



COPAKE PLANNING BOARD

JUNE 4, 2009

MINUTES

DRAFT

Please note that all referenced attachments, comprising 5 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 John Brusie, Chris Grant, George Filipovits and Jon Urban. Planning Board Attorney Malcolm McPherson attended for Attorney Lawrence Howard. Gray Davis and Skip Pilch were excused. Lisa DeConti was present to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None

PUBLIC HEARING

2009-4 MINOR SUBDIVISION – MICHAEL & EILEEN COHEN – High Meadow Road

On a motion made by Mr. Grant and seconded by Mr. Brusie the Board voted unanimously to waive the reading of the Public Hearing notice for Michael and Eileen Cohen after that, the Public Hearing was opened. Ms. Becker asked if anyone wished to speak on this project. Being none, on a motion made by Mr. Grant and seconded by Mr. Brusie the Board voted unanimously to close the Public Hearing.

2009-3 MINOR SUBDIVISION – CHARLES PECK – Center Hill Road

On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to waive the reading of the Public Hearing notice for Charles Peck, after that the Public Hearing was opened. Ms. Becker asked if anyone wished to comment or talk on this sub-division. Being none, on a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2009-4 MINOR SUBDIVISION – MICHAEL & EILEEN COHEN – High Meadow Road

Scott Cohen appeared before the Board representing Michael and Eileen Cohen for their minor subdivision. Ms. Becker reminded everyone that the Board asked for some of the language to be amended on the map. Mr. Cohen acknowledged that the wording had been changed according to the Board's request. Ms. Becker asked if there was a letter from the Department of Health. Mr. Cohen believed that he had previously submitted a letter from the Board of Health and if needed, could re-submit the letter. Ms. Becker noted that at this point, the Department of Health approval location for Parcel 2 is outstanding.

Ms. Becker questioned whether a copy of the deed was requested. Mr. Grant noted that a copy of the deed should be obtained to make sure there were no restrictions on the property.

Ms. Becker expressed concern that the Wetlands and Bird Sanctuary within the area in question was environmentally significant and wondered if the Board needed to consider the protection of this for the future. Mr. Cohen noted that there are presently restrictions regarding what can be done in the Wetlands. Ms. Becker questioned whether another residence could be put on Parcel Two. Mr. Cohen believed that the present layout of the property did not lend itself to another residence in that area. Ms. Becker acknowledged that the land had been treated respectfully but expressed concern as to how future owners would treat this property. Mr. Cohen felt it would be difficult to put another residence in that area and was not sure what Ms. Becker's concerns were. Mr. Grant questioned whether Mr. Cohen would consider deed restrictions on further subdivisions. Mr. Cohen felt that due to the size of the parcel this would be restricting the land in a way that was not fair. Ms. Becker advised that she was concerned with the two parcels that were most environmentally significant. Ms. Becker noted that this is not a law and restriction was not mandatory. Mr. Cohen had the right to agree to this or not.

Ms. Becker noted that the Board had another restriction. Mr. Grant pointed out that the further regulation was that any further subdivision held in the same name would become a major subdivision inasmuch as it would consist of five lots or more. Ms. Becker noted that this was a very significant piece of land in the town and acknowledged that Mr. Cohen had done wonderful things with it. Ms. Becker questioned whether anyone would wish to put any covenants on the property in the future. Mr. Cohen did not feel this was likely at this time and noted that it was his family's intention to keep the property as scenic as possible.

After the SEQR was read the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Brusie to make a Negative Declaration for the short form SEQR.

Ms. Becker noted that two items were still needed before the Board could proceed. On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to conditionally approve the minor sub-division of Michael and Eileen Cohen dated June 3, 2009 from a survey by Alvin Huehnel as conditionally approved subject to receipt of the Department of Health letter for Parcel 2 identifying the Perc hole locations and the deed to be checked for restrictions and easements.

2009-3 MINOR SUBDIVISION – CHARLES PECK – Center Hill Road

Donna Peck appeared representing Charles Peck. Ms. Becker noted that the maps were stamped as previously requested by the Board and that the Zoning District change was made. Ms. Peck provided a copy of the deed as requested by Mr. Grant for review by the Board. Ms. Becker pointed out that there was a deed restriction of a Fifty Foot (50') Right of Way in favor of Martin and Karen Clough for Ingress and Egress. Ms. Peck acknowledged that she was aware of this which was on the Eighteen (18) acres. Mr. Grant pointed out the Cemetery on Vernon Road and it was noted that there was a Right of Way for this as well.

Ms. Becker questioned as to whether there was an easement for the Electric Company. Ms. Peck pointed out that the Electric Company had an easement to property whether it was noted or not.

After the SEQR was read the Board voted unanimously on a motion made by Mr. Filipovits and seconded by Mr. Grant to make a Negative Declaration. Ms. Becker asked if there were any other questions. Being none, the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Filipovits to approve the minor sub-division of Charles Peck on Center Hill Road, Sky Farm Road and High Meadow Road on a survey map dated May 15, 2009 by Philip Massaro surveyor.

2009-2 SITE PLAN REVIEW – SALVATORE CASCINO – 22 Lackawanna Road

Project Manager David Wiener appeared with Attorney Anna Kirschner representing Salvatore Cascino. Ms. Becker advised the Board that at the last meeting it was not clear to her that there was a separate parcel for the house inasmuch the Tax Map showed it as one parcel. Ms. Becker clarified that she spoke with the Assessors who advised her that there was a separate parcel for the house.

Mr. Wiener noted that at the last meeting there were questions about the Septic, the Topography, the lot boundaries and the drainage and location of run-off plan. Ms. Becker advised the Board that Mr. Wiener dropped off a revised Site Plan. Mr. Wiener pointed out that the Topography, Lot Boundaries, location of the existing well and septic were accounted for on the first page and the drainage plan consisting of two dry-wells was accounted for on the second page of the Piccirillo Site Plan.

Ms. Becker asked Mr. Wiener to review his list. Mr. Wiener noted the existing Topos, Lot Boundaries and location of the existing well. He pointed out the well is to the North of the house and the Septic Tank and Leach Fields are to the South of the house as is the Drainage Plan. Ms. Becker questioned the approximate location of the fields. Mr. Wiener explained that since the last meeting, their engineer did some digging and found the tanks as indicated on the Pustola map. He noted that the Drainage and Run-off is on the second page of the Piccirillo Site Plan and basically consists of two Dry-Wells to be located near the south side of the house. Ms. Becker questioned the direction of the drainage and the roof of the house. Mr. Wiener explained that the roof was pitched mostly North to South. Ms. Becker noted that what was of most concern was the run-off down into the Noster-Kill. Mr. Urban pointed out that the drainage should not go East. Ms. Becker noted that there was only one part of the roof in that area. Mr. Grant made note of the fact that nothing could be disturbed within the 100 foot buffer. Ms. Becker questioned

whether there would be digging within the 100 foot buffer and Mr. Wiener acknowledged that there wouldn't be. Ms. Becker noted that the house was right on the 100 foot buffer and Mr. Wiener advised her that it was just one side of the buffer.

Mr. Wiener recalled that the Board originally requested that the septic tank be pumped out and qualified. However, he noted that the septic had been pumped out at the time the other house was demolished. He then advised the Board that they had an engineer who went out and dug around and found the system and gave a more precise design and evaluation of the system as indicated on the Pustola map dated May 15, 2009. He noted that what is in place is a 1250 gallon precast tank which is the minimum requirement for a four bedroom house in New York. He added that the engineer was satisfied with this. He also noted that the engineer took measurements of the inside dimension of the tank as well a measurement of the depth. Ms. Becker questioned whether the tank was functioning.

Mr. Wiener said that there was nothing that indicated that it wasn't functioning and the engineers seemed to be satisfied with the perc. Ms. Becker asked if the line had been verified or would be new. Mr. Wiener advised her that if it was clogged it would be cleared and if something was not functioning it would be replaced. Mr. Wiener noted that the system was relatively modern and he did not see why there would be a problem unless something had caused a clog or breakage in the line going out to the leaching fields. He acknowledged that the flow would be checked and if there was a problem it would be repaired. Ms. Becker expressed concern as to whether the system was functional and pointed out that the issue of Grandfathering did not apply once the house is removed. Mr. Wiener advised the Board that he believed a Certificate of Occupancy could not be obtained if the system was not operational and the system would need to be repaired in order to obtain the Certificate of Occupancy. Mr. Wiener felt that a Site Plan Approval could be given with this septic system in place and if there isn't a functioning component the house would not get a Certificate of Occupancy.

Mr. Grant noted that he was more concerned with the location of the system and the 100 foot buffer required between the well and the septic system. Mr. Wiener pointed out that the well and septic system are on opposite sides of the house. Mr. Grant and Ms. Becker measured the scale on the map and felt that the location was adequate.

Ms. Becker read a memo from Mr. Davis who was excused from the meeting. Mr. Davis commented on the house's relationship to the 100 foot buffer at the Wetlands area. He was concerned that if the house is tight to the set-back they would need to work in the buffer zone while the house is under construction. Mr. Davis feels that the house should be shifted back away a little bit from the 100 foot buffer zone so that they can work on that side of the house without disturbing the buffer zone. Mr. Wiener asked if the house should be moved back another ten (10) feet. Mr. Wiener noted that it is a few feet off the buffer at this time and there would not be any excavation in the buffer itself. It was decided that this was acceptable if no digging would take place in the buffer.

Mr. Grant reviewed the measurements of the leach fields and noted that the leach fields were 140 feet from the Wetlands. Mr. Wiener suggested closing one end off and opening up another end at the opposite end on west side in order to stay one hundred and fifty (150) feet or more away from the Noster-Kill.

After review of the check list and location of the leach fields the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Filipovits to conditionally approve the Site Plan of the Cascino residence at 22 Lackawanna Road dated March 31, 2009 by Michael Piccirillo, Architect including the sub-surface sewage disposal system drawing by Pustola Associates dated May 15, 2009 subject to the reconfiguring of the absorption trenches so that they remain greater than 150 feet from the DEC Wetland boundary.

2009-4 MINOR SUBDIVISION – JAMES G & LOREDANA KELLY – County Route 7A, West Copake – (2009-6)

Jeff Plass appeared representing James & Loredana Kelly. Mr. Plass explained to the Board that the Kelly's own two pieces of property. He noted that Parcel "A" is a stand-alone parcel and went on to explain that Parcel "B" was a lot from an approved major sub-division in 1985 with frontage on Columbia County Route 5A. He went on to explain that after the land was sub-divided, old County Route 5A was abandoned by the County. He noted that the County offered it to the Town but the Town refused to take it over. He continued to explain that the County negotiated with Mr. Kelly who was planning to buy the property as well as the property owners on the other side of the road for a long period of time and couldn't resolve the abandonment to anyone's satisfaction. On the Kelly's map Mr. Plass still notes the Lands of Columbia County, however, he pointed out that legal status is unknown and undetermined.

Mr. Plass advised the Board that he has gone back to the County and spoke to the highway department who acknowledged that they were aware that this is a problem. Mr. Plass pointed out that both parcels are vacant. He expressed Mr. Kelly's wish to put a house on Parcel "A" and add a Boundary Line Adjustment between Parcels "A" and "B" where a piece of land had been added to Parcel "B" making it a better piece of land. He also informed the Board that Mr. Kelly would like to split another lot off of what was the County Road for a separate building parcel.

Mr. Plass asked the Board's Advice pointing out that the Town approved a lot with road frontage that no longer exists. Mr. Grant clarified that the question is how Parcel "B" would get access to road frontage. Mr. Grant suggested an easement over Parcel "A." Ms. Becker asked Attorney McPherson for advice who acknowledged that the old action is in place as it was approved with a road in place and pointed out that the Planning Board was correct in their decision in 1985. He advised Mr. Plass that his remedies are with the County at this time and not with the Planning Board.

Ms. Becker asked Mr. Filipovits, who works with the County Highway Department, if the road is totally abandoned. Mr. Filipovits acknowledged that the County sometimes plows the other end of the road in the winter. Mr. Plass noted that the other end of the road is a different deal than the side adjacent to Parcel "B." Mr. Plass pointed out that the negotiations went on for a few years and inasmuch as there was no house on the property, the Kelly's dropped the action with no decision made. Mr. Plass made note of the fact that the County did not say that the road could not be driven on but he questioned whether this is legal access and is considered frontage as far as the Planning Board is concerned. Mr. Filipovits asked if the County turned the Road over to Mr. and Mrs. Kelly. Mr. Plass explained that not all property owners on the road are in agreement. Mr. Grant advised that this issue needs to be between the owners and the County and not the Town.

Mr. Plass asked if the Board would allow the action if Mr. and Mrs. Kelly wished to do a Boundary Line Adjustment at this point. Ms. Becker informed him that access to the Parcel would be needed before a Boundary Line Adjustment could be granted. Mr. Plass then asked the Board if the Kelly's would be able to sell this lot. Mr. Grant advised him that the lot could be sold as it is a legal Parcel but questioned whether anyone would want to buy it due to the uncertainty regarding access. Mr. Plass asked for clarification as to whether this was a legal building lot. Ms. Becker advised that it is not a legal lot inasmuch as there is no access to the lot. Attorney McPherson added that there is not an easement by necessity which he felt might be obtained inasmuch as the parcel is land-locked.

Mr. Plass advised the Board that he is willing to go back to the County and deal with this if the Board would indicate that should a deal be reached with the County, the Kelly's would be able to do what they want to. Ms. Becker asked for clarification and Mr. Plass explained that he was referring to the use of the Road and a Boundary Line Adjustment. Mr. Grant reiterated that this is a legal building lot and it was noted that the only problem is the fact that the County took away the ability to get to the lot. Mr. Grant advised that the only way the Planning Board would get involved would be through a Site Plan Review at this point as the owner is free to sell the parcel. Mr. Filipovits asked whether the County had the right to take away access from the property. Mr. Plass was advised to speak with an attorney regarding this. The Board suggested adjusting the Boundary so as to provide some access to the property.

Attorney McPherson advised Mr. Plass that the Parcel could be approved with proper access and all the other requirements were met subject to the Planning process. Mr. Plass asked if the County was aware that they were land-locking this parcel when they made this decision. Mr. Filipovits pointed out that if the County does not wish to maintain a road it is not the responsibility of the Town to take it over. Mr. Grant suggested obtaining an easement from the County to use the road to which Mr. Plass expressed concern as he did not believe this to be an easy process.

Ms. Becker asked for clarification of the options for this project. The two options were noted to be an easement over the old County Road or over Parcel "A" providing access to County Route 7. Mr. Plass asked if a letter from the County saying the road could be used for access would be good enough. Mr. Grant felt an easement would be required. Mr. Plass agreed that his only recourse was to go back to the County to ask for road access.

2009-5 FRIENDS OF TACONIC STATE PARK – JANE PECK – Route 344 & High Meadow Road

Jane Peck appeared before the Board representing Friends of Taconic State Park. Ms. Peck informed the Board that the Friends of Taconic State Park wish to purchase and install a national historical marker showing that Taconic State Park and Iron Works furnace, surrounding buildings and areas, encompassed by the original Iron Works, has been on the National and New York State Historic Registries since 2007.

Ms. Peck informed the Board that New York State no longer puts up historic markers and they have to be purchased. Ms. Peck noted that the sign dimensions are the standard 2 by 3 and

provided a mock-up of the wording of the sign as well. Ms. Peck was not sure whether she needed to appear before the Planning Board and informed the Board that the sign will be installed in a triangle at the intersection of Route 344 and Valley View Road. She noted that it was her understanding that the NYS Department of Transportation right of way encompasses that whole triangle which may be state property. She acknowledged that she is in the process of talking with NYS Department of Transportation and getting their approval to erect the sign. She also noted that the placement of the sign within that triangle will be determined by the Department of Transportation as well as Larry Proper so as not to impact the site distance from either of the intersecting roads.

Ms. Becker felt it was best to go over the sign regulations with Ms. Peck as there is no application from the Planning Board regarding this. Ms. Becker asked if Ms. Peck planned on going to the Building Inspector regarding this. Ms. Peck was not sure if she needed a permit and said she would speak with the Building Inspectors for information. Ms. Becker researched the regulations and found no indication of what the procedure would be. Ms. Peck said she hoped to have the sign installed and the unveiling on August 22, 2009 which is Copake Falls Day.

The regulations were reviewed and Mr. Grant advised Ms. Peck that the only reason she would need to appear before the Planning Board was for sign dimensions which it was noted met the criteria. Mr. Grant felt that the Planning Board did not need to be involved in this process. Mr. Urban advised Ms Peck that she would need to find out who owns the property and obtain permission from them. Ms. Peck acknowledged that Ray Dougherty from the Taconic State Park has been in contact with Joe Visconte from the New York State DOT. Ms. Becker asked if there would be documentation as to who owns the land. Ms. Peck advised her that there would be and said she would check with the Building Inspectors regarding this.

2005-18 MAJOR SUBDIVISION – HOUSING RESOURCES – Mountain View Road

Although Housing Resources was not on the agenda Ms. Becker allowed Kevin O’Neill to present an update on the project. Mr. O’Neill acknowledged that he was attending this meeting to give a brief update on what has transpired with the Housing Resources project and would be appearing with the engineers at his next appearance before the Board.

Mr. O’Neill presented the Board with a limited copy of the proposed development just to give everyone a sense of the project. He explained that the intent of the project was to have as much open space as possible by adjusting the lot sizes to preserve open space. He explained that about 59% of the site would be open space and the other would be created as a development that was an extension of the existing Hamlet to support the existing businesses encompassed in the Hamlet. He noted that there is no commercial development within the proposed development. He also pointed out that there would be walk-ways within the development to encourage walking to the existing businesses and the houses would have a street orientation with front porches.

He went on to explain that the other uses within the development will be the preservation of approximately forty (40) acres of agriculture as well as 12.7 acres deeded over to the Town as an expansion of the park. He also noted that additional space was available for a Town Park which the Park Committee has shown interest in. Mr. O’Neill went on to explain that the other open spaces would be maintained by the owners of the homes. He continued, pointing out that there

will be a Community Center in the middle of the Village Green with the use being defined at a later date. Mr. Filipovits asked what the expected traffic flow would be off the main entry way. Mr. O'Neill said he preferred to have the engineers respond to that question when they appear before the Board. Mr. Filipovits expressed concern that there would be excessive car lights in the direction of the existing buildings at entry. Ms. Becker acknowledged that this would be considered an environmental impact.

Mr. O'Neill advised that the technical answers would be dealt with by the engineers. Mr. O'Neill pointed out the two eight inch (8") wells that were drilled down one-hundred and ten (110) feet as well as a helicopter landing pad for the Fire Department and Rescue Company. Mr. O'Neill noted that access to the greens and parks would not be restricted and a central water and sewage system would be developed.

Mr. Filipovits asked what the difference was between the blue and yellow squares. Mr. O'Neill explained that the yellow squares would be single family detached homes with no age restriction and the three blue squares at the main entrance road would be family rental properties developed for town houses. He went on to explain that the green squares located around the three (3) acre community area village green would be senior housing with the larger lots being duplex rentals and the smaller lots being cottages for sale. Mr. O'Neill described the goal of the development as mixed income intergenerational housing. He went on to explain that the intent was to have some areas set aside for seniors, not separated but integrated into the rest of the development with rentals and homeowners being integrated into the development as well.

In response to an earlier request by the Planning Board Mr. O'Neill noted that a buffer was added to the development. He explained that access to the Village Green is restricted to the three sides of the Green with the rest of the development not having access to that area so as to minimize the traffic. Mr. Filipovits expressed concern as to whether there would be shrubbery around the development. Mr. O'Neill acknowledged that are landscaping plans that will be further developed as time goes on. Mr. O'Neill said that the idea was to keep the houses close to the street so that you could walk on the street and talk to someone on the porch.

Mr. Brusie asked where the sewer treatment facility would be. Mr. O'Neill explained that they would be near the helicopter bed. Mr. Brusie then questioned where the wells would be and whether they would be given to the Town. Mr. O'Neill explained that the wells were by the park and clarified that only the park would be given to the Town and not the wells as the wells were developed for the infrastructure. When asked, Mr. O'Neill clarified that ownership of the wells and water storage facilities would remain with the development and the system would be maintained forever by the development.

A question was asked as to whether the Public Hearing was still opened on this application. It was not clear as to whether the Hearing remained opened but Ms. Becker clarified that this was just an informational gathering for the new members on the Board. Mr. Urban acknowledged that he believed the Public Hearing had remained open. Ms. Becker responded by saying that this was not a Public Hearing and just a gathering to update the project. Mr. Filipovits asked if the 40.6 acres of Agricultural land will be sold. Mr. O'Neill explained that this land will be given to the land conservancy. They will sell it to a farmer with their easements and restrictions as and all the development rights will transfer off the open space. Mr. O'Neill did state that one house might be placed on the parcel for whoever farms the land but did note that it would not be further sub-dividable.

Mr. Urban asked what Mr. O'Neill's purpose was in coming before the Board. Mr. O'Neill explained that Four Hundred Thousand Dollars (\$400,000.00) had been spent on environmental and archeological studies and the project is hopefully at the beginning of the end. Mr. Grant noted that the environmental impact study has been presented to the Town but he did not believe it had been accepted as yet. Ms. Becker acknowledged that she believed the scoping document had been done. Mr. O'Neill also noted that the draft of the DEIS had been reviewed by the consultants and the final draft of the DEIS will be submitted back to the Board.

Mr. Brusie asked for clarification of whether he would be able to vote as the application had been submitted prior to his appointment to the Board. Mr. Grant questioned how a quorum could be met without everyone being able to vote. It was clarified that the quorum would remain with the original Five (5) members. Mr. Urban explained that when the two new people were added, the stipulation was that they could only vote on new items added after their appointments. Linda Gabaccia agreed with what Mr. Urban said and noted that the new members would not be able to vote on any matters prior to their appointment. Mr. Urban added that the five (5) members at the time of the application would be the ones to vote and would constitute a quorum. Attorney McPherson would look into the matter.

Mr. Urban believed that when Housing Resources was still presenting their application there was to be another Town meeting specifically about the environmentals. Mr. Grant acknowledged that the Board would have to decide whether to accept the environmental impact study. Mr. O'Neill explained that this was what he is working toward and expects to take a couple of months to get everyone caught up on what has transpired with the final drafts being submitted for the Board's review after that.

Morris Ordovery noted that based on the preliminary, there was a whole list of questions which should be in the records. He also noted that these were questions that needed to be answered in the finals and the finals were never received to see if those questions were answered. Mr. O'Neill said that was what would be delivered. Ms. Becker acknowledged that the purpose of the scoping document was to get the input from all the Public Hearings and any more information that needed to be in the final draft environmental impact study.

Diane Wilson was confused that the Draft Environmental statement previously handed in was incomplete and needed a great amount of revisions. Since this was handed back to Mr. O'Neill she believed there had not been a draft environmental impact statement handed in. Mr. Grant clarified that there has never been a draft environmental impact statement that has been accepted by the Town. Ms. Wilson asked for clarification that the draft environmental impact statement would come first followed by the Planning Board's forty-five (45) day review and then a number of Public Hearings before the final draft could be handed in. The Board agreed with this timeline. Mr. O'Neill acknowledged that it would be the finalized document that he would be handing in. Mr. Grant suggested that inasmuch as it has been quite a while since the draft environmental statement has been reviewed maybe another Public Hearing should be scheduled. Mr. O'Neill agreed and said his plan was to come back next month and start reviewing everything that has transpired with the Board.

Mr. O'Neill noted that before the environmental studies had been done, the design was reviewed, commented on, adjusted and worked on for quite a while with the old Planning Board, who

accepted it and said it was good enough to go on with the studies. He pointed out that the Board did not approve anything.

Mr. Grant questioned whether the environmental impact study that the Town now has needed to have any changes made to it. Mr. O'Neill clarified that what he will be delivering next month will address comments that were made at that time.

Ms. Wilson once again addressed the fact that she believed that Mr. O'Neill would be doing a number of workshops to catch everyone up and after having done that would hand in the draft environmental impact statement. Mr. Wilson pointed out that her reason for asking this was to clarify that after that there would be a time-table with the DEIS. Mr. Grant acknowledged that there is no time-table of the DEIS until the Town accepts it which has not been done yet. After the Town accepts it is when the time table starts. Ms. Becker pointed out that there was a need to speak to the Board members to see how much time they will need to get familiar with this project. Attorney McPherson advised the Board that everything is preliminary until it is complete and accepted. Mr. Grant asked Mr. O'Neill when he would be able to get the next version of the DEIS to the Board. Mr. O'Neill said he believed he would have it in July. Ms. Becker pointed out that Mr. Davis, Mr. Pilch and Mr. Urban all needed to have workshops before the DEIS was submitted. Mr. Grant noted that once the DEIS arrives and there is sufficient time for the public and the Board to review it, Mr. O'Neill and the engineers could take the Board through it at a public meeting to get everyone up to speed. Ms. Becker would speak with Mr. O'Neill during the month and figure out how to proceed.

Mr. Brusie was excused from the meeting at this time.

MINUTES

It was noted that the following paragraph of the May 7, 2009 minutes should be amended to read.

Mr. Grant made note of the fact that all utilities need to be underground. A discussion ensued *as to whether this was a Town Law* and Ms. Peck acknowledged that she was aware of this requirement but was not advised of this by the electric company *in regard to the property in question. It was clarified that all NEW utilities should be underground when accessible and Ms. Peck agreed to add a note concerning this to the new map. Mr. Davis clarified that utility lines should be put underground from an existing pole on the property to the structure on the property.* There was a question as to whether this applied only to Major Subdivisions. It was concluded that this would apply where ever possible.

On a motion made by Mr. Urban and seconded by Mr. Filipovits the Board voted unanimously to accept the minutes of May 7, 2009 meeting as amended.

ADMINISTRATIVE

AG AND MARKETS LETTER: - Ms. Becker informed the Board that a letter was received from Ag and Markets that basically said they are not going to comment on the 13 Lackawanna Properties Site Plan application because of all the current litigation. They believed it would be premature to move forward with their review at this time and the Article 78 answer will go to the judge.

PLANNING BOARD SUMMER SCHOOL: – Ms. Becker informed the Board about Planning Board Summer School.

REQUEST TO THE TOWN BOARD: – Ms. Becker informed the Board that a letter was written to the Town Board asking that the minutes for the July 2, 2009 meeting be submitted a week later by July 20, 2009 because Lisa needed additional time to get the minutes done due to the July 4th holiday weekend.

BRAUNSTEIN UPDATE: – Ms. Becker advised the Board that a letter was received from Mr. Braunstein who is putting off his project for the time being. She went on to say that he is still working on this project and is not ready to appear before the Board at this time.

COLUMBIA COUNTY BOARD OF SUPERVISORS: – Ms. Becker informed the Board that the Columbia County Board of Supervisors would like to know one project the Board thinks would have a very positive economic impact on the Town of Copake. Ms. Becker felt Village Revitalization would be the most important thing. Mr. Urban felt this was something that would need a little thought.

CARRY OVER

The following matters were carried over to the next meeting:

- 2009-5 BOUNDARY LINE ADJUSTMENT– JOHN HILLIARD – Deer Track Lane**
- 2007-11 MAJOR SUBDIVISION – FLS – Farm Road – Karen B. Cohen**
- 2008-07 SITE PLAN REVIEW - CATAMOUNT DEVELOPMENT CORP. –
State Route 23**
- 2008-23 MINOR SUBDIVISION/BLA – Lawrence Linder and Sandra Batpie –
Lakeview Road (Taconic Shores)**
- 2008-24 MINOR SUBDIVISION – Al Fair – Breezy Hill Road**
- 2008-21 MAJOR SUBDIVISION – Michael B. & Barbara S Braunstein – Off Golf**

Course Road

2008 – 25 SITE PALN REVIEW – Steve and Joan McMasters – Breezy Hill Road

2006-23 SITE PLAN REVIEW – ROE JAN COMMUNITY LIBRARY – Route 22

ADJOURNMENT

There being no further business, on a motion made by Mr. Filipovits and seconded by Mr. Grant the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:00 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 5 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

May 11, 2009	Hooker to Becker/Crowley (2)
April 21, 2009	Flood to Becker (1)
	Planning and Zoning Summer Schools (2)