



COPAKE PLANNING BOARD
MAY 2, 2013
MINUTES

Approved
June 6, 2013

Please note that all referenced attachments, comprising 14 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 7:25 p.m. by Marcia Becker, Chair. Also present were Gray Davis, Bob Haight and Steve Savarese. Chris Grant arrived later in the evening. George Filipovits and Jon Urban were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

1. 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. Ms. Becker advised the Board that the seven (7) variances requested by the applicant had been granted by the Zoning Board of Appeals. Mr. Bailey acknowledged that many of these variances were for existing non-conforming conditions. The seven variances consisted of a front yard area variance, left side yard area variance, right side yard variance for a retaining wall with a height not exceeding six feet (6'), rear yard variance to the property line, a variance for forty-eight feet (48.7') from the house to the lake, a variance to build within one-hundred feet (100') of the water for the new deck and the concrete retaining walls, a height variance of seven feet (7'), and a variance of fifty-eight feet (58') for the septic tank to the lake. Ms. Becker also acknowledged that an Escrow Account has been established for consultants that may be needed.

Mr. Bailey advised the Board that new details regarding the septic system, the property line set-backs and the set-backs for the wells on adjacent properties were added to the maps. Andy Aubin questioned whether the letter from Mr. Ferratto mentioned in the Administrative section of these minutes pertained to the septic system on Mr. Polayes' property and was advised that inasmuch as the proposed system for this applicant is a new system it is covered under the conditions of this letter.

Mr. Aubin acknowledged that in most instances separation distances were increased for the proposed new proposed septic system to reduce the risk of contamination and the treatment of the overall system was enhanced with a sand filter prior to discharge. Mr. Aubin advised that the new system does not conform to state regulations in respect to separation distances. Mr. Aubin did speak with the Health Department and was informed that they do not approve systems on non-conforming lots inasmuch as the separation distances cannot be met so the decisions are left to the Towns.

Ms. Becker questioned whether the location was part of the ZBA application and whether the septic fields were in the side yard set-backs. She was advised that the location was reviewed and the fields are beyond the side yard set-backs. Mr. Aubin pointed out that the components and design of the system are all conforming to New York State regulations and it is just the separation distances that are not able to conform. Ms. Becker questioned whether this is the final septic design that will be submitted to Town Engineer Doug Clark and Mr. Aubin advised her that it is and he will be submitting it to Mr. Clark shortly. Mr. Aubin did acknowledge that he had a lengthy conversation with Mr. Clark who agreed that this system is the best one for use on this lot.

Mr. Bailey advised that the owner had the asbestos siding removed approximately fifteen (15) years ago and they did not believe there is any other asbestos in the structure however they have no objections to a visual survey being done. Mr. Haight expressed his concern that one commonly used method of asbestos removal is for the demolished structure to be hosed down with water during the demolition process and this water will eventually flow into the lake due to the close proximity of the demolition. Mr. Haight also advised Mr. Bailey that if the building department is in agreement with the type and way the asbestos is being removed the Board has no objections but if the structure is being demolished with the asbestos in it, extra protection will be required. Ms. Becker questioned if Mr. Haight was requesting a visual asbestos survey and he advised her that he is. Ms. Becker will provide the name of someone who can perform this.

Ms. Becker questioned whether the lots have been merged and was advised by Mr. Bailey that this will be done if approval is granted. Mr. Bailey advised the Board that no DEC permits were required for the house but a disturbance of banks permit might be required for the demolition and the deck. Ms. Becker questioned whether there is an Erosion Sediment Control aspect to this project and was advised that the property slopes down so this is an issue. Ms. Becker then questioned whether post construction landscaping for Erosion Sediment Control has been considered as part of the landscaping plan. Mr. Bailey advised her that a landscaping plan has not been developed as yet but assured her that the homeowners do not wish to remove any more trees than are necessary. Ms. Becker requested that the landscaping be considered as part of the Erosion Sediment Control.

The Check List was reviewed. Outdoor lighting and buffer areas will be added to the maps. Mr. Davis pointed out a note on the map stating that the landscaping on the bank going down to the lake will be restored and Mr. Bailey acknowledged that this is the intent. Ms. Becker questioned whether there were any issues integral to the project that have not been addressed and Mr. Bailey advised that there were none.

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

Mr. Chibbaro's was not present at this month's meeting so this application was not reviewed. Ms. Becker acknowledged that Mr. Chibbaro also did not attend the ZBA meeting. Supervisor Jeff Nayer advised her that Mr. Chibbaro informed him that he did not attend the ZBA meeting inasmuch as they did not post a Public Notice so nothing could be accomplished.

Ms. Becker advised Supervisor Nayer that the Planning Board requested several items at last month's meeting and nothing has been received and inasmuch as no actions were taken by the ZBA the Board could not proceed at this time.

3. ZBA REFERRAL – GREGG HOSIER – Lakeview Road [Copake Lake] – (2013-10)

Mr. Hosier was not present for this meeting but did attend the ZBA meeting so this application could be reviewed.

Ms. Becker advised the Board that Mr. Hosier's intent is to develop a small lot on Copake Lake close to Route 7 that is just a little over five-thousand (5,000) square feet with a twenty-four foot by twenty-four foot (24'x24') parking pad for two (2) cars. She noted that no ZBA decision has been reached as yet and the Public Hearing remains open.

Ms. Becker acknowledged the new maps and read a letter from Highway Superintendent Bill Gregory into the record which stated that although he has no specific objections to Mr. Hosier's proposal he does not believe the approval is within his authority. Mr. Gregory pointed out in his letter that any construction would have to be clearly outside the Town right-of-way and pointed out that no vehicles should obstruct maintenance or violate any Vehicle and Traffic Laws. Mr. Haight questioned where the right-of-way was. Ms. Becker advised him that it was her understanding that the Right-of-way was twenty-five feet (25') from the center of the road on both sides. Ms. Becker thought it best to obtain specific information regarding the right-of-way from the ZBA.

Ms. Becker questioned whether anyone was familiar with Mr. Hosier's lot and Mr. Davis acknowledged that he was and noted that the lot was steep. Ms. Becker pointed out it was a steep lot with beautiful trees that had stairs on it. Mr. Davis made note of the fact that approximately four to five feet (4-5') of Mr. Hosier's parking pad was located on someone else's property. Mr. Davis also acknowledged a storage building on Mr. Hosier's plans and felt the height should be noted, as well as the height of the parking pad from the lowest grade.

Ms. Becker acknowledged that there was no permit from the Highway Superintendent and Mr. Hosier is developing off his property. Mr. Davis felt a topography map should be reviewed and questioned whether a barrier would be installed at the steep part of the property to keep cars from driving off it. After further review the Board agreed that a letter would be written to the ZBA advising them of the Board's comments and questions. Ms. Becker also felt the letter should include a stipulation that if permission is granted to develop this land an Erosion and Sediment Control Plan should be submitted due to the fact that the land is so steep everything will drain into the lake. Ms. Davis did make note of the fact that there are several trees down on this property that have fallen into the lake and should be removed.

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

Ms. Becker advised the Board that this application is also a ZBA Referral and requires a Site Plan Review. Frank Peteroy appeared before the Board with Mr. Sawchuck.

Ms. Becker acknowledged the ZBA application and the ZEO denial letter. Ms. Becker asked Mr. Peteroy whether this application has been revised from what was submitted to the ZBA. Mr. Peteroy advised her that he applied for a side-yard set-back variance and a deck. Ms. Becker noted that the ZBA application request was for the addition of a second floor to the existing footprint and to make the building and interior accessible to the disabled.

Mr. Peteroy advised that the structure is a three (3) bedroom house in the R-2 zone, the septic tank is a one-thousand (1,000) gallon concrete tank and he believed the fields are in the front of the house toward the road. Mr. Peteroy also acknowledged that a surveyor is scheduled for May 20th as there is a difference of opinion on the lot with Mr. Peteroy's calculation different than the tax map. The surveyor will pin the property and spot the house. Ms. Becker acknowledged that the septic system is sized properly and requested some verification of this as a letter from an engineer is now needed stating that the system is in good working order. Mr. Peteroy was in agreement with this.

Mr. Peteroy pointed out the storm barriers on the map which will be hay-baled. Ms. Becker believed that the Taconic Shores Property Owners Association makes recommendations of plantings for the shoreline and suggested Mr. Peteroy contact them regarding this. Mr. Peteroy did make note of the fact that the decks would need to be removed before the building can be removed. Ms. Becker questioned whether this would be a demolition and was advised that it is. Mr. Davis acknowledged that the plans state that everything will be tested for lead-based paint. The Board pointed out that a visual asbestos test would be needed as this structure is also close to the water. Mr. Haight once again acknowledged that his concern is that one asbestos removal procedure is to wash down the remnants of the structure with water that washes into the lake. However he feels the silt fence and hay bales should protect the lake. Ms. Becker made note of the fact that this has to meet Building Inspector approval. Mr. Peteroy will look further into the asbestos matter.

Ms. Becker questioned whether there were any DEC applications. Mr. Peteroy advised her that the DEC will be contacted this week. Ms. Becker acknowledged that this is a DEC wetland and a permit will be needed for development within fifty feet (50') of the water. Ms. Becker questioned whether any County permits were needed and Mr. Peteroy advised her that none were. Mr. Haight questioned whether the driveway would remain as is and Mr. Peteroy advised him that there are stone walls on either side that are in good shape so this will remain unchanged. Ms. Becker also requested elevations and Mr. Peteroy presented her with the required documents.

5. ZBA REFERRAL – IVAN & DIANE TAUB – Lakeview Road [Taconic Shores] – (2013-13)

No one was present for this application but inasmuch as this was a ZBA Referral the Board was able to review it. Ms. Becker informed the Board that Mr. Taub's builder built a garage without a permit and Mr. Taub is trying to correct the situation.

Ms. Becker acknowledged that Mr. Taub has submitted a ZBA application for the construction of a garage in the front yard. Mr. Haight questioned when the structure was built but this was not noted on the application. Mr. Haight asked how the front of a property was determined and Ms. Becker advised him that the legal definition is determined by the way a structure is accessed. Ms. Becker pointed out that the garage is sited nicely and is pretty well hidden. Mr. Davis suggested that some landscaping be provided to screen it from the street. Referring to Town Code 232-1.D and 232-27 Mr. Savarese questioned whether a fine would be levied for not getting a permit. Ms. Becker will ask about this. Mr. Haight questioned how long the structure was there as taxes might be due for this as well. Mr. Davis also requested that dimensions to the road be submitted. Ms. Becker questioned the location of the septic fields as the septic tank was accounted for but the fields were not. Ms. Becker will write a letter to the ZBA addressing the Board's concerns.

6. ZBA REFERRAL – CARMELLA DiSALVO – Longley Drive [Copake Lake] – (2013-14)

No one was present for this application but inasmuch as this was a ZBA Referral the Board was able to review it. Ms. Becker informed the Board that Ms. DiSalvo would like to build a hot tub in a twelve by eighteen foot (12'x18') platform deck. Ms. Becker noted that the plans show the hot tub connected to the existing deck but the letter states that they are not connected. Ms. Becker noted that a letter was written to Ms. DiSalvo by CEO Ed Ferratto and she acknowledged that it is not connected to the existing deck. Ms. Becker acknowledged that if the two decks were connected it would be a modification of a non-conforming structure therefore new plans would be needed showing the Board that the structures are separate.

Mr. Haight questioned the distance between decks. Mr. Davis made note of the fact that the decks could be built an inch apart as long as they were not touching. Ms. Becker's letter will ask the ZBA what the separation distance is and how the tub will be accessed. Ms. Becker did make note of the fact that a variance will still be needed for a side yard set-back and distance from the lake set-back. Ms. Becker believed the plans looked like there were plantings to the water but Mr. Davis believed this was just lawn. Ms. Becker questioned whether there were any landscape plans and felt this should be requested as well as Erosion and Sediment Control measures due to the fact that there will be some excavation. Ms. Becker will write the appropriate letter to the ZBA.

7. ZBA REFERRAL – JUAN KREUTZ – Golf Course Road [Copake Lake] – (2013-15)

Juan Kreutz appeared before the Board. Ms. Becker advised that Mr. Kreutz is requesting a deck on Golf Course Road. Mr. Kreutz acknowledged that he wishes to construct a five foot by ten foot (5'x10') pressure treated deck down by the water with removable stairs going into the water. Mr. Kreutz also made note of the fact that the deck will be completely on land so no construction will take place in the water. Mr. Kreutz also informed the Board that no DEC permits were required.

Ms. Becker acknowledged a letter received from the Army Corps of Engineers which stated that the wood deck is above the ordinary high water mark and none of the work associated with construction of the wood deck, nor any of the other activities described in the above referenced drawing would be conducted within the boundaries of any streams or wetlands under the jurisdiction of their office. Ms. Becker did acknowledge that no DEC Permits were required inasmuch as the deck is not being built in the regulated wetland section of the lake. Mr. Haight questioned whether any of the rocks pictured would be left. Mr. Kreutz advised that they would remain for erosion control purposes.

Ms. Becker informed the Board that Mr. Kreutz is before the ZBA for a variance to build within one-hundred feet (100') of a water body. Ms. Becker made note of the fact that no drawing had been presented with the platform on it but Mr. Kreutz presented her with one that he had drawn. Ms. Becker questioned what the height of the deck would be and Mr. Kreutz informed her that it would be approximately seven or eight inches (7-8") high and one or two feet (1-2') from the shoreline. Ms. Becker questioned whether there was any issue with the rocks for erosion control. Mr. Haight believed that placing a silt fence in the area would cause more damage. Ms. Becker did not see an issue with the deck impacting the lake more than the rocks and the Board agreed. Ms. Becker will write the appropriate letter to the ZBA.

8. ZBA REFERRAL – MARK AND LISA NIELSEN – SW Colony Road [Copake Lake] – (2013-16)

Attorney Chris McDonald appeared before the Board representing Mark and Lisa Nielsen. Attorney McDonald explained to the Board that the original plans included a fifteen by fifteen foot (15'x15') patio with stairs which is being withdrawn based on comments from the ZBA saying this was too similar to plans presented earlier that were denied. Attorney McDonald acknowledged that the existing stone stairs will remain and the proposed wooden stairs will be added. Attorney McDonald will supply plans showing better detail on the stone steps. Ms. Becker clarified that the plans presented are for the newly planned wooden steps.

Mr. Davis questioned whether the plans showed the existing terrace that was built larger than what was approved. Attorney McDonald explained that the Nielsen's received approval to build the upper terrace and built the upper terrace with a series of stairs as well as a lower terrace. When an objection was raised to the lower terrace going beyond the scope permitted by the variance the lower terrace was removed along with a series of the stairs but not all of the existing stairs. An application was then being re-submitted. Attorney McDonald clarified that when the ZBA stated that this was the same application that was previously submitted the fifteen by fifteen foot (15'x15') patio was removed from the plans. A revised drawing will be submitted along with greater detail of the stone steps. Ms. Becker made note of the fact that the plans being reviewed at this time were for the proposed new steps.

Attorney McDonald advised that the steps were designed to minimize any impact as they will be drilled poles as opposed to having poles dug into the ground. Mr. Davis clarified that this will be done like an auger and go into the ground with some kind of tension causing minimal disturbance.

Ms. Becker questioned what the landscaping on the slope was like and Mr. McDonald clarified that he believed nothing was planned to be planted and nothing was planned for removal. Ms. Becker requested that plans for the landscaping be submitted because of the Erosion Sediment Control issue at the lake. Ms. Becker asked for clarification that no Erosions Sediment Control measures are required for the installation of the steps and was advised that inasmuch as the steps will only be drilled this was not needed. Mr. Haight asked for clarification that the retaining walls will be removed and was advised that they were part of the old plans and will not be constructed.

Ms. Becker made note of the fact that this application is only a Referral from the ZBA and asked if there were any other issues that needed consideration. Ms. Becker questioned where the proposed steps will lead as there would be a blank canvas with the patio removed. Attorney McDonald believed that grass will be planted in the area of the deck that was removed as the land has already been graded. Ms. Becker will write the appropriate letter to the ZBA.

PUBLIC HEARING

None

SUBDIVISION/SITE PLAN

2012 -33 MAJOR SUBDIVISION/BLA – SCOT COHEN REALTY – High Meadow Road [Copake Lake]

Scot Cohen did not appear at this meeting as he had nothing new to submit.

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.

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

Judith Seigel appeared with Peter Van Alstine and presented the Board with a letter of agency from the property owners William and Marian Mogulescu. Ms. Becker advised the Board that this application is for a Boundary Line Adjustment. Ms. Becker acknowledged the letter from Highway Superintendent William Gregory. Ms. Siegel made note of the fact that the new driveway will be rerouted to the contour line along the shaded area from Chrysler Pond Road back to the garage.

Mr. VanAlystine made note of the fact that Mr. & Mrs. Mogulescu owned property on both sides of the road and want to retain some protection on the other side of the road however they were nice enough to convey a small portion of their property for the lot line adjustment.

Ms. Siegel explained that their property is presently three (3) acres and will become three point one (3.1) acre and Mr. & Mrs. Mogulescu's property is presently four point two (4.2) acres and will become four point one (4.1) acres. Mr. Grant asked if this will be under one deed and was advised that it would be.

The Check List was reviewed and a Public Hearing will be set for next month's meeting where the SEQR will be reviewed. Ms. Siegel asked whether a copy of the deed will need to be submitted and Ms. Becker advised that one was required. An application fee will be presented at next month's meeting.

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to accept the map from Van Alstine Land Surveyor dated April 16, 2013 for the Lot Line Adjustment between the lands of William and Marian Mogulescu and the lands of Gary and Judith Siegel as a Preliminary Sketch and set a Public Hearing for the June meeting.

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

Jos Smeele appeared before the Board with Pat Prendergast P.E. Mr. Prendergast pointed out the existing workshop on the map and acknowledged that it is twenty-four-hundred (2,400) square feet. Mr. Prendergast pointed out the documented wetlands on the map that were flagged by a consultant that had done some work there.

Mr. Prendergast explained that what Camphill Village would like to do is build two (2) buildings, one where the existing building is. Ms. Becker questioned whether this building would be the same square footage as the existing one and was advised that the new structure will be slightly bigger at three-thousand (3,000) square feet and the other building will be approximately thirty-five hundred and twenty-two (3,522) square feet.

Mr. Prendergast explained that one of the buildings was originally in part of the wetlands which Brad Sherwood from the Army Corp. of Engineers had no objections to. Mr. Prendergast acknowledged that he redesigned the locations of the buildings so as to avoid these wetlands however a loop road with staff parking and fire apparatus will cross part of the wetlands. Ms. Becker questioned whether the Army Corp of Engineers will need to comment on this and was advised by Mr. Prendergast that he was in contact with Mr. Sherwood of the Army Corp of Engineers who felt this wasn't an unreasonable request. Mr. Prendergast will supply the required documentation from the Army Corp for this. It was noted that the only issue is with the Town set-backs so the applicant will be referred to the ZBA.

Ms. Becker made note of the fact that one of the proposed building is less than thirty-five-hundred (3,500) square feet and the other is more than the thirty-five-hundred square (3,500) feet. She questioned whether they would be viewed as one unit or whether the building less than thirty-five-hundred (3,500) square feet would be exempt. Mr. Grant believed this would be an amendment to the Master Plan. Mr. Haight questioned whether these buildings would have sprinkler systems in them and was advised that they would. Ms. Becker will consult with the Code Enforcement Officer (CEO) regarding this. Mr. Grant noted that even if Site Plan is not required the Master Plan would need to be amended as the plan has changed.

Ms. Becker questioned how these buildings would connect to the Waste Water Treatment Plant and was advised that this was not an issue as the sewer manholes are in the required location and the system is capable of handling the added capacity as there are no additional residents.

The Check List was reviewed. Ms. Becker requested a plan of what the buildings would look like for the Planning Board files. Mr. Haight questioned whether any documentation was required inasmuch as the sewer lines and the fire lines are crossing the wetlands. The Board felt this should be addressed by the proper authorities. Mr. Prendergast questioned whether a variance would be needed from the ZBA for the crossing of the wetlands with the sewer lines. Mr. Prendergast will look into these issues. Ms. Becker requested a plan for landscaping between the buildings and the wetlands and how the rain will be filtered when it hits the buildings and wetlands.

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

Gray Davis recused himself from the Board to present his application. Ms. Becker explained that Mr. Davis has a project on Island Drive at Copake Lake. She acknowledged a letter of agency allowing Bart DeRocha to represent him. Mr. DeRocha also appeared with Mr. Davis.

Mr. Davis acknowledged that his lot is a little over one (1) acre and the reason he is before the Board is that he meets all the requirements except for the cost of the structure. Mr. Grant questioned whether there was a garage in the front yard and made note of the fact that a variance would be needed for this. Mr. Grant did acknowledge that a variance would not be needed if the garage was connected to the structure. Mr. Davis did note that the garage would be connected to the house with a pergola.

Mr. Davis advised that the house will be roughly twenty-six-hundred (2,600) square feet with a garage that is approximately seven-hundred (700) square feet, the first floor will be twenty-one-hundred (2,100) square feet with an empty loft that will be approximately five-hundred (500) square feet. The structure will be three (3) bedrooms with three (3) bathrooms and a ridge height of thirty-five feet (35'). The septic will tie into the existing system on the island based and on the letter from Mike Sullivan that states as long as the structure is three (3) bedrooms the system will still be under capacity assuming that all the houses on the other lots comply with three to six (3-6) bedroom capacity.

The Site Plan Check List was reviewed. Ms. Becker noted that the name needs to be adjusted at the top of the Site Plan. Mr. Grant pointed out that the lot is heavily wooded and Mr. Davis acknowledged that a tree surgeon would be visiting the lot as some of the trees will need to be removed. Mr. Davis acknowledged that the existing driveway cut will be used. Mr. Davis made note of the fact that he is approximately one-hundred and fifty feet (150') from the lake. Mr. Grant acknowledged that plans for the garage and the tree schedule will be needed.

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to classify Mr. Davis's project as a Class Type II action which does not require a SEQR. On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to classify the plans for Gray Davis on Lot 10 on the Island at Copake Lake from a survey prepared by Dan Russell revised May 2, 2013 as a Preliminary Sketch.

MINUTES

On a motion made by Mr. Savarese and seconded by Mr. Haigh the Board voted unanimously to approve the minutes for the April 4th meeting subject to the fact that the minutes be clarified based upon a letter received April 23, 2013 from CEO Ed Ferratto regarding septic approval and on-site waste water treatment systems, and approval of the Special Meeting held on April 20th for the Eric Sokol project.

ADMINISTRATIVE

PERTINENT DOCUMENTS: At the beginning of the meeting Ms. Becker advised the Board of a memo from Code Enforcement Officer Ed Ferratto regarding on-site sewage treatment systems and building department requirements, the DEC Impaired Water Body List and a listing of Best Design Standards that were given to the Land Use Review Committee by the Town's Planning Consultant Nan Stolzenburg. Ms. Becker wanted the Board to be aware of these documents prior to any application reviews as they would be referred to during the meeting process.

MEETING DEADLINE: Ms. Becker advised the Board that she and Ms. DeConti had been discussing the possibility of the Board becoming stricter with their deadlines for submission of materials. Ms. Becker pointed out that she has always tried to accommodate people by taking things late but several times the generous approach didn't work in the Board's favor as the people we try to help the most turned against the Board. Mr. Grant believed there was a ten (10) day deadline prior to meetings. Ms. Becker clarified that this is for Subdivision Review. Mr. Davis questioned whether the ten (10) day deadline should be for everything. Ms. DeConti suggested advising the applicant that should they submit their material late it could delay their approval. The Board was in agreement. Mr. Grant did make note of the fact that the more complicated applications might need more time to review. Ms. DeConti pointed out that many times documents are submitted the day prior and the day of the meeting and have no chance of being reviewed by the Board.

SUPERVISOR JEFF NAYER: Supervisor Nayer addressed the board regarding complaints made against the Planning Board at the previous Town Board meeting. Supervisor Nayer pointed out that although he was not at the Planning Board meeting which resulted in the complaint he is aware of the Site Plan process and how trying these processes could be. He asked the Board to be as helpful and civil as possible and to expedite whatever they can. Supervisor Nayer acknowledged that he understands that documents are sometimes submitted late and take time to review which can cause a delay. The Board's decision and the applicant's are not always happy about this. It was mentioned that some of the complainers are the biggest code violators and builders need to take responsibility for informing their clients about the review process, and related potential complications.

Supervisor Nayer also addressed Code Enforcement Officer Ed Ferratto's letter regarding septic systems. Supervisor Nayer explained that the Town feels a New York State Licensed Design Professional needs to be the one who decides whether a septic system is a working system or not rather than a septic system pump out service. Supervisor Nayer also questioned a memo from Ms. Becker regarding this subject however Ms. Becker advised him that this memo was never circulated once she received CEO Ferratto's April 23rd letter as his letter addressed and superseded this. Supervisor Nayer expressed his concern that Ms. Becker's memo suggested that the septic system be reviewed for a simple project. Ms. Becker pointed out that there is an exemption in Town Law called a Waiver of allowing the Board to exempt something as part of Site Plan Review. Mr. Grant did point out that the Board needs to be careful with a full reconstruction of a house on the lake regarding the septic system as well.

Supervisor Nayer also addressed the fact that Board members need attend training sessions and if and eight (8) hour training course is taken in one year four (4) hours of that training can be applied to the following year.

Supervisor Nayer also informed the Board that the judge postponed the Salvatore Cascino trial to July 31st.

Mr. Grant was unclear about the last paragraph in CEO Ferratto's letter. Supervisor Nayer clarified that this paragraph relates to the Planning Board minutes of April 4, 2013 which read:

CODE RECOMMENDATIONS: Ms. Becker advised the Board that Supervisor Jeff Nayer and Code Enforcement Officer Ed Ferratto suggested the Board ask for stamped plans from an engineer showing the location, the design, adequacy and compliance with Code for existing septic systems at the start of any Site Plan Review. Ms. Becker noted that there are two (2) sections in the Code giving the Board the right to do this, 232-23A(2)(B)[11] (*Description of the method of sewage disposal and location, design and construction materials of such facilities*) and 232-23A(3)(f) (*Adequacy of water supply and sewage disposal facilities*).

Supervisor Nayer explained that he and CEO Ferratto were trying to take the responsibility away from the person pumping the septic system and if an engineer wants to put his stamp on the system to say it is working and something happens the responsibility will be that of the engineer not the person pumping the system. Everyone agreed that the person doing the pumping of a system cannot make the decision as to whether the system is in proper running order or not. Mr. Haight brought up a Site Plan Review where two (2) houses were being demolished at Copake Lake and a sand filter septic system was being installed. Mr. Haight acknowledged that the Town Engineer will be looking at this system and questioned whether the Town Engineer will need to look at every system that another engineer puts his stamp of approval on. Mr. Davis believed that if an engineer puts his stamp of approval on a system then he is taking responsibility for the system. Mr. Grant referred to the Sokol application and his concern that their engineer did not inspect the system and only looked for signs of leakage in the area. Mr. Haight explained that he was referring to the installation of a new septic system that is a different type of system. Mr. Grant agreed that if their engineer is installing a system and is certifying it this should be sufficient. Ms. Becker clarified that the Town Engineer is looking at the system Mr. Haight was referring to inasmuch as it doesn't meet certain requirements. Supervisor Nayer pointed out that Escrow accounts are set up for consultants and most applicants are in agreement with this.

GRAY DAVIS RESIGNATION: Mr. Davis addressed the fact that his workload at his job has increased considerably and it is becoming more and more difficult for him to attend the meetings. He regretfully submitted his resignation and offered to stay on the Board as long as he is needed to make the transition as easy as possible.

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. Davis and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:55 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 14 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

GREG HOISER

March 27, 2013 Gregory to Thomas/ZBA (1)

JUAN KEUTZ

April 10, 2013 Sherwood to Kreutz (2)

JUDY AND GARY SIEGEL

April 12, 2013 Proposed Driveway Inspection Report (1)

ADMINISTRATION

October 2012 Impaired Waters Requiring a TMDL/Other Strategy (2)

July 2012 Impaired Waterbody List (6)

April 23, 2012 Ferratto to CPB (1)

April 5, 2012 Becker to Ferratto/Thomas (1)