



**COPAKE PLANNING BOARD**  
**JANUARY 3, 2013**  
**MINUTES**

**Approved**  
February 7, 2013

---

**Please note that the referenced attachment, comprising 1 page, is on file with the Copake Town Clerk and in the Planning Board office. An annotated listing of this attachment 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, George Filipovits, Steve Savarese and Jon Urban. Gray Davis arrived shortly after the meeting began. Bob Haight was excused. Veronique Fabio was present to record the minutes.

**ZONING BOARD OF APPEALS – Referrals**

**1. ZBA REFERRAL/SPR – JAMES MATSCHUAT – Lakeview Road [Taconic Shores] – (2012-34)**

Ms. Becker advised the Board that Mr. Matschuat's builder was no longer working on the project. She will speak with the Code Enforcement Officer Ed Ferratto regarding how to proceed with this application.

**2. ZBA REFERRAL/SPR – TERENCE & TAMELA GREENE – Island Drive [Copake Lake] – (2013-2)**

Ms. Becker advised the Board that Terence and Tamela Greene own property on the Island at Copake Lake and their project was referred to the Zoning Board of Appeals by Code Enforcement Officer Ed Ferratto. She noted that this is a modification of a non-conforming structure. She acknowledged the reference letter from Mr. Ferratto, an e-mail from Mike Higgins stating that the project does not require a permit from the DEC, four (4) photographs, a survey map and a submission brought in by Erin Robertson.

Ms. Robertson explained that the submission contains a revision to the construction that was originally brought to the Building Inspector and the ZBA. She continued to explain that the Greens are reducing the size of their deck. The survey will show the existing deck and the existing developments behind that. Ms. Robertson noted that the existing deck is twenty-two feet from the shoreline and the Greens are requesting to come a little bit further. Ms. Robertson also noted that there is also a proposed carport with a roof that will attach to the back door.

Ms. Robertson acknowledged that the landscape is pretty level and noted that the planting of native plants are being considered to act as a rain garden buffer as well as a screening for the borders of the property.

Ms. Becker referred to Mr. Ferratto's remarks regarding the Town Code which exempts open decks from the one-hundred foot (100') set back from a water body, however he noted, that the installation of an open deck is still development and development needs to be seventy-five feet (75') from a water body. Ms. Becker pointed out that a variance will be needed for development within the set-back. A discussion ensued regarding the conflict in the Town Code. Mr. Grant made note of the fact that the Carport is not an open deck and a variance will be required for the carport being built within the one-hundred foot (100') set-back.

Ms. Becker made note of the fact that Mr. Ferratto acknowledged that neither the deck nor the carport meet the rear yard set-backs to the property line and that is the reason he feels a variance is required. It was noted that the applicant did appear before the ZBA for the required variances.

The Check List was reviewed. It was noted that site improvements for drains, culverts, retaining walls and fences were included in the plans but there were no plans for retaining walls. It was noted that the only planned lighting was for the deck steps. It was also noted that no state or county permits are required. However, it was discovered that the 'R-2' Zoning District needed to be added to the plans. Ms. Becker questioned whether a landscape architecture stamp was needed. Ms. Robertson did not believe this was required.

Mr. Grant questioned what kind of plantings would be in front of the carport. Ms. Robertson advised him that these would most likely be shrubs as she didn't want anything too big next to the house.

On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to approve the Site Plan for the Greene residence on 210 Island Drive subject to the variances being granted by the ZBA based upon the Code Enforcement Officer's letter dated December 11, 2012 from a map provided by Erin Robertson Landscape Design dated January 3, 2013.

A letter will be sent to the ZBA advising them that the Site Plan was approved subject to ZBA approval. Ms. Becker did note that should the ZBA deny the variances Planning Board approval would not be valid. Ms. Roberts requested a copy of the Code Enforcement Officer's letter to the ZBA.

### **3. FUTURE ZBA REFERRAL CONFERENCE– ERIC AND CAROL SOKOL – Lakeview Road [Copake Lake] – (2013-?)**

Linda Chernewsky appeared to represent Eric and Carol Sokol who live on an undersized lot at 453 Lakeview Road at Copake Lake. Ms. Becker advised the Board that Ms. Chernewsky was requesting a Sketch Plan Conference for a project that will need to be before the ZBA but missed their December deadline. Ms. Chernewsky presented the Board with a copy of the Sokol plans. She acknowledged that she asked the surveyor to provide dimensions as requested by the ZBA and presented the plans to them. Ms. Chernewsky advised the Board that before she presented a formal plan to the ZBA. She requested a Planning Board conference because of the amount of variances that would be needed.

Ms. Becker questioned what Mr. Ferratto discussed regarding this. Ms. Chernewsky advised her that the Sokol's would like to add a deck to the west side of their house with a door coming from the dining area. Ms. Chernewsky pointed out that Mr. and Mrs. Sokol's lot was a point two zero five (.205) acre undersized lot in the 'R-2' District. Ms. Becker acknowledged the fact that a neighbor's house is on part of Mr. and Mrs. Sokol's property. Ms. Chernewsky advised the Board that the present deck is made out of wood. It was noted that Mr. Ferratto determined the existing coverage of the lot.

Ms. Becker made note of the fact that a left side set-back variance, a right yard set-back variance, a rear yard set-back, a front yard set-back to Pine Street variance and a set-back variance from the lake would all be needed.

Ms. Chernewsky made note of the fact that this application is for a pre-existing structure and there will be no change in the footprint as far as any residential space. Ms. Chernewsky acknowledged that the present structure is a three (3) bedroom structure and the proposed structure will be a two (2) bedroom structure with a study/office and septic sized at twenty-five hundred (2,500) gallons. Ms. Becker questioned where the well was and was advised that the well is actually in the house laundry room.

Mr. Davis questioned whether the roof would be higher on the proposed structure than the original structure and was advised that it would be because the present structure does not have standard roof height. Ms. Chernewsky noted that a height variance would also be needed and the correct dimensions will be provided with the elevations plan. Ms. Chernewsky acknowledged that the septic system contains two tanks and will perform three processes. Ms. Becker requested that this be placed on the forthcoming map.

Mr. Davis questioned whether the sitting room on the second floor is being counted as a bedroom. Ms. Chernewsky advised him that it is not and explained that there is an open floor plan with no wall for the steps making the sitting room visible. Mr. Davis expressed his concern that debris might slip down toward the lake. Ms. Chernewsky acknowledged that her original plans contained silt fences.

Mr. Davis questioned whether any trees will be removed and advised that none were planned for removal. Mr. Davis also questioned whether Ms. Chernewsky will create a swale. She explained that she will be putting another course of blocks to get eight inches (8") off the ground and then at that point make it weather tight. Ms. Chernewsky pointed out that a garage will not be added and the basement consists of a crawl space with no change in the foot print with the exception of the deck. Ms. Chernewsky will present a full Site Plan at next month's meeting. Ms. Becker advised Ms. Chernewsky that no fee was required since the application will be referred by the ZBA.

## **PUBLIC HEARING**

None

## **SUBDIVISION/SITE PLAN**

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

Surveyor Dan Russell appeared before the Board representing Mr. Flood. Mr. Russell advised the Board that he was presenting basically the same maps as the ones presented at the previous meeting with some input from Mr. Flood added. Mr. Russell acknowledged that he had spoken with Mr. Flood who thanked the Board for the offer to allow him to do the parcel one (1) and parcel two (2) subdivision at this time and designate future conserved land upon further subdivision of the property. Mr. Russell made note of the fact that the next step is to designate the conserved land which he understands the Planning Board can have some input on. Mr. Russell asked for the Board's input regarding the terminology needed to place the proper notes on the plans addressing the fact that future subdivisions are subject to conserved land.

Ms. Becker advised that Ellen Jouret Epstein from the Land Conservancy reviewed the three Major Subdivisions presently before the Board. Ms. Becker acknowledged that Ms. Epstein was not concerned about the subdivision of the forty-six (46) acres, and as was pointed out by Mr. Haight at the previous meeting. The forty-six (46) acres have already been developed, didn't seem to have much conservation value and also contained constrained lands. Ms. Becker did point out that Ms. Epstein did make note of the fact that Mr. Flood would be losing the possibility of counting the constrained lands on that parcel. However, Mr. Russell acknowledged that this was not a concern to Mr. Flood.

Mr. Russell made note of the fact that what is needed now is the language for the proper note to be placed on the plans along with the Board's opinion as to where the constrained lands be. Ms. Becker pointed out that Ms. Epstein advised her that the most valuable land on Mr. Flood's parcel is the forest because it is contiguous with Mr. Gellert's forested property. Ms. Becker advised that the next step is to do a full blown conservation analysis and a consultant would probably be needed to designate the appropriate areas. Mr. Russell questioned if this was the best time to designate the conserved land and whether it was better to concentrate on the note in the future. Ms. Becker did advise Mr. Russell that should Mr. Flood wish to proceed the Board will work with him. Mr. Russell believed that Mr. Flood would prefer to put this off until a later time. Ms. Becker advised that the Land Conservancy will be happy to speak with Mr. Flood regarding his options.

Ms. Becker questioned whether a perc test will be needed for the forty-six (46) acre parcel subdivision. Mr. Russell advised her that there are already houses on the parcel. Mr. Grant did not think a perc test was necessary.

Ms. Becker will advise Mr. Russell regarding the note to be placed on the maps. Mr. Russell acknowledged that if he received this information prior to next month's meeting he will have the proper maps prepared. Mr. Russell made note of the fact that no fee had been paid but will be forthcoming. A discussion ensued regarding the amount of the constrained lands and it was noted that it needs to be sixty percent (60%) of the total land including the forty-six (46) acre parcel planned for subdivision. Ms. Becker pointed out that there were approximately ninety (90) acres left for development and including the forty-six (46) acre parcel which is considered the first lot removed from the allowed acres forty-four (44) acres will be left for the development of a maximum of fifty-five (55) lots.

A Public Hearing will be set for next month's meeting and the SEQR will be done at that time.

**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 on a three-hundred and seventeen point seven (317.7) acre parcel in Copake with the seventy (70) acres of the parcel in Hillsdale designated separately. Mr. Russell acknowledged that the constrained acreage was listed on the maps as per Town Code.

Ms. Becker questioned whether there were any wet-lands on the parcel and was advised that there were some. Mr. Russell explained that there is a pond with a one-hundred foot (100') buffer around it that should have been designated. He explained that most everything on the east side of Yonderview Road is constrained as it slopes over twenty-five percent (25%) and everything on the west side of Yonderview is constrained because they contain Army Corp wetlands which is the basis of the ninety-four point five (94.5) constrained acreage leaving twenty-two point two (22.2) acres of non-constrained lands. Mr. Russell noted that the property contains approximately one-hundred and seventy (170) acres of farm land and approximately one-hundred and sixty eight (168) acres of wooded land. Mr. Russell then made note of the fact that he was not able to find any record of aquifers.

Ms. Becker requested that the wetlands be so designated on the maps. She also requested an overlay of the developed lands as the developed lands are also considered constrained. Ms. Becker acknowledged that the fourteen (14) acre parcel previously subdivided was accounted for on the map and requested that any buildings be accounted for as well. Mr. Gellert advised the Board that there is only one (1) house on the parcel.

Ms. Becker asked Mr. Gellert what his building envelope was and he advised her that he had no plans to build on the parcel and hoped that in the future the state will express interest in the parcel that abuts the Roe Jan Park.

Mr. Gellert asked if a Public Hearing could be scheduled for next month's meeting and Ms. Becker advised him that the calculations needed to be done first. Mr. Russell acknowledged that one-hundred and ninety-eight (198) acres need to be conserved. Mr. Grant pointed out that this leaves a balance of one-hundred and twenty-seven (127) acres minus the constrained acreage that needs to be designated.

Mr. Russell questioned whether a note will be provided for Mr. Gellert as was done for Mr. Flood. The Board advised him that this would be done. Ms. Becker advised that the calculations were needed for next month's meeting along with the buildings and wetlands that need to be designated on the maps.

Regarding the fourteen (14) acre parcel being subdivided Mr. Russell acknowledged that he spoke with Highway Superintendent Bill Gregory who will supply a letter to that fact that he is in agreement with the location of the driveway which will come in on an easement. Mr. Russell also acknowledged that Mr. Gellert has a copy of the Health Department letter. Mr. Gellert did note that the buyers of the fourteen (14) acre parcel had no objections to part of this parcel being designated as constrained lands giving him the opportunity to defer this to his next subdivision.

Mr. Urban suggested that this be contained in the note to be put on the maps and also suggested that Mr. Gellert ask for something in writing from the buyers of the fourteen (14) acres attesting to the fact that they are in agreement with part of their parcel being designated constrained.

Ms. Becker acknowledged a one-thousand (1,000) gallon septic tank and questioned whether the buyers have a three (3) bedroom house. She was advised that they did. Ms. Becker pointed out that should they come for a Site Plan Review requesting a five (5) bedroom house the Board can deal with the proper septic size at that time. Mr. Gellert will draw up an easement agreement. Ms. Becker questioned whether the Board needed to be concerned with fire access at this time. Mr. Davis advised her that this will be dealt with when it is decided where the house will be placed.

A Public Hearing will be set for next month's meeting and the SEQR will be done at that time. An application and fee will also be provided at that time.

## **2012 -27      SITE PLAN REVIEW – JAMES AND ANNE WAGNER – Golf Course Road**

Ms. Becker reminded the Board that Mr. Wagner needed to decide whether he wanted his structure to be a replacement structure or an expanded structure. She noted that Mr. Wagner decided to go with an expansion. Ms. Becker acknowledged that the proper variances and Site Plan approval are needed.

Linda Chernewsky appeared before the Board with James Wagner asking to address some things in last month's minutes as she feels it is important to what their decision will be. Ms. Chernewsky had issue with the portion of the minutes dealing with landscaping and clarified that the only landscaping being done is what is being presented with nothing being added to the sides. Ms. Chernewsky noted that nothing will be removed in front of the deck and nothing will be done on the sides. She clarified that the Rhododendrons were being moved and she stipulated where they would be moved to. Ms. Chernewsky acknowledged the trees that are being removed and advised the Board that Mr. Wagner was in agreement to the Board accompanying him to flag the appropriate trees. Ms. Chernewsky believed that there were three (3) trees being removed.

Ms. Chernewsky brought up the issue of the year the house was built and questioned the reasoning for the asbestos testing. Although Ms. Chernewsky was in agreement with asbestos testing she objected to the fact that this was requested after her third meeting before the Board and she brought up the fact that she could not find anything in the Code requiring this be done. Ms. Chernewsky asked the Board to show her this section in the Code and she claimed that the attorney was not able to furnish this information.

Ms. Chernewsky objected to the fact that other houses built in the 1960s, the same time Mr. Wager's house was, did not have to have these tests performed. Ms. Chernewsky had no objections to doing the testing and acknowledged that she spoke with an environmental engineer who gave her a proposal for six-hundred dollars (\$600.00) to look at Mr. Wagner's property and make a recommendation however she pointed out that this price does not include any testing. Mr. Wagner clarified that this is more of an inspection to decide if and where any testing might need to be done. She acknowledged that Mr. Wagner agreed to the six-hundred dollar (\$600.00) amount and they are waiting for the contract to come in the mail.

Ms. Chernewsky also had an issue with the fact of the Board's was concerned that there was lead paint used on Mr. Wagner's house and expressed her opinion that if lead paint testing is required of Mr. Wagner then it should be on the application for everyone demolishing a house as it is not known if lead paint has been used unless it is tested. Ms. Chernewsky questioned how they can be asked to do this if this has not been voted into law. Ms. Chernewsky claimed she agreed to work with the Board two (2) meetings ago but expressed her opinion that she believed that she was giving a lot and not getting anything yet and she wanted this comment recorded in the minutes.

Another objection Ms. Chernewsky had was that last month's minutes stated that 'Ms. Becker advised him that none of the other houses were six feet (6') from the lake' however Ms. Chernewsky claimed they were thirteen point seven one feet (13.71') from the lake and not six feet (6'). Ms. Chernewsky feels the rules are changing as they are going along mid-stream and she does not see how she can get through with this project if every rule changes as she goes along. She believes they have gone above what has been asked of them than with any other project that she has done at the lake. Ms. Chernewsky also objected to the fact that they were asked more and more comments at each meeting and acknowledged that she spoke with an excavator who she believed was more qualified than anyone sitting on the Board who felt this could be done without any problems with the water. Ms. Chernewsky felt that by speaking with this excavator she was asking the professionals to help them and she almost feels like it doesn't matter what anybody says as the Board has already made their mind up as to how they feel about the project.

Ms. Chernewsky objected to the fact that she has not received an answer from the attorney regarding the lead paint. Ms. Chernewsky then brought up the issue of the soil erosion control sediment which was done by the Town Engineer and claimed that everything was addressed there. She stressed that fact that nothing is being done to the shore-line and nothing is being taken down and the vegetation there is there and it might not be what the Board wants but it is what Mr. Wagner wants and it is his property and that makes a big difference to her. She noted that the vegetation is in front of the deck and a landscape plan has been provided where everyone will see what will actually be done.

As far as the swale Ms. Chernewsky stated that New York State Building Code requires them to have a positive drainage away from the foundation which is what she will do. Ms. Chernewsky noted that she has to follow the building code and as far as the existing footprint that she said is sitting on the ground. She stipulated that inasmuch as she is replacing this house she needs to get it eight inches (8") off the ground on the highest point which is what she plans on doing and when the Board talks about the full foundation this is why she needs to bring the house up.

Ms. Chernewsky believes that based on the Topography she received from Surveyor Jeff Plass, to get all the corners it looks like the highest point is seven hundred and twenty five point five feet (725.5) and the lowest point is seven hundred and twenty point seven feet (720.7) giving it about a five foot (5') drop and if she goes four feet (4') down from that five foot (5') drop she has the basement she is looking for. Ms. Chernewsky referenced the fact that Mr. Wagner wanted an access door and noted that it will be a basement with useable space for him that he can put his canoe in and his furnace. Ms. Chernewsky was not sure if she stated the type of door she planned on using but noted that she plans on a double steel door which will be under the deck behind the existing vegetation.

Regarding the Code and occupying the same space on the lot, Ms. Chernewsky had an issue with constructability and commented that if it had been done in two phases before it can be done now, however practically it is not what she wants to do now as it makes for a more expensive foundation and makes the interior walls have a need for custom cabinets which is one of the reasons she squared everything off. She noted that the one wall that you would see is seven and three eighths inches (7 3/8") which she doesn't consider a detriment to the area.

Ms. Chernewsky referred to Mr. Grant's comment that the door to the basement would give the house an appearance of a three (3) story building. Ms. Chernewsky quoted the definition of 'Basement' in the Town Code which reads: *A basement shall be counted as one story determining the height of a building in stories when four feet or more of its height, measured from floor to ceiling, is above average finished grade.* She noted that if she is going five feet (5') from front to back, two and one half feet (2 1/2') is her average. Ms. Chernewsky pointed out that there is roughly a five foot (5') grade change between the seven hundred and twenty five point five feet (725.5) and the seven hundred and twenty point seven feet (720.7) giving it a five foot (5') grade change with the average of that being 2 and one half feet (2 1/2').

Ms. Chernewsky acknowledged the fact that although Mr. Wagner felt the Board was ready to approve the project she felt that they would not and asked for an off the record vote. Ms. Becker advised Ms. Chernewsky that she had pretty much satisfied everything that the Town Engineer wanted and satisfied all the requirements and the Board was very close to a decision until Ms. Chernewsky expanded the size of the structure which sent the project into another whole review process before the ZBA.

Ms. Chernewsky acknowledged everyone's concerns of what the house will look like from the lake and made note of the fact that this will not change as it will still be twenty-six feet (26'). Ms. Becker pointed out that the asbestos testing still needed to be done. Ms. Chernewsky once again questioned this request. Ms. Becker advised that this is an open-ended part of Town Code 232-23A.(2)(b)[23] which states that: *Other elements integral to the proposed development as considered necessary by the Planning Board* gives the Board permission to ask for whatever they deem necessary.

Ms. Chernewsky questioned whether this will have to be done on the Sokol property which is another demolition she is working on as this house was built around 1960 as well. Mr. Davis made note of the fact that Mr. Wagner's property is an unusual property inasmuch as it is so close to the lake which is the reason why the Board is being overly cautious as the house is less than fifteen feet (15') from the lake. Ms. Chernewsky agreed that the house is close but she pointed out that they are doing everything that they possibly can do to protect the water.

Ms. Becker once again acknowledged that the Board was very close to approval before Ms. Chernewsky expanded the size of the structure. Mr. Davis questioned whether it could be adjusted so that she still gets her rectangular footprint. Ms. Chernewsky acknowledged that she has done this but Mr. Wagner made note of the fact that the living space is being compressed. A discussion ensued concerning the proper measurements as there appeared to be a discrepancy as to what exactly needs to be measured. It was noted that a proper measurement is needed as this will affect the needed variances. Mr. Davis questioned what the impact of the downstairs bedroom would be if the foundation was cleaned up so there is no more jog. Ms. Chernewsky noted that she would have to revise the windows, she would lose some of the space she would need for vertical blocking and her stairs would get put past her center girder.

Mr. Wagner questioned whether the application could be approved subject to the required variances. Ms. Becker acknowledged that she thought the Board was at that point until Ms. Chernewsky expanded the plans. She explained that there are now a lot of variances required and pointed out that a variance will be needed for the left side, the right side, the waterfront set-back and the rear yard variance. Ms. Becker clarified that at first it appeared to be a replacement of what exactly was there but after a closer look it was discovered to be bigger than what was there which changes the Code reference.

Mr. Davis questioned whether there was anything in the Code regarding an overhang such as a Bay Window. Ms. Chernewsky believed there was and it stated that there had to be a foundation underneath it. Ms. Becker believed that any decisions should be made after the ZBA granted the required variances. A lengthy discussion ensued regarding the process going forward and whether the Planning Board could approve the application contingent on the ZBA granting of the variances. Ms. Chernewsky expressed concern that after the process with the ZBA the Planning Board would still not approve the application. Ms. Becker advised that everything else has pretty much been satisfied and she will scrutinize the notes and the response from the Engineer but acknowledged that everything else is in order. Questions arose regarding the measuring. Mr. Grant pointed out that the Building Department states that the footprint is measured from the outside wall. It was acknowledged that the lead paint testing was not an issue but the asbestos testing was required.

Ms. Becker requested a copy of the plans. Ms. Chernewsky explained that these plans had the jog in them and she needed to be advised as to how this should be handled. Mr. Wagner asked the Board if they would look at the trees on the border of his property as there is a large spruce tree that is very close to the house and he would like to know if they had any objections to his removing it. Mr. Davis will look at it and advise him accordingly.

## **2013 -1            SITE PLAN REVIEW – MARIA ZADRIMA – Golf Course Road**

Andrew Aubin, Assistant Project Manager appeared before the Board representing Maria Zadrina. Ms. Becker acknowledged receipt of a letter authorizing Mr. Aubin to represent Ms. Zadrina, a fee in the amount of fifty dollars (\$50.00), a Site Plan Review application and Erosion and Sediment Control Landscaping Plan.

A discussion ensued regarding trees that were removed on the Zadrina property where it was believed that there was nothing there of any significance. However Mr. Davis disagreed and stated that there were a lot of nice mature trees there. Mr. Davis brought up the original landscape process and acknowledged that he had an issue with the fact that not once during those several meetings did it come up that any of those trees were unhealthy.

Mr. Aubin pointed out that the first thing that needed to be discussed was the replacement of all the vegetation that was removed from the site. He noted that the Zadrinas are proposing the replacement of appropriately spaced and sized trees of the type that will thrive in these conditions. He pointed out that something would be needed that would thrive in clay soil with a high moisture content. Mr. Aubin acknowledged that hearty maples and pin oaks are being suggested as they thrive in varied conditions. Mr. Aubin also noted that they are proposing a riparian type turf that is more like a field grass which will separate the lawn from the lake.

Mr. Davis questioned what the height of the replacement trees would be. Mr. Aubin advised him that the pin oak would be about in the three to four foot (3'-4') range. He said that the objective was to replace and have a hearty perimeter of trees with some screening so the view from the lake isn't just house and lawn. Mr. Davis expressed the fact that inasmuch as the house is basically a three story house from the lake side one of the main concerns of the Board was to bury the basement to bring down the scale of the house. Mr. Davis also brought up the fact that trees were removed that were approximately seventy-five feet tall on the lake side and are being replaced with two trees that will only be three to four feet (3'-4') high so he feels that the plantings should be a little more substantial so as to take the edge off the mass of the house.

Ms. Becker made note of the fact that there was at least one tree on the side of Golf Course Road and she believed there were other trees on the side of the house that are not being shown and she questioned whether there was a reason nothing was shown. Mr. Grant acknowledged that the Board is very concerned with the lake side as it had been scraped down to almost nothing and the concern is possible run-off to the lake. He asked if Mr. Aubin could be more specific as to what the buffer will be. Mr. Aubin advised him that it will be a riparian seed mix which is a specific type of mix that is a storm water mix used for buffer areas that isn't mowed.

Mr. Davis expressed his concern that this needed to be a more extensive landscaping plan on the lake side and he noted that nothing is being shown on the road side either. Mr. Davis also questioned the driveway and was advised that this would be a type of timber build up similar to the neighbors. Mr. Aubin will provide more detail at the next meeting.

Mr. Aubin expressed the owners desire to shift the whole foot print of the house by rotating it slightly to capture more of a view of the lake than of the island. He presented drawings showing the shift. Ms. Becker questioned whether there was a change in the size and was advised that there was none. Mr. Aubin acknowledged that it would be approximately a five foot (5') shift toward the lake. Ms. Becker advised that a new sheet would be needed and another variance required as it is being moved closer to the lake. Ms. Becker suggested moving it back away from the lake keeping the closest point to the lake the same so that a variance would not be needed. Mr. Aubin would have to take a closer look at the plans to see if the structure is actually being moved closer to the lake or not. Mr. Aubin said he will consider moving the structure back instead of closer to the lake so that a variance would not be needed.

Mr. Davis questioned if there were any plans to restore the other side of Golf Course Road. Ms. Becker questioned whether the Erosion and Sediment Plan was what was agreed upon with Engineer Doug Clark. Mr. Aubin acknowledged that this has been sent to Mr. Clark but he has not received any response as whether it was accepted or not. Ms. Becker will consult with Mr. Clark regarding this.

Mr. Davis questioned whether a building permit had been received. Mr. Aubin advised him that Mr. Ferratto had not spoken with him regarding this but did deny the permit to the contractor. Ms. Becker will follow up on this. Mr. Filipovits questioned who made all the decisions and was advised that it was the owner. Mr. Filipovits also questioned how the Board could protect themselves should the owner decide he did not want to follow the Board's direction. Mr. Aubin advised that a CO could not be received for a building that has been built not compliant to the Board's Site Plan and a building without a CO is worthless.

A discussion ensued regarding the replacement of trees. Mr. Grant suggested the replacement trees should be at least ten to twenty feet (10'-20'). Mr. Aubin will look into this. Mr. Aubin will supply a more comprehensive landscaping plan, a plan superimposing the two footprints documenting the footprint to the lake, and he will address any concerns regarding the retaining wall parking area.

## **MINUTES**

On a motion made by Mr. Filipovits and seconded by Mr. Grant the Board voted unanimously to approve the December minutes.

## **ADMINISTRATIVE**

**SUBDIVISION FEES:** Ms. Becker advised the Board that the wrong fee amounts have been given for Major Subdivisions. The fee should have been three-hundred dollars (\$300.00) and we have been asking for one-hundred and fifty dollars (\$150.00). She acknowledged that the correct amount will start being used this year.

**ELECTION OF OFFICERS:** Ms. Becker advised the Board that officers needed to be elected and asked if anyone else would like to be Chair. It was decided that Ms. Becker would remain as Chair, Mr. Grant as Vice-Chair, Mr. Urban who needs to submit a letter expressing his wishes to remain for another term will remain as Treasurer and Mr. Davis will remain as Secretary.

**LAND CONSERVANCY:** Ms. Becker advised the Board that the Land Conservancy will come in and do analysis of future Major Subdivisions if desired.

**SALVATORE CASINO:** Mr. Davis advised the Board that he has seen activity on Mr. Cascino's property and it appears that a massive retaining wall is being built. He believed there was a complete Stop Work order on the entire property. Ms. Becker acknowledged that there was. Ms. Becker suggested sending an e-mail to Mr. Ferratto as she was not informed of everything that is being done however she believes they are aware of this. Ms. Becker also suggested copying Supervisor Nayer regarding this.

## **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]**
- 2012 -28       SITE PLAN REVIEW – LAWRENCE AND KATHRYN HOUSE– Pine Street**
- 2012 -34       MAJOR SUBDIVISION/BLA – SCOTT COHEN REALTY – High Meadow  
Road [Copake Lake]**
- 2008-21       MAJOR SUBDIVISION – MICHAEL B. & BARBARA S. BRAUNSTEIN – Off Golf  
Course Road**
- 2011-18       SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]**
- 2011-27       SITE PLAN REVIEW – RUTH THOMAS – Route 7 [Copake]**

## **ADJOURNMENT**

There being no further business, on a motion made by Mr. Filipovits and seconded by Mr. Davis, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:25 p.m.

---

Marcia Becker, Chair

**Please note that the referenced attachment, comprising 1 page, is on file with the Copake Town Clerk and in the Planning Board office. The referenced attachment is filed in the individual project files. An annotated listing follows:**

## **ADMINISTRATION**

### VIJOBA REALTY

December 5, 2012      Nostrand to Vijoba (1)