



COPAKE PLANNING BOARD

JANUARY 3, 2019

MINUTES

DRAFT

Please note that all referenced attachments, comprising 35 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 Julie Cohen, Marcia Becker, and Jon Urban. Chris Grant, Steve Savarese and Ed Sawchuk were excused. Attorney Ken Dow, Town Supervisor Jeff Nayer and Town Board Liaison Richard Wolf were also present. Lisa DeConti was present to record the Minutes.

ZONING BOARD OF APPEALS – Referrals

2019-1 ZBA REFERRAL/BLA – KEITH PERRINO – State Route 22 [Copake]

- Application for Boundary Line Adjustment
- Letter of Agency from Keith Perrino dated November 21, 2018
- ZBA Request for Area Variance Dated December 5, 2018
- Building Permit Denial dated December 8, 2018
- Short Environmental Assessment Form
- Survey
- Pictures

Dick Hermans and Lisa DeLeeuw of the Harlem Valley Rail Trail Association represented Keith Perrino for a Boundary Line Adjustment on the Rail Bed parcel that is owned by Mr. Perrino to accommodate the Rail Trail coming through and across Route 22. Ms. DeLeeuw advised the Board that she has appeared before the ZBA for an area variance for the creation of an undersized lot.

Ms. Becker questioned whether this was a Minor Subdivision and not a Boundary Line Adjustment. Mr. Urban pointed out that there are presently two (2) parcels that will remain two (2) parcels after the adjustment. Ms. Becker made note of the fact that the existing lot is already non-conforming and will be made more non-conforming with the Boundary Line Adjustment.

Mr. Haight questioned who presently owns the lot being used by the Harlem Valley Rail Trail and was advised that it is presently owned by the New York State Parks.

Ms. DeConti questioned whether a Public Hearing will be required by the Planning Board inasmuch as one is being held by the ZBA. Mr. Haight and Ms. Becker both acknowledged that one is required by the Planning Board for the Boundary Line Adjustment process.

The Board had no recommendations to the ZBA and a letter will be written to them advising them that the Planning Board has no objections.

A discussion ensued as to whether a Public Hearing could be set at this meeting or should wait until the ZBA makes its decision. Attorney Dow advised that the Town Code does allow for concurrent reviews for an applicant. After discussion it was decided that a Public Hearing will be set for next month's meeting.

The Check List was reviewed. It was acknowledged that this parcel is in the 'R-U' district. It was also noted that the Short Form EAF is required and will be submitted at next month's meeting. Ms. Cohen questioned whether an Agricultural Data Statement needs to be done and it was decided that one is required as well.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to set a Public Hearing for the February meeting.

2019-2 ZBA REFERRAL – KARIN NEWMAN – State Route 22 [Copake]

- Building Permit Denial dated October 24, 2018
- ZBA Request for Area Variance Dated November 18, 2018
- Letter from Jeff Nayer dated November 16, 2018 waiving the fee for the applicant
- Letter from Jeanne Mettler dated November 7, 2018 for a Hamlet Sign
- Letter from Jeanne Mettler dated November 15, 2018 amending the application
- Letter from Karin Newman dated November 5, 2018 granting permission for a sign on her property
- Picture of proposed sign

The Board reviewed the application of Karin Newman allowing a Hamlet of Copake sign to be placed on her property. The Board accepted this as a complete application and had no issue with it.

**2019-3 ZBA REFERRAL – DAN AND CINDY PANARELLA – Blue Bird Road
[Copake Lake]**

- Building Permit Denial dated November 2, 2018
- ZBA Request for Area Variance Dated November 2, 2018
- Letter of Agency dated November 8, 2018
- Parcel Map
- Site Map
- Floor Plan
- Construction Specifics
- Pictures

Mr. Haight acknowledged that this application is being represented by his brother John and if the Board wished he would recuse himself. He did note that he has nothing to do with the construction of this and in no way benefits from it. The Board had no issue with this.

Mr. Haight explained that the applicant wishes to add a bathroom to their Master Bedroom. There was a question as to whether this application needed Site Plan Review. It was decided that this is just a ZBA Referral and Site Plan Approval is not required.

Ms. Becker commented on the fact that the floor plan of the house is not shown and felt this would be helpful. She also questioned the location of the neighbor's well. Ms. Cohen pointed out that the location of the applicant's septic and well are accounted for.

A letter will be written to the ZBA noting the Board's concerns.

PUBLIC HEARING

**2017-41 BLA/MINOR SUBDIVISION – FRANK AND MARCIA PETEROY – Route 22 &
Old Highway 5645 [Copake]**

- SEQRA
- Easement with Copake Vet

Mr. Haight reminded everyone that the Public Hearing remained open from last month's meeting and asked whether anyone wished to speak on this application.

Hillsdale Resident AMY DAVIDSON ... Ms. Davidson once again asked for an explanation of this subdivision and questioned the Board's policy on Public Hearings. Ms. Davidson took exception to the fact that the reason for the Public Hearing was not

explained to the members. Mr. Haight reminded her that she was present at last month's meeting when this application began and the reason was explained at that time.

Mr. Haight once again asked whether anyone wished to speak on this application. Being none, on a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to close the Public Hearing.

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

- Letter from David Gordon dated January 3, 2019

The applicant appeared before the Board with revisions to their Site Plan. Mr. Haight acknowledged that the Public Hearing remained open from previous meetings and asked whether anyone wished to comment on this application.

Hillsdale Resident STEVE SMITH... Mr. Smith reiterated his concerns about the safety of the intersection and questioned the fact that nothing has been addressed regarding a traffic study by the DOT. Mr. Haight addressed this issue by acknowledging that the DOT has not made any final decisions regarding this as yet and the Board will not address this until they see the final product. Mr. Smith also reiterated his concerns regarding the delivery trucks using an entrance at the Craryville Road intersection.

Hillsdale Resident BARBARA SMITH... Ms. Smith questioned whether the DOT has a set of the revised plans which are significantly different with the relocation of the pumps to the back of the area. Ms. Smith also questioned whether the DOT is aware of the additional traffic generated by the opening of the new Random Harvest Farm Market. Mr. Haight will address this with the DOT

Hillsdale Resident NEIL HASS... Mr. Hass has concerns that fuel tanks and pumps are being placed over what he considers an unstable porous geological structure that is over an aquifer and this will eventually poison people's wells.

Hillsdale Resident SABINA CURTI... Ms. Curti questioned the fact that there are only four (4) drawings for viewing and wondered whether there were others available. Ms. Metz clarified that only the drawings containing changes from the previous meeting were the ones submitted. Ms. DeConti provided the complete drawings which were in the Planning Board office.

Craryville Resident RICHARD McCORMACK... Mr. McCormack questioned what the DOT truck is supposed to clean out. Mr. Haight explained that this is the existing storm drain in front of the property. Mr. McCormack also had concerns about the height of the canopies over the fueling stations in relation to the building. Ms. Metz explained that there are safety requirements concerning the canopies that have to be adhered to. This number will be provided at a later date.

Save Craryville Associate Attorney EMILY SVENSON... Ms. Svenson thanked the Board for addressing the changes that they have done in conforming to the new Code. Ms. Svenson had concerns regarding the size of the building and how overpowering it might appear in relation to other buildings in the area and felt the building should be downsized. Ms. Svenson feels the screening has not been addressed adequately as she feels there is a lot of visibility from various sides. Ms. Svenson also had concerns that the proposed lighting will be too intense and feels this should be revisited.

Ms. Svenson brought up the fact that a FOIL had been requested for the original Phase I study which only addressed an asbestos issue and did not address anything that might be under the site. She had concerns that there are contamination issues under the site that have not been properly addressed. Ms. Svenson noted that the aquifer in the vicinity of the proposed site is a key water source for businesses and residences in the area and she feels it is critical to perform a study to see how this might be affected by the proposed project. She feels the Board should hire their own experts to perform an independent analysis on the effects of this project.

Ms. Svenson also brought up her concerns regarding the septic leech fields and the fact that she believes there is standing water in the vicinity of the proposed location.

Resident JONATHAN KATZ... Mr. Katz had concerns about the rural charm being affected by the addition of a gas station.

Resident SANDRA... Sandra had concerns about the increase in traffic and also about the safety of people walking from the trailer park to the proposed location and was in favor of sidewalks.

Hillsdale Resident SIMON LARRY... Mr. Larry had concerns regarding the road frontage and felt there was a discrepancy in the Code and what the applicant is proposing. The Board clarified the misunderstanding and how Mr. Larry was viewing the project.

Hillsdale Resident PETER COHEN... Mr. Cohen had concerns about the aesthetics of the building and the signs.

Craryville Resident LIZ NEALLON... Ms. Neallon had concerns about the rural charm of the area along with concerns about the size of the building, soil testing and light pollution. She also had concerns about how the wells will be affected by water run-off and how this will be handled.

Hillsdale Resident DAN... Dan feels the restaurant issue has not been addressed to his liking. He also had concerns regarding grease from the deep fryer and how this would affect the septic. Mr. Haight acknowledged that there is a grease trap that will catch any grease before it reaches the system. Dan felt the size of the septic system should be revisited due to the area size left when the kitchen area that was removed from the plans.

Hillsdale Resident AMY DAVIDSON... Ms. Davidson made note of the number of people that are not in favor of this project and feels that there are more risks than benefits associated with this. She also had concerns about water contamination.

Hillsdale Resident MIKE DVORCHAK ... Mr. Dvorchak thanked the Board for all they are doing.

Hillsdale Resident NEIL HASS... Mr. Hass has concerns that a project of this size might be a strain on the water supply in the area.

Hillsdale Resident SABINA CURTI... Ms. Curti has concerns about the scale of the project, pollution and feels the area doesn't need another gas station.

Resident TIM PETISON... Mr. Petison questioned how data can be obtained regarding this project. Mr. Haight advised him that documents can be viewed by appointment at the office or a FOIL can be submitted. He did explain that there is a charge for any copies made. Attorney Dow added that meetings are a way to find out about an ongoing projects as well. Attorney Dow also noted that all documents are public record and available to the public.

Mr. Haight asked if there was anyone else who wished to speak on this application. Being none he closed the Public Hearing for the evening and noted that it will remain open.

SUBDIVISIONS/SITE PLANS

2017-41 BLA/MINOR SUBDIVISION – FRANK AND MARCIA PETEROY – Route 22 & Old Highway 5645 [Copake]

- SEQRA
- Easement with Copake Vet

Frank and Marcia Peteroy appeared before the Board for the subdivision of a parcel they own on Route 22 and Old Highway 5645. Mr. Peteroy submitted the SEQRA and the Easement with the Copake Vet.

On a motion made by Mr. Haight and seconded by Ms. Becker this application was classified as an Unlisted Action. The SEQRA was read and it was noted that this action will not result in any significant adverse environmental impacts.

- **On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the Minor Subdivision of Frank and Marcia Peteroy from a survey map dated August 30, 2018.**

Mr. Haight will stamp the maps on Saturday.

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

- E-mail between Mr. Haight and Joseph Visconti of the Department of Transportation (DOT) dated January 2, 2019
- Site Plan with Elevations revised December 21, 2018

Alicia Metz appeared before the Board and acknowledged that revisions were made to the Site Plan to reflect the changes requested by the Board at last month's meeting.

Ms. Metz acknowledged that the gas islands were changed to have only one (1) pump instead of two (2), the dumpster was moved from one end of the reserved parking to the other end, the roof-line and pitch were adjusted as discussed at the previous meeting and the floor plan was adjusted to take out any reference to a restaurant. She pointed out that the fact that the failure to remove this prior to last month's meeting was an oversight.

Ms. Metz believed that they determined that the parking and driveway can be located within the set-backs according to Town Codes:

232-11E(11) which reads:

(11) Driveways shall be set back at least 10 feet from side lot lines

232-13C(1) which reads:

C. Location of required parking spaces.

(1) In the RU, CL, TS, CRS, and H districts, parking spaces may not be located within ten feet of a property line.

(2) In the HWB, HB, and MU districts, such spaces shall be provided on the same lot or not more than 400 feet therefrom.

A discussion ensued as to a conflict in the Code requirements for parking inasmuch as some of the parking spaces are located within the set-backs toward the rear of the parcel. Attorney Dow advised that the general rule is that when there is a conflict in a specific rule for a particular thing then the specific one needs to be followed.

A discussion ensued regarding town Code 232-8(A) as this is referred to under section 232-16.13 (B). They read as follows:

232-16.13. Vehicle Charging and Fueling Stations.

In any district where permitted, a vehicle fueling and charging station shall be subject to the following regulations:

B. The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any dimensional requirements in Section 232-8A.

232-8. Area and dimension regulations.

A. Density control schedule. No building shall be constructed, expanded, or altered, and no lot subdivided or altered, except in conformity with the density control regulations as set out in the Density Control Schedule, which is hereby adopted and declared to be a part of this chapter and appended to this chapter as "Table 1. Density Control Schedule."

Attorney Dow felt Code 232-8(A) applies in this case because the parking spaces are being used by motor vehicles and this code refers to 'dimensional requirements.' Even though 232-8(A) talks about buildings Attorney Dow feels it applies in this case as what it is intended to do is to apply the dimensional requirements to the paved surface. Attorney Dow felt the best interpretation is that the parking spaces cannot be located within the set-backs as depicted on the Site Plan.

Ms. Metz questioned why the parking spaces do not apply in this location and was advised by Ms. Becker that this is due to the fact that they are located within the set-backs and it is considered development. Ms. Metz disagreed with this interpretation as she did not see how these could be considered structures. She wondered whether these could be located within this location if they were left unpaved and banked.

A discussion ensued as to the amount of parking needed in the Code. Ms. Metz questioned whether these spaces could remain unpaved if they are not needed. Ms. Becker had no objection to this. Ms. Cohen reviewed the number of spaces needed and it seems that with the six (6) parking spaces at the pump islands included a total of eleven (11) spaces are needed under the revised Code requirements which led to the conclusion that the additional parking spaces in question are not needed. Although Mr. Haight pointed out that these parking spaces cannot be banked however, they can remain undeveloped since they are not needed. Ms. Metz acknowledged that the area can be left undeveloped and if needed, parking spaces can be added avoiding the appropriate set-backs.

Mr. Haight advised everyone that he had been in contact by e-mail with Joseph Visconti of the DOT. In this e-mail Mr. Visconti pointed out that the applicant has not done the video inspection of the DOT system they are seeking to tie into as the applicant wants the DOT to clean the drainage system so that the inspection can be done. Mr. Visconti explained that the equipment used for this is shared throughout the region and he isn't sure when he will be able to get this accomplished. In this e-mail Mr. Visconti also made note of the fact that other applicants have had their subcontractor clean and do the video inspection together.

Ms. Metz advised the Board that in conversations she has had with the DOT they have acknowledged that everything else is in order with the exception of the inspection of this pipe. She will look into resolving this hopefully by the next meeting.

Ms. Becker brought up the fact that there has been an inconsistency regarding a door on one of the drawings that opened to the east however on the elevations there is no door opening to the east. Mr. Haight clarified that what Ms. Becker was referring to are windows and not doors.

Ms. Becker referred to the fact that the building as depicted appears quite large and questioned whether there were any plans to have this staked out on the property. Ms. Becker asked whether she could visit the property to visualize the area the forty by eighty-one foot (40' x 81') building would take up. Ms. Metz has no issue with this and was also willing to meet with her there. Mr. Haight was also willing to stake the building out on the property to help visualize its appearance.

Attorney Dow referenced some issues Attorney Gordon brought up in a letter submitted at last month's meeting. Attorney Gordon referred to the size of the proposed sign which according to the Code should be a maximum size of twenty-four (24) square feet and shows a sign that is thirty-six (36) square feet when framing is included. It was noted that the Code states that 'Business Signs in any district can be twenty-four (24) square feet with a second sign allowed at sixteen (16) square feet and anything larger than that would need a variance. It was acknowledged that the sign needs to be reduced to the required limit.

Ms. Metz addressed the lighting planed for the project and noted that the intent was to have as few lights as possible and have them streamed down. However she noted that this is somewhat unclear under the new Code as it to accomplish this particular change in the Zoning it would require them to put a lot more lights than they have now which she was under the impression was what people didn't want. Ms. Metz noted that they have provided for the least amount of lights for safety and efficiency however she is willing to make the change but this would require significantly more lights than already proposed.

Mr. Haight asked what the height of the building was with the new roof line. Ms. Metz will provide this. She also asked whether the Board was in agreement with the new appearance of the building. Ms. Becker felt the new roof line look fits better into the neighborhood but noted that the height dimension needs to be addressed.

Attorney Dow made note of the fact that the sidewalk is not a strict statutory requirement of the Code but it is recommended and should be dealt with. Ms. Metz acknowledged that a future sidewalk is allowed for on the plans.

Mr. Haight made note of the fact that the screening has been dealt with as has the façade and the blank walls. He also noted that an entrance door on the side of the street is not a strict requirement as it is only under Code guidelines.

Attorney Dow questioned whether the SWIPP is up-to-date with all the changes that have been made or does anything have to be done to modify it to reflect the current lay-out. Ms. Metz acknowledged that she has addressed this with the Engineer and inasmuch as there will be substantially less development on the site there will be less of an impact than was anticipated in the original report. Mr. Haight questioned whether this needed to be revisited even though there is less of an impact to reflect the new calculations. Attorney Dow suggested a stamped document from the Engineer be provided to attest to the fact that everything complies with the original document.

Attorney Dow referred to the issue of groundwater impact analysis which was also mentioned in Attorney Gordon's letter. He advised the Board that this is addressed under Town Code 232-21H and the Board can review the criteria and proceed accordingly depending on whether they have what they need or don't have what they need. He suggested that if there are questions that are unanswered the Board has the authority to require further documentation so that they will have something quantitative and definitive that can be pointed to that will allow the Board to conclude whether or not this will adversely impact people's wells

232-21H Application for Site Plan Approval

(3) Additional Requirements for Site Plans. If, upon a review of the materials submitted by the applicant, the Planning Board determines that a proposed project subject to site plan review, other than a single-family or two-family residence, could have traffic, visual, groundwater, or stormwater impacts, the Planning Board may require the applicant to prepare and submit applicable information, studies, reports and plans, as follows. Costs for all studies, reports, assessments, or plans required by the Planning Board shall be borne by the applicant.

(a) Groundwater impact information:

- [1] Copies of New York State Department of Environmental Conservation Well Completion Reports for completed well(s) (including the well log and pump test data);*
- [2] Any and all water quality testing results;*
- [3] The location(s) of all public water systems and other groundwater users within 1,500 feet of the proposed development boundaries;*
- [4] The proposed means of storage, distribution, use, treatment, and/or disposal of wastewater, other wastes, chemicals, etc.;*
- [5] The proposed means of water supply, including if applicable an estimate of the total daily groundwater withdrawal rate;*
- [6] A list of all petroleum, chemicals, pesticides, fuels and other hazardous substances/wastes to be used, generated or stored on the premises;*
- [7] A description of the pollution control measures proposed to prevent ground water or surface water contamination; and*
- [8] A statement as to the degree of threat to water quality and quantity that could result if the control measures failed.*

Ms. Metz questioned whether an acknowledgement from the Engineer attesting to how the changes the Board required them to do would impact the project is sufficient as these studies were already performed and submitted. Ms. Becker acknowledged that the Engineer will update the SWIPP however she pointed out that a Groundwater impact analysis is something different and she was not aware of seeing anything like this. Ms. Metz explained that this data has been submitted to the DOT addressing where the groundwater will go and how it will drain. She explained that the DOT cannot sign off on this until they know whether or not the States existing equipment can handle it. Ms. Metz did point out that there will be less of an impact under the new regulations than under the previous ones.

Attorney Dow advised that this should be reviewed again so that the Board can address it adequately in some detail so the Board knows where things stand.

Mr. Haight asked what the siding will be and was advised that it would probably be Hardie Plank.

Mr. Haight asked Ms. Metz if she would prefer to wait until she received the final report from the DOT before proceeding forward. Ms. Metz said that there is a possibility that she will not be at next month's meeting but will have someone else attend in her place as she would like to keep the process open. She will advise the Board accordingly.

**2018-28 SITE PLAN REVIEW – CATAMOUNT SKI AREA – State Route 23
[Copake]**

- E-mail from Joseph Visconti of the DOT dated December 31, 2018
- Letter from Fred Miller, Hillsdale Fire Chief dated December 31, 2018
- Letter to Fred Miller from Pat Prendergast dated December 31, 2018
- Revised Site Plan

Mr. Prendergast appeared before the Board representing Catamount Ski Area. Mr. Prendergast addressed the changes the Board requested at last month's meeting. The Building dimensions were added along with the parking places.

Mr. Prendergast acknowledged that the Septic System was opened up and a camera was used to observe the system and the System was noted to be a two-thousand (2,000) gallon tank. Ms. Becker questioned what the code was for the septic size for a motel. Mr. Prendergast advised her that this information would be obtained from the Department of Health. Ms. Becker noted that a one-thousand seven-hundred and fifty (1,750) gallon tank is sufficient for six (6) bedrooms.

Mr. Prendergast made note of the fact that Fred Miller of the Hillsdale Fire Company met at the site and did an outdoor walk around as the doors to the rooms were all locked. He acknowledged that the fire department can gain access to the structure however some trees need to be trimmed to protect the fire trucks from damage. Fire Chief Miller also suggested the owners put some crushed item 4 down to avoid costly tow truck bills. He also had major concerns with there being only one (1) set of stairs installed on the back side and suggested a second set be installed. He also noted that every bedroom and apartment should have smoke or carbon monoxide detectors and each room should be numbered so that any responding agencies can determine which one is in need of emergency service. Mr. Prendergast acknowledged that he spoke with the owners of Catamount and these issues will be addressed.

Mr. Haight addressed the letter he received from Joseph Visconti of the DOT. Mr. Prendergast will send this application to the DOT and advise the Board accordingly.

Ms. Becker asked how the motel is heated and whether any permits are required. Mr. Prendergast advised her that it is baseboard hot water and no permits are required however they are not aware what, if anything will be needed from the DOT.

It was also noted that this will need to be sent to the Columbia County Planning Board.

Ms. Becker brought up the fact that Ed Sawchuk asked Mr. Prendergast whether the surveyor was licensed in New York State inasmuch as they are a firm out of Massachusetts. Mr. Prendergast explained that the firm has surveyors that are licensed in Massachusetts and New York State.

2018-24 ZBA REFERRAL – DIONISIO FONATNA – 11 Island Drive [Taconic Shores]

- Revised Site Plan with Elevations

Linda Chernewsky appeared before the Board representing Dionisio Fontana. She acknowledged that the requested variances were granted at the ZBA however she doesn't have the documentation as it still needs to be signed by ZBA Chair Jon Strom.

Ms. Chernewsky acknowledged that she received DEC approval for the house. Ms. Chernewsky brought up the fact that there were concerns about the house being too close to the property line so she reduced the footprint of the house and instead of it being thirty-two feet (32') wide she reduced it to thirty feet (30') and instead of being twenty-seven foot eight (27.8') she dropped it down to twenty-six feet (26'). She also noted that the size of the stone patio has been reduced and the septic has been reconfigured to tighten it up.

Ms. Chernewsky also acknowledged receipt of the Department of Health approval and there is a planting schedule. She also made note of the fact that one of the recommendations from the DEC was that all wood chips be removed and replaced with top soil.

- **On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Dionisio Fontana dated December 27, 2018.**

**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 Michael DiRuzzio of the DOH dated December 11, 2018

Mr. Haight advised the Board that he received a phone call from David Weiner who is Salvatore Cascino's representative. Mr. Haight brought up the fact that he has been researching the reasons why there was a court case. Mr. Haight questioned the reasons for the denial of the original 2008 Site Plan as he has been receiving conflicting stories for the reason for the denial.

Mr. Haight acknowledged receipt of a copy of a letter from the Department of Ag and Markets that Mr. Weiner gave to him addressing things that appear to be in conflict with this department.

Ms. Becker explained that there is a formal decision as to the reasons why this application was turned down. Mr. Haight acknowledged that this is what he has been trying to locate.

Attorney Dow said he has some of the papers and will look and see what he has.

Mr. Haight also brought up the fact that the two buildings that Mr. Weiner is before the Board for were not on the original plan and that there were things on the original plan that have been removed from the newly submitted plan.

Ms. Becker made note of the fact that this case went all the way to the New York State Court of Appeals. Ms. Becker suggested Mr. Haight check with Supervisor Nayer regarding the possibility of him making an appointment with Victor Myers to discuss this.

Mr. Haight questioned what constitutes a different Site Plan. Attorney Dow referred to a 2012 denial for this application which was due to the fact that the applicant wanted to build a building that was in the flood zone.

Attorney Dow will see what papers he has on this and will be in contact with Mr. Haight.

MINUTES

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to approve the minutes of the December 6, 2018 meeting.

ADMINISTRATIVE

CONSERVATION ADVISORY COMMITTEE: Edgar Masters appeared before the Board to report on the Conservation Advisory Committee. He reminded the Board that when the Town created the Comprehensive Plan in 2011 the Committee urged the Town to create a Conservation Advisory Committee to serve in an advisory capacity to the Planning and Zoning Boards upon request. He acknowledged that this Committee is now in place and is available for advice when needed.

JEFFREY BUDD: Mr. Haight advised Mr. Prendergast that he was in contact with Joseph Visconti of the DOT who advised him that Jeffrey Budd's application needs to be addressed by the DOT as the entrance is required to be brought up to current standards. Mr. Visconti said that if there isn't curbing or a paved entrance a Site Plan should be sent to him before a C/O is issued or anything is approved by the Town.

CARRY OVER

The following matters were carried over to the next meeting:

2018-23 SITE PLAN CONFERENCE – MIKE FALLON – County Route 7A [Copake]

ADJOURNMENT

There being no further business, on a motion made by Ms. Cohen and seconded by Ms. Becker, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:55 p.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 35 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

KEITH PERRINO & THE HARLEM VALLEY RAIL TRAIL

December 5, 2018	ZBA Request for Area Variance (2)
December 8, 2018	Building Permit Denial (2)
January 3, 2019	Short Environmental Assessment Form (3)

KARIN NEUMAN

October 24, 2018	Building Permit Denial (2)
November 5, 2018	Neuman to Strom/ZBA (1)
November 7, 2018	ZBA Request for Area Variance (2)
November 7, 2018	Mettler to Strom/ZBA (1)
November 15, 2018	Mettler to Strom/ZBA (1)

DAN & CINDI PANARELLA

November 2, 2018	Building Permit Denial (2)
November 2, 2018	ZBA Request for Area Variance (2)

FRANK & MARCIA PETEROY

January 2, 2019	Short Environmental Assessment Form (5)
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GRJH INC.

December 6, 2018	Svenson to Haight/CPB (6)
January 2, 2019	Haight & Visconte (1)

CATAMOUNT

December 31, 2018	Haight & Visconte (2)
December 31, 2018	Prendergast to Miller (1)
January 2, 2019	Miller to Haight (1)

13 LACKAWANNA ROAD

December 11, 2018	DeRizzop tp Catuszek/Cascino (1)
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