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Please note that all referenced attachments, comprising 46 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.

**COPAKE PLANNING BOARD
MINUTES of September 4, 2008**

A regular meeting of the Copake Planning Board was called to order at 7:05 p.m. by Marcia Becker, Chair. Also present were Gray Davis, George Filipovits, John Brusie and Jon Urban. Chris Grant and Skip Pilch were excused. Planning Board Attorney Lawrence Howard and Town Engineer Doug Clark also attended. Lisa DeConti served as secretary of the meeting in order to record the minutes.

ZONING BOARD OF APPEALS – Referrals

None.

PUBLIC HEARING

2008-13 SITE PLAN REVIEW – – Douglas & Harriet Ziegler – SW Colony Road

On a motion made by Gray Davis and seconded by John Brusie, the Board voted unanimously to waive the reading of the Public Notice. The Public Hearing, which remained opened from last month, commenced. Marcia Becker asked if anyone wished to speak to this matter.

There being none, on a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to close the Public Hearing.

**2007-02 SITE PLAN REVIEW – Copake Valley Farm - 13 Lackawanna Properties
LLC– Salvatore Cascino – Route 22**

On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to go into executive session to discuss the application with Attorney Howard pending litigation. After the conclusion of the Executive Session the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Urban to come out of executive session.

Ms. Becker addressed the fact that the Public Hearing remained open from the previous meeting and asked whether anyone wanted to speak regarding Copake Valley Farm.

EDGAR MASTERS, Copake Falls... requested the Board to keep the public hearing open in the event that the applicant has submitted plans that the public has not had any chance to review.

Mr. Masters cited a case in which the applicant to the New York City Department of Buildings was denied a building permit because he could not demonstrate that his proposed building would be used for the purpose for which he asserted it would be used. He also noted that the Court of Appeals upheld the denial of the permit.

Mr. Masters questioned whether Mr. Cascino demonstrated that he will use the facilities he proposes for the agricultural purpose for which he asserts they will be used. Mr. Masters believes that the ever changing documents and testimony that Mr. Cascino has submitted show he has not demonstrated that the buildings he proposes will be used for the purpose he asserts — a bona fide grower of beef cattle.

Mr. Masters posed many unanswered questions and issues which he feels make it hard to believe that the applicant really intends to be a long-term cattle farmer. He pointed out that Mr. Cascino appears to be going about plans that raise more questions than they answer. (A list of Mr. Master's examples can be viewed in the Minutes packet at the Town Hall.)

In conclusion, Mr. Masters once again asked the Board to consider whether Mr. Cascino has demonstrated that the buildings he proposes will be used for the purpose he asserts and noted that the Board will be supported by case law in turning the applicant away.

HARVEY WEBER, Copake... noted that liquid manure is toxic and questioned how and where the manure will be kept on Mr. Cascino's farm and how far away from the different streams and aquifer it will be kept. Mr. Weber was also concerned that this could affect the Noster-Kill, the Roe Jan or the many lakes and streams which could pose problems further downstream in Dutchess County.

Mr. Weber noted that a groundwater study has begun and felt that what the Town needed to do was to work with Ancram and Hillsdale on an aquifer study. He expressed concern that this could affect the Town's wells and concluded that he believed Mr. Cascino's operation needed to be observed very carefully.

STUART CARDUNER ... commented on statements made by Ms. Kirschner regarding the reasons why the proposed buildings needed to be the sizes proposed. He noted Ms. Kirschner's comment that it is not possible to do farming in the way that farming was done in the past and that in order to be successful a farm needed to be much larger in scale.

Mr. Carduner believes that Mr. Cascino is attempting to make an industrial farm in a place that is not zoned for industrial farming. He advised that it is the Board's place to say this is not the place for a farm of that nature and if Mr. Cascino wants a commercial

farm he has every right to have one but not in a place that is not zoned for a farm of that caliber.

MORRIS ORDOVER, Copake... commented on the fact that the issue of Composting had been included in the previous plans, removed from the plans and then reintroduced into the plans once again. He urged the Board to consider the fact that inasmuch as new plans have been submitted, a new 45 day period should be re-issued so as to review the new points made as well as any impacts that could occur.

Ms. Becker advised that the Public Hearing will remain open.

2008-18 MINOR SUBDIVISION – Luigi and Peter Lanni – Weed Mine Road

On a motion made by Mr. Davis and seconded by Mr. Brusie the Board voted unanimously to open the public hearing for the minor subdivision of Luigi and Peter Lanni on Weed Mine Road.

On a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to waive the reading of the Public Hearing notice for Luigi and Peter Lanni.

Ms. Becker asked if anyone present wished to speak on this application. Being none, the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Filipovits to close the Public Hearing.

2008-17 MINOR SUBDIVISION/BLA – Morris Ordover – 37 Cove Road

On a motion made by Mr. Davis and seconded by Mr. Brusie the Board voted unanimously to waive the reading of the Public Hearing

On a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to open the Public Hearing for Morris Ordover.

On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to classify the application of Morris Ordover as a Boundary Line Adjustment Minor Subdivision.

Ms. Becker asked if anyone wished to speak on the Boundary Line Adjustment of Morris Ordover. Being none, the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Brusie to close the Public Hearing.

**2008-15 SITE PLAN REVIEW – Franco Mezzetta – Columbia County Route 7
At Birch Hill Road**

Ms. Becker questioned whether a Public Hearing was necessary for the remainder of the Site Plan Review. Attorney Howard advised that a Public Hearing is not necessary and inasmuch as one is being done for the Subdivision, this was not necessary.

**2008-16 MINOR SUBDIVISION – Franco Mezzetta – Columbia County Route 7 at
Birch Hill Road – New**

On a motion made by Mr. Filipovits and seconded by Mr. Brusie the Board voted unanimously to waive the reading of the Public Hearing.

On a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to open the Public Hearing.

Ms. Becker asked if anyone wished to speak on the Subdivision of Franco Mezzetta. Being none, the Board voted unanimously on a motion made by Mr. Filipovits and seconded by Mr. Brusie to close the Public Hearing.

2008-19 SITE PLAN REVIEW – Stephen Kahn – Pumpkin Hollow North – New

On a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to waive the reading of the Public Hearing.

On a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to open the Public Hearing.

Ms. Becker asked if anyone wished to speak on the Site Plan Review of Stephen Kahn on Pumpkin Hollow North. Being none, the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Filipovits to close the Public Hearing.

SUBDIVISION/SITE PLAN

2008-14 SITE PLAN REVIEW –Douglas & Harriet Ziegler – SW Colony Road

Architect Jaclyn Tyler appeared with Douglas Ziegler and presented letters from Jessica Sachs, Elise Hommes and Susan and Michael Melnick written in support of the revised plan which included the proposed garage. A letter from the DEC was presented acknowledging that the two-car garage as well as the addition will not impact the lake or shoreline and therefore did not require any permits or authorizations as only work conducted along the shoreline or in the water is regulated and would require approvals.

Ms. Tyler informed the Board that the Zoning Board of Appeals would not act on the proposed garage without approval from the Planning Board as there was a question as to whether the Breezeway constituted an attached garage. Attorney Howard clarified that the Planning Board considers the Breezeway-attached garage one building.

Ms. Tyler requested documentation from the Planning Board regarding this. Ms. Becker acknowledged that although the garage issue has been resolved, the set-back from the lake as well as the lot coverage still needed to be addressed. Attorney Howard advised the Board that the Site-Plan could be approved on condition that the variance is received from the Zoning Board.

After review of the SEQR form the Board voted unanimously on a motion made by Mr. Davis and seconded by Mr. Filipovits to make a Negative Declaration for the Short Form Environmental Assessment.

On a motion made by Mr. Filipovits and seconded by Mr. Brusie the Board then voted unanimously to grant conditional approval for the addition to the Ziegler Lake House on South West Colony Road in Copake Lake, drafted by J.T. Drafting and Design and dated August 13, 2008 subject to a variance granted by the ZBA for set-back from the lake with lot coverage of 25% or less.

Ms. Becker informed Ms. Tyler that when a variance was obtained from the Zoning Board of Appeals she would stamp and sign the maps. She also informed Ms. Tyler the Board will need three maps.

**2008-19 SITE PLAN REVIEW – Copake Valley Farm - 13 Lackawanna Properties
 LLC– Salvatore Cascino – Route 22**

Jon Urban introduced new documents that needed to be added to the record. The current complete file of litigations, pleadings, motions, photographs, decisions as well as other documents from the Town's Attorney Carl Whitbeck pertaining to anything that Sal Cascino has been involved with were added to the record as well as the current and updated list of stop-work orders and zoning violations from the Zoning Enforcement Officers of the Town of Copake. Additional photographs and current building permits were also introduced as well as an article from the Independent that appeared on August 8, 2008.

Ms. Becker noted that a lot of materials were received in the past two weeks and that there was still a tremendous amount of inconsistencies in the material submitted. She acknowledged that this is a very difficult application and noted that the Board is doing their best to accommodate Ms. Kirchner with the proposed plans.

Mr. Davis commented that a coordinated set of drawings have been repeatedly requested and noted that the numerous packages submitted over the last few months have had consistent discrepancies. He noted that in order for the Board to intelligently make decisions on how these structures are to be used, the plans need to be submitted in an organized accurate fashion. He advised that until the plans are submitted in a proper fashion it is difficult for the Board to make an accurate decision on what is being proposed.

Ms. Kirchner acknowledged that that she was aware that drawing on Mr. Plass' surveys is not acceptable. She noted that every time the survey maps are re-printed Mr. Cascino incurs another \$100+ expense. She felt that the Board should look at the maps submitted and decide whether the designations or locations are acceptable or not and she would proceed from there.

She also addressed Mr. Clark's latest request as well as Attorney Howard's letter including the Board's questions and noted that when she first submitted the application she forwarded the Ag and Markets guidelines. She acknowledged that when she received the last request she felt they were a little overboard for Ag and Markets. She advised that when she reviewed Ag and Markets guidelines it was noted that no surveys were necessary and rough drawings were acceptable. Ms. Kirschner informed the Board that she submitted everything to Dr. Sommers who is the head of the Agricultural Protection Unit at Ag and Markets. She noted that she included copies of the letters as well as Attorney Howard's letter regarding the proposed escrow agreement. Ms. Kirschner advised that Dr. Sommer's response was that a survey was not needed and the escrow amount could be a nominal fee. Ms. Kirschner believes that the Board is asking way beyond what Ag and Markets normally requests and noted that Mr. Sommers has directed her to submit a 305A review request and if the Town turns down the application they will be involved in an article 78 proceeding based on the standards of Ag and Markets.

Attorney Howard addressed Ms. Kirschner's comments and referred to the Ag and Markets guidelines that stated that *'The department understands, however, that in some cases a Public Hearing and/or a more detailed review of the project which may include submissions of the survey, architectural or engineer drawings or plans may be necessary.'* Ms Kirschner interjected that plans were submitted and Attorney Howard advised that the Board asked for what was needed and Ms. Kirschner had the option of submitting them or not. Ms. Becker advised Ms. Kirschner that the Board asked for what they needed to make a determination.

Ms. Kirschner advised the Board that she and Mr. Cascino have agreed to submit a survey with everything on it if the Board would agree that what has been submitted is acceptable in the designation so that Mr. Cascino is not doing this five more times. Mr. Brusie informed Ms. Kirschner that this is not the Boards responsibility to do and noted that he has advised Ms. Kirshner in the past that it is her responsibility to follow the code and present something according to the Boards standards.

Ms. Kirschner acknowledged that the information has been presented a number of times. Mr. Davis made note of the fact that every time plans have been submitted they have been different. He referred to a new building that appears on the most recent submission which was not asked for by the Board. Ms. Kirschner brought up the fact that Mr. Clark hinted that the main barn buildings were not acceptable. Ms. Kirschner commented that Mr. Cascino sought advice from a farmer and asked him to draw up a set of plans that would work for a farm operation. She also commented that Mr. Cascino contacted the Head of the Beef Cattle Division at Cornell University who put him in contact with John Thurgood of the NYC Water Department Ag Division. Ms. Kirschner remarked that the new approaches to farming, being promoted because of the situation that happened at Odyssey Farm, are going to 'deep-bed composting barns' because the manure is contained within the barn which is on a saw-dust bed and is constantly being stirred so that it comes out with no smell as well as no liquid drainage and is self contained and comes out composted at the end of the holding cycle.

Mr. Brusie noted that this information was not on the previous plans. Ms. Kirschner had no problem with the Board taking additional time to review this matter. Ms. Kirschner brought up the fact that in order for Mr. Cascino's to accomplish his plans of being on the cutting edge of no pollution, no smell, best health for the animals and best health for everyone, he needs to erect a bigger barn versus a smaller barn. Mr. Brusie advised Ms. Kirschner that the Board was not in disagreement with this but accurate plans are needed to make a decision.

Mr. Urban questioned whether the consultant from Cornell was in agreement with the 25,000 square foot cattle barn for 200 head of cattle. Ms. Kirschner advised that the consultant is in agreement with this and suggests 80 square feet per head.

Mr.; Clark informed Ms. Kirschner that he spent some time researching the Cornell web site and noted that in contrast to this operation the farmer works very closely with Cooperative Extension and in the process there is a thorough review and performance checking from beginning to end. He did not believe that this was the approach Ms. Kirschner was proposing. Based on the information submitted Mr. Clark does not believe that this will not be an odor nuisance in the community and a potential problem in terms of stream discharges as there is no other plan in the event that the composting equipment is not operable.

Mr. Clark advised that he would need a lot more information to be convinced that this operation is eligible for an Ag Waste exemption from the composting regulation and is not a commercial development independent of the Ag and Markets exemption which would require a SEQR analysis. He felt the storm water plan document was acceptable but the rest of the material submitted remains sketchy in his opinion.

The list of requests previously sent by the Board as well as Copake Fire Chief Randi Shadic was reviewed with Ms. Kirschner. Attorney Howard noted that this was just a clarification of what had and had not been submitted.

Item No. 1 was in reference to the berms surrounding the fuel storage tanks. Ms. Becker pointed out that the fuel tanks had been moved on the plans. Ms. Kirschner clarified that the tanks are a self-containment unit at this point, inspected by the DEC with permits issued. She acknowledged that they are properly installed and properly maintained with spill systems in place. She also noted that they are on a cement pad at the moment which will not allow the diesel fuel to go any place in a hurry. She pointed out that when they are proposing to move them into the commodity bins there will be a drop-down at least 6 inches from front to back and there will be a roof over so there won't be any additional water. She also made note of the fact that there will be a cement wall around them with additional containment even though they are already self-contained.

Item No. 2 was in reference to a dry hydrant as well as road access to it for fire suppression. Ms. Kirschner acknowledged that she spoke to Mr. Cascino regarding this. She clarified that three dry hydrants were proposed and the plans were submitted to Mr. Shadic. Mr. Clark advised that the hydrants would need to be specified clearly on the plans. Ms. Kirschner acknowledged that she was aware that the hydrants would need to be located on the plans with pipes going into the pond and will also need to be coordinated with Mr. Shadic as to the appropriate sizing of the dry hydrants to hook up to his equipment. She noted that the intention is to utilize the two ponds on the premises and have pipes going down to them so that they could be used as the water supply.

Mr. Clark cited an example whereas the local fire department rejected a suction line longer than 80 feet because they felt it was inadequate. Ms. Kirschner advised that she spoke with Mr. Shadic who is aware of the layout of the land and addressed using the ponds. She noted that Mr. Shadic said this appeared to be sufficient. Ms. Kirschner noted that the discussion with Mr. Shadic regarded shortening the distance from the ponds to the barn where he could hook up to the hydrant. Mr. Clark made note of the fact that the proposed plan doesn't begin to address how

water protection will be provided to the facility and, in turn, hampers the Board's decision making process.

Item No. 3 was in reference to an area 65' wide surrounding the silos, measured from the base, for fire apparatus. It was noted that the maximum height for fire apparatus access is 60'. Ms. Kirschner addressed the fact that the way this is laid out, there is nothing there that would interfere with this and asked if the Board required a line around this to clarify this matter. Ms. Becker pointed out that this is the request of Mr. Shadic and felt a line would be appropriate.

Item No. 4 was in reference to the coordination of all the names of the proposed buildings on the drawings to the names of those buildings on the plat. It was noted that the existing buildings should be included and all buildings should coordinate with the exact names on the application. Ms. Kirchner responded that she was under the impression that she had corrected this matter. Mr. Davis pointed out on one of the drawings that there is a structure called the proposed building elevation for the cow shed and has an address of Copake Valley Farm LLC, Dover, New York. Ms. Kirschner asked if there is any doubt that this was on this plan to be built. Ms. Becker advised her that the plans need to be correct for the Board to proceed. It was noted that this might have been corrected and clarified that all requests needed to be reviewed.

Item No. 5 was in reference to the actual old RR Road to the plat and its width. Ms. Kirschner questioned whether this needed to be surveyed on the map. Ms. Becker addressed the fact that inasmuch as this is a fully-used 50' wide road regularly used by heavy equipment; it needed to be accounted for on the map. Ms. Kirschner advised the Board that she discussed this with Mr. Sommers of Ag and Markets and it was his belief that this is not required. She informed the Board that she will speak with Mr. Cascino regarding the additional monies to have this matter resolved. Ms. Kirschner argued that this road has been regularly used as a farm road and is on the map and plotted fairly accurately inasmuch as the location had been taken off another survey map that Mr. Plass did not do. Ms. Becker clarified that this road is required on the map.

Item No. 6 was in reference to the septic system locations and potable water sources for all proposed and existing buildings. Ms. Kirschner advised that all wells are accounted for and the Town already has an application for the septic system.

Item No. 7 was in reference to a note which says: "There is no residence on this property." Mr. Davis pointed out that there is a septic system to the sides of the operation and questioned whether it was sized enough for the number of people that would be using the facility. Ms. Kirschner addressed the fact that this was only a bathroom at the garage for the use of the help and questioned whether this needed to be resized for the number of employees. Ms. Becker pointed out that there are no notes on the map and it was noted that this would be easily rectified.

Item No. 8 was in reference to a note which says: "The new bridge and road at the southern end of the property are not included in this site plan review. Mr. Kirschner acknowledged this.

Item No. 9 was in reference to the widths of all existing and proposed roads. Ms. Kirschner advised that these are labeled on the small map.

Item No. 10 was in reference to the location and design of all existing and proposed outdoor lighting facilities. Ms. Kirshner addressed the fact that this had been done on the blow-up map.

Mr. Brusie pointed out that there are some other pole-mounted lights. Ms. Kirschner was not aware of the locations for these and would have to have this clarified.

Item No. 11 was in reference to the existing and proposed “landscape screening-buffer” plan. Ms. Kirschner advised that Mr. Cascino would be putting in a buffer so that the silos would not be visible from the road. Mr. Davis questioned how this could be accomplished inasmuch as the silos would be 70 feet tall. Ms. Kirschner advised that she was aware of green giant hybrids that grow that tall and also grow quickly, around 3 to 5 feet per year, until they reach maximum height. Ms. Kirschner pointed out that landscaping and buffers are not required for agricultural buildings and they will do their best at accomplishing this request.

Clarification was requested on as second set of items.

Item No. 1 was in reference to the exact commercial/agricultural intent of the operation in order to address fire safety hazards presented by the project. Ms. Kirschner believed this has been accomplished to which Ms. Becker agreed. It was noted that this still needed to be address by Fire Chief Shadic.

Item No. 2 was in reference to the type of fuel that will be stored in the tanks so as to identify fire hazards. It was noted that this has been taken care of.

Item No. 3 was in reference to what will be stored in the silos in order to identify fire hazards. Ms. Kirschner advised the Board that the silos would contain corn and/or soy beans. Mr. Brusie pointed out that corn and/or soy beans were originally discussed but later documentation referred to only corn with additional silos to be added later for soy. Ms. Kirschner clarified that at the present time Mr. Cascino only had corn planted but noted that it had always been either/or.

Item No. 4 was in reference to whether there will be a full-time manager and how much help will be needed. Housing for farm employees and the proposed location for this was also referenced. Ms. Kirschner noted that before Mr. Duksa’s untimely death he was going to be involved with a lot of the management as he had done up to this point. She noted that it is not known at this time who the manager will be and acknowledged that Mrs. Duksa has shown some interest. It was not clear whether this would occur or not. She addressed the fact that there are a number of employees on the farm that live within the community and have their own houses.

Item No. 5 was in reference to where manure will be stored for 299 cows during crop growing season when it can’t be spread. Ms. Kirschner explained that there are two locations for the storage of manure. She noted that one is within the barn and is set up with at least a foot of bedding to be stirred twice daily. It will function so that it is aerated and composted and could be taken out twice a year. She also noted that bedding will be added once a week and it will be kept dry and stirred with air curtains and fans. She commented that the controlling of the manure coming out can be controlled as to when it can be put on the field and noted that whatever is taken out in the feed alleys would be put in the commodity bins pending removal on the field. She anticipates this amount to be rather small compared to what would come out of the deep bed composting operation.

Item No. 6 was in reference to when fully operational, how many truck loads of grain it will take to fill the silos and what percentage would be coming from off the property. Ms. Kirschner advised that the amount of trucks and the volume of grain did have a number of how many

bushels it would take. She estimated that what farm could produce could fill up approximately 25% of the volume of the silos and the rest would come from off site. Ms. Kirschner was not aware of the size of the vehicles that would be used and how many trucks would be needed. She advised that the truck volume as well as the amount of trucks was addressed in the farm operation plan.

Item No. 7 was in reference to the fact that inasmuch as there is a concern that these buildings will be used for something other than agriculture, interior drawings of all proposed buildings were requested in order to clarify their exact use as agricultural buildings. Water sources, feed storage spaces, manure management and equipment fuel spill containment plans were to be included. Ms. Kirschner addressed the fact that the fuel spill containment plans have been provided and noted that the interior of the building is shown which sets up a feed isle as well as barriers for cows to eat through with a surface to eat from. She also pointed out that there is a building already quoted as a run-in shed that has a whole corner of it devoted to feed storage.

Item No. 8 was in reference to the July 9, 2008 Planning Board site visit made by Mr. Pilch, Mr. Clark, Ms. Gabaccia and Ms. Becker whereas they walked on processed material which included pavement, concrete, dirt, black plastic trash bags, wood bark and scraps and rubber and plastic pieces at the Noster Kill remediation site. In order to determine potential environmental impacts on the Town of Copake there were questions as to whether the aforementioned materials were removed from the Kill and delivered to a different location. It was also questioned whether the remediation included delivery of materials from off-site. Ms. Kirschner clarified that these materials were removed in remediation and was primarily soil that was originally taken from the ponds when the ponds were formed. She added that there was an action brought against Mr. Cascino around 2001 inasmuch as a person employed by Mr. Cascino in the composting arrangement brought leave up in bags instead of bringing just loose materials from Westchester County and ran them through the grinder in the bags. She noted that Mr. Cascino went through a legal process with this and there was a dissent decree and acknowledged that the dissent decree included a schedule of compliance which said that the compost that contained the said plastic was to be plowed under in the area north of Lackawanna Road, the Noster Kill and the abandoned Rail Road Bed. Ms. Becker questioned whether this explanation was in some of the previously submitted documents to which Ms. Kirschner replied that she did not believe that she previously explained this. Ms. Kirschner added that the consent decree as well as the order has been submitted.

Item No. 9 was in reference to the concern about what the trucks will be delivering to the property and how often clarification was requested as to how trucks used for Mr. Cascino's other operations can be used for farming. The exact use and type of these trucks was also questioned so as to help the Board determine the proposed use of the property as well as the traffic flow and its impacts. Ms. Kirschner acknowledged that Mr. Cascino has a short dump truck as well as a long dump trucks on his property at this time. She acknowledged that Mr. Cascino also has two trucks that are registered to Copake Valley Farm listed as waste hauling trucks inasmuch as Westchester County requires a special permit for waste hauling and in order to remove leaves from Westchester County he registered these trucks on 13 Lackawanna Road. Ms. Kirschner added that she had the licenses as well as the history of these trucks should anyone wish to review them. She stipulated that Mr. Casino would not be using Bronx County Recycling trucks. Mr. Davis pointed out that it looks like there are a lot more than four trucks in the pictures of the farm. Ms. Kirschner admitted that at one time there were more trucks. Ms. Kirschner remarked that Mr. Cascino was complying with what was asked of him and has removed some of the other

trucks he previously had on his property. Ms. Kirschner added that when the Town gave Mr. Cascino the composting permit to begin with they understood he was going to use trucks on the farm. Ms. Becker clarified that a composting permit was not issued and that this was only an interpretation of the zoning. Ms. Kirschner believed that the Town didn't need to issue a permit as it is the responsibility of the DEC to issue a permit. Ms. Kirschner addressed the fact that the Town was aware of the leaves being brought up from Westchester County and pointed out that truck activity was a natural part of this. Mr. Clark addressed the fact that a clarification in this matter is necessary so as to avoid confusion later in time and inquired about a registered waste/wood facility at the site that appears to be non-agricultural. He assumed that there would be trucks used for this as well as for other bedding and bulking materials needed for amendments trucks that may be needed for composting. He believes it is important that the information provided be fully discussed and consistent going forward.

Item No. 10 was in reference to the scale of the project being much larger as well as the visual impact being much greater than any farm in the Roe Jan area. The item questions why the proposal is so large especially in the Scenic Corridor Overlay Zone when a 5,000 square foot barn can accommodate 250 cows. Ms. Kirschner addressed this by informing the Board that the future of farming is not to have the liquid manure situation that has occurred at Odyssey Farm. She points out that there is an active movement around the country pushing Deep Bed Farming as a way of solving the issue and needs to be done in large barns resulting in less exterior manure problems.

Item No. 11 asked for clarification of the design of the Hay Storage Building and questioned whether the existing structure will be removed. If the structure were to remain, clarification would be needed as to how a hay stacker or other farm equipment would be able to move around in the space. The item also questioned whether the expansion would house the grinder and fuel tanks. Ms. Kirschner explained that the expansion will house the grinder in the back and the fuel tanks will be moved up front to the commodity bins while the interior of the barn will remain the same. Ms. Kirschner pointed out that the barn is partly Pole-Barn construction and Mr. Cascino has a telescoping arm somewhat like a forklift whereas he can dump onto a pallet and lift the hay up and place it where it needs to be placed. She acknowledged that there is hay in the barn which is being transformed into conventional bales of hay with the equipment he presently has. Ms. Becker asked for clarification as to the hay storage barn being a building within a building built around an existing building. Ms. Kirschner described it as a building with a peak off the top with a roof coming out so that there are no issues with water and the building has a separate structure on either side to hold it up. Mr. Davis clarified that it is somewhat of a u-shaped building being built around an existing structure.

Ms. Becker questioned whether all of Mr. Clark's questions were answered. Mr. Clark advised that he would draft a letter addressing his concerns which center around the manure handling as well as the compost operation. Ms. Kirschner advised Mr. Clark of a web cast of Deep-Bed Farming which would show how the project works as well as the buildings needed.

Mr. Clark noted that he had other questions which he will include in his letter concerning the DEC permit requirements as well as the existing waste/wood processor. Mr. Clark believed there might be some regulatory issues should pellets be ground up into wood chips and sold. He pointed out that this might need to be permitted under Mr. Cascino's present registration permit, however, he believes this would not be an agricultural activity which would raise further questions concerning environmental impact.

He advised that should this waste wood bedding be mixed with manure, this would be commingled material that is not all generated on the farm and he believes this might be subject to permit requirements under the 360 regulation. He noted that regardless of how the DEC views this he feels this is a practical matter of putting material in a building close to the road which would really require management of the air to keep it aerobic or else odors would be generated. He questioned how much manure will be generated as well as how much bulk would be added and whether there would be other bulking material as well. He noted that this would need to be cured before being put on the field. He also questioned whether there was a back-up plan in place. Mr. Clark noted that although there is nothing really wrong with what has been presented so far he addressed the fact that it appears not to have been clearly thought out and complete and believes further questions will be generated going forward.

Ms. Becker questioned whether a new application was needed inasmuch as there was a new building added to the proposed plans. Attorney Howard advised that a new application is not needed as the applicant was willing to provide time to review the proposed changes. Ms. Kirschner acknowledged that things will have to be submitted to the County Board which will take additional time. She believed that whatever else would be submitted would not make any significant changes in the application. Attorney Howard agreed, noting that more time would be needed for review.

Regarding the survey map, Ms. Kirschner requested that the Board inform her whether the information is adequately presented or not and noted that once the information is accepted as adequate she would contact Mr. Plass to do a complete drawing. Ms. Becker advised that if everything is put on the plat as requested the Board would be very pleased to move forward.

Mr. Davis requested Ms. Kirschner to note that on the sketch of the silage containment, one drawing showed a footprint of 350 by 50 feet while another shows an 'L' shape. Ms. Kirschner was not aware of this and would review it.

Ms. Becker advised that the new building needed to be added to the site plan review application. Ms. Kirschner's opinion was that one building was replacing another and remarked that it remains a cattle building. Ms. Becker clarified that this was a new building and after a brief discussion Ms. Kirschner agreed that the application be amended. Ms. Becker questioned whether this be sent to the County and Attorney Howard clarified that if all the information is included it can be sent in it's present condition, however, if the applicant will be putting everything all on one map as requested by the Planning Board than that should be what goes to the County. It was also clarified that the Board requested the bigger map.

Attorney Howard advised Ms. Kirschner that if any of the narrative has changed the Board needs the final copy and if the survey changes, the Board would need the final copy of that as well. Ms. Kirschner advised the Board that the only thing she was waiting for are the structurals which is not required by the Board. It was also noted that before anything is sent to the County Ms. Kirschner would go to Mr. Plass to do the revisions.

A discussion ensued regarding the additional buildings and it was decided that Ms. Kirschner would coordinate this with Mr. Cascino. Ms. Becker acknowledged that in order for the County Planning Board to review this application they would need to present everything to them the next day. Ms Becker acknowledged that this would hold things off for another month inasmuch as the

County Planning Board needs to receive everything ten days prior to their meeting. Ms. Kirschner agreed that the bottom line is to get everything done and get it done correctly.

Ms. Becker advised that the escrow account in the amount of \$5,000 still needed to be established for legal, engineering and the agricultural consultant before moving forward. She also noted that whatever was not used would be returned. She noted that the Town has already spent a considerable amount of money on this project and the applicant is now in the extraordinary cost category. Ms. Kirschner advised the Board that Mr. Sommers of Ag and Markets remarked that \$5,000 was outrageous for an agricultural escrow consulting fee. He also believed that \$1,500 was high for a nominal fee and felt the amount should be no higher.

Mr. Brusie informed Ms. Kirschner that the \$1,500 was for the agricultural consultant but other expenses need to be considered. Ms. Kirschner made note of the fact that she remembered hearing at the previous meeting that the \$5,000 amount was to be used for the agricultural consultant. Ms. Becker agreed that this was mistakenly stated at the previous meeting and she wanted to correct the record. Attorney Howard advised Ms. Kirschner that a letter was sent with the contract so as to clarify what the \$5,000 was to be used for. Attorney Howard also noted that the \$5,000 amount is the amount used as a start for everyone and usually only covers legal and engineering fees. He also noted that in this case, the agricultural consultant was also considered.

Mr. Clark remarked that this is a 10,000 yard per day permitted facility registered with the DEC and perhaps not explicitly permitted by the Town as not an agricultural operation. He noted that this site plan is a mix with a portion of agricultural and a portion which is questionable in terms of the composting as well as a portion that is clearly not agricultural referring to the registered wood processor. Ms. Kirschner questioned this inasmuch as Mr. Cascino's intent was to use the grinded matter for bedding and incorporate it into his soil. Mr. Brusie advised her that the permit clearly states that this is not the intended use. Ms. Kirschner acknowledged that all of Mr. Cascino's activities were limited and the permits limit him only to the use of the product on his farm and should he go beyond that he needs to get another permit.

Mr. Urban remarked that from the scope of this project the amount of the escrow did not seem unreasonable. Ms. Kirschner referred to Ag and Markets which states that you can not be unduly restricted and part of the unduly restricted approach is that you can not make it extremely costly inasmuch as agriculture has always been a fairly marginal activity. Attorney Howard advised that the amount of \$5,000 cannot come close to the expense incurred already.

Mr. Davis asked Ms. Kirschner what the estimated cost of the project was and Ms. Kirschner informed him that she had not discussed the cost of the project with Mr. Cascino. Ms. Becker cited Site Plan Review Regulation 23223A5 for extraordinary costs which is required before the Board can move forward inasmuch as a considerable amount of taxpayer money has already been spent. Ms. Kirschner advised the Board that she will discuss this with Mr. Cascino as well as Mr. Sommers to see where they will proceed from here. She will get back to the Board at that point.

Ms. Becker once again stated that the Public Hearing will remain open.

2008-18 MINOR SUBDIVISION/BLA – Luigi and Peter Lanni – Weed Mine Road

Attorney Alexander Bloomfield appeared representing Luigi and Peter Lanni. Ms. Becker distributed the new maps for this application and advised that the Board needs to review the existing deeds and noted that Mr. Davis suggested defining the parcels more clearly on the new maps.

On a motion made by Mr. Filipovits and seconded by Mr. Davis the Board voted unanimously to classify the application for Luigi and Peter Lanni as a minor subdivision.

Mr. Bloomfield advised the Board that the contours were added to the map as well as the record owners. Ms. Becker brought up the fact that she noticed some deed restrictions. She reviewed the deeds while Mr. Brusie read the Minor Subdivision Plat Regulations in the green book. The Deed Restrictions regarding the Right-of-Way were discussed. Ms. Becker advised Mr. Bloomfield that if there is not a 50 foot width in the Right-of-Way, the property will not be able to be further subdivided as there would no longer be a legal Right-of-Way. Ms. Becker wanted to advise them of this issue to avert any problems in the future. Mr. Bloomfield acknowledged that this was on the second deed and noted that it would not be a bad idea to indicate this on the map.

Ms. Becker noted that there is a development restriction on the deed referring to a “run-way” as well as a clause with a right not to develop it other than with two residences within the next 25 years. It was agreed that inasmuch as these restrictions were noted on the deed, they did not have to appear on the map.

After review of the Plat Regulations, Ms. Becker asked if anyone had any concerns or questions. Mr. Brusie brought up the fact that the bordering names of James Fuller and Nancy Fuller Brusie were incorrect on the map. Attorney Howard advised that approval could be given ‘on condition’ that the changes be made. Mr. Bloomfield addressed the fact that he felt the 50 foot Right-of-Way should be applied to the map. Attorney Howard advised that the wording of the bordering properties should read “Now or Formerly.” Mr. Brusie suggested that names be changed to Nancy Ginsburg inasmuch as she has remarried and is the sole owner of the properties.

On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to conditionally approve the minor subdivision of Luigi and Peter Lanni dated August 23, 2008.

After a review of the SEQR, on a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to make a Negative Declaration.

On a motion made by Mr. Davis and seconded by Mr. Brusie the Board voted unanimously to approve the minor subdivision of Luigi and Peter Lanni dated August 23, 2008 subject to the conditions that Mr. Bloomstein will change the names on the map and will provide the Board with new maps with the names of the new owners and a 50 foot Right-of-Way indicated on the map.

2008-18 MINOR SUBDIVISION/BLA – Morris Ordover – 37 Cove Road

Mr. Ordover presented the Board with a consent statement from Barry Ross permitting Mr. Ordover to act in Mr. Ross’ behalf. Mr. Ordover addressed the fact that he needed to erect an

attached garage to his house due to the health of his wife. Mr. Ordover noted that in order to accomplish this he needs to obtain a piece of land from Mr. Ross so that his garage would not encroach on Mr. Ross' property.

Mr. Ordover stated that there will be less than the required set-back and has noted that a Public Hearing is scheduled with the Zoning Board of Appeals at the end of the month regarding the garage. He made note of the fact that Mr. Ross' property will not be affected by this subdivision as there will be close to 90 acres remaining after the subdivision. However, Mr. Ordover's property will remain undersized and has been grandfathered inasmuch as it was created before zoning.

Ms. Becker addressed the fact that Mr. Grant requested to see a map of Mr. Ross' property. Mr. Ordover advised the Board that he spoke with Jeff Plass about this matter and Mr. Plass felt this was not necessary as Mr. Ordover's property was so small compared to Mr. Ross' piece of land. Mr. Ordover presented the Board with a copy of the original survey of Mr. Ross's property from 1993.

Ms. Becker noted that Mr. Ordover did not have the garage variance. Attorney Howard advised that the Boundary Line Adjustment is not contingent on the garage variance and noted that this is a separate process.

After the SEQR review, on a motion made by Ms. Becker and seconded by Mr. Davis, the Board voted unanimously to make a Negative Declaration.

On a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to approve the Boundary Line Adjustment of Shelia Moss from the property of Barry Ross dated July 22, 2008.

**2008-17 SITE PLAN REVIEW – Franco Mezzetta – Columbia County Route 7
 At Birch Hill Road**

Ms. Becker made note of the fact that there was confusion at the last meeting as Mr. Mezzetta had no one to represent him at the Site Plan Review. He did not appear as he was having his house delivered. Ms. Becker noted that she wrote a letter to the Building Inspectors asking whether they would issue a foundation permit as it is a big piece of land and Mr. Mezzetta already had the Department of Health letter as well as driveway approval. She noted that he received the foundation permit. See additional information below.

**2008-18 MINOR SUBDIVISION – Franco Mezzetta – Columbia County Route 7 at
 Birch Hill Road**

Ms. Becker addressed the fact that there had been a change from a two lot subdivision to a three lot subdivision.

On a motion made by Mr. Filipovits and seconded by Mr. Brusie, the Board voted unanimously to classify this application as a Minor Subdivision of three lots.

Regarding the Site Plan Review, Ms. Becker acknowledged that the driveway permit had already been obtained as well as the septic approval. She also noted that now wells were shown on the maps. Ms. Becker advised that these needed to be accounted for before the maps could be signed.

After review of the SEQR the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Davis to make a Negative Declaration for both the Minor Subdivision and the Site Plan Review.

After reading of the Check List for the Site Plan Review and the Minor Subdivision, on a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to approve the Minor Subdivision for Franco and Anna Mezzetta dated July 15, 2008 prepared by Daniel Russel, surveyor.

On a motion made by Mr. Brusie and seconded by Mr. Davis, the Board voted unanimously to approve the Site Plan Review of the Franco Mezzetta residence dated February 27, 2008 subject to the location of the wells on the Site Plan Map.

2008-19 SITE PLAN REVIEW – Stephen Kahn – Pumpkin Hollow North – New

Architect Aryeh Siegel and Roger Goodhill appeared representing Stephen Kahn. Ms. Becker informed them that a letter was sent to the Fire Chief of the Craryville Fire Department advising him of the driveway and location and asking whether he had any comments. Ms. Becker presented a letter from Larry Proper approving the site location of the driveway from a previous Carmen Barbato subdivision.

Mr. Siegel advised that Mr. Clark spoke to Mr. Kahn's engineer regarding minor changes to the driveway and noted that the changes suggested will be implemented. The steepness of the driveway was deemed acceptable as it was up to the set-back line. Ms. Becker inquired about the Department of Health regarding the septic system and its placement and was informed that the DOH visited the site with the site civil engineer and suggested locations. Mr. Siegel noted he expected a letter from the DOH shortly. Ms. Becker informed him that the DOH letter and the changes to the driveway are needed before work can begin. Mr. Davis questioned whether conditional approval could be granted and Ms. Becker informed him that this could be done but the maps could not be stamped until everything was in order.

After review of the SEQR the Board voted unanimously on a motion made by Ms. Becker and seconded by Mr. Davis to make a negative declaration.

On a motion made by Mr. Davis and seconded by Mr. Filipovits the Board voted unanimously to grant conditional approval for the site plan review for the Stephen Kahn residence, Project Design/Goodhill Associates dated July 20, 2008 subject to receipt of the Department of Health Letter and the new drawing of the driveway.

2008-20 SITE PLAN REVIEW – Frank & Sandi Clegg – Birch Hill Road

Frank and Sandi Clegg appeared before the Board requesting a Site Plan Review of a non-conforming structure that was previously a trailer with an existing well and existing driveway.

Ms. Clegg advised the Board that they appeared before the Zoning Board of Appeals as this is an undersized lot that had been grandfathered. Ms. Becker acknowledged the letter from the Department of Health as well as a letter from Mr. Proper regarding the existing driveway. Ms. Clegg advised that the changes suggested by Mr. Proper will be incorporated into the plans. After the SEQR review, on a motion made by Ms. Becker and seconded by Mr. Filipovits, the Board voted unanimously to make a Negative Declaration.

It was decided that inasmuch as a Public Hearing was held by the Zoning Board of Appeals another Public Hearing by the Planning Board would not be necessary.

On a motion made by Mr. Davis and seconded by Mr. Filipovits, the Board voted unanimously to approve the Site Plan Review for Frank and Sandy Clegg on Birch Hill Road dated May 21, 2007.

2006-23 MAJOR SUBDIVISION – Roe Jan Community Library – Route 22

Nicholas Demos and Kenneth C. Best made a presentation on behalf of the Roe Jan Community Library. Mr. Demos addressed the previous concerns of the Board and advised the Board that they were in the process of designing a Green Building. Mr. Best pointed out the storm water ponds noting a possible location change for the pond in back of the Library. He noted that the septic system tests were done several years ago by the previous owner.

Mr. Best described several aspects of the proposed green building and noted that no reflective materials as far as the building itself would be used but he pointed out that solar panels in the roof do have a reflective surface on them. He was concerned that this would be an issued in regard to the scenic overlay corridor zone. Ms. Becker questioned whether this would be the responsibility of the Zoning Board of Appeals or the Planning Board.

Mr. Best described the structure as a basic one story building with a basement that has been added and noted the off-street loading area. In regard to the roof, Attorney Howard advised that reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface. Mr. Best described the roof as a self-facing roof that will pretty much be covered with the solar panels. Attorney Howard believed that this was acceptable inasmuch as the predominant color would be gray.

Mr. Demos advised the Board that inasmuch as they have a \$125,000 grant that expires at the end of the year as well as \$90,000 due from Senator Saland, construction would need to be started this year and construction can not be started without a SEQR form. He noted that this might be possible with a SEQR pending but proof was needed that the form had been filed.

Ms. Becker advised that this is a little early to issue a SEQR and questioned whether the storm water plan had been done yet. She was advised that the calculations have been done but the storm water management report was not available as yet. Ms. Becker questioned what the traffic flow would be and was advised that a flow of 200 a day was anticipated.

On a motion made by Mr. Filipovits and seconded by Mr. Davis the Board voted unanimously to accept the Roe Jan Site Plan as a preliminary sketch and to schedule a Public Hearing for October 2, 2008.

2008-21 MAJOR SUBDIVISION – Michael B. & Susan S. Braunstein – Off Golf Course Road

Attorney William Spampinato appeared representing Michael B & Barbara S. Braunstein for an application for a Major Subdivision Off Golf Course Road. He presented a sketch plan done on an existing meets and bounds survey of the out-bounds of the property. He pointed out that the green area which is illustrated as an existing conservation easement to Columbia Land Conservancy which was done in 2002. He noted that the total of the easement is approximately 62.3 acres. He pointed out that due to the Boards request, Mr. and Mrs. Braunstein constructed a private driveway from Country Club Road, the access road, over which they have a long persisting permanent legal easement that runs with the land and serves all of the parcels of all of the land. Ms. Becker was advised that there were no restrictions on the easements granted in 1980 by Copake Lake Development Corp.

Ms. Becker advised that any major subdivision is a conservation flexible lot subdivision. Mr. Spampinato clarified that only a small portion of the Braunstein property is in the “R” zone and was not part of the subdivision.

On a motion made by Mr. Davis and seconded by Mr. Filpovits the Board voted unanimously to accept the Braunstein map as a preliminary sketch plan and classify it as a major five-lot subdivision.

Ms. Becker questioned whether Mr. Spampinato was planning a conservation analysis. He advised her that this depended on the plans that are accepted by the Board.

MINUTES

On page 1 of the previous minutes the following paragraph should read that *the Zoning Board of Appeals granted approval for an area variance with the condition of DEC approval for the expansion of the house because it is within 100 feet of Copake Lake.*

*Ms. Tyler informed the Board that they appeared in front of the Zoning Board of Appeals two weeks ago and at that time there was concern over the placement of the garage. It was agreed at that time that the garage would be removed from the application which resulted in the ZBA granting approval **for an area variance with the condition of DEC approval for the expansion of the house because it is within 100 feet of Copake Lake.***

On Page 2 of the previous minutes the following paragraphs should read that *the Board acknowledged the variance for the expansion of the house but noted that the Zoning Board of Appeals would have to review the changes to the garage location before they could proceed.*

The next paragraph should read that *the new application form contained all that was asked for by the Board at the previous meeting.*

*Ms. Becker acknowledged that the application and fee had been received at the previous meeting. A review of the check list followed and Ms. Becker noted that the Board did not have any documentation from the Department of Health. Mr. Clark advised the Board that the BOH does not get involved with existing systems and inasmuch as Mr. Ziegler had repaired his pre-existing system this was not required. After the review, the Board **acknowledged the variance for the expansion of the house** but noted that the **Zoning Board of Appeals** would have to **review the changes to the garage location** before they could proceed.*

*The new application and map were reviewed and Ms. Becker noted that the new application **form** contained all that was **asked for** by the **Board at the previous meeting.***

On Page 3 the following paragraph should read that *Ms. Kirschner advised the Board that there is an approval permit from the DEC for the fuel storage tanks.*

*Ms. Kirschner advised the Board that there is an approved permit from the DEC **for the fuel storage tanks** and photos which would show the containment area around each of the fuel tanks that would withhold any of the fuel stored in the tanks should they leak. Mr. Filipovits questioned when the permits were acquired and whether they had been updated. Ms. Kirschner clarified that the first ones were issued 2007 and expire in 2012.*

On Page 6 of the previous minutes the following paragraphs should read *the ground study being done by Steve Winckley of New York State Rural Water.*

***HARVEY WEBER, Copake...** advised the Board that he is Chairman on the Environment Committee in Copake and is also on the Columbia County Environment Committee and suggested that before the town does anything they need to find out a number of things. He informed the Board that there is a ground study being done by **Steve Winckley of New York State Rural Water** and advised that the character of Mr. Cascino needs to be considered as well his history. He noted that whatever leeches into the water will flow into Dutchess County and maybe even Connecticut. He also asked the Board to consider the Ten-Mile River and why it was closed down. Mr. Webber believed that this was closed down inasmuch as it was an environmental disaster. He asked the Board to consider that this is also an environmental situation and suggested waiting a little longer to finalize matters.*

On Page 7 of the previous minutes the following paragraphs should read:

***EDGAR MASTERS, Copake Falls...** also requested the Board to keep the public hearing open so that the plans could be reviewed and further questions could be asked.*

*He suggested that the plans remain available for viewing. Mr. Masters questioned whether Mr. Cascino was present and noted that during three Planning Board meetings as well as several visits to the Planning Board during his **tenure** Mr. Cascino never appeared. He commented on the reasons why Mr. Cascino did not make an appearance before the Board and wondered if the reason was that he did not wish to make **disingenuous** comments on his own.*

*He questioned whether Mr. Cascino, a waste hauler from the Bronx, living in Larchmont, who consistently breaks Copake town and zoning laws, who violates DEC environmental laws and ignores state supreme court restraining orders, not to mention a consent decree by the Attorney General will have such an epiphany that his Copake property will become a **bona fide** farm. He also questioned Mr. Cascino's integrity and noted that Mr. Cascino's attorneys, both past and present, have argued that Mr. Cascino does not break the law, is being persecuted and is a victim of his own employees and/or partners. Mr. Masters noted that what Mr. Cascino's lawyers do successfully is to use the intricacies of law to stall, fail to provide requested information, and enter into settlement agreements with no intention of complying with the agreed upon terms.*

On Page 8 of the previous minutes the following paragraphs should read:

*Mr. Masters said that throughout most of this decade Mr. Cascino has reshaped much of his land by using hydraulic hammers and huge bulldozers with rock rippers. He has removed and sold acres of topsoil and gravel and dumped hundreds of truckloads of C&D possible toxic waste and has removed as much as 20 feet of good farm land along Route 22 all the way east of the Noster-Kill. He asked what **bona fide** farmer would do this to his land if 200 beef cattle were his true objective.*

On Page 12 of the previous minutes the following paragraph should read:

*Mr. Davis addressed the fact that the clarification of each of the structures on the properties need to be clearly labeled and the application for site plan review and the survey and building applications are not referred to consistently. He noted that building #3 is called a run-in shed and on the **plat** it is called a proposed open shed for hay while in the application it is referred to as a cattle-hay-storage structure.*

On a motion made by Mr. Davis and seconded by Mr. Brusie the Board voted unanimously to accept the minutes as amended.

ADMINISTRATIVE

Town Moratorium - Ms. Becker advised that the Town Board has made a resolution to set a Moratorium on all major subdivisions. Ms. Becker's felt it was appropriate to send a letter to the Town asking what the purpose of the moratorium is, which Town Committee or Town Board Member or individual recommended the action and what the desired result of the action is.

Ms. Becker read a letter she received from Mr. Pilch referencing the fact that the moratorium was brought up to the Town Board by Harvey Weber's who is serving on a committee that is studying the aquifer systems and waterways in Copake.

After a brief discussion on a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to ask the Town Board in letter form, the purpose of the moratorium and what the desired result of the action was.

CARRY OVER

The following matters were carried over to the next meeting:

- 2005-18 SITE PLAN REVIEW AND MAJOR SUBDIVISION - Approximately 112 +/- Acres on Land Bounded by Mountain View Road and County Route 7A - Housing Resources of Columbia County, Inc.**
- 2006-33 MAJOR SUBDIVISION – Birch Hill Road – Birch Hill Partners, LLC**
- 2007-11 MAJOR SUBDIVISION – FLS – Farm Road – Karen B. Cohen**
- 2008-07 SITE PLAN REVIEW - CATAMOUNT DEVELOPMENT CORP. – State Route 23**

ADJOURNMENT

There being no further business, on a motion made by Mr. Brusie and seconded by Mr. Davis the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 11:45 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 34 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:

Copake Valley Farm

August 29, 2008	Kirschner to Becker (5)
August 29, 2008	Kirschner to Shadic (2)
August 26, 2008	Kirschner to Becker (4)
August 25, 2008	Kirschner to Howard (3)
August 22, 2008	Perry to Becker (2)
August 20, 2008	Becker to Kirschner (1)
August 15, 2008	Clark to Kirschner (2)
August 12, 2008	Howard to Kirschner (4)
August 9, 2008	Becker to Perry (2)

Luigi & Peter Lanni

August 11, 2008	Bloomstein to CPB (11)
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Franco Mezzetta

August 9, 2008	Bloomstein to CPB (2)
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Stephen Kahn

August 19, 2008	Becker to Clark (1)
August 17, 2008	Shadic to Becker (1)
August 10, 2008	Becker to Shadic (1)
August 9, 2008	Becker to Clark (1)

Michael B. & Barbara S. Braunstein

August 25, 2008	Spampinato to Becker (2)
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Birch Hill

August 6, 2008	Spampinato to Becker (1)
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