



COPAKE PLANNING BOARD
JUNE 6, 2013
MINUTES

Approved
July 13, 2013

Please note that all referenced attachments, comprising 16 pages, are on file with the Copake Town Clerk and in the Planning Board office. An annotated listing of those attachments appears at the end of this document.

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, Bob Haight and Jon Urban. Gray Davis and Steve Savarese were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. ZBA REFERRAL – ANTHONY CHIBBARO – Lakeview Road [Copake Lake] – (2013-8)

Janet Biedermann appeared before the Board representing Mr. Chibbaro. An e-mail was received from Mr. Chibbaro granting permission for Ms. Biedermann to act on his behalf.

Ms. Becker noted that the applicant appeared before the Zoning Board of Appeals for a variance to build and expand his front porch which includes a second story deck within one-hundred feet (100') of the lake, and a variance to add an additional shed. Ms. Becker acknowledged that a Letter had been received from the NYSDEC and no permit was needed for the expansion. Ms. Biedermann who was the previous owner of Mr. Chibbaro's home advised that she had a new septic system installed by Eastern States in 1983. It was acknowledged that according to an Open Listing Agreement the septic tank is a one-thousand gallon (1,000) septic tank and the structure consists of two (2) bedrooms. Ms. Becker also acknowledged that the square feet of the residence, bunk house, proposed shed, proposed deck, well and septic location were added to the map.

Ms. Becker informed the Board that a variance had been granted by the ZBA to construct the deck/porch within one-hundred feet (100') of the lake, and to allow for another shed to be added to the property. She acknowledged that no bushes are planned for the site at this time and Mr. Chibbaro accounted for the stair, ceiling fan and small ribbon lighting along the railings. The maps were reviewed and it was noted that the deck will be fifty seven feet (57') from the lake.

Ms. Becker questioned the fact that the information received about the septic system did not include a statement from an engineer attesting to the size and working order of the septic system. Mr. Haight brought up the fact that the Board did not inform Mr. Chibbaro at his last visit that this information would be needed. Ms. Becker said the Board had asked for septic system information

including the location. Mr. Filipovits was confused about the septic request as he didn't see what this information had to do with the construction of a deck. Mr. Grant pointed out that a Site Plan Review is a time to review this information. Mr. Haight brought up the fact that Attorney Ken Dow advised that the Board does not need to ask about the working condition of the septic system for the installation of a deck however they could ask for it to be placed on the map.

A discussion ensued with Mr. Grant saying that this was not said by Attorney Dow and Mr. Haight said that he specifically asked Attorney Dow if this could be required for a deck and was told that it could not. Mr. Filipovits felt that this information was not required as it was grandfathered. Ms. Becker said all that was being asked for was the size of the system and whether it was in working condition. Mr. Haight believed that there was no reason to be asking about a septic system for the installation of a deck. Ms. Becker believed this information was necessary inasmuch as the system was in violation as it is within one-hundred feet (100') of the lake and is also part of a Site Plan Review. Mr. Haight argued that this was not a violation since the system is pre-existing. Ms. Biederman questioned whether this meant when the system was last pumped out and Mr. Grant advised her that the Board needed to know whether the system is up to code or not. Ms. Biedermann asked how Mr. Chibbaro would be able to get this information and was told that an engineer would need to provide this information. Mr. Urban believed the Board needed to meet on this subject to clarify just what needs to be looked for and not whether it is up to code.

Ms. Becker advised that at the special meeting for the Sokol application it was decided that in the case where the applicant is not required to bring the septic system up to code the applicant must provide a stamped certification by a licensed engineer stating that the existing septic sewage system is in proper working order. Such determination shall include specifically that (1) the system can handle the burden from the proposed use (is it sized properly) and that the resulting affluent output complies with the acceptable health standards. Ms. Becker acknowledged that Mr. Chibbaro's septic system is sized properly according to the Open Listing Agreement. Mr. Filipovits believed the Board was overstepping their bounds as nothing is being changed inside the home structure. Mr. Haight seemed to remember Attorney Dow stating that these requirements do not apply to decks as he specifically asked about decks. Mr. Grant and Ms. Becker did not remember Attorney Dow stating this. Ms. Becker stated that this is part of the Site Plan Review as there is an exemption section. She felt that if this was two-hundred feet (200') from Copake Lake the Board could exempt it but it is not as it is within one-hundred feet (100') of Copake Lake.

Mr. Grant pointed out that all that is being asked for is a stamped certification from an engineer stating that the system is in working order. Mr. Filipovits did not feel it is right to put an extra bill on a person for something that was irrelevant to the project being done. Ms. Becker and Mr. Grant believed this was relevant to the Site Plan Review process however Mr. Filipovits and Mr. Haight believed it was not relevant to the installation of a deck. Mr. Urban clarified that the Board only wants to know that the system is functioning properly, irrelevant of the size. Mr. Grant and Ms. Becker agreed with this. Ms. Biedermann questioned whether Mr. Chibbaro would need to return to the Planning Board and was told that conditional approval could be given for this subject to receipt of this documentation. Ms. Biedermann questioned who would perform this process and was given several names of qualified engineers.

Ms. Becker advised Mr. Biedermann that two (2) more sets of the maps were needed. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the Site Plan for Anthony Chibbaro from a map dated August 2, 2005 drawn by Alvin Hunnell for the expansion of a nonconforming structure and the addition of a tool shed subject to receipt of a certification from a licensed engineer that the septic system is in good working order.

2. ZBA REFERRAL – BARRY POLAYES & CAROL TIGER – SW Colony Road [Copake Lake] – (2013-4)

Mark Bailey and Andy Aubin appeared before the Board representing Mr. Polayes and Ms. Tiger. For the record Ms. Becker noted that some of this information was just being received on this application and could cause a delay in the decision.

Ms. Becker acknowledged receipt of:

- a NYSDEC letter stating this portion of the lake is not regulated wetlands;
- a letters from Crawford & Associates regarding the proposed septic system being replaced;
- a response letter from Clark Engineer acknowledging the size and sand filter for the proposed septic system, questioning the 30 mil liner versus the 20 mill liner proposed, an apparent typo for a three inch (3”) diameter pipe, a suggestion that the dosing chamber (flout) sift before the sand filter, questioning of the seepage pit size and a suggestion for the use of a UV system, a noting that this does not address the neighboring wells and a suggestion that the Planning Board inform the adjacent homeowners that their wells are currently not meeting setback requirements;
- a response letter from Crawford & Associates revising the proposed liner to a 30 mil liner, correcting the typo to four inches (4”), an explanation of the proposed dosing chamber (flout), an explanation of the proposed seepage pits noting the site plan will be revised to clarify the language and dimensions and a commentary about UV and setback issues presented after specific comments in the Clark letter.
- NYSDEC Letter addressing the fact that they have no concerns regarding the construction being done within one-hundred feet (100’) of the lake as long as the proper erosion control methods are undertaken to prevent any sedimentation and/or erosion from entering Copake Lake.

Ms. Becker asked if Mr. Aubin had additional comments regarding the UV. Mr. Aubin responded saying that a UV on the waste water side is not really something that is done in residential applications. However inasmuch as the parcel’s well is in close proximity to the septic system a UV on the well water system will be installed as it is conventional for residential installations. Mr. Aubin addressed the fact that although they would be willing to install a UV system on the homeowner’s well this would not protect the adjacent wells which seems to be the concern. Only a UV system on the adjacent homeowners’ wells would protect their wells. A question arose as to Clark’s suggestion that the UV system be added to the discharge of the Polayes septic. Note was made of the fact that the adjacent homeowners are also in close proximity to the septic systems of other neighbors and a discharge filter on the Polayes system would not be of added protection from this issue. Mr. Bailey agreed that a filter on the well water would be the proper approach. Mr. Grant believed that anyone that has a septic system within one-hundred and fifty feet (150’) of anyone’s septic system should be advised of this. Mr. Aubin suggested putting something in the newspaper regarding this matter. Ms. Becker will pass this onto the Town Board.

Ms. Becker questioned what the Board's responsibility regarding the proposed system is and Mr. Haight pointed out that Mr. Aubin addressed all the Town Engineer's concerns. Mr. Grant questioned Mr. Aubin's notation that the proposed system is located in a way that would not normally be approved by the CCDOH and Mr. Aubin clarified that he was referring to set-backs for wells and property lines. Ms. Becker noted that the Town Engineer did acknowledge that the best is being done in the space allotted. Ms. Becker asked if the Board was satisfied with this as proposed. The Board was in agreement. It was noted that Mr. Aubin's stamp and approval is on the certification.

Mr. Bailey presented the revised plans. He pointed out the buffer for the slope stabilization and noted that some of the existing decks originally proposed for removal would remain with many of the retaining walls still planned for removal. Ms. Becker questioned whether the floating dock was existing and was advised by Mr. Bailey that it was. Mr. Bailey acknowledged that the construction schedule is set to begin in July 2013 and will complete in the spring of 2014 and the lighting was added to the plans. In response to the above referenced letter from the DEC Mr. Bailey noted their diminished concerns inasmuch as new decks are no longer being proposed.

Mr. Bailey brought up the issue of asbestos removal and acknowledged that he contacted several firms, some of which do not deal in residential and other's requiring a cost of somewhere in the area of four-thousand dollars (\$4,000.00). Mr. Bailey acknowledged that although some likelihood of asbestos does exist over the twenty (20) years his client has owned his home he has done quite a bit of upgrading and feels that there is no asbestos on the site at this time. Mr. Bailey did address the Board's concerns and noted that this falls under the scope of the Labor Laws. He suggested moving forward with Planning Board approval and with the contractors providing an evaluation to the Town or Building Department. Ms. Becker asked Mr. Haight's opinion regarding this. Mr. Haight was in agreement with this and should any asbestos be found it will be dealt with under the proper guidelines. Mr. Aubin noted that this is completely regulated and in order to obtain a building permit an asbestos inspection is needed.

Ms. Becker acknowledged the granted variances from the ZBA, the landscaping plan, the lighting plan and questioned the lot coverage percentage which was noted to be less than twenty-five percent (25%).

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to approve the Site Plan for the Polayes/Tiger project on Southwest Colony Road from a site map dated June 4, 2013 by Dennis Wedlick Architects subject to the merging of the lots and appropriate asbestos review by the Code Enforcement Officer once the contractor is working with him.

Ms. Becker noted that three sets of plans are required. Ms. Becker will check with Attorney Dow as to when she can stamp the maps before the lots are merged. An account of the escrow will be provided to Mr. Bailey.

3. ZBA REFERRAL/SPR – EDWARD SAWCHUCK – Lake Shore Rd [Taconic Shores] – (2013-10)

Frank Peteroy and Edward Sawchuck appeared before the Board. Ms. Becker acknowledged that no new submissions were received before the meeting. Five copies of the Stormwater control Diagramatic Section East were handed out at the meeting. Mr. Peteroy informed the Board that the septic tank is a one-thousand gallon (1,000) concrete tank and the absorption fields are

located in the front yard approximately ten to fifteen feet (10-15') south of the building which accounts for the fact that the house is set-back seventy-five feet (75'). He added that the septic appears to be in good working order. He also made note of the fact that the calculations are based on his measurements because there is a conflict between the Tax Map and the deed and he has not received the survey as yet. Mr. Peteroy advised that the house is approximately forty feet (40') from the water, nineteen feet (19') from the rear building line north to the edge of the slope. Mr. Haight questioned whether the foundation will be removed and was advised that it would be.

Mr. Peteroy addressed the fact that according to the Columbia County Soil Maps the soil is gravel with good drainage. He made note of the fact that the stormwater and roof loads will be picked up with dry well sized to the roof area with two (2) expected for the west side and one or two (1-2) expected on the east side as well as a trench drain due to the existing gravel driveway. Mr. Peteroy did make note of the fact that he expects the gravel soil and the rain water to diminish the affluent from the septic before it reaches Robinson Pond.

Ms. Becker did point out that this application is still being reviewed by the ZBA and noted that the distances for the septic are not on the map. Mr. Peteroy advised her that these measurements will be added for the ZBA as well as the Planning Board. Ms. Becker did advise Mr. Peteroy that a licensed engineer will need to provide a report on the septic location and condition. It was noted that the ZBA decision, the engineer report and the survey are outstanding and a landscaping plan at the shoreline will be provided. Mr. Peteroy has submitted the appropriate documents to the NYSDEC but has not heard back from them as yet. Ms. Becker did advise Mr. Peteroy that inasmuch as Mr. Sawchuck's residence is also being demolished asbestos is a factor and an asbestos proposal needs to be submitted as well. Mr. Peteroy made note of the fact that the roof was replaced which might put the structure into a non-asbestos category.

4. ZBA REFERRAL/SPR – JESSICA WANG & JAMES SPENCER – Lakeview Road[Copake Lake] – (2013-20)

Linda Chernewsky appeared before the Board representing Ms. Wang and Mr. Spencer. Ms. Becker acknowledged the ZBA submission package, photos, a letter of agency, a letter of permission for site plan visitation, a Gaylord letter, a site map and elevations and a Site Plan application.

Ms. Becker explained that the project is to renovate the first floor, add a second floor, add a mud room, add a front porch and deck and add a roof over existing side deck. She also made note of the fact that several variances are needed. Mr. Haight questioned whether any bedrooms were being added and was advised by Ms. Chernewsky that bedrooms were being added and a fifteen-hundred gallon (1,500) septic tank is being proposed. Ms. Chernewsky noted that she spoke with Mike DeRuzzio of the DOH and said he advised her to do the best she can in meeting the setbacks in meeting the required standards. Ms. Chernewsky acknowledged the residence is a two (2) bedroom structure and is being increased to three (3) bedrooms with a den she is counting as a possible extra bedroom which is the reason a fifteen-hundred (1,500) gallon septic is being proposed. More information on the septic will be forthcoming.

Ms. Becker questioned whether the property consisted of two (2) lots. Ms. Chernewsky advised her that there are two (2) separate lots with one (1) Tax Map. It was noted that the septic tank will be replaced in the same location as the present one and the wells are located in the front yard.

The check list was reviewed. Ms. Becker questioned what will be done regarding the roof run-off and was advised that a French Drain was added last year. It was noted that the outdoor lighting needs to be added to the plans, no DEC permits are required, a final sewage disposal design will be supplied, no landscaping plans are required, a project schedule will be supplied, no DOH permit will be given and Ms. Chernewsky will work out what's best with the DOH. Mr. Grant suggested a UV treatment for the well. It was noted that no state or county permits are needed.

Inasmuch as the septic issue is outstanding Mr. Grant questioned the process. Ms. Chernewsky advised him that the site needs to be opened so the laterals and their direction can be viewed, the engineer needs to review it so he can make a recommendation, Mr. DeRuzzio needs to be consulted and the tank needs to be increased. Mr. Grant pointed out that the leech field is located within one-hundred and fifty feet (150') of the lake. Ms. Becker questioned whether Clark Engineering should be consulted. It was decided that Ms. Chernewsky's engineer will present a proposal and should there be any concerns the Town Engineer can be consulted at that time.

PUBLIC HEARING

2013-12 MINOR SUBDIVISION/BLA – JUDITH SIEGEL – Chrysler Pond Rd. [Chrysler Pond]

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to open the Public Hearing. On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to waive the reading of the Public Hearing. Ms. Becker asked if any one wished to speak on this application. Being none, on a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to close the Public Hearing

SUBDIVISION/SITE PLAN

2013-12 MINOR SUBDIVISION/BLA – JUDITH SIEGEL – Chrysler Pond Rd. [Chrysler Pond]

Judith and Gary Seigel appeared before the Board. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to classify this application as a Minor Subdivision. Ms. Seigel advised the Board that the reason for the subdivision was for proper placement of the driveway to correct water run-off.

The SEQR was reviewed. On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to make a Negative Declaration. On a motion made by Mr. Grant and

seconded by Mr. Filipovits the Board voted unanimously to approve the Boundary Line Adjustment for the merger of the lands of William and Marian Mogulescu and the lands of Gary and Judith Seigel from a map by VanAlstyne Land Surveying dated April 16, 2013. Ms. Becker will stamp the maps on Saturday. An application fee in the amount of fifty dollars (\$50.00) was received.

2013-21 MINOR SUBDIVISION/BLA – JOSEPH SWIATEK – Island Drive – [Copake Lake]

Andy Aubin appeared before the Board representing Joseph Swiatek. Mr. Aubin presented the Board with a short form (SEQR) and an application. Mr. Aubin explained that the existing driveway crosses the boundary line and Mr. Swiatek wishes to have his driveway on his property so that there is no encumbrance other than the small easement for access to the road. Ms. Becker questioned the steepness of the property and was advised by Mr. Aubin that the property does drop off steeply and should a home be build on the property it would be toward the flat part with parking located in that area as well. Ms. Becker expressed a concern that there was ample access and was advised by Mr. Aubin that the access was ample as he viewed the property prior to tonight's meeting. Mr. Aubin also noted that the sewer already exists so there is not much encumbering the lot. Ms. Becker advised that a copy of the easement needs to be submitted.

The check list was reviewed and it was noted that the well needs to be located.

On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to accept this application as a Preliminary Sketch and schedule a Public Hearing for next month's meeting.

2012 -33 MINOR SUBDIVISION/BLA – MICHAEL & EILEEN COHEN – High Meadow Road [Copake Lake]

Ms. Becker acknowledged:

- The application
- a letter from the Department of Health describing the areas tested for suitability of the site for on-site sewage disposal
- the easement that needs to be executed
- a letter of agency
- an application fee in the amount of \$100.00 for both the Subdivision and the Site Plan applications
- short form SEQR which needs to be completed
- the Subdivision maps dated May 14, 2013

Michael & Eileen Cohen appeared before the Board with Julie Cohen and Surveyor Jeff Plass. Mr. Plass explained that this is a four (4) lot Minor Subdivision with a shared driveway that will access Lots 2 & 3. Mr. Plass acknowledged that the driveway is in the process of being built and the Board has a copy of the maintenance agreement. He made note of the fact that Ms. Becker, Mr. Davis and Mr. Haight visited the site with the Cohens and agreed that this was the best place for the road. Mr. Plass noted that the fifty foot (50') right-of-way is designed around the traveled

way and addressed the note on the map saying that pull-offs can be made anywhere on the road. Mr. Haight clarified that this was up to the discretion of the Fire Department. Julie Cohen advised that they have been trying to contact the Fire Department for the past two (2) weeks but have not been able to get in touch with them. Ms. Becker did not believe the pull-offs had to be every five-hundred feet (500') however Mr. Haight pointed out that this is what the rules state. This matter is subject to a decision by the Fire Chief.

Mr. Plass acknowledged that Scot Cohen met with the utility companies and underground utilities are going to go ten feet (10') off the traveled way. Ms. Becker brought up the fact that the Board usually requires that easements be executed however no one is using the easement at this time. Mr. Plass pointed out that it is presently a driveway and if the subdivision didn't happen it would remain a driveway. Mr. Grant made note of the fact that the owners of Parcels 2 & 3 are the Cohens and they wouldn't execute the easement until it is transferred to a third party. Mr. Grant felt the easement should be executed as it would only require the Cohen's signature. Michael Cohen said he is willing to sign. Ms. Becker questioned if the driveway location was changed significantly accordingly to the Highway Superintendent's letter. Mr. Plass acknowledged that the entrances are per the Highway Superintendent's letter.

Ms. Becker addressed the fact that there were some conversations about conserving upland forests and there is a newly formed Conservation Advisory Committee that would be able to take a look at the land, analyze it and make a report of what the land consists of. Mr. Plass attested to the fact that there are no wetlands on the property. Mr. Haight clarified that this was in the case that the Cohen's wanted to conserve some of their land. Mr. & Mrs. Cohen did not want anything done at this time as they didn't want anything to hold up the process they are going through. Ms. Becker advised that this would be done within the next month and noted that a Public Hearing would need to be set for next month so nothing would be held up. Mr. Cohen brought up the fact that a question of conserving some of the land arose at the beginning of the process when this application was believed to be a Major Subdivision and inasmuch as this is not a Major at this time they are not interested in the conservation process. Mr. Grant brought up the fact that any further subdivision on this property would be considered a Major Subdivision. The Cohens are not interested in having this done at this time.

Outstanding items include acknowledgement from the Fire Chief assuring that emergency vehicles will be able to access the road, turn around and be able to have access out of the road, the Easement has to be executed, a SEQR needs to be done and a Public Hearing needs to be set.

On a motion made by Mr. Haight and seconded by Mr. Filipovits the Board voted unanimously to accept the Minor Subdivision map of Michael and Eileen Cohen from a survey map drawn by Jeff Plass dated May 13, 2013 as a Preliminary Sketch and schedule a Public Hearing for next month's meeting.

2013 -19 SITE PLAN REVIEW – SCOT COHEN REALTY – High Meadow Road [Copake Lake]

Michael & Eileen Cohen appeared before the Board with Julie Cohen and Surveyor Jeff Plass. Ms. Becker acknowledged that the above mentioned DOH letter and driveway easement also apply to the Site Plan Review for this application. Ms. Becker also acknowledged an application, application fee and Health Department letter.

Ms. Becker acknowledged:

- The application
- a letter from the Department of Health describing the areas tested for suitability of the site for on-site sewage disposal
- the easement that needs to be executed
- a letter of agency
- the elevations of three (3) buildings, a residence, guest/pool house and a garage
- an application fee in the amount of \$100.00 for both the Subdivision and the Site Plan applications

Julie Cohen advised that CEO Ed Ferratto has already reviewed this and acknowledged that this is the final revision.

The elevations were reviewed. Ms. Becker noted that there is a bathroom on the second floor of the residence and questioned whether this could be considered a second bedroom. Ms. Cohen made note of the fact that a second bathroom might not be added upstairs. Ms. Becker advised that this would just affect the size of the septic system needed. It was noted that there will be four (4) bedrooms in total with a possible five (5) bedrooms and the well and septic specifications are not prepared as yet.

On a motion made by Mr. Filipovits and seconded by Mr. Haight the Board voted unanimously to classify this application as a Minor Site Plan.

The Check List was reviewed. Ms. Becker clarified that the plans they are reviewing are not a complete site plan and are just a map with some building on it. Ms. Becker questioned whether any thought was given to where the water would be place and whether the driveway has been drafted as yet. Mr. Cohen pointed out where the driveway would be placed and noted that no thought was given to water placement. Ms. Becker noted that information would be needed regarding the proposed septic system and a rough idea was given by Mr. Cohen as to where the wells will be placed.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to accept the Bateman Architects building elevation plans for the Cohen residence as a Preliminary Sketch.

2013-7 MINOR SUBDIVISION – JOYCE K. COWARD – Lakeview Rd. [Copake Lake]

Nothing new transpired for this application as there were no new submissions at this time.

2013-17 SITE PLAN REVIEW *Workshop Building* – CAMPHILL VILLAGE – Camphill Rd. [Copake]

Jos Smeele appeared before the Board with Pat Prendergast P.E. Ms. Becker acknowledged that the only new submission is the referral from the ZBA for a variance to build within one-hundred feet (100') of a federally regulated wetland. Mr. Prendergast explained plans to demolish the existing building and rebuild near the wetlands. Mr. Prendergast acknowledged that he contacted

the Army Corp of Engineers applied for a Nationwide #39 Permit which he is waiting to receive. Ms Becker advised Mr. Prendergast that revised maps are needed. Ms. Becker acknowledged that she spoke with CEO Ferratto as to whether the whole site should be reviewed and was advised that it should be reviewed as a whole. Ms. Becker requested an Erosion and Sediment Control Plan and Mr. Prendergast pointed this out on the map.

Mr. Prendergast pointed out the placement of the silt fences and explained that the roof leaders go out to two-thousand gallon (2,000) rain water tanks with similar ones on the other building that are connected to the central sewer system. The elevations were reviewed. Ms. Becker brought up the fact that there was an issue as to whether the fire apparatus would be able to use the loop road and was advised that they could. Ms. Becker noted that the Army Corp letter is needed as well as the variances from the ZBA.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to classify the Camphill Village application as a Minor Site Plan. On a motion made by Mr. Haight and seconded by Mr. Filipovits the Board voted unanimously to accept the Camphill Village application as a Preliminary Sketch.

2013-18 SITE PLAN REVIEW– GRAY DAVIS – Island Drive [Copake Lake]

Bart DeRocha appeared representing Gray Davis. Mr. DeRocha advised the Board of Mr. Davis' submissions:

- the main house will be connected by a pergola structure with a cedar shingle roof and timber posts;
- the ridge height of the house is twenty-eight feet nine inches (28'9") above grade and the ridge height of the garage is twenty-three feet (23') above grade;
- the name has been adjusted on the site plan to reflect that they are the owners of lot 10;
- a set of drawings showing the plans and elevations of both the house and garage;
- a survey of major trees on the site plan have been noted with three (3) trees being removed for construction and two (2) thirty-six inch (36") oak trees, a thirty six inch (36") hemlock, a thirty inch (30") hickory, a twenty-six inch (26") oak and two (2) trees not in the best of health that a tree surgeon will be pruning and feeding are being kept;
- A twenty foot (20') square bluestone terrace on a sand bed near the shore has also been added to the site plan down by the lake.

The elevations were reviewed. Mr. DeRocha noted that the structure will have three (3) bedrooms and three (3) bathrooms, will be two-thousand one-hundred and twenty-five (2,125) square feet on the first floor, the open loft will be five-hundred (500) square feet, the garage will be seven-hundred and twenty (720) square feet and the septic will tie into the existing system.

Mr. Grant questioned whether a variance would be needed for the terrace construction near the water. Ms. Becker questioned whether an open deck terrace was exempt. It was decided that a variance would be needed for the terrace but could be applied for at a later date so as not to hold up construction of the structure. Mr. DeRocha will speak to Mr. Davis but believed the terrace will be applied for at a later date.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted to classify the Gray Davis application as a Minor Site Plan. An application fee in the amount of fifty dollars (\$50.00) will be submitted.

On a motion made by Mr. Filipovits and seconded by Mr. Haight the Board voted unanimously to approve the Site Plan for the Gray Davis application subject to receipt of the revised drawing removing the blue stone terrace thirty feet (30') from the lake.

MINUTES

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the minutes for the May 2nd meeting.

ADMINISTRATIVE

JULY MEETNIG DATE: Inasmuch as the July Planning Board meeting date falls on the 4th of July the Board agreed to reschedule it. A tentative date of the morning of July 13, 2013 was picked but the Board will be consulted prior to rescheduling to see if any other dates work better for them. The Town will also need to be consulted to make sure there is no conflict in scheduling.

MICHAEL BRAUNSTEIN PROJECT: Ms. Becker advised the Board that Nick Demos informed her that the shortly before his death Michael Braunstein advised him to cancel the project.

SALVATORE CASCINO: Ms. Becker acknowledged an e-mail circulated by Mr. Haight regarding concrete being poured on the Salvatore Cascino property. Mr. Haight advised the Board that a couple of hundred feet of concrete walls have been poured on Mr. Cascino's property without a permit. Mr. Haight made note of the fact that CEO Ed Ferratto was at the site with the Attorney representing the town in this matter and pointed out the newly poured wall. It was Mr. Haight's belief that Mr. Cascino plans to add additional concrete walls and place greenhouses on them that are two-hundred and fifty feet (250') long. Mr. Haight also brought up the fact that Mr. Cascino was in trouble with the state for bringing his driveway into their right-of-way. It was noted that the next court date for this trial is July 31, 2013. Mr. Haight questioned the fact that the sheriff in Massachusetts and Connecticut will pull onto a property with a Stop Work Order and notify the contractor that he will be brought to jail should he attempt to proceed on his project and wondered why this isn't done in Copake. Mr. Filipovits made note of the fact that Mr. Cascino will not be able to open without a Certificate of Occupancy. The question came up as to how he would be stopped from doing this. Mr. Haight brought up the fact that it appears that mulch is presently being sold to Millerton Landscaping. Ms. Becker suggested Mr. Haight report this to the Code Enforcement Officer so that the Attorney will be aware of it.

VIJOBA REALTY: Ms. Becker advised the Board that the Vijoba Subdivision supplied the Driveway Easement and updated the map the Board approved as requested.

MARK & LISA NIELSEN: Ms. Becker also advised the Board that the Nielsen's Attorney supplied the revised map for their patio as requested.

SEQR: Mr. Grant advised the Board that the DEC is working on a revised SEQR Form and the date for release has been extended once again to October 7, 2013.

ERIN MOORE RECOMMENDATION: Ms. Becker advised the Board that Erin Moore of Clark Engineering sent a recommendation for what is adequate in terms of existing sewer systems and suggested this be reviewed prior to next month's meeting so it can be discussed.

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. Urban, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:45 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 16 pages, are on file with the Copake Town Clerk and in the Planning Board office. The referenced attachments are filed in the individual project files. An annotated listing follows:

ADMINISTRATION

ANTHONY CHIBBARO

May 28, 2013 Chibbaro to CPB (1)
February 6, 1999 Open Listing Agreement (1)

BARRY POLALYES & CAROL TIGER

May 2, 2013 Higgins to Bailey (1)
May 20, 2013 Aubin to Becker/CPB (3)
May 31, 2013 Aubin to Becker/CPB (2)
May 31, 2013 Moore to Becker/CPB (2)

MICHAEL & EILEEN COHEN

April 10, 2013 DeRuzzio to Cohen (2)
June 1, 2013 Easement and Road Maintenance Declaration (3)

GRAY DAVIS

June 5, 2013 Davis to Becker (1)