



COPAKE PLANNING BOARD
NOVEMBER 1, 2012
MINUTES

Approved
December 6, 2012

DRAFT

Please note that all referenced attachments, comprising 9 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, Steve Savarese and Jon Urban. Gray Davis was excused. Lisa DeConti was present to record the minutes. Attorney Ken Dow was also present.

ZONING BOARD OF APPEALS – Referrals

1. ZBA REFERRAL – EDWARD LEUSCHNER – Mansion Drive [Taconic Shores] – (2012-31)

Ms. Becker advised the Board that Mr. Leuschner owns two non-conforming lots on Mansion Drive on Robinson Pond in Taconic Shores that he wishes to develop. Ms. Becker made note of the fact that there was nothing in the Town Code that required a Site Plan Review for this application.

Ms. Becker acknowledged that Mr. Leuschner requested a front yard variance from the road and two side yard variances from the Zoning Board of Appeals. Ms. Becker noted that there was a dispute regarding the septic system variance inasmuch as the Building Inspector said that one was required and the ZBA Chair said that one wasn't required. The dispute concerned the fact that the septic system should be one hundred and fifty feet (150') from Robinson Pond.

Ms. Becker pointed out that nothing could be done until Mr. Leuschner's lots were combined by deed. Ms. Becker brought up the fact that the ZBA granted the three (3) variances. The Board questioned whether some screening should have been required for the side yard set-backs as the neighbor's house is less than eight feet (8') from the property line. Mr. Haight questioned whether there was a water system on the property and was advised that the property has a community water system.

The Board will write a letter to the ZBA advising them that screening should be added to the side yard set-backs and the septic system set-back needed to be one-hundred and fifty feet (150').

2. ZBA REFERRAL – DIONISIO FONTANA – Island Drive [Taconic Shores] – (2012-32)

Ms. Becker advised the Board that Mr. Fontana was requesting to put a shed on his property on Island Drive in Taconic Shores. Ms. Becker acknowledged that the Town Code is pretty straight forward regarding this and stated that the ZBA may issue a special use permit for a single enclosed storage shed with a list of conditions for this.

Ms. Becker noted that Mr. Fontana is requesting to place his shed right on the property line. Mr. Filipovits questioned the fact that it appeared that there was enough room to meet the ten foot (10') set-back requirement. Ms. Becker pointed out that sheds should not be placed in the front yard. Mr. Filipovits questioned whether this would be a permanent structure. Ms. Becker advised him that a shed cannot be a permanent structure. Mr. Filipovits suggested that the location of the neighbor's residence be considered in the placement of the shed.

The Board will write a letter to the ZBA advising them of the Town Code requirements and ask them to consider moving the shed back from the property line to meet the ten foot (10') set-back requirement and to consider the location of the neighbor's residence.

PUBLIC HEARING

None

+SUBDIVISION/SITE PLAN

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

Joe Flood appeared before the Board with Surveyor Dan Russell. Ms. Becker advised the Board that she did some math regarding the Flexible Lot Conservation Subdivision for Mr. Flood's property. Mr. Russell provided the required maps for the Board.

Ms. Becker acknowledged the application, the aerial photos and a new map from Mr. Russell defining the constrained acres. Mr. Russell explained each of the defined constrained areas. He made note of the fact that the total acreage was two hundred and twenty six point fifty five acres (226.55) with fifty seven point seventy two (57.72) constrained acres and one hundred sixty point eighty three (168.83) remaining acres. Mr. Russell also pointed out that approximately one hundred and twenty one (121) acres are farm land with approximately eighty one acres (81) wooded land. Mr. Russell advised the Board that there were no documented aquifers that he could locate and there were no historic landmarks on the property.

Ms. Becker made note of the fact that according to her understanding of the Town Code in the three (3) acre 'R' Zone Mr. Flood would be allowed fifty six (56) lots on his property. Ms. Becker continued to note that according to Town Code sixty percent (60%) of the unconstrained acres need to be left undeveloped making one-hundred and one point twenty nine (101.29) acres

that need to remain open land and sixty seven point fifty four acres that can be developed. It was later clarified by Attorney Dow that according to Town Code 232-26.1C.(7) it is sixty percent (60%) of the total acreage.

Mr. Russell advised the Board that Mr. Flood has no plans to proceed with subdividing his property into that many lots at this time, however, he does not wish to put restrictions on his future heirs either. Ms. Becker acknowledged that Mr. Flood presently wishes to subdivide forty six (46) acres from this parcel which would leave a total of fifty five (55) developable lots on the remaining twenty one acres. It was noted that there would be no minimum lot size for these developable lots which was estimated at point thirty eight (.38) of an acre.

Mr. Grant made note of the fact that the next step in the process is to define the developable lots and deed restrictions need to be put on the acreage that will remain open. Ms. Becker asked Mr. Flood if he had any idea as to which areas of his property he would like to develop. Mr. Flood advised her that he has no intentions at all of developing his land and he does not wish to stipulate where his future heirs would like these lots to be.

Mr. Haight questioned the fact that if Mr. Flood was granted permission to subdivide the forty six (46) acres from his property at this time inasmuch as he would have to appear before the Board to further subdivide his property would the decision be able to be made at that time. Mr. Grant did not believe this could be done as the use runs with the land and should someone buy the property in the future the restrictions would need to be in place. A discussion ensued regarding restrictions for future owners who might wish to do a flexible lot subdivision. Mr. Grant said that this would have to be revisited at that time. Ms. Becker brought up the fact that the property has been classified as a Major Subdivision and these decisions will need to be addressed in order to subdivide the forty six (46) acres at this time.

The Board advised Mr. Flood that the next step would be to designate which areas he would like to remain open. Mr. Russell asked the Board if there was any flexibility to proceed with this subdivision without a conservation easement. Mr. Grant advised him that the process needs to be gone through at this time as the overall parcel needs to be considered. Ms. Becker pointed out that sixty percent (60%) of the overall parcel needs to remain open and this needs to be designated prior to the subdivision.

Ms. Becker advised that the decision as to which lands will remain open needs to be decided now but research can be done for future plans for the remaining lands. Mr. Russell once again asked the Board if a decision could first be made as to whether there is any flexibility in not requiring the conservation easement. Mr. Urban believed that there is a section in the Code for the Board to do this and questioned whether the calculation can be made contingent on leaving a certain amount of acreage open. Ms. Becker noted that the open area would still need to be designated. Mr. Urban questioned whether the lots can be decided at a later date allowing him to do the forty six acre subdivision now. The Board agreed to ask Attorney Dow for an opinion.

It was decided that Mr. Flood should try to make a decision as to which areas he would like to remain open and the Board can do a site visit to the property giving them more insight to his property. Mr. Flood gave the Board permission to visit his property anytime they wished.

2012 -23 BLA/MAJOR SUBDIVISION – VIJOBA REALTY – Yonderview Road

Dan Russell appeared before the Board with Phil Gellert representing Vijoba Realty. Mr. Russell advised the Board that at the last meeting the wrong map was approved as there was a slight change made which was not included on the approved map. Mr. Russell presented the revised map and explained the amendment. Ms. Becker made note of the fact that this did not affect the SEQR from the prior meeting.

On a motion made by Mr. Savarese and seconded by Mr. Haight the Board voted unanimously to approve the Boundary Line Adjustment for the lands of Vijoba Realty to be merged with the lands of Yonderview LLC based on a survey map by Dan Russell dated and revised October 11, 2012.

Ms. Becker stamped the appropriate maps.

2012 -30 MAJOR SUBDIVISION – VIJOBA REALTY – Yonderview Road

Dan Russell appeared before the Board with Phil Gellert representing Vijoba Realty. Mr. Gellert explained that he wished to subdivide fourteen (14) acres from his existing parcel of approximately four hundred (400) acres, including the lands in Hillsdale. Mr. Gellert explained that these fourteen (14) acres are extremely steep and an easement would be needed to access the parcel. Mr. Gellert noted that there are three (3) owners for this parcel. He explained to the Board that a mandate of sixty percent (60%) of the almost four hundred (400) remaining acres would be cost prohibitive as his wife and her sisters would lose about eight hundred thousand dollars (\$800,000.00) in tax deductions from state and federal agencies that will pay to keep land in agriculture. He went on to explain that once the Town mandates that this land be kept open the deductions will end. Mr. Gellert asked whether a variance could be obtained to subdivide the fourteen (14) acres at this time. Mr. Gellert asked the Board if they would consider a variance whereas any future subdivisions would adhere to the sixty percent (60%) mandate. Mr. Gellert also added that several years ago the New York State Park showed an interest in this land but will not consider any lands with restrictions placed upon them.

Ms. Becker acknowledged that the subdivision of the fourteen (14) acres is a series of minor subdivisions that have equaled five (5) in all placing this in the Major Subdivision category of the Town Code. Ms. Becker advised that the next step is to classify this process as a Major Subdivision. Mr. Gellert asked the Board if the maps could be stamped that any future subdivisions would then be considered Major Subdivisions. It was noted that this would be the sixth (6th) subdivision on Mr. Gellert's property.

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted unanimously to classify this application as a Major Subdivision.

Mr. Russell provided tax maps of the parcel. Mr. Grant advised that the open and constrained lands need to be distinguished. Mr. Gellert questioned the process inasmuch as the Vijoba parcel is such a large parcel and approximately two-hundred and forty acres (240) would need to remain open and he would lose seven to eight hundred thousand (\$700,000.00 to \$800,000.00) dollars in deductions. Mr. Gellert requested a variance to subdivide the fourteen acre parcel. Mr.

Grant advised him that they cannot make that determination at this time and more information is needed to go on. Ms. Becker noted that the developable and non-developable lands need to be determined. Mr. Gellert again expressed his concern that a mandate would interfere with the tax deductions that are now on the parcel. Mr. Grant noted that you can deed the development rights without giving up the underlying agricultural rights. Mr. Gellert acknowledged that the development rights can be deeded but the tax write-off would be lost. Ms. Becker noted that the next step is an analysis is to distinguish the water areas, the steep slope areas, the farm fields, etc. Ms. Becker questioned whether this land abuts state land and if so it should be noted on the map. Mr. Gellert will provide the appropriate papers. Attorney Dow will research some of Mr. Gellert's easement statements.

A discussion ensued after the applicant's left regarding whether the constrained lands were included in the total acreage before or after the sixty percent (60%) was selected. Attorney Dow advised that the sixty percent (60%) of land would include both the constrained and developable land. Mr. Russell would be advised of this.

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

Linda Chernewsky appeared before the Board representing James and Anne Wagner. Ms. Becker reminded the Board that Mr. and Mrs. Wagner's house on Golf Course Road is right on the water and she was under the impression that a legal opinion was needed as she believed there was a conflict in the Code concerning the one-hundred foot set-back from a water body. She noted that Attorney Dow clarified that this is just another of the non-conformities that make this a non-conforming lot therefore Town Code Section 232-24B(2)(b) *Replacement*, applies.

Ms. Becker made note of the fact that this went to the ZBA however, they were not required to take any action. Ms. Becker acknowledged a letter from the DEC which stated that this parcel is not on the wetland side of the lake but if they need to do any work in the lake or on the shoreline the applicant will need to contact the DEC so they can determine whether a disturbance of banks permit is required.

Ms. Becker advised Ms. Chernewsky that no elevations had been provided and a fee in the amount of fifty dollars (\$50.00) was required. Ms. Becker noted that this application needed to be classified as a Minor Site Plan Review. On a motion made by Mr. Savarese and seconded by Mr. Filipovits the Board voted unanimously to classify the Wagner application as a Minor Site Plan Review.

Ms. Becker acknowledged the DEC letter, the letter of agency, tax bills, aerial photos and the site map containing the house elevations which was noted to be twenty-five feet (25'). Mr. Haight questioned whether it was the same height as the existing house and was advised that it was higher. Ms. Becker brought up the fact that there was a septic system easement however she did not receive this. Ms. Chernewsky presented a copy of the deed which contained the required information and also noted that this was accounted for on the survey map. She noted that the septic system was pumped out on September 21, 2012 and the tank is a one-thousand gallon (1,000) tank and the pump station is a two-hundred gallon (200) tank.

The check list was reviewed. Ms. Chernewsky clarified that the reason Mr. and Mrs. Wagner were requesting to rebuild the entire house is because the foundation is failing. Mr. Haight questioned whether the present house has been inspected for asbestos as this needs to be considered during demolition. Ms. Chernewsky did not think this applied in this situation. Mr. Haight questioned the heating system. Ms. Chernewsky advised him that she believed the heating system was electric with propane for cooking. Mr. Haight then questioned whether this would be inspected prior to demolition. Ms. Chernewsky did not believe that it would be inasmuch as the structure is no different than any of the other in the area. Mr. Haight's concern was for anything inside the house. Mr. Haight questioned whether there was a demolition plan. Ms. Chernewsky advised him that she will be doing this and will be doing a construction sequence. She noted that she would like to have the deck taken out and removed first to create an area for the required bales and silt fence with the foundation done next, the house after that and the deck replaced last.

Mr. Grant questioned the rationale for removing all the trees along the side. Ms. Chernewsky advised him that most of them were dead and they were so close to the house that she had concerns regarding the root systems. Mr. Haight questioned whether the trees would be replaced with anything. Ms. Chernewsky advised him that Mr. Wagner had some plans to relocate some of the shrubs from the front and also had plans to leave the vegetation in front of the deck because it gives him some privacy when he is sitting there. Ms. Chernewsky made note of the fact that there were trees on the adjoining lot.

The Board requested a site visit. Ms. Becker questioned whether an excavator would be going onto the property and how the debris would be removed. Ms. Becker also noted that the Board would like to see a demolition plan and a schedule as to how the structure will be taken down and rebuilt to prevent damage to the lake. Ms. Chernewsky advised her that this would be submitted with the building plans.

Ms. Becker advised that the Board would like to see these plans. Ms. Chernewsky pointed out that this will hold her up another month. Ms. Becker advised her that this building is on the shore of Copake Lake and it is the responsibility of the Board to protect the lake. Ms. Chernewsky brought up the fact that the Town Code states that the structure can be replaced. Ms. Becker agreed and added that it can be replaced with Site Plan approval but the Board needs to look at this carefully and would like to go to the site, they want to know what the demolition plan is and she would also like to see a fully developed landscaping plan as to how erosion will be prevented.

Ms. Chernewsky objected to the fact that this is not a subdivision and noted that the trees being removed were noted. Ms. Chernewsky made note of the fact that the lake will be protected the same way the other houses in the area were protected. Ms. Becker pointed out that the other houses were not thirteen feet (13') from the water. Mr. Grant noted that the shoreline is very steep and there have been problems in the past with people piling rocks on these types of properties which is one of the reasons the Board would like to see a plan for stabilizing the bank prior to approval. Ms. Chernewsky advised him that the bank will not be touched.

Mr. Grant requested that this be put in a plan for the Board to review. Ms. Chernewsky brought up the fact that her plans showed the distance from the water and the location of the silt fence. Mr. Grant noted that this is a construction fence and not a final grading. Ms. Chernewsky pointed

out that there is no reason for re-grading since she is not touching anything from the house to the lake. Ms. Becker advised that the Board wants to make sure that the run-off does not run into the lake. Mr. Grant advised her that the Board wants to make sure that the construction is not going to impact the quality of the lake and when it's finished the Board does not want to see a make-shift stabilization of the bank with rocks. They want to see what the owner wants to do. Ms. Chernewsky objected to the fact that these issues were not brought up earlier as this will hold her up another month.

Ms. Becker acknowledged that Mr. Davis requested his concerns be read into the record. Mr. Savarese read Mr. Davis' e-mail into the record. Mr. Davis' concerns are: (1) the inability to install new footing and foundation walls without altering/interfering directly with the shore, which put the action in direct violation of all existing environmental protection guidelines; the water table is so high at the location as to render the addition of a foundation problematic; erosion control would be almost impossible. (2) There are old growth trees surrounding the house, all of which would be affected by the machinery, the foundation work, the installation of proper drainage, and all construction. To whom do these trees belong, and if they do not belong to the Wagner property, will the abutting properties allow their removal? He would suggest that the Board would need to see a comprehensive landscape plan, with sizes and amount of planting, so they can prove the intent of owner regarding the maintenance of appropriate lakeside foliage. (3) significantly undersized lot would seem to make construction virtually impossible without damaging abutting properties, including erosion and construction runoff. Means and methods of construction would be informative in determining the Board decision. Also, since construction would be within the required fifty foot (50') set-back from the lake, this proposed construction would need to go before the Zoning Board of Appeals. Likewise, since the structure is so close to abutting properties, the proposed structure's height would be a concern, again, something for the ZBA to consider.

In comment to Mr. Davis' e-mail Ms. Chernewsky noted that a determination was made that the Wagners were allowed to rebuild their house without going to the ZBA subject to site plan approval. Ms. Chernewsky then pointed out that Mr. Davis' e-mail suggests that the house cannot be rebuilt as it is too close to the sides. Ms. Becker advised her that this is not correct. Ms. Chernewsky also advised that in the past she has provided all the houses on Golf Course Road with the same silt fence and hay bales. Ms. Becker questioned whether this was on the plans. Ms. Chernewsky advised her that they are and in the case of this house she is asking to rebuild the same footprint.

Ms. Chernewsky also questioned why other houses were not asked for a landscape plan. Mr. Grant did note that the Board did request a landscape plan from Ms. Chernewsky when she worked on the Troyetsky application. Ms. Chernewsky acknowledged that this was because they were removing trees from the front. Mr. Grant pointed out that trees are being removed from the sides of this property. Ms. Becker requested a demolition plan and a fully developed landscape plan showing protection between the house and the shoreline. Ms. Chernewsky advised her that the shoreline is not being touched, nor is anything between the deck and the shoreline. Ms. Becker noted that the trees Ms. Chernewsky said will remain were not on the map. Ms. Chernewsky advised her that this was because of their small size. Mr. Filipovits questioned that two of the trees are on the abutting property. Ms. Chernewsky believed that the trees being removed are all on Mr. Wagner's property. Ms. Becker requested permission for a site visit

which Ms. Chernewsky agreed to and she will check with the homeowners as to whether they would have to be contacted prior to the visit.

Ms. Chernewsky expressed her objections to the fact that these issues were not brought up earlier. Ms. Becker explained that there was a conflict in the code. Mr. Haight also noted that the Board was not sure if the project would be moving forward. Mr. Haight pointed out that there will be construction and demolition within three feet (3') of the lake. Ms. Chernewsky once again noted that she will be protecting everything. Mr. Grant questioned what the height of the basement will be. Ms. Chernewsky advised him that she has not finished this as yet but informed him that it has to be four feet (4') below the highest point and it will not be a full basement.

It was decided that no Public Hearing is required. Mr. Grant suggested sending this to Town Engineer Doug Clark. Ms. Chernewsky questioned whether there is a time limit from the time she submitted the application. Mr. Grant believed that the time limit was from the day the application was accepted. Ms. Becker acknowledged that the time limit is within forty-five (45) days from receipt of the application for Site Plan Approval and the time limit must be extended by mutual consent of the applicant and the Planning Board. Ms. Chernewsky pointed out that an extension at this time is not by mutual consent but questioned what the next step is. She objected to the time taken up with this process. Ms. Becker advised that should they proceed forward with a vote at this time the Board could deny the Site Plan. Mr. Grant advised that a vote can be taken at this time or a mutual agreement can be made to extend the time. Ms. Chernewsky reluctantly agreed to move forward.

It was decided that the Board will visit the applicant's property to view the landscape, a construction schedule will be provided and Town Engineer Doug Clark will be consulted to see if enough protection is being taken so that the lake will not be negatively impacted. Attorney Dow did advise that although the Town Code stipulates a forty-five day time schedule for an application this is considered a provision without a consequence and there is no default approval for not accomplishing what needs to be accomplished within this time period. Ms. Chernewsky did express the fact that her client, as well as the contractors will be affected by having to wait another month. Mr. Grant pointed out that all the other homeowners around the lake could suffer as a result of the proper action not being taken by the Board.

**2012 -4 MINOR SUBDIVISION – MICHAEL FREED – Woodchuck Road
[Copake Lake]**

Jeff Plass appeared before the Board representing Michael Fried and reminded them that his client wishes to subdivide a parcel of land in the 'R-2' district on Woodchuck Road and Red Fox Lane into three pieces. Mr. Plass informed the Board that the three (3) lots are basically the same as first presented however, one lot now offsets through Woodchuck Road instead of the two (2) that were originally planned with the other two (2) lots now being accessed from Red Fox Lane. He also pointed out that the Right-of-Way will be going across the other lands that are in the name of J. Michael Freed with a homeowner's agreement for the three (3) lots accessed by that parcel.

Mr. Haight questioned how many lots were off of the traveled way off of Red Fox Lane. Mr. Plass advised him that there is only one house and the other building is a shed. Mr. Plass brought

up the fact that when the application was first presented there was an issue regarding the septic system perc test. He explained that Mr. Freed's intent is to leave the tennis courts on the parcels for now making it impossible for holes to be made for a perc test. Mr. Plass explained that Mr. Freed did consult Pat Prendergast who dug test holes to look at the soils and make a determination as to what can be done and he devised what systems can and cannot be designed for the property.

Mr. Plass also explained that Mr. Prendergast said that if the black top wasn't on the parcel he would be able to get a system on parcel two (2) and if he couldn't he would be able to get two (2) systems on parcel three (3) to access both lots. A copy of the letter was given to Ms. Becker. Mr. Haight questioned what the future ramifications would be should one lot be sold to one person and the other lot be sold to a different person. Mr. Plass suggested that a notation could be done stating that this could not be done however if a system could be placed on parcel two (2) than this would not be necessary. Mr. Haight did make note of the fact that the soil was the same on both lots one (1) and two (2) and would most likely be the same on lot three (3). Ms. Becker did acknowledge that the engineer's letter stated the same fact.

Ms. Becker did point out the fact that the Planning Board cannot approve a lot that has not had a perc test for septic approval from the Board of Health and without an easement from lot three (3). Mr. Urban questioned whether approval can be given contingent on a deed restriction. Ms. Becker questioned whether Town Engineer Doug Clark should be consulted. Mr. Urban questioned whether the lots can be subdivided with the easement for lot three (3) Mr. Plass agreed if this is the only alternative. Mr. Plass advised the Board that Mr. Prendergast will be happy to consult with Mr. Clark regarding this. The Board agreed that Mr. Clark will be consulted.

2012 -9 SPR/ADMINISTRATIVE BUILDING – CAMPHILL VILLAGE – Camphill Road [Copake Lake]

Jos Smeele and Jon McClure, the owner's representative, appeared before the Board representing Camphill Village. Ms. Becker acknowledged that conditional approval for the New Administration Building had previously been given to the applicant and it was approved from a drawing by Sloan Architects dated March 23, 2012 subject to review of calculations of the water peak daily flow, verification of the Fire Company for the compatibility of fire hydrants to their hoses, approval of the location and type, Fire Company witnessing the flow test, receipt of documentation for the back flow prevention approval from the Department of Health, the condition of the sprinkler system to be completed and tested prior to the issuance of the Certificate of Occupancy and the Building Inspector to witness the testing.

Ms. Becker acknowledged prior receipt of a letter from Doug Clark detailing what he wanted done, a response from Sloan Architects to that letter satisfying some things, a letter from Sloan Architects informing us that they are no longer working for Camphill Village, an Army Corp of Engineer permit for disturbance, installation of a ten inch (10") diameter water main, an Army Corp of Engineer permit for discharge of fill material before the ordinary well mark and then Mr. Smeele's letter of October 15, 2012.

Mr. Smeele advised the Board that his letter meets the concessions from the conditional permit and presented the grading and drainage plan. Ms. Becker noted that some of the conditions had been answered by Sloan Architects and questioned whether the daily peak water flow had been satisfied. Mr. Smeele advised that this cannot be done yet. Ms. Becker then questioned whether the verification had been received from the Fire Company regarding the compatibility of the hoses. Mr. Smeele advised her that this had been submitted for the connections being used and they are standardized connections. Regarding the back flow prevention approval, Ms. Becker acknowledged that a generic letter had been received from them approving this for all the sites. Mr. Grant questioned whether the Fire Department had witnessed the flow test and Mr. Smeele advised him that this will be done upon completion.

Mr. McClure advised the Board of the changes that have been made and stated that the building size had been reduced and simplified. He presented the revised plans and explained that the revised building is about one-third (1/3) smaller than the approved building and is in pretty much the same location with the same drainage conditions except that the rain gardens have been replaced with cisterns to be used for garden watering systems. He noted that the plans show the demolition of the Blue Stone building with extra parking added. Mr. McClure asked the Board if it was possible for the new plans to be approved as an amended Site Plan. Ms. Becker questioned the elevations and was advised that the building is slightly lower in height. Mr. Grant questioned the height measurement and was advised that it was thirty five feet (35') from the average grade making the building too high. After review it was noted that the height was thirty four point five feet (34.5') which is acceptable. Ms. Becker noted that all the conditions of the previous approval had been satisfied with the exception of the testing that needs to be done before the Certificate of Occupancy.

On a motion made by Mr. Savarese and seconded by Mr. Haight the Board voted unanimously to approve the amended site plan for the New Administration Building at Camphill Village from plans drawn by Pat Prendergast dated September 27, 2012. Mr. Smeele will provide the appropriate number of plans for stamping by Ms. Becker.

MINUTES

The August minutes were previously approved subject to approval from Mr. Grant who was one of the members constituting a quorum at that meeting. Mr. Grant will provide a letter of approval.

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

On a motion made by Mr. Filipovits and seconded by Mr. Urban the Board voted unanimously to approve the Minutes of the October meeting

ADMINISTRATIVE

SCOTT COHEN: Ms. Becker advised the Board that Scott Cohen spoke to her about an upcoming application which he considered to be a Minor Subdivision but after review she realized that it is a Major Subdivision and asked if she should write Mr. Cohen a letter regarding this. The Board was in agreement that a letter be written to him explaining the situation.

BRAUNSTEIN: Ms. Becker advised the Board that Mr. Braunstein's appeal from the New York State of Appeal to reverse the ZBA decision has been overruled and he will not be able to build a bridge to the Island and develop the island as planned..

GERSKY: Ms. Becker advised the Board that Frank Peteroy and the ZBA have been overruling the Building Department denials. He did this with the Gersky height variance and asked Mr. Grant to review the minutes regarding this.

FRANK REVISION: Ms. Becker acknowledged that the Building Inspector's opinion of the stone walls located in the side yard set-back of the Frank house are considered structures and a variance is needed for this and Mr. Frank has been referred to the ZBA.

CASCINO JUDGMENT: Ms. Becker acknowledged the Salvatore Cascino judgment and the related article had been sent to the Board members.

ZIEGLER UPDATE: Ms. Becker advised the Board that she gave a letter to the Code Enforcement Officer along with the Army Corp of Engineers permit which stated that Mr. Ziegler cannot disturb the bank and the Code Enforcement Officer will look into this.

HOA AT COPAKE LAKE LETTER: Ms. Becker acknowledged receipt of a letter from the Home Owners Association at the Island at Copake Lake. Ms. Becker will review this with Attorney Dow.

CARRY OVER

The following matters were carried over to the next meeting:

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

ADJOURNMENT

There being no further business, on a motion made by Mr. Savarese and seconded by Mr. Haight, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:30 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 9 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

CAMP HILL VILLAGE

October 15, 2012 Jos Smeele to Becker (1)

STORM WATER REGULATIONS

October 4, 2012 Doug Clark to Becker (1)

SALVATORE CASCINO

May 13, 2012 State of NY Appeal (4)

JAMES AND ANNE WAGNER

November 1, 2012 Davis to CPB (1)

ISLAND AT COPAKE LAKE

October 30, 2012 Shallo to Becker (2)