COPAKE PLANNING BOARD
MARCH 5, 2020
MINUTES

Approved
May 21, 2020

Please note that all referenced attachments, comprising 37 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 7:00p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Julie Cohen, Steve Savarese, Ed Sawchuk and Jon Urban. Attorney Ken Dow was also present. Lisa DeConti was present to record the Minutes. Mr. Sawchuk asked to be excused after the vote was taken for GRJH Inc.

ZONING BOARD OF APPEALS – Referrals

2020-1 ZBA REFERRAL– NANCY S. KENESS& JUDITH R. MEISELMAN–County Route 27A [Copake]

- Building Permit Denial dated December 30, 2019
- ZBA Request for Area Variance dated January 2, 2020
- Letter of Agency dated January 7, 2020
- Proof of Title
- Bargain and Sale Deed
- Project Location Map
- Floor Plan
- Columbia County Clerk's Recording Page
- Taxes
- Pictures

It was noted that this application which was held over from the cancelled February Planning Board meeting has already been dealt with at the ZBA.

2020-2 ZBA REFERRAL– JOHN & ROBERT KENNEDY –Island Drive [Copake Lake]

- Building Permit Denial dated January 9, 2020
- Letter of Agency dated January 9, 2020
- ZBA Request for Area Variance dated January 13, 2020
- List of Abutters
- Pictures

It was noted that this application which was held over from the cancelled February Planning Board meeting has already been dealt with at the ZBA.

2020-4 ZBA REFERRAL – PATRICIA & FRANK BOGUCKI – Cove Road [Copake Lake]

- Building Permit Denial dated November 27, 2019
- ZBA Request for Area Variance dated January 17, 2020
- Retaining Wall Specifications
- Location Map
- List of Abutters
- Title Description
- Bargain and Sale Deed
- DEC Permit dated December 6, 2019

It was noted that Mr. & Mrs. Bogucki wish to replace a retaining wall at the shoreline of their property. The Board made note of the fact that building should not take place within one-hundred feet of the shoreline. However they did acknowledge that this is a proposal for replacement and not new development and is a ZBA decision. A letter will be written to the ZBA addressing this.

2020-5 ZBA REFERRAL – GARY MASTROPOLO– Center Hill Road [Taconic Shores]

- Building Permit Denial
- ZBA Request for Area Variance dated February 19, 2020
- Location Map
- Lot Layout
- Bargain and Sale Deed
- Proof of Title
- Pictures

The Board acknowledged that Mr. Mastropolo is requesting to put a house on a small lot in Taconic Shores. Mr. Grant pointed out that this was a ZBA decision. A letter will be written to the ZBA advising them that the Board had no recommendations at this time.

2020-6 ZBA REFERRAL – JON URBAN – Golf Course Road [Copake Lake]

- Building Permit Denial dated February 19, 2020
- ZBA Request for Area Variance dated February 19, 2020
- Elevations
- Floor Plans
- Site Plan

Jon Urban recused himself so that he could present his application to the Board. Mr. Urban explained that he will be expanding the Dining Room four feet (4') on one side of his house which will require an area variance from the ZBA. Mr. Urban also made note of the fact that he owns the lot on the side of his property where the Variances are required.

Ms. Becker asked what Mr. Urban will do for the septic. Mr. Urban advised her that the septic is on his main lot.

A letter will be written to the ZBA advising them that the Board had no issue with this application, but did suggest that before and after plans be submitted to the Board.

2020-7 ZBA REFERRAL/SPR – CATAMOUNT SKI AREA – State Route 23 [Copake]

- Building Permit Denial dated February 26, 2020
- ZBA Request for a Special Use Permit dated February 19, 2020
- Application for Site Plan Review dated February 19, 2020
- Short Environmental Assessment Form (SEQRA) dated February 20, 2020
- List of Abutters

Pat Prendergast appeared representing Catamount Ski Area. Mr. Grant asked whether this was before the Zoning Board of Appeals (ZBA). Mr. Prendergast explained that he has two projects on the Agenda and although the Maintenance Building is not before the ZBA the Snow Tubing Park is.

Mr. Prendergast explained that he accounted for both the Maintenance Building and the Snow Tubing Park on the same Site Plan application however the Snow Tubing Park will need a Special Use Permit from the ZBA.

Mr. Prendergast pointed out the location for the Snow Tubing Park and explained that there is a large parking lot that can accommodate sixty-one (61) parking spaces where the Motel is located. He pointed out that inasmuch as this lot is no longer used it will serve as parking for the Snow Tubing Park.

Mr. Haight asked whether there was access to the Park from the main Lodge that will be used by the Public. Mr. Prendergast acknowledged the path from the Zip Line to the Park. Mr. Grant asked what machinery will be on the site and Mr. Prendergast explained that there will most likely be grading equipment used as well as a conveyor lift accompanying the Snow Tubing

Park. Mr. Grant asked whether there were any residences near the Park and it was noted that there didn't appear to be any.

Mr. Haight asked how the carpet for the Snow Tubing Park will be fastened to the ground. Mr. Prendergast was not aware of how this was done. Ms. Cohen asked whether specs from the manufacturer could be submitted to the Board. Mr. Prendergast will look into this.

Mr. Prendergast asked whether a Public Hearing will be required. The Board acknowledged that none would be needed and made note of the fact that the ZBA will be holding a Public Hearing.

A letter will be written to the ZBA advising them that the Board had no issues or recommendations at this time.

PUBLIC HEARING

NONE

SUBDIVISIONS/SITE PLANS

2020-7 ZBA REFERRAL/SPR – CATAMOUNT SKI AREA – State Route 23 [Copake]

- Building Permit Denial dated February 26, 2020
- ZBA Request for a Special Use Permit dated February 19, 2020
- Application for Site Plan Review dated February 19, 2020
- Short Environmental Assessment Form (SEQRA) dated February 20, 2020
- List of Abutters

Pat Prendergast appeared representing Catamount Ski Area. Mr. Prendergast explained to the Board that Catamount Ski Area wishes to construct a new Morton Building that is fifty feet by one-hundred feet (50' x 100') to use as a new Maintenance Building as well as a shed and both will be located up on the hill.

Mr. Haight asked whether the land had ever been subdivided as was proposed in the past. Mr. Prendergast did not believe the subdivision map was ever filed for that subdivision. Mr. Prendergast went on to explain that the existing well that was addressed during the previous Motel project will be used. He also addressed the fact that the Maintenance Building would most likely be tied into the existing septic system sometime in the future.

Ms. Becker asked whether the building is located one-hundred feet (100') from the water. Mr. Prendergast advised her that it is. Ms. Becker then asked whether Mr. Prendergast was presenting two (2) separate applications. Mr. Prendergast explained that he felt it would be better

to present both projects to the Board at the same time so he combined them in the one application.

Mr. Grant asked why the Maintenance Building would need to connect to the Septic System. Mr. Prendergast explained that at some point in the future a bathroom might be added to the building. However, there are no plans to do that at this time. Mr. Haight asked whether the building will be used only for storage or if there would be equipment stored there. Mr. Prendergast believed the building would also be used to repair equipment.

Mr. Prendergast will return at next month meeting.

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

- Draft Resolution prepared by Attorney Ken Dow

Lauren Simons appeared representing GRJH Inc. Mr. Haight acknowledged the Special Meeting that was held on Saturday, February 15th to review the GRJH Inc. application and asked whether anyone on the Board had any questions.

Mr. Grant addressed the Resolution prepared by Attorney Dow and made note of the fact that he believed the finding of contamination on the site should be included. Attorney Dow will make sure this is included in the final Resolution. Mr. Grant also felt there will need to be a determination of what mitigation measures they as a Board are capable of so it is resolved to the Board's satisfaction as well as the health, safety and well-being of the Town. It was Mr. Grant's recollection that the Board decided that the Building Inspector be copied on any correspondence between the DEC and GRJH. It was also Mr. Grants' recollection that the Board will be copied on the DEC remediation plan, if any. Ms. Simons acknowledged that this is presently being worked on with the DEC. Mr. Grant made note of the fact that he would like to see some assurance by the Building Inspector that the forthcoming plan is being complied with. Mr. Grant felt the Building Inspector should have the ability to deny a Building Permit or Certificate of Occupancy (C of O)in the event that the said plan is not agreed on or complied with. The Board was in agreement with Mr. Grant's suggestions.

Mr. Sawchuk asked whether Mr. Haight contacted the DEC regarding the contamination on the site. Mr. Haight said he spoke with Andrew Fleck who acknowledged an update to the Work Plan however Mr. Fleck was not sure whether this was verbal or in writing. Mr. Haight also asked Mr. Fleck how this would be finalized and Mr. Fleck explained that the DEC will be present when the contaminated soil is being removed, especially when nearing the edges of the contamination. Mr. Haight made special note of the fact that the testing will be done by certified DEC facilities and the DEC will give an acknowledgement that the issue has been satisfied. Mr. Haight also made special note of the fact that the DEC will certify that the issue has been satisfied however they will not submit finalized paperwork so that the case will remain open so that any future issues could be addressed should any arise. It was clarified that GRJH, along with their Engineer and Geologist, will issue a Work Plan in conjunction with the DEC who will oversee the project and approve it prior to any work being done on the site.

Mr. Grant asked whether there is a formal agreement between the applicant and the DEC. Ms. Simons explained that there is no formal agreement however there is a Scope of work that is expected to be done before the DEC will sign off on the completion of the remediation. Mr. Grant also asked if Ms. Simons had any idea of the timing of this. Ms. Simons explained that the process usually goes rather quickly. She pointed out that a representative from the DEC is on site at all times when any soil is being removed for testing purposes. She also added that based on the results of the testing the applicant will proceed from there and in conjunction with the DEC and based on the findings will move onto the next step. Mr. Haight made special note of the fact that the CofOwill not be held up for any monitoring done by the DEC inasmuch as this might be an ongoing occurrence. Mr. Haight wanted to clarify the fact that the C of O will not be held up in the event that monitoring wells are set up. Mr. Grant acknowledged the fact that this is a process that could go on indefinitely. Mr. Grant then questioned at what time the Town could be satisfied that the remediation has been done to the satisfaction of the DEC. Mr. Haight pointed out that the DEC will make this acknowledgement and notify the Building Inspector who will then issue the C of O.

Attorney Dow advised the Board of the addition of their concerns to the Resolution. They will read as follows:

- *In relation to the finding of legacy contamination on the site (Spill No. 1906329) and the mitigation proposed by the Planning Board, the applicant shall enter into a remediation agreement/work plan with the NYS DEC; the Building Inspector shall be copied on all DEC correspondence and will monitor compliance with the remediation plan (if any). Failure to enter into or comply with the agreement will result in the Building Inspector's not issuing a Certificate of Occupancy. No C of O may be issued prior to DEC's approval of the remediation actions. Furthermore, the Building Inspector shall have the authority to use all lawful means necessary to ensure compliance with the remediation plan*.

Ms. Becker also felt Highway Superintendent William Gregory's Letters of Approval should be addressed in the Resolution. Attorney Dow will make this addition under the section of "Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls."

Mr. Haight addressed the fact that according to Town Code the Sign on the East of the site should be behind the twenty foot (20') set-back. Ms. Becker pointed out that although the Dumpster does not need to be outside of the set-back it would allow for additional parking should it be moved. Mr. Haight pointed out that a dumpster is not considered a structure according to the New York State Building Code.

Attorney Dow read the Resolution into the Record adding the changes discussed. Ms. Becker suggested that the Site Map be revised to reflect the movement of the eastern most Sign out of the front yard set-back. Mr. Grant suggested this be a condition of approval. Ms. Cohen noted that the plans should also reflect the change of location should the dumpster be moved.

In addition to not issuing a C of O Mr. Grant suggested the Building Inspector also have the authority to revoke the Special Use Permit should the applicant not comply with the conditions set forth. Attorney Dow explained that this is not under the purview of the Planning Board as the Special Use Permit was issued by the ZBA. Mr. Grant questioned what measures can be taken by the Building Inspector should any issues arise after the initial satisfaction of the DEC is received and continuing conditions are required. Attorney Dow made note of the fact that the Town Code already provides for the enforcement of these measures and the Planning Board does not have the authority to dictate how this is accomplished. Mr. Grant felt the Building Inspector should have the authority to address any issues that might arise.

Mr. Sawchuk asked Attorney Dow if the ZBA had any knowledge of the contamination on the site when it issued its Negative Declaration. Attorney Dow did not believe anyone had knowledge of this at that time. Mr. Sawchuk did not believe the Planning Board could delegate its duty to the Building Inspector to make a determination with respect to following up with the DEC. Attorney Dow strongly disagreed with Mr. Sawchuk on this matter as enforcement is the Building Inspector's job and it is the job of the Board to determine what the standards are. Attorney Dow pointed out that the Planning Board has no enforcement authority at all as this is entirely the Building Inspector/Code Enforcement Officer's duty to do so.

Mr. Sawchuk made note of the fact that there was no reference to the Spill number filed with the DEC concerning the contamination on the GRJH site in the Resolution. Attorney Dow will add this to the Resolution. Mr. Sawchuk had issue with the fact that the Spill had not been acknowledged prior to the Weston and Sampson recommendation. Mr. Sawchuk also had issue with the fact that the applicant did not address this sooner. Mr. Sawchuk felt it was premature for the Board to make a determination before the contamination has been mitigated. Mr. Sawchuk also had issue with the fact that there were competing viewpoints from different experts. Ms. Becker made note of the fact that soil sampling is normally done just prior to the beginning of construction and the soil sampling was recently done by the applicant at this time because the Board requested it for this review.

Mr. Grant asked what the status of the DEC work-plan is. Ms. Simons advised him that they are presently working with Andrew Fleck of the DEC and there is presently an open conversation for a new and developing plan at this time. Mr. Grant made note of the fact that the Board has not seen anything concerning this as yet. Ms. Simons acknowledged that they are presently at the mercy of the DEC.

Mr. Savarese asked how the Board will know when all the contamination on the site has been cleaned up. Mr. Haight advised him that the DEC will sign off on this when they feel it is mitigated. Mr. Savarese questioned whether they will be doing another inspection. Ms. Simons advised him that the DEC will be doing ongoing inspections as the plan is further developed and they will make suggestions during this process. Mr. Grant clarified that the issue is <u>when</u> the Town will know the contamination has been completely removed. Ms. Simons explained that the contaminated soil is removed and the existing soil is monitored until it is below the allowed levels. Mr. Grant asked whether it is only the soil that will be monitored or will the water be monitored as well. Ms. Simons explained that everything will be monitored. Mr. Haight once again reiterated the fact that the Building Inspector will not issue a C of O before the final letter from the DEC is received acknowledging that the issue has been remediated. Ms. Cohen asked if there is any idea when the DEC will approve the work plan and whether this will be weeks or

months. Ms. Simons noted that this is being worked on right now and approval is expected within approximately a month. Mr. Grant asked whether the soil will be removed once the work plan is approved. Ms. Simons explained that it will begin even before that. Mr. Grant asked when the Board could expect a sign-off from the DEC once the soil is removed. Ms. Simons did not know what the timeline for this would be. Ms. Cohen suggested a copy of the work plan be given to the Board.

Mr. Sawchuk had continued issue with the fact that this has not been addressed until recently. Mr. Grant pointed out that a Phase I had been done at the beginning of the project and no recommendations were made to move onto another Phase. Mr. Sawchuk also had issue with the fact that there has been no off-site monitoring. Mr. Sawchuk once again expressed his opposition to the fact that this is being delegated to the Building Inspector. Mr. Haight noted that this is where the responsibility should be delegated. Mr. Grant pointed out that it is the responsibility of the Town to oversee this and the Building Inspector is a representative of the Town. Mr. Sawchuk objected as he believed the Building Inspector is not a Legislative forum. Mr. Grant pointed out that the Town is the Legislative body and the Building Inspector represents the Town.

Attorney Dow will make the appropriate modifications to the Resolution as addressed by the Board.

- **Mr. Haight made a motion approve and adopt the Resolution for GRJH Inc. dated March 5, 2020 as amended. Seconded by Ms. Becker, a Roll Call Vote was taken. The results are as shown below:**

Ms. Cohen	Mr. Grant	Mr. Haight	Ms. Becker	Mr. Sawchuk	Mr. Savarese	Mr. Urban
Nay	**Yes**	**Yes**	**Yes**	**Nay**	**Yes**	**Nay**

The Resolution offered by Bob Haight, Chair and seconded by Planning Board member Marcia Becker, was approved by a 4 to 3 vote margin and the motion was carried.

2019-18 BOUNDARY LINE ADJUSTMENT– PAUL AND NANCY MILLER– County Route 7A [Copake]

- Revised Subdivision Map

Martin Schmidt of Holtz Survey approached the Board to represent the applicant. It was noted that the Public Hearing was previously held and closed. Mr. Schmidt reminded the Board that Mr. and Mrs. Miller have approximately two-hundred and sixty (260) acres on both sides of the road that they would like to subdivide twenty-four (24) acres off of. Mr. Schmidt noted that part of the parcel is in Copake and part of it is in Ancram.

Mr. Haight acknowledged that the twenty-four (24) acre parcel will retain the house, barns and sheds.

It was noted that the Check List had already been reviewed and new maps were submitted showing and naming all the buildings on the site as requested.
Part II of the SEQRA was reviewed and acknowledged.

- **On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to make a Negative Declaration for the Minor Subdivision of Paul and Nancy Miller from a Survey done by Holtz Surveying revised and dated February 4, 2020.**

- **On a motion made by Mr. Haight and seconded by Mr. Savarese the Board voted unanimously to approve the Minor Subdivision for Paul and Nancy Miller from a Survey done by Holtz Surveying revised and dated February 4, 2020 .**

Mr. Haight will stamp the maps on Saturday.

2019-24 SITE PLAN CONFERENCE– ECO-SITE II, LLC & T-MOBILE NORTHEAST LLC – Overlook Road [Copake]

- Letter from the Columbia County Planning Board dated February 19, 2020

David Kenny of Snyder and Snyder Law Firm appeared before the Board to represent the applicant. Mr. Kenny made note of the fact that he last met with the Board at the January 2, 2020 meeting when the Board requested the distance of the Tower to the Audubon Society. Mr. Kenny acknowledged that distance to be sixteen hundred and ninety feet (1,690') away.

Mr.Kenny noted that the very edge of Jane Bierbaum's property is less than five hundred (500') feet from Center Hill Road which is why a referral was sent to the Columbia County Planning Board (CCPB). Mr. Kenny acknowledged that after review the CCPB recommended approval of the facility.

Mr. Haight made note of the fact that his house on Farm Road faces where the Tower will be placed and happened to be home the day of the Balloon Launch and did not find it offensive. Mr. Haight asked if anyone on the Board had issue with this. No one had any issue with this.

Mr. Kenny also noted that they are before the ZBA for a Special Use Permit and appropriate area variances. He also addressed the fact that there are no historic properties in the area that may be affected by the visual aspect. Regarding the Long-Eared Bats that might be on the property Mr. Kenny pointed out that the US Department of Interior of Wildlife Services advised him that there is a tree clearing restriction between November 1 and March 31 which the applicants will abide by.

Mr. Kenny acknowledged that the plans were revised inasmuch as the ZBA requested that the number of trees that will be removed be shown. Mr. Kenny also acknowledged that the Board will be hiring an engineer to review the application. Mr. Kenny brought up the fact that a

neighbor of Ms. Bierbaum submitted a letter that they have no objection to the project. The letter however was sent to Ms. Cohen and will be forwarded onto the Board.

Mr. Kenny noted that one of the reasons the ZBA requested that the trees being removed be shown on the map is that they wanted to make sure the access drive is wide enough for emergence vehicles. Mr. Haight asked how long the road is planned to be. He was advised that it is fifteen hundred feet (1,500'). Ms. Cohen asked whether there will be a turn-around for the emergency vehicles. It was noted that trucks can turn at the top of the driveway. Mr. Kenny explained that they are trying to minimize the visual impact by not clearing too wide an area. This will be addressed further.

Ms. Becker noted that the project is in the middle of the Mid Hudson Forested Wildlife Corridor and questioned whether the Conservation Advisory Committee should review the application for extra input. Everyone was in agreement with this.

Mr. Kenny questioned whether the Planning Board will be having a Public Hearing. The Board felt that inasmuch as one is being held by the ZBA this was not necessary. The applicant will return next month.

2017-31 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #1] – Lackawanna Road [Copake]

2017-32 SITE PLAN REVIEW – 13 LACKAWANNA PROPERTIES [BUILDING #2] – Lackawanna Road [Copake]

- Letter from Sussman& Associates dated February 24, 2020

David Weiner appeared with Attorney Michael Sussmanto represent 13 Lackawanna Properties. Mr. Haight requested he be copied on any correspondence sent to Attorney Dow as he did not get a chance to review the letter submitted by Mr. Sussman prior to the meeting.

Mr. Haight addressed Mr. Sussman's letter regarding Issue #1 which stated that there is only ONE PROPOSED barn. Mr. Haight advised him that there is more than one (1) proposed barn as the Board needs to consider the two (2) barns built without a Building Permit.

Regarding Issue #2, Mr. Haight advised that there is no Building Permit for the existing Farm Stand either. Mr. Haight explained that the copy of the Building Permit for the Farm Stand issued by Mr. Shadicand submitted by Mr. Sussman has a Stop-Work Order on it and has previously been rescinded. Mr. Haight acknowledged that he spoke with the previous Building Inspector, Ed Ferrato who put additional Stop-Work Orders on the Building.

Mr. Sussman made note of the fact that Mr. Haight requested a floor plan for the Big Barn and questioned why this request was made. Mr. Haight explained that he wanted to see the designated area in which the Cows will use and the areas the Hay and Equipment will be stored in. Mr. Haight pointed out that according to Ag and Markets there are square footage requirements for the animals and he wanted to be sure that what is being presented allows for the

correct specifications. Mr. Haight acknowledged that he also wanted a record for the Town on exactly what is inside the Barn as buildings have been known to be changed around on the applicant's property without Building Permits.
Mr. Weiner explained that the Barns hasn't been configured to that degree of detail as yet. Mr. Haight pointed out that the floor plan presented just stipulates equipment storage. Mr. Weiner acknowledged that when he originally presented the two (2) barns, the Board requested to see what the applicant's plans for the future are. Mr. Weiner made note of the fact that the configuration of the Barn had not been considered prior to the submission to the Board. Mr. Haight made note of the fact that the applicant will need to go back to the Building Inspector once plans are made to construct the Storage Barn.

Regarding Item #3 from Mr. Sussman's letter, it was Mr. Haights understanding that the Judge ordered the Farm Stand to be put back to what it originally was. Ms. Becker acknowledged that the floor plan submitted is not what the floor plan of the Farm Stand is presently. It was Mr. Sussmans understanding that the floor plan he submitted was accepted by the Building Department at the time the Permit was issued and then rescinded inasmuch as the parcel was in litigation. It was noted that it was not known why the permit was rescinded. Mr. Sussman questioned why this is an issue. Mr. Haight explained that inasmuch as the Farm Market is part of the plan and will be a public building it will need more of a review than the rest of the farm. Mr. Sussman questioned whether this was to be done by the Building Inspector. Mr. Haight explained that it is done by the Planning Board under Site Plan Review and a full floor plan is required for Site Plan Review. Mr. Haight also brought up the fact that according to former Building Inspector Ed Ferratto there were kitchen hoods going in the Food Stand which was one of the reasons a Stop Order was instituted. Mr. Haight also acknowledged that a septic system was believed to have been installed. Mr. Sussman asked for clarification of exactly what Mr. Haight was requesting. It was noted that a floor plan showing what is projected for the building is what the Board is requesting.

Attorney Dow asked what the situation is with the Septic System. Mr. Haight explained that he saw a septic system being installed late summer or early fall. Mr. Haight then acknowledged that he went to the Board of Health to see if the applicant had a permit and spoke with Michael DeRuzzio who said that he heard the applicant was having an engineer draw one up however no permit had been issued for this and no paperwork had been supplied.

Mr. Haight suggested that the Conservation Advisory Committee review this project as well. Ms. Becker made note of the fact that there are locations on Mr. Cascino's property that are within the Harlem Valley Wetlands as well as the Roe Jan Kill Watershed. Ms. Becker was in agreement with this going before the Conservation Advisory Committee.

Mr. Haight pointed out that one of the reasons he asked what will eventually be sold in the Farm Market is because this is a Farm Operation and according to Ag and Markets fifty one percent (51%) of what will be sold in the Farm Market needs to come from the farm.

Mr. Haight addressed the list of mechanical equipment listed in Item #4 of Mr. Sussman's letter. In his letter Mr. Sussman made reference to the excavators and hammer and stated that "as previously explained, his client is reclaiming farm land by excavating sub-surface rock in one area of the farm." It was Mr. Haight's interpretation that when a reference is made to "reclaiming farm land" it means that the farmer let the land go, brush and trees sprouted up and the farmer

went to clear it and reclaiming does not refer to excavating rock. Mr. Weiner explained that Mr. Cascino wants to remove the rock so he can use the land to farm. Ms. Becker pointed out that the Conservation Advisory Committee can look into this as well.
Mr. Sussman will provide information on the septic system as well as a current floor plan for the Farm Stand. Regarding the Farm Market Mr. Haight noted that the Board needs to make sure there is adequate parking so as to comply with Town Code regulations.

Mr. Haight addressed the fact that there is also a Stop Work Order on the Pole Lights at the farm and the Board needs to make sure that they are all pointing downward.

Mr. Haight also made note of the fact that the grinder is not listed in the list of equipment provided by Mr. Sussman. According to Mr. Weiner this is not a piece of active equipment. Mr. Sussman agreed that this should be on the list and will revise it accordingly.

The missing information will be provided when the applicants return at the April meeting. Mr. Sussman asked the Board to notify him if anything else is needed.

2020-3 BOUNDARY LINE ADJUSTMENT– SPRINGBROOK HOMES– Cambridge Road [Copake]

- Application for Boundary Line Adjustment dated February 4, 2020
- Location Sketch
- Survey Description
- Bargain and Sale Deeds
- Short Environmental Assessment Form (SEQRA)
- EAF Mapper
- Agricultural Data Statement

Ms. Cohen recused herself to represent SpringBrook Homes. Ms. Cohen advised the Board that out of the forty-four point nine-three-one (44.931) acre parcel a point three-three-three (.333) acre strip of land will be given to the smaller eight point one-two-four (8.124) acre parcel to create access. Ms. Becker asked how far the property is from the Audubon Society. Ms. Cohen acknowledged that it is on the same road however it is quite a distance away from it.

A Public Hearing will be set for next month's meeting.

MINUTES

The Minutes of the January 2nd meeting and the February 15th Special meeting were approved by the Board.

- **On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to approve the minutes of the January 2nd Planning Board Meeting and the February 15th Special GRJH Inc. Meeting.**

ADMINISTRATIVE

NONE

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. Haight and seconded by Mr. Savarese the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:07 p.m.**

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Bob Haight, Chair

Please note that all referenced attachments, comprising 37 pages, are on file with the Copake Town Clerk and in the Planning Board office. <u>The referenced attachments are filed in the individual project files.</u> An annotated listing follows:

ADMINISTRATION

PATRICIA BOGUCKI

January 22, 2020	Building Permit Denial (2)
January 17, 2020	Request for Area Variance (2)

GARY MASTROPOLO

	Building Permit Denial (2))
February 19, 2020	Request for Area Variance (2)

JON URBAN

February 19, 2020	Building Permit Denial (2)
February 19, 2020	Request for Area Variance (2)

CATAMOUNT SKI RESORT

February 26, 2020	Building Permit Denial (2)
February 19, 2020	Request for Area Variance (2)
February 19, 2020	Application for Site Plan Review (1)
February 20, 2020	Short Environmental Assessment Form [SEQRA] (3)

GRJH INC.

March 14, 2020	Resolution by the Copake Planning Board (10)

ECO-SITE II LLC AND T-MOBILE LLC II

February 19, 2020	Letter from Columbia County Planning Board (1)

13 LACAWANNA PROPERTIES

February 24, 2020	Letter from Sussman& Associates (5)

SPRINGBROOK HOMES.INC.

February 4, 2020	Application for Site Plan Review (1)