



# **COPAKE PLANNING BOARD**

## **SEPTEMBER 3, 2015**

### **MINUTES**

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#### **DRAFT**

**Please note that all referenced attachments, comprising 10 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.**

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A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Steve Savarese, Julie Cohen and Ed Sawchuk. Jon Urban was excused. Lisa DeConti was present to record the minutes. Town Attorney Ken Dow and Town Board Liaison Terry Sullivan were also present.

#### **ZONING BOARD OF APPEALS – Referrals**

##### **2015 -22      REFERRAL – MITCHELL KONSKER – Golf Course Road [Copake Lake]**

Submissions included:

- Referral letter from Ed Ferratto dated July 13, 2015
- ZBA Application Request for Area or Use Variance and Special Use Permit
- Plot Plan
- Tax Bill
- Building Permit Application Dated July 11, 2015
- Pictures

It was noted that Mr. Konsker is replacing an existing wooden deck and stairs with a concrete retaining wall along with permanent dock anchors. Ms. Becker questioned when the original structure was built and whether it was ever given a building permit. Ms. Becker made note of the fact that Mr. Konsker wants to build in the bank and would need to apply for a joint DEC/Army Corp of Engineers permit application.

Mr. Haight questioned whether the retaining wall was being replaced and was advised that a new concrete wall is being built replacing wooden posts. There was a discussion as to whether this is a modification of a non-conforming structure and Ms. Becker noted that if it is it would need Site Plan Review. Mr. Grant pointed out that it appears that the shoreline is being graded and questioned whether an additional variance would be needed for this. It was later decided that this would most likely be considered development within one-hundred feet (100') of the water.

Mr. Haight questioned where the modular pavers were being placed and felt more detail is needed. Mr. Sawchuk brought up the fact that the placement of the retaining wall is not clear on the plans and the Erosion and Sediment Control Plan was not indicated.

A letter will be written to the ZBA advising them that the Board is not aware of whether there is an original building permit, a DEC/Army Corp of Engineer's joint permit application is required, more detail is needed regarding placement of the modular pavers, location of the retaining wall and the concrete piers, the Erosion and Sediment Plan is not indicated and it appears that a Site Plan Review would be required if this is the replacement of a non-conforming structure.

## **PUBLIC HEARING**

### **2015-15      BLA/MINOR SUBDIVISION – CAMP PONTIAC – County Route 7A [Copake]**

On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to open the Public hearing for the Minor Subdivision of Camp Pontiac.

Mr. Haight asked if anyone present wished to speak on this application. Being none on a motion made by Mr. Savarese and seconded by Mr. Sawchuk the Board voted unanimously to close the Public Hearing.

### **2015-16      ZBA REFERAL/SPR – DANA & LYNSAY BOWEN – Lakeview Road [Taconic Shores]**

Linda Chernewsky appeared before the Board representing Dana and Lyndsay Bowen and was advised that although a Public Hearing had been scheduled, inasmuch as the applicant owned both lots a Public Hearing was not necessary. The applicants will just need to merge the parcels and apply for a new deed.

### **2015-11      MINOR SUBDIVISION – CARL CAMPBELL AND CHRISTA PROPER – Route 23 [Copake]**

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to open the Public hearing for the Minor Subdivision of Carl Campbell and Christa Proper.

Mr. Haight asked if there was anyone present that wished to speak on this application. Being none on a motion made by Mr. Grant and seconded by Ms. Cohen the Board voted unanimously to close the Public Hearing.

**2015-6 MINOR SUBDIVISION – SCOTT & JACQUELYNE DECKER – Birch Street  
[Copake Lake]**

On a motion made by Mr. Grant and seconded by Ms. Cohen the Board voted unanimously to open the Public hearing for the Minor Subdivision of Scott & Jacqueline Decker.

Mr. Haight asked if there was anyone present that wished to speak on this application. There was no one. The Public hearing remained open.

**SUBDIVISION/SITE PLAN**

**2015-15 BLA/MINOR SUBDIVISION – CAMP PONTIAC – County Route 7A  
[Copake]**

Jeff Plass appeared before the Board and explained that Ed Horowitz who originally owned Camp Pontiac kept an oddly shaped piece of land for himself and the camp now wishes to add a five point three-six-nine (5.369) acre portion of this land back to the original one-hundred and thirty-two plus (132+) acre piece for a future subdivision leaving Mr. Horowitz with a three point one-one-four (3.114) acre parcel.

Part 2 of the SEQRA was reviewed. On a motion made by Mr. Savarese and seconded by Ms. Becker the Board voted unanimously to make a Negative Declaration for the Minor Subdivision of the Camp Pontiac Association.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to classify the Camp Pontiac application as a Minor Subdivision.

On a motion to made by Mr. Savarese and seconded by Mr. Sawchuk the Board voted unanimously to approve the Boundary Line Adjustment for the Camp Pontiac Association. Mr. Haight will stamp the maps next week as the Town Hall is closed for the Labor Day holiday weekend.

**2015-16 ZBA REFERRAL/SPR – DANA & LYNSAY BOWEN – Lakeview Road  
[Taconic Shores]**

Submissions included:

- DEC Letter from Morris Associates dated August 10, 2015

Linda Chernewsky appeared before the Board representing Dana & Lyndsay Bowen who were adding a screened-in porch and breezeway to their house. She advised the Board that the well had been added to the survey and that she spoke with Trish Gabriel of the DEC and was advised that they are behind on the issuing of permits however the permit will be forthcoming.

Ms. Becker noted that the Bowens own two (2) lots in Taconic Shores and questioned whether the lots had been merged. Ms. Chernewsky advised her that they were. Ms. Becker asked whether the merged lot is non-conforming and was advised that it is.

Ms. Chernewsky acknowledged that all the variances had been granted however the ZBA did not agree with the Board opinion that a height variance was needed. Ms. Becker asked whether the ZBA paperwork had been received and was advised that this had not been received due to the fact that they had not been signed as yet.

Mr. Grant questioned whether an additional bedroom was being added and was advised by Ms. Chernewsky that the previous structure was three (3) bedrooms and the renovated structure will remain three (3) bedrooms.

Ms. Chernewsky explained that the reason the house is angled the way it is was to accommodate the septic system. Ms. Becker asked where the location of the water pipe was and Ms. Chernewsky pointed it out on the map.

Ms. Becker acknowledged receipt of a letter to the DEC from Morris Associates and noted that the DEC Permit and ZBA Paperwork are outstanding. Ms. Chernewsky also submitted a SEQRA but the Board advised that the applicant was not subject to review by SEQRA.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Site Plan for Dana and Lyndsay Bowen subject to receipt of DEC approval and the paperwork from the ZBA.

Ms. Chernewsky will bring in revised plans and advised the Board that CEO Ferratto told her that work can begin on the inside however work on the outside cannot be done until the conditions of the approval are met.

**2015-17          ZBA REFERRAL/SPR – LARRY & KATHRYN HOUSE – Lakeview Road  
[Copake Lake]**

Submissions included:

- Morris Associates Letter dated August 3, 2015

Ms. Chernewsky advised the Board that the two small bedrooms presently on the first floor will be relocated to the second floor with one being made into a master suite and the other being made into an additional bedroom. Ms. Chernewsky also explained that one of the bedrooms on the first floor will be converted into an office for Mr. House.

Ms. Chernewsky acknowledged that they are not required to go to the DEC and she will need to return to the ZBA as one of the members recused himself from the vote at the last meeting and the project was not able to be voted on.

Ms. Chernewsky advised the Board that a dye test had been done on the septic system and she submitted a letter from Morris Associates stating that it is the understanding of the firm that there

is a buried one-thousand gallon (1,000) concrete septic tank with an indeterminate amount of absorption area and the system is operating properly. Ms. Chernewsky also noted that the well and septic locations have been provided for on the map as requested at the last meeting.

The previous structure was a three (3) bedroom structure and it appeared to Mr. Grant that a fourth bedroom is being added to the proposed structure. A discussion ensued as to whether the additional room has enough square footage to be considered as a bedroom. It was Ms. Chernewsky's opinion that there was not enough square footage to consider this room a bedroom however Mr. Grant made note of the fact that if it is presently a bedroom it needs to be considered as a bedroom now. Ms. Chernewsky pointed out that it is not really a bedroom at this time inasmuch as it only has a day-bed in the room with a closet. Mr. Grant noted that under New York State Code a room needs to be seventy (70) square feet to be considered a legal bedroom with two means of egress. Ms. Chernewsky advised that the room is nine feet by eight feet (9' x 8') without counting the closet. It was decided that the building permit state that this room is a home office and cannot be used as a bedroom and a note be added to the plans stating the same.

On a motion made by Mr. Sawchuk and seconded by Mr. Haight the Board voted unanimously to approve the site plan for Larry and Kathryn House subject to a note being added to the site plan that the structure is three (3) bedrooms and the home office not be used as a fourth bedroom, ZBA approval and an engineer stamped letter certifying the septic system is in good working order.

## **2015-19      SITE PLAN REVIEW – CAMPHILL VILLAGE [FARMHILL] – Camphill Road [Copake]**

Submissions included:

- None

Pat Prendergast appeared along with Jos Smele representing Camphill Village. Mr. Prendergast presented the previously approved master plan for Camphill Village. Mr. Prendergast pointed out the proposed Farmhill building on master plan

Ms. Becker advised that the Board needs verification that the water coming in and the septic going out is adequate. Ms. Becker had concerns that a six-thousand square foot structure that people will be living in is being added. Mr. Smele pointed out that no additional people are being added as the family living in the original Farmhill structure will be moving into the new Farmhill structure and the original Farmhill structure will now be used as a workshop.

A discussion ensued as to whether parking, lighting etc. needed to be reviewed for this building however it was noted that this had been reviewed in the master plan and the only thing that needs to be reviewed at this time is the building.

Ms. Becker advised that the Erosion and Sediment Control plan be reviewed. Mr. Prendergast pointed out where the silt fences will be during the construction and explained that there will be catch basins that will go through a rain gardens.

The elevations were also reviewed. It was noted that there are no wetlands in the area of the building. The check list was reviewed. The location of the fire hydrants were pointed out and were said to be approximately three-hundred and fifty to four-hundred feet (350'-400') from the building and it was noted that construction is expected to begin in the Spring of 2016. It was requested that the location of the underground propane tanks be accounted for and a current copy of the SPDES permit be submitted.

On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the plans for the Camphill Village Farmhill Residence dated August 5, 2015 subject to receipt of an updated SPDES permit.

**2015-11        MINOR SUBDIVISION – CARL CAMPBELL AND CHRISTA PROPER – Route 23  
[Copake]**

Submissions included:

- Revised Maps

Carl Campbell appeared before the Board with Leigh McEntire, Monolith Solar Associates Director of Customer Relations.

Ms. Becker questioned whether Mr. Campbell's application had been classified as a Minor Subdivision. On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to classify the application of Carl Campbell and Christa Proper as a Minor Subdivision.

Mr. Haight reminded the Board that Mr. Campbell owns property near the school that he wishes to subdivide for Monolith Solar Associates for the use of solar energy.

The last time Mr. Campbell was before the Board it was noted that a driveway location needed to be added to the map. Mr. Haight acknowledged that he discussed the driveway location with Monolith Solar who have been in contact with the Highway Superintendant and they will be responsible for adding the location to their site plan.

Mr. Haight made note of the fact that there several easements on the parcel being subdivided as well as some power lines that would hinder building on this land.

The Check List was reviewed. Mr. Haight asked Attorney Dow if the Board would be able to approve Mr. Campbell's Subdivision without the driveway location inasmuch as this will be noted on the Monolith Solar Site Plan. This requirement is being waived and will be addressed during the Monolith Solar Site Plan Review.

Mr. Haight made note of the fact that Department of Health (DOH) approval is also being waived as no building is being done on the subdivided parcel. However, should anyone wish to build in the future DOH approval will be needed.

Ms. Becker addressed the fact that the Zoning District was not on the map so this was added by Mr. Campbell. Mr. Sawchuk felt an inset of the location be placed on the map.

Part II of the SEQRA was reviewed. On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to make a Negative Declaration.

On a motion made by Mr. Sawchuk and seconded by Mr. Savarese the Board voted unanimously to approve the Minor Subdivision of Carl Campbell and Christa Proper.

**2015-6            MINOR SUBDIVISION – SCOTT & JACQUELYNE DECKER – Birch Street  
[Copake Lake]**

Submissions included:

- DOH Letter dated July 14, 2015
- Letter from Ed Ferratto
- Letter from Copake Fire Company

Scott Decker appeared before the Board. Mr. Haight acknowledged DOH approval and acknowledgment from CEO Ferratto regarding suitable emergency egress. Mr. Haight also made note of the fact that Elm Street had been redone.

It was Ms. Becker's opinion that CEO Ferratto did not have any authority over subdivisions and the Planning Board has jurisdiction over the subdivision of land. A discussion ensued as to whether CEO Ferratto had the authority to approve the entry and exit of fire trucks on Elm Street. Ms. Becker brought up the fact that the Board requested verification from Mr. Decker that these lots can be accessed by fire trucks.

Ms. Becker referred to a past letter from the Copake Fire Chief regarding what is required for a subdivision. Ms. Becker read part of the letter which stated that in order to effectively provide emergency services fire and rescue apparatus must be able to reach the scene and as such all roadways, bridges and culverts must be maintained to highway specifications. Ms. Becker believed the authority was that of the Fire Chief. Mr. Decker and Mr. Haight both acknowledged that they spoke with the Craryville Fire Chief and he advised them that he will not guarantee that fire equipment can access any roads. Ms. Becker believed the Board needs to hire a fire and safety expert to make this determination.

Attorney Dow advised that a decision needs to be made by a Town Official and the Fire Department is not a Town Official. Ms. Becker argued that CEO Ferratto only enforces Building Codes and not Safety Codes. Mr. Sawchuck agreed with Ms. Becker's argument. Mr. Haight argued that the roads also fall under the Code Enforcement Officer's jurisdiction. Ms. Becker brought up the fact that the road is not built to proper specifications. Mr. Sawchuk questioned what the criteria is for proper access and was advised by Ms. Becker that the road is not wide enough. Mr. Haight pointed out that there are already houses on this road. Ms. Becker made note of the fact that should Mr. Decker want to build a house on the property the way it is a house can be built however the Board is being asked to subdivide the land and that cannot be done without

safe access to these lots. Mr. Grant suggested this be directed to the Town Engineer but was advised that the Town does not have an engineer at this time. Ms. Becker advised that an engineer can be hired to give this answer. Mr. Decker asked if he could provide a letter from an engineer stating that road is suitable for fire access. Mr. Grant made note of the fact that an engineer can be put on retainer and the cost be reimbursed by the applicant.

Inasmuch as there has been a lengthy discussion regarding this matter Attorney Dow acknowledged that he will be reviewing this again for a solution. Mr. Decker asked if he would be able to find out if CEO Ferratto has the authority to make this decision before he hires an engineer.

Mr. Grant referred to Town Code 197-21A(2) which stated that *'The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer and shall be referenced and shown on the plat.'* Ms. Becker then referred to the Town Code that states that access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this chapter and brought up the fact that Elm Street does not have a fifty-foot (50') right-of-way. Mr. Haight pointed out that from Mr. Decker's property in there is a fifty-foot (50') right-of-way.

Attorney Dow asked if the Board would accept an engineer hired by Mr. Decker or whether they would only accept an engineer of their choosing. Mr. Haight and Mr. Grant agreed that any engineer stamp should be acceptable. Mr. Sawchuk noted that a private engineer does not have the immunity if he renders a decision in the safety of the roads. Mr. Haight brought up the fact that an engineer hired by the Town would also be a private engineer as the Town has no engineer under retainer. Mr. Haight questioned whether CEO Ferratto has the authority to approve the road. Attorney Dow acknowledged that ordinarily under Building and Fire Code of the State of New York he would be the one to make the determination however this situation may be different so he would like to review this further. Mr. Grant's concern is that the Town would have liability for this approval.

Mr. Haight questioned whether Mr. Decker could hire an engineer to resolve this prior to next month's meeting. Attorney Dow questioned if this is appropriate as an engineer would be weighing in on something that is not part of the development so he advised that Mr. Decker not hire an engineer until this is resolved. Attorney Dow pointed out that an engineer would be making judgments on existing roads which could be an issue as well.

Mr. Haight noted that Mr. Decker has a fifty-foot (50') access on his property. Ms. Becker noted that he needed access from a private street. Mr. Decker advised the Board that he has a title guaranteeing him access to his property on Elm Street all the way to Pine Street. Ms. Becker pointed out that the area of concern is Elm Street off Lakeview Road inasmuch as there is a sharp turn. Attorney Dow asked if there are any other ways to access Mr. Decker's property and was advised that there is from Pine Street however it was said that this street isn't any better. Mr. Grant asked what the issue with Elm Street is and was advised that it is not finished.

Ms. Becker brought up the fact that the Board cannot subdivide land without proper fire and safety access. She also noted that in the Town Code *'the rights-of-way for all local highways, roads and streets shall be a minimum of fifty-feet (50') feet in width at all points'*. Ms. Cohen added that the Code also states that this is *'unless otherwise directed by the Town Superintendent*

*of Highways.* Mr. Grant suggested that before they hire an engineer, the Board needs to find out what the authority in the Town Regulations needs to approve on the Subdivision Plat, whether he just needs to approve Elm Street as to Town specifications or whether he goes beyond that and looks at fire access. Mr. Haight questioned whether under the subdivision laws the Board needs to be concerned with only Mr. Decker's property or whether they need to be concerned with offset properties. Ms. Becker advised that the Board needs to be concerned with access. Mr. Haight will advise Mr. Decker should he find out any information prior to next month's meeting.

## **2015-20 SITE PLAN REVIEW – MONOLITH SOLAR ASSOCIATES – Route 23 [Copake]**

Submissions included:

- Book of Plans for Campbell Solar Farm
- Site Plan Application
- Building Permit
- Certificate of NYS Workers' Compensation Insurance Coverage
- Certificate of Liability Insurance
- Maps
- Planning Board Fee

Leigh McEntire appeared representing Monolith Solar Associates. Mr. Grant questioned what the use of this project is and where it falls under the Town Use Table. Ms. Becker clarified that this is considered Solar Energy Equipment. Mr. Grant pointed out that if this is considered a Power Plant then it would only be allowed in the 'I' district. Ms. McEntire clarified that a power plant distributes to the grid, so solar power is not considered as a power plant. Ms. McEntire explained that this is a project that they have been offering to a lot of schools in New York with the power being made through the solar panels sent to the school in the form of a monetary credit from National Grid. Ms. McEntire made note of the fact that they will be doing all the operation and maintenance and will also be doing an educational Kiosk for the children to observe in a safe environment.

Mr. Grant asked how far off the ground the solar panels are and was advised that they are two feet (2') off the ground.

A discussion ensued as to how to classify this application. In clarification of the project's use Ms. McEntire explained that according to New York State law this is considered Distributed Generation' Mr. Grant thought this might be considered a utility under Town Code. Ms. Becker thought it might be considered a public utility structure. Attorney Dow advised that is the responsibility of the Code Enforcement Officer to determine what the use category of the project is and if he is unable to do so it would be sent to the Zoning Board of Appeals for their determination.

Mr. Sawchuk questioned whether DEC approval would be needed. Ms. McEntire explained that DEC approval is usually needed when they are clearing land and Mr. Campbell's land is cleared. He also asked if there have been any issues with migratory birds being killed. Ms. McEntire did

not have any knowledge of this. She did note that the panels don't get that hot. Mr. Sawchuk also questioned whether a SEQRA will be needed for this and was advised that one is required but it was not known whether a long or short form is needed.

Mr. Grant clarified that the Board needs to classify the use of the project, find out whether it is a listed or unlisted action as a Type I action would require a long form and a Type II Action would require a short form SEQRA. Mr. Haight did note that inasmuch as this is located close to the road lighting would need to be considered. Mr. Grant asked whether the Board needs to know anything about Monolith Solar Associates contract with National Grid. Mr. Haight questioned whether a bond is needed should the company go out of business. Ms. McEntire will address this with her Board.

Mr. Haight asked whether a maintenance building is planned and was advised by Ms. McEntire that there will be no buildings on site. Ms. McEntire noted that they spoke with the Road Superintendent regarding two (2) roads that are planned. Mr. Grant asked how people are prevented from going on the site and interfering with the panels. Ms. McEntire explained that there will be security cameras but she believed that no fences are planned. Mr. Haight asked how the panels would be shut down in the event of a fire and was advised by Ms. McEntire that there will be disconnects at specific locations and the main disconnect would need to be pulled. She added that they instruct the local fire departments regarding this.

**2015-21            SITE PLAN REVIEW – RICHARD A. MIRAMONTEZ & JAMES DUMONT –  
Underhill Road [Copake]**

Submissions included:

- Letter of Agency
- Site Plan

Mark Rowntree and Julia Sedlock appeared before the Board representing Richard Miramontez and James DuMont for the modification of a non-conforming structure within the existing footprint. Ms. Sedlock explained that they will be doing a renovation on an existing non-conforming structure and the non-conformity will be removing the decks and shed roof. Mr. Rowntree made note of the fact that a lot of the renovations need to be done because of water damage. Ms. Cohen also noted that the residence is going back to single family.

Mr. Grant questioned whether Site Plan Review was required inasmuch as they are decreasing the non-conformity. However, it was noted that Town Code 232-24(2)[5] states that *Any modification of a nonconforming building or structure is subject to a site plan review and approval by the Planning Board, in accordance with § 232-23.*

Attorney Dow asked if any variances were required and was advised by Ms. Sedlock that none are needed inasmuch as they are decreasing the non-conformity.

The Check List was reviewed. It was noted that the Construction Schedule is to begin in the spring and there are no permits required. Ms. Becker asked what the septic size was. Mr. Grant pointed out that the Board only needs to be concerned with the septic when bedrooms are being

added. Mr. Rowntree acknowledged that the load of the septic is being lessened as the structure was previously a Bed & Breakfast/Restaurant.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the Site Plan for Richard A. Miramontez and James DuMont.

**2015 -9            SITE PLAN REVIEW – GARY SINGH [RUBIN QUICK STOP] – County Route 7A [Copake]**

Submissions included:

- Revised Plans

Mr. Haight advised the Board that inasmuch as Mr. Singh was not granted a liquor license for the previously planned liquor store he will be turning part of that area into a storage area and will be adding a walk-in cooler and a couple of pool tables for the tavern to the rest of the area. He also noted that Mr. Singh would like permission from the Board to add matching additional windows to the side facing the gas station and delete the door that was for the liquor store.

Ms. Becker asked if the floor plan will be changing. Mr. Haight made note of the fact that the floor plans were changing and they were reviewed by the Board. Mr. Haight pointed out that as far as Site Plan Review there will be less parking needed and the Board of Health will oversee the walk-in cooler. Mr. Haight added that inasmuch as a storage area is being added Mr. Singh will no longer need the stairs to the second floor on the outside.

Ms. Becker questioned whether the interested agencies needed to be re-notified. Mr. Haight pointed out that the County only wanted to make sure a liquor license had been received for the liquor store and now there will not be a liquor store.

On a motion made by Mr. Savarese and seconded by Ms. Cohen the Board voted unanimously to approve the addition of the three (3) transom windows and the deletion of the corner door.

Ms. Becker asked if the plans had to be noted. Mr. Haight noted on the plans that the liquor store has been deleted and in its place a walk-in freezer cooler, a storage area is being added and the remainder will become part of the Tavern.

## **MINUTES**

Ms. DeConti advised the Board that Diane Cinque informed her that in the August meeting minutes her surveyor's name was mistakenly added as Leslie Chase and his name is Wesley Chase.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted in favor of accepting the minutes of the August 6, 2015 meeting as amended.

## **ADMINISTRATIVE**

**SWISS HUTTE LITIGATION:** Mr. Haight asked Attorney Dow how the oral arguments went at the trial. Attorney Dow felt they went well. He advised that all the Planning and Zoning records were reviewed and inasmuch as the judge requested the transcripts immediately Attorney Dow feels the Town should hear something soon. Attorney Dow added that the attorneys for the Alpers questioned whether Jeffrey Judd was qualified to be on the Zoning Board. Attorney Dow said there were some questions that were difficult and a lot of time was spent on them. Mr. Sawchuk asked a question and Attorney Dow acknowledged that he would gladly go into executive session to discuss this in more detail however he would not discuss it in open session when there is ongoing litigation.

**FRANK PETEROY FOIL:** E-mails from Frank Peteroy for a FOIL regarding the minor subdivision of Diane Cinque and Karen Newman were in the Board packets.

**GRAY DAVIS LETTER:** A letter from Gray Davis was sent to the Town Board regarding the Marika Pritchett and Paul Casey application.

**COPAKE LAKE GOLF LLC/RCJ LAKEVIEW:** A letter from the DOH dated August 27, 2015 was received regarding the Copake Lake Golf LLC/RCJ Lakeview application.

## **CARRY OVER**

The following matters were carried over to the next meeting:

**NONE**

## **ADJOURNMENT**

There being no further business, on a motion made by Mr. Grant and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:25 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 10 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**

### MITCHELL KONSKER

July 13, 2015            Ferratto to ZBA (1)  
July 15, 2014            Variance Application Request (2)

### DANA & LINDSAY BOWEN

August 10, 2015        Schmitt to NYS DEC (1)

### LARRY & KATHRYN HOUSE

August 3, 2015         Schmitt to LMC Design (2)

### SCOTT & JACQUELYNE DECKER

July 14, 2015            DeRuzzio to Decker (2)  
                                 Ferratto (1)  
                                 Sub-Division/Development Planning Guide (2)