



COPAKE PLANNING BOARD
FEBRUARY 7, 2013
MINUTES

Approved
March 16, 2013

Please note that all referenced attachments, comprising 19 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 Marcia Becker, Chair. Also present were Chris Grant, Bob Haight, and Jon Urban. Gray Davis, George Filipovits and Steve Savarese were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. ZBA REFERRAL/SPR – ERIC AND CAROL SOKOL – Lakeview Road [Copake Lake] – (2013-3)

Linda Chernewsky appeared representing Eric and Carol Sokol who live on an undersized lot on Lakeview Road at Copake Lake. Ms. Becker acknowledged the Site Map containing the covered porch on it and the elevations sketch. Ms. Becker advised the Board that Ms. Chernewsky has been before the Zoning Board of Appeals for several Variances. Ms. Becker questioned whether the structure would be demolished and was advised that it would not be. Ms. Chernewsky explained that they are removing the existing second floor because it does not meet code and will be replacing it to code. Ms. Chernewsky also noted that they will be working within the footprint but will be adding a deck. She pointed out that the existing steps will be removed and the non-conformity is not being increased.

Ms. Becker questioned the location of the well and was advised that it was located inside the utility room. Ms. Chernewsky acknowledged two letters regarding the septic system, one from Kent Rossman, the installer and the other from Flood Sanitation. Ms. Chernewsky referred to the diagram of the septic system that acknowledged that it was a twenty-five hundred (2,500) gallon tank however this was not located on the new map. Ms. Chernewsky pointed out that this size is adequate for the two (2) bedroom home she is proposing. Ms. Chernewsky explained that the septic system empties into five (5) separate dry well tanks. Ms. Becker questioned whether the letters concerning the septic system said if they were in working order. Mr. Haight advised her that the letters did not and were only a description of the existing system.

Mr. Grant pointed out that Mr. Flood's letter stated that the septic system was replaced in 1997, was four-hundred (400) gallons and appeared to be in good working order as of 2004 but had not

been inspected since then. Ms. Chernewsky noted that Mr. Rossman's letter stated that the system was in good working order. Mr. Grant brought up the fact that Mr. Rossman's letter stated that the tank was twenty-five-hundred (2,500) gallons and Mr. Flood's letter stated that the tank was four-hundred (400) gallons. Ms. Chernewsky explained that Mr. Flood installed the original system and Mr. Rossman installed the second system so his letter certified the system he installed. Mr. Grant questioned the fact that Mr. Rossman's letter and Mr. Flood's letter were inconsistent. Ms. Chernewsky argued that this was because they were two separate companies. Mr. Grant pointed out that they should still be in agreement. Ms. Chernewsky explained that Mr. Flood installed the original two (2) tank four-hundred (400) gallon system and Mr. Rossman installed the five (5) separate tanks that tie into Mr. Flood's original two (2) tank system. Mr. Haight pointed out that the tanks Mr. Rossman installed were dry wells and not tanks.

The Board advised Ms. Chernewsky that a more recent acknowledgement that the system was in working order was required. Ms. Chernewsky argued that the December 2012 letter from Mr. Rossman stated that. A discussion ensued regarding the two different systems and their performance. Mr. Grant argued that Mr. Flood's letter stated that in 2004 they last cleaned the septic system and they have not been called to clean it since then. Mr. Grant read Mr. Flood's letter into the record.

With the exception of the septic information, Mr. Urban questioned what else would be required for this application so that they can proceed forward until this information is obtained. Ms. Becker questioned the distance from the structure to the lake and was advised that the distance is ninety four point nine feet (94.9') and this was one of the required variances. Ms. Becker then questioned the distance from the structure to the road. Ms. Chernewsky estimated it to be thirty five feet (35'). Ms. Becker asked if there were any landscaping plans and Ms. Chernewsky advised her that there were none at this time and noted that the footprint of the building is not being altered.

Ms. Becker acknowledged that a right side variance, a left side variance, a front yard variance, a rear yard variance, a height variance and a distance from the lake variance are all required. Ms. Chernewsky explained that the ZBA tried to decide what the front yard was as the owners park on Pine Street and access the house from the steps on Lakeview Road. Ms. Becker acknowledged that the only outstanding item was the clarification of the septic system information and the condition of the system itself.

PUBLIC HEARING

2012 -22 MAJOR SUBDIVISION/BLA – JOE FLOOD – Route 22 & Yonderview Road

On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to waive the reading of the Public Hearing. On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to open the Public Hearing.

Ms. Becker asked if anyone present wished to speak on this application. Bill and Wendy New and Steve and Darlene Balducci stepped forward for Mr. Russell's presentation. Ms. New questioned if Lynn Main would be purchasing the property. Mr. Russell was not aware of the

purchaser. Mr. Russell explained that inasmuch as this was Mr. Flood's fifth subdivision of his property this application is considered a Major Subdivision according to Copake Town Code and there are additional notes that are required to be added to the map that aren't usually required. Mr. and Mrs. New and Mr. and Mrs. Balducci showed no objections to this.

Ms. Becker asked if anyone else present wished to speak on this application. There were none. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to close the Public Hearing.

2012 -30 MAJOR SUBDIVISION – VIJOBA REALTY – Yonderview Road

On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to waive the reading of the Public Hearing On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to open the Public Hearing. Ms. Becker asked if there was anyone present who would like to speak on this application. Bill and Wendy New and Steve and Darlene Balducci stepped forward for this application as well. Mr. Russell pointed out the fourteen (14) acre parcel on the map that is being subdivided from the whole parcel.

Ms. Balducci questioned the location of the driveway and was shown its location on the map. Mr. Russell advised her that no driveway would be across from their property inasmuch as the property in that location was too steep. They were also advised that no streams are running through the subdivided parcel nor are there any wetlands. Mr. Russell noted that the property was recently reviewed by a biologist confirming this. A discussion ensued regarding the wetlands and Mr. Grant asked whether the Biologist would be willing to submit a letter stating his findings. Mr. Balducci requested to see the letter from the Town regarding the Subdivision. Mr. Gellert advised Ms. New that the purchaser of the fourteen (14) acres wished to own the additional land for privacy.

The Public Hearing remained open.

SUBDIVISION/SITE PLAN

2012 -22 MAJOR SUBDIVISION/BLA – JOE FLOOD – Route 22 & Yonderview Road

Surveyor Dan Russell appeared before the Board representing Mr. Flood. Ms. Becker advised the Board that Mr. Flood's application needed to be accepted as a Preliminary Sketch. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to accept the previously submitted subdivision map for JJ Twin Oak LLC updated March 19, 1995. A fee in the amount of two-hundred dollars (\$200.00) was given to the Board.

Mr. Russell acknowledged that Mr. Flood's property consisted of approximately two-hundred and twenty acres on Yonerview Road and he wishes to sell all his property north of Yonderview and west of Route 22 to a single purchaser who has no plans to do anything with the property other than what is being done now.

Ms. Becker advised that the Board has come to a proposed decision and acknowledged that additional notes were required for the map specifically referring to the conservation findings. Mr. Russell pointed out that notes one to six were already on the map. The remaining notes were reviewed. There was a question as to whether there were any aquifers on the map as Ms. Becker presented a Clark Engineering map showing there was an aquifer present on Mr. Flood's property. Mr. Russell will make the correction to the note. It was decided that an additional note would be added to the map and this note (M) will state 'To Be Determined in the Future' should anything else be required.

Ms. Becker requested that 'Flexible Lot Subdivision Major Subdivision' be added to the map and the 'Base Density Calculation allowing for a maximum of 56 lots on 90.62 acres with 135.93 preserved' be added. Ms. Becker noted that a complete conservation analysis according to 232-26.1 C had been done. Ms. Becker also requested an additional note be added which read: At which time the land owner further subdivides the remaining land, Sections 232:26.1 Sections 232:26.2, Sections 232:26.3 and Sections 232:26.4 of the Town of Copake General Code shall apply.

After the SEQR was read, on motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to make a Negative Declaration. Ms. Becker read the proposed decision into the record. Mr. Russell requested a copy of this for Mr. Flood. Mr. Grant questioned whether the purchaser of Parcel One, the forty six (46) acre parcel Mr. Flood is subdividing, would be interested in participating in the Conservation Subdivision. He was advised that Mr. Flood's does not want to subject the purchaser to any agreements regarding this and is willing to bear the responsibility himself.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously on a Roll Call Vote to approve the Major Subdivision of J & J Twin Oak LLC consisting of Subdividing a single lot 46.6 acres from a parcel of 226 acres from a survey map prepared by Dan Russell of Crawford and Associates dated February 6, 2013 subject to the updating of the notes, the revision of the notes discussed at this meeting, the revision of Note 7 and the additional notes and subject to the conditions outlined in the decision.

Mr. Russell will revise the maps and bring them in for Ms. Becker to stamp and sign.

2012 -30 MAJOR SUBDIVISION – VIJOBA REALTY – Yonderview Road

Dan Russell appeared before the Board with Phil Gellert representing Vijoba Realty. Mr. Russell presented the Board with two revised maps explaining that one map was the fourteen acre parcel being subdivided from the larger parcel showing the right of way and the second map is the conservation analysis on the entire parcel located in Copake. Mr. Russell noted that this map needed to be adjusted to show the aquifer from the Clark Engineering map. He acknowledged the Board of Health letter and the Curb Cut letter from the Copake Highway Superintendent.

Ms. Becker advised that the previously submitted map needed to be accepted as a Preliminary Sketch. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to accept the fourteen (14) acre subdivision map and the map of the whole property submitted by Dan Russell of Crawford Associates dated January 3, 2013 as a Preliminary Sketch.

Ms. Becker made note of the fact that although a letter of agency had not been submitted, Mr. Russell has been appearing with Mr. Gellert as a representative for Vijoba Realty. Mr. Gellert believed a letter to that effect had been submitted. Ms. Becker will look into this. Ms. Becker advised that an application had not been completed. Mr. Russell completed the application and submitted it along with a fee in the amount of fifty dollars (\$50.00).

The Base Density calculation was reviewed. It was noted that there are three-hundred and thirty one point seven (331.7) acres in Copake, ninety four point five (94.5) of which are constrained, two-hundred thirty seven point two (237.2) of which are unconstrained. To find the Base Density Ms. Becker noted that the unconstrained acres are divided by the three (3) acre zoning equaling seventy nine (79) lots. The Code states that 60% of the total acreage must remain open leaving a total of one-hundred and ninety nine point two (199.2) acres that will remain open and one-hundred and thirty two point sixty eight (132.68) acres for maximum development of seventy nine (79) lots. Ms. Becker noted that the fourteen acre parcel Mr. Gellert is subdividing leaves a total of seventy eight (78) lots.

Ms. Becker advised that Mr. Russell needed to return with the additional notes added to the maps as well as the easement documentation for the driveway across other lands of Gellert. Mr. Russell will have Mr. Gellert's lawyer send the proper documentation to Attorney Dow. The Public Hearing will remain open and the SEQR will be reviewed at next month's meeting.

**2012 -27 SITE PLAN REVIEW – JAMES AND ANNE WAGNER – Golf Course Road,
[Copake Lake]**

Ms. Becker acknowledged the new elevation maps and the pre-demolition asbestos survey. Mr. Haight explained that one of the reasons he requested the asbestos survey was due to the fact that should asbestos be discovered and abated by demolition it would then need to be sprayed down with water which would require more than just a silt fence to protect the lake and would also be required on the Town maps. Mr. Wagner and Ms. Chernewsky accepted Mr. Haight's request as fair. Ms. Becker acknowledged that the asbestos survey was clean and no asbestos was found. Ms. Becker then acknowledged that all the required variances were granted.

Ms. Becker pointed out that Mr. Davis had previously visited the Wagner property and in his absence supplied a letter requesting that the 24" spruce remain if at all possible. He was agreeable with all the other trees that were marked for removal. Ms. Chernewsky advised the Board that she had spoken with one of the contractors bidding on the project who informed her that the roots of the tree are in the location of the foundation and when the foundation is replaced there is a good possibility that the tree will eventually wind up dying as many of the trees roots will need to be removed. The contractor advised her that with the roots being cut away it was quite likely that the tree would die and then fall into the direction of the neighbor's property. He was unwilling to take responsibility for this. Inasmuch as the Board was requesting that this tree remain Ms. Chernewsky asked the Board to sign off on this tree should any damage occur.

Ms. Becker suggested a compromise of a replacement tree being planted. Mr. Wagner acknowledged that he was planning to put more ornamentals up near the road. Mr. Grant suggested leaving the tree and asking the contractor to be careful when dealing with it. Should it die Mr. Grant felt it could be removed at that point. Mr. Wagner felt that it would be best to

remove it at this time rather than at a later date since the equipment would already be at the site. Mr. Haight felt a replacement tree was acceptable. Ms. Becker requested a final landscaping plan when everything is completed so that it can be added to the file. Mr. Wagner asked if the plan needed to be a formal plan. Ms. Becker advised him that a rough draft in colored pencil would be acceptable. That would be supplied.

Ms. Becker questioned whether the Board would request that the tree remain or not. Mr. Haight did not feel it necessary for the tree to remain under these circumstances. Mr. Grant felt that if a replacement tree was the solution a certain size needed to be stipulated. Mr. Wagner advised that his wishes were to use ornamentals as he did not want another tree of this size in the same location that would create a problem in the future. Ms. Becker suggested planting a smaller species. Ms. Chernewsky pointed out that there are other trees behind the one in question. Mr. Grant was in favor of keeping the tree and removing it should it die. Mr. Wagner and Ms. Chernewsky were concerned with the liability of the tree falling.

A discussion ensued regarding this. Mr. Urban suggested the Town accept the responsibility should the tree fall. Mr. Grant felt this was not an option. Mr. Haight also believed the replacement of the foundation would kill the tree. Mr. Haight acknowledged that when a foundation is replaced the digging needs to be done three feet (3') around it which will take at least if not more than one-third (1/3) of the root system of the tree. It was noted that Mr. Davis' letter stated that the tree be kept if possible. It was decided that the tree be kept if possible. Mr. Grant suggested Mr. Davis work with the contractor regarding this.

Ms. Becker acknowledged that all the notes on the maps conform to the erosion control measures suggested by Clark Engineering as requested by the Board. Ms. Becker brought up the fact that the septic system be flagged before the excavation and she noted that the trees have been flagged.

On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to approve the Site Plan for the Wagner house renovation on Copake Lake from a map by L&C Design dated September 2012 submitted December 2012 with the Planning Board recommendation that the owner try to save the large spruce tree on the west side of the house and furnish a landscaping plan when complete. Mr. Grant requested Mr. Davis be put in contact with the contractor regarding the spruce tree.

2013 -1 SITE PLAN REVIEW – MARIA ZADRIMA – Golf Course Road, [Copake Lake]

Andrew Aubin, Assistant Project Manager and Nick Pouter, Landscape Architect appeared before the Board representing Maria Zadrime and presented a revised landscape plan. Mr. Aubin advised the Board that the house location will remain as previously submitted and will not be moved as discussed at the previous meeting and he will just be addressing the landscape plan. Mr. Aubin clarified that the parking area will be stone instead of timber as previously discussed.

Mr. Pouter presented the landscape plan acknowledging that the plantings will be primarily native plantings including boxwood and forsythia. He noted that there will be approximately thirty (30) trees and approximately sixty five (65) shrubs including oak, red maple, river birch and pin oak, Ms. Becker questioned the size of the trees and Mr. Pouter advised her that plans

were for two inch (2") caliper trees approximately twelve to fourteen feet (12'-14') high and should grow to about forty feet (40'). Mr. Haight commented that the trees will not reach their height for quite a while and will look more like bushes at this time. Mr. Pouter explained that this is the most used size for planting as bigger trees do not usually transplant well, especially on sloped land. It was noted that there are still some background trees located on the property.

Mr. Grant brought up the fact that twenty to thirty foot (20'-30') trees are being planted on the neighboring Frank property and there were no problems. Mr. Pouter disagreed that this was advisable and noted that there is data stating that a three inch (3") tree will outgrow a six inch (6") tree.

Ms. Becker referred to a note from Mr. Davis regarding the grade change from the drive and Mr. Aubin advised her that it was a three foot (3') difference from the edge of the road to the parking pen. The note from Mr. Davis also questioned the height of the retaining wall and was advised that it was four feet (4') at the most. Mr. Davis' note also stated that he felt the replacement trees should be taller and larger and he pointed out that most of the trees are at the lowest point of the site so the house will be very visible above the tree line. Mr. Davis made note of the fact in his e-mail that most of the trees removed were over fifty feet (50') tall. Mr. Aubin did acknowledge that the trees were removed from the property but pointed out that there are still several trees on the other side of the road that will still maintain some of the tree line. Mr. Grant advised him that the concern was the screening of the house from the lake. Mr. Aubin felt that the house would not be screened between the former tree trunks and argued that the canopy of the smaller trees will accomplish this better than the taller trees where the canopy is much higher.

Mr. Haight brought up the fact that there were sixteen inch (16") caliper trees on the site and the proposal is to replace them with two inch (2") trees and suggested additional replacement trees. A discussion ensued and it was the opinion of the Board that a few more big trees be added and that the applicant return next month with a middle ground presentation. Mr. Pouter questioned what areas in particular the Board was concerned with. These areas were discussed.

Mr. Urban brought up the fact that although the previous Site Plan was violated the Board now has the opportunity to possibly make things a little better. Mr. Grant advised that the Board requested a buffer along the lake that will not be mowed, and that there will be shrubs along the lakeshore with no alteration to the grade. Mr. Haight suggested a four inch (4") tree but it was noted that they not be put too close together. Mr. Grant suggested more native trees like oak instead of river birch. Mr. Poulter advised that the river birch have lower branches giving more screening and also grow faster. Mr. Grant pointed out that they do not live as long as other trees. Mr. Poulter acknowledged this but noted that they are mixed in with other trees including shad which is also a multi-stemmed tree. Mr. Poulter explained that he felt it best to do a layering of a combination of the oak, maple and birches. Mr. Aubin questioned what size the Board would like the updated plan to have. The Board felt nothing smaller than four inch (4") and preferably six inch (6").

Ms. Becker addressed Doug Clark's first comment regarding the first erosion plan and said the plan looks OK and is schematic in nature however it will need to be checked in the field. Mr. Aubin made note of the fact that the correspondence he shared with Mr. Clark concerned the erosion sediment control plan and that everything has been installed except the ground stabilization mats due to the fact that the ground was frozen. Mr. Aubin noted that the stones, the

sediment traps, the silt fences and the hay bales have all been installed. Ms. Becker referred to Mr. Clark's question as to whether an inspection had been done after the snow melt. Mr. Aubin advised her that an inspection report was sent to Mr. Clark. Ms. Becker did not have a copy of this. Mr. Aubin will forward it to her.

Mr. Aubin remarked that inspections are being done even with the Stop Work Order to show good faith. Mr. Haight acknowledged that the inspections are done to make sure nothing is running off into the lake. Mr. Aubin agreed but pointed out that this did not need to be done by them however they are doing it as a good faith gesture. Mr. Aubin's questioned whether the Stop Work Order could be lifted so they can be active at the site inasmuch as this process will take a few meetings. Ms. Becker advised him that it was her belief that Mr. Ferratto would not be able to do this without Site Plan approval as a permit cannot be issued without it. Mr. Aubin advised her that a permit had already been issued to which Ms. Becker responded that this permit had been revoked. Mr. Aubin believed a Stop Work Order only stopped work from being done at this time and did not revoke the permit itself. Mr. Haight clarified that according to Town Code a Site Plan is required before any work can be done. Ms. Becker will discuss this with Mr. Ferratto but it was her understanding that this process needed to be completed before work can begin again. Mr. Aubin believed that it was Mr. Ferratto's decision as to whether the Stop Work Order can be lift or not. Mr. Haight brought up the fact that he believed one of the stipulations of the Stop Work Order was an approved Site Plan. Ms. Becker will follow up on this.

**2012 -28 SITE PLAN REVIEW – LAWRENCE AND KATHRYN HOUSE– Pine Street
[Copake Lake]**

Andrew Aubin and Darlene Remer appeared representing Lawrence and Kathryn House. Ms. Becker acknowledged that this applicant appeared before the Planning Board for a site plan review in September but was then referred to the ZBA by the Code Enforcement Officer. They are before the ZBA and are present tonight with a new application for a revised Site Plan of an expansion of a house instead of a replacement. Ms. Becker reminded the Board that the outstanding item is the septic system for a small house on a small lot at Copake Lake. Mr. Haight questioned whether this was a weekend residence and was advised that it is.

Ms. Becker questioned whether the existing structure will be demolished. Ms. Remer advised her that it will be demolished and rebuilt in the same footprint with the addition. Ms. Becker asked if the foundation will be expanded and was advised by Ms. Remer that the there is no foundation and the house is on piers and will be placed on a concrete foundation. Ms. Becker questioned the distance from the residence to the lake. Mr. Aubin explained that he proposed to the ZBA that Dan Russell who prepared the original survey provide a letter with the certified distance instead of updating the whole survey map however it was noted that the distance is far enough away from the lake to alleviate concerns with demolition or erosion control.

Mr. Aubin advised the Board that there is no way to provide whether the existing septic system is adequate or not as there are so many constraints to the property that it won't conform to modern DOH standards. Mr. Aubin also brought up the fact that the DOH does not want to review rebuilt systems and only want to deal with new systems. He noted that Crawford and Associates are proposing a hold and haul set-up to be reviewed by Mr. Clark to temporarily hold sewerage flows that would be hauled off on a periodic basis based on the usage of the cottage. He

explained that a fifty foot (50') set back would be maintained as needed with a ten foot (10') set back from the property for the tank. Mr. Aubin continued to explain that a control panel will be built into the tank for safety and health concerns and will give two sets of alarms. The first alarm will warn that the tank needs to be pumped out and the second alarm will control a valve on the well system stopping water supply to the home. Mr. Aubin acknowledged that with this alarm system there will be no overflow from the system should there be a problem.

Ms. Becker advised that this will need to be reviewed by Engineer Doug Clark to make sure it is something that is safe. Mr. Haight questioned whether this would be interior or exterior. Mr. Aubin said that it is being considered for inside because if something went wrong it could become quite annoying to surrounding neighbors.

Ms. Becker believed this was the only outstanding item once the variances were obtained. Ms. Becker advised that the Town requires that the applicant pay for the Engineer Consultant. She provided an escrow agreement to Ms. Remer to give to the homeowner and advised her that they should contact the Town Supervisor

2011 -24 SITE PLAN REVISION – MARK FRANK – Island Drive [Copake Lake]

This application could not be reviewed at this time as Mr. Grant had to recuse himself from this application and would not be able to vote on it. Without Mr. Grant's vote a quorum would not be met.

**2008 -21 MAJOR SUBDIVISION – MICHAEL B. & BARBARA S. BRAUNSTEIN –
Golf Course Road [Copake Lake]**

Nick Demos appeared representing Mr. Braunstein. Ms. Becker advised Mr. Demos that Mr. Braunstein still had an excrow account of seven-hundred and twenty five dollars (\$725.00) established with the Town. Mr. Demos presented the new plans and explained that there are no plans to develop the island which is already a separate tax map parcel. He noted that the previous application planned to merge the island to the proposed subdivision to give it road way frontage however this is not being done this time. Mr. Demos advised that lots 2, 3, 4 and 5 are unchanged from the first presentation however Lots 6 & 7 are being changed so as to have two (2) lakefront lots. Mr. Demos pointed out the one-hundred foot (100') set-back and the one-hundred and fifty foot (150') set-back and they are proposing that everything is back behind the one-hundred foot (100') foot set-back and probably behind the one-hundred and fifty foot (150') set-back.

Mr. Demos acknowledged that Mike DeRuzzio was at the site, dug test holes and a suitable area for a septic system was located so one new raised bed system is being proposed on the top of the hill. Mr. Demos explained that the remaining area will remain Home Owner Assocaition property and contain an easement allowing people access to the docks. Mr. Demos acknowledged that the ZBA approved the sites for the docks.

Ms. Becker asked if approval had been given for the septic system. Mr. Demos advised her that a contingency had been reached with Mr. DeRuzzio who wanted to review the SWPPP and his

letters did say there were areas suitable for systems however Mr. Demos' engineered plans had not been approved. Ms. Becker advised him that Department of Health approvals will be needed for locations. Ms. Becker questioned whether new plans are being submitted. Mr. Demos advised her that Lots 4, 5 & 6 will remain the same. He acknowledged that Mr. Braunstein will be submitting an additional fifty dollar (\$50.00) fee for Lot 7 and will maintain the application for the back Lots as he doesn't want to start over with these.

Ms. Becker expressed concern about the steepness of the property and Mr. Demos presented the appropriate topography map. Mr. Demos advised that he will be working with Surveyor Jeff Plass to get the property lines computed. Ms. Becker's concern was for the Board see whether those steep slopes were suitable for building.

Ms. Becker believed there was a prior issue with the road and questioned whether there is another access road besides Golf Course Road. Mr. Demos acknowledged that there was access to Pumpkin Hollow Road however this was across the conservation easement and the Columbia County Land Conservancy has been uncooperative. Ms. Becker advised that there might be an issue with fire and safety access with only one road access. Mr. Demos made note of the fact that Highway Superintendents Larry Proper and Bill Gregory had previously approved the plan however there were questions regarding the grade. Mr. Grant questioned whether the Conservation Subdivision rules apply for this application and it was noted that it is not required in the 'R-2' district.

Ms. Becker reviewed the check list and it was noted that most things had been satisfied. Cross sections on the streets were needed as well as the size and locations of the water lines. Ms. Becker questioned whether a Storm Water Drainage Plan had been received and Mr. Demos acknowledged that a new one will be submitted as the older one was outdated. The Board will review the previous plans before approving the preliminary plan. It was noted that the Department of Health letter, the issue of the steepness of the slopes and feedback from the Fire Department regarding an additional access road will need to be dealt with.

2013 -4 FUTURE ZBA REFERRAL CONFERENCE – BARRY POLAYES AND CAROL TIGER – Southwest Colony Road [Copake Lake]

Marc Bailey appeared representing Mr. Polyayes and Ms. Tiger who own two lots on Southwest Colony Road. Mr. Bailey explained that Mr. Polyayes would like to remove the two (2) existing homes presently on the lots and build a single three (3) bedroom home in the approximate location of one of the existing homes. Mr. Bailey pointed out that the proposed home is larger than the existing footprint they wish to replace but smaller than the size the two combined homes would be.

Mr. Bailey acknowledged that his client would like to keep most of the existing trees and would also like to abandon the existing dock in one location and move the floating dock to a specified area. Mr. Bailey informed the Board that he presented the plans to Mr. Ferratto and once he received a denial from him will proceed to the ZBA.

Mr. Bailey advised the Board that the septic system will be inspected by Crawford and Associates. Mr. Bailey presented the plans as well as the elevations for the Board's review. Ms.

Becker expressed the Board's concern regarding homes that appear to be three (3) stories and advised that there are solutions to alleviate this issue.

Mr. Bailey questioned what would be needed after his appearance before the ZBA. Ms. Becker advised that Mr. Ferratto's letter would dictate this.

2012 -33 MAJOR SUBDIVISION/BLA – SCOT COHEN REALTY – High Meadow Road

Scot Cohen appeared before the Board and presented a map dating back to 1971 showing that there were originally two-hundred and ten point four (210.4) acres belonging to the farm along with a map of how the property looks today at two-hundred and twenty-two point 5 (222.5). Mr. Cohen noted that the present parcel is twelve (12) acres larger than the original parcel. Mr. Cohen informed the Board that he is planning on subdividing his property into four (4) parcels two of which would be fifty (50) acres, one that would be thirty (30) acres and another that would be ninety (90) acres.

A discussion arose as to how a Major Subdivision is treated when additional land is added to the parcel resulting in a larger piece of land. Mr. Grant believed that this is question that should be answered by Attorney Dow. Mr. Cohen brought up the fact that the Zoning states that this is a determination by the Board. The Board will proceed on this application when a decision is made.

It was Mr. Cohen belief that the Town tries to discourage development and if it is done it needs to be done in a specific way. Ms. Becker clarified that the law was written not to discourage development but to see that the character of the land is kept rural and the development is appropriate so as not to ruin the character of the Town. Mr. Cohen agreed and admitted that this was one of the reasons he purchased the property.

Ms. Becker questioned whether Mr. Cohen had any plans at this point to conserve any land. He acknowledged that he has spoken to the Conservancy but has not been able to work anything out at this time that is agreeable to both parties.

Mr. Cohen pointed out possible locations for future houses as well as a barn that he purchased. Mr. Cohen made note of the fact that he went to Mr. Ferratto for a building permit and was advised that a residential building permit could not be issued prior to the subdivision of the land because there is already a residence on the property. A discussion ensued and it was noted that Mr. Ferratto was considering a second building as a second residence. Ms. Becker advised that an accessory building can be built but will have restrictions on it. This matter will be further considered.

MINUTES

On a motion made by Mr. Haight and seconded by Mr. Urban the Board voted unanimously to approve the January minutes.

ADMINISTRATIVE

SALVATORE CASCINO: Ms. Becker advised the Board that they were given an article regarding Mr. Cascino.

POLICY MANUAL: Ms. Becker advised the Board that there is a new Town Policy Manual that everyone should read and can receive a hard copy of it. She will provide the e-mail link to anyone wanting to read it online.

TRAINING REQUIREMENTS: Ms. Becker reminded the Board that there are training requirements for all Planning Board and ZBA Board members.

USE OF GIS: Ms. Becker informed the Board that she and Ms. DeConti were trained in using the GIS program which they are thinking of implementing into the meetings.

CARRY OVER

The following matters were carried over to the next meeting:

- 2012 -4 MINOR SUBDIVISION – MICHAEL FREED – Woodchuck Road
 [Copake Lake]**
- 2012 -14 SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill
 Road [Copake Lake]**
- 2011-18 SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]**

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Mr. Haight, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:00 p.m.

Marcia Becker, Chair

