additional landscaping to the front. Mr. Grant asked what else needs to be submitted. Ms. Cohen acknowledged that the report from the DOT is still outstanding. Mr. Haight made note of the fact that the applicant had a ground radar done to determine whether there were any tanks underground and none were found.

Mr. Haight also acknowledged that the applicant has also hired a geologist however they have not received the reports as yet. Mr. Sawchuk suggested the Board ask for a stormwater runoff analysis. Mr. Haight made note of the fact that the DOT is dealing with this issue and has had to make revisions due to the fact that the Town Code has been revised.

Mr. Haight addressed the March 7th 2019 list of updates the Save Craryville Group would like to see addressed.

1. Mr. Haight referred to the first paragraph of the Group's letter which read: "*GRJH, Inc. 's last site plan submission to the Board on January 25, 2019 was concerning considering it did not represent many of the changes we have requested, discussed and agreed on in the public forum.*" Mr. Haight made note of the fact that the Group must be referring to an agreement between themselves as the Board has not agreed to any of the issues referred to.
2. Mr. Haight then referred to the next sentence which read: "*The applicant has mislead the Planning Board on many occasions with misinformation and unauthorized changes to the site plan.*" Mr. Haight acknowledged that he has not seen any unauthorized changes to the site plan and noted that the process has been developing. Mr. Haight also acknowledged that the applicant has done everything that the Board has asked of them
3. Mr. Haight went onto the next sentence which read: "*This process has lacked the professional communication, record keeping and transparency necessary to ensure the application is held to the highest level of due diligence to protect our community's*

interests.” Mr. Haight addressed the fact that he has personally given the Save Craryville Group everything that comes to the Board, he has met with them and has opened up the Board’s records to them as soon as he receives them.

4. Mr. Haight then addressed #1 of the Required updates to the Site Plan which read: “*The total number of gas dispensers must be reduced to 3 and the total number of fueling stations must be reduced to 6.*” Mr. Haight explained that the applicant is allowed to have 6 dispensers and according to the SEQR they are allowed to have 7 dispensers.
5. Mr. Haight went on to #3 of the Required updates which read: “*The lighting plan is not updated to the requirements of code.*” Mr. Haight addressed section 232-16.13E that states that ‘Lighting will be substantial but no glare shall be produced which interferes with vehicles or trespasses beyond the property line. Lights in any canopy shall be recessed.’ Mr. Haight pointed out that the fact that lighting will be substantial *was* put into the code because of gas stations for security reasons.
6. Mr. Haight then went onto item #6 which reads: “*The kitchen must still be removed.*” Mr. Haight addressed the fact that the Department of Health will require the applicant to have a place to wash out their coffee pots, soup pots, prepare their soups and make sandwiches so the kitchen is not being removed.
7. Mr. Haight then addressed item #7 which read: “*Figure C depicts the required minimum distance of 200-Ft from a ‘public gathering space.’* He noted that the Town Code referring to that read: ‘No access drive shall be within 200 feet of and on the same street as a school, public library, theater, church or other public gathering place, park, playground or firestation...’ *The existing Western access drive is still only approximately 160-Ft from the Craryville Post Office, an important public gathering space especially for the hamlet community of Craryville.*” Mr. Haight referred to #39 CFR232.1 of the Federal Rules which states that ‘*Public assembly is prohibited in lobbies, and other interior areas of the postal building open to the public.*’ Mr. Haight also noted that this is also stated on Poster #7 that is hanging in the Post Office so the driveway will remain as is.
8. He then addressed item #8 which read: “*Figure D depicts the required 30-Ft setback on the Northeast boundary line. We have requested at least a 20-Ft setback to allow for adequate soil conditions for a native tree-lined hedgerow, the screening required by code to protect the view sheds of neighbors to commercial parking lots §232-8(A).*” Mr. Haight believed this referred to moving the driveway from the Craryville Road side inasmuch as it is 10 feet off the property line. Mr. Haight noted that according to Town Code the driveway is allowed to be 10 feet off the property line.
9. Mr. Haight then acknowledged Item # 10 which read: “*Two eastern windows of the building are inside of a Walk-in Cooler. These windows are important to the exterior architecture and streetscape and should not be removed. However, the walk-in cooler should be situated to avoid shielding of windows into interior spaces designed for retail use.*” Mr. Haight acknowledged that these windows were not depicted well on the site plan and he addressed this with the engineer who informed him that they are actually fake windows.

Mr. Haight advised everyone that a Special Workshop Meeting is being held on Saturday April 13th at 10:30 am so the Board can review submitted materials and discuss the project. He also advised everyone that the meeting will be open to the public, but the meeting will not be a public

hearing and no public comment or input will be taken. He made note of the fact that the public hearing will resume at the next regular meeting.

Ms. Becker asked where the Board is regarding an Engineer. Mr. Haight acknowledged that he addressed a five-thousand dollar (\$5,000.00) escrow to cover the expense of the Engineer with the applicant. He asked what the next step is to proceed forward. Attorney Dow acknowledged that the Board has the power to require a specialist and an escrow for the project. Mr. Haight questioned who signs the agreement with the Engineer. Attorney Dow did acknowledge that the applicant should be informed regarding what the Engineer will be addressing. Mr. Haight stated that he has already discussed this with the applicant.

Ms. Becker explained that in the past when a bill was received from the hired expert a copy of the bill was sent to the applicant for approval prior to payment so that they are kept aware of what has transpired.

Attorney Dow brought up the fact that he read about a county wide independent analysis geological study that was done and suggested the Board review this in comparison to other things being done.

Mr. Haight acknowledged a disk he received this week that was funded by the Hudson Valley Greenway showing the aquifer. Mr. Haight addressed the fact that it looked nothing like what Mr. Rubin presented earlier in the evening. Mr. Haight suggested the Board look at this at the Special Workshop Meeting on April 13th.

MINUTES

The Minutes of January 3rd and February 7th meeting were approved by the Board.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the February 7th and March 7th meeting minutes.

ADMINISTRATIVE

5G TELECOMMUNICATIONS: Attorney Dow advised that the issue of 5G Telecommunications has been brought up however it was noted that it is too early in the process to address this.

CARRY OVER

The following matters were carried over to the next meeting:

NONE

ADJOURNMENT

There being no further business, on a motion made by Ms. Becker and seconded by Ms. Cohen , the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:40 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 78 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:

ADMINISTRATION

JUDITH CHURCH

February 20, 2019 Building Permit Denial (2)
February 27, 2019 ZBA Request for Area Variance (2)

COPAKE LAKE BOAT & SKI

March 28, 2019 Aubin to funk (2)

COPAKE CAMPING RESORT

March 14, 2019 Short Environmental Assessment Form (3)

13 LACKAWANNA PROPERTIES

March 31, 2009 Dept. of Ag & Markets/Cosgrove to Crowley/Becker (2)
April 1, 2009 Masters to Becker/Howard (1)
April 15, 2009 Meyers/Memo to Dept of Ag & Markets (12)
April 17, 2009 Clark Memo to Dept. of Ag & Markets (16)
April 17, 2009 Howard to Kimball (5)
May 11, 2009 Dept. of Ag & Markets/Hooker to Crowley/Becker (2)

GRJH INC.

March 7, 2019 Save Craryville/Carano to CPB (3)
March 19, 2019 Metz/Sandborn Map Report to Haight/CPB (15)
March 21, 2019 NY Leak Detection to CPB (9)
March 25, 2019 Rubin/HydroQuest to CPB (2)
March 25, 2019 McBride/McCormack to CPB (2)