



COPAKE PLANNING BOARD
DECEMBER 5, 2013
MINUTES

Approved
February 6, 2014

Please note that all referenced attachments, comprising 6 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 6:55 p.m. by Marcia Becker, Chair. Also present were Chris Grant, George Filipovits, Bob Haight, Jon Urban and Julie Cohen. Steve Savarese was excused. Veronique Fabio was present to record the minutes in Lisa DeConti's absence. Attorney Ken Dow was also present.

ZONING BOARD OF APPEALS – Referrals

1. ZBA REFERRAL – PHILLIP HADDAD & THOMAS MON – Cat Track Lane [Chrysler Pond] – (2013-33)

Chris Bellamy, builder for the project, appeared before the Board representing the property owners. Mr. Bellamy advised the Board that the applicant's lot is point seventy-two (.72) acres, is in the 'R' District and the applicant is requesting development of a non conforming pre-existing lot.

The following submissions were acknowledged:

- a letter from the Columbia County Department of Health dated October 30 2013 regarding the layout of the sewage disposal system ‘
- the ZBA application
- Site map revised November 26 , 2013
- Building Plans prepared by R A Jones PE, dated October 20, 2013

Mr. Grant asked the location for the neighbor's well and was advised that the well has been relocated. It was noted that the ZBA requested that the driveway location be added to the site map. Ms. Becker questioned the details of the Erosion and Sediment Control Plan and Mr. Bellamy advised her that the land does not slope much. Mr. Grant questioned the distance from the Chrysler Pond to the septic system and was advised that it was one-hundred and eighty feet (180').

Ms. Becker will write a letter to the ZBA advising them of the Board's concerns.

2. ZBA REFERRAL/SPR – GEORGE & IRIS FEARON – Lake Shore Dr. [Taconic Shores] – (2013-28)

The Fearons appeared before the Board. Ms. Becker reminded the Board that Mr. & Mrs. Fearon are requesting a front yard set-back variance for an addition attached to the garage in their front yard. The application was incomplete when submitted in November.

The following submissions were acknowledged:

- The ZBA application package
- The ZBA action taken on appeal
- Mr. Fearon's letter to Code Enforcement Officer Ed Ferrato dated November 27, 2013
- A Floor plan drawing from Mr. Fearon dated November 26, 2013
- A receipt from Bill Baldwin & Sons dated December 3, 2013 showing a drawing of the existing septic system

Mr. Fearon advised the Board that part of the garage is being used as a bedroom and the other part is being used as a storage area. Ms. Becker questioned the location for the entrance to the addition and Mr. Fearon advised her that the only option for access is from the outside parking area in the front.

The location of the leach field was questioned and Mr. Fearon advised that it is located towards the front of the house and has a cap on its end. Mr. Grant asked if the addition will become a bedroom and Mr. Fearon advised that plans are for it to be used as a family room with a bathroom.

Mr. Fearon acknowledged that the septic tank is one-thousand (1000) gallons, was installed in 2003 and is the appropriate size for a three (3) bedroom residence. He also noted that it was recently cleaned out. The board asked for documentation to verify the size and condition. Ms. Becker questioned the location of the Taconic Shores community water line and Mr. Fearon added this to the map. Mr. Haight noted that the septic system is fairly new.

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to conditionally approve the site plan for the Fearon property from a Proposed Parcel Merger Subdivision Map previously stamped 11/15/06 subject to certification of the size and condition of the Septic System.

PUBLIC HEARING

NONE

SUBDIVISION/SITE PLAN

2013-30 MAJOR SUBDIVISION –BERKSHIRE MOUNTAIN CLUB A CATAMOUNT SKI AREA – Route 23 – [Copake]

2013-31 MINOR SUBDIVISION –BERKSHIRE MOUNTAIN CLUB A CATAMOUNT SKI AREA – Route 23 – [Copake]

Pat Prendergast appeared along with Developer Harry Freeman and Project Attorney, Andy Howard. Ken Flood, Columbia County Planning and Economic Development Commissioner was also in audience.

The following submissions were acknowledged:

- A new set of maps
- Notice of Completion of Draft and Notice of SEQR Hearing dated February 3, 2005
- Short Environment Assessment Form dated December 3, 2013

Mr. Prendergast acknowledged the changes that were added to the maps. He pointed out the extra parking area and noted that the location of the buildings has been moved away from the ski slopes. He also acknowledged the change in the drainage catch basins to better manage the little streams and the run-off from the parking area.

Mr. Prendergast made note of the fact that the storm water permit (SWPPP) was still in effect and pointed out that it does not have to comply with new standards as it was re-filed. It includes an oil and water separator used to clean the water run-off going to the pond from the making of snow. Mr. Prendergast advised the Board that building elevation adjustments were made and acknowledged that the DOH previously approved a fifty-four-thousand (54000) gallon water supply tank located up the hill in addition to four wells.

It was noted that the proposed Lighting Plan calls for LED lights that are downturned thirty feet (30') as well as minimum lighting for the parking lot. Saratoga Planning was said to be working on the landscape plans. Attorney Howard noted that the lighting complies with Dark Skies Standards.

The Catamount road access plan was discussed. Mr. Prendergast acknowledged the new entrance on the map and noted that he, Creighton Manning and the DOT are working together on the plan. He pointed out that the DOT has right of way and not ownership. The board asked that the location of the Hillsdale town line be added to the maps.

As previously discussed, the Subdivision and Site Plan Approval were previously granted in 2006 however the subdivision was never filed so the subdivision lines do not exist at this time.

Mr. Grant questioned the scenic overlay zone lighting standards and Attorney Howard asked the board to waive all restrictions according to section 232-26 F (12) which reads: *The review board may waive some or all of the regulatory and submission requirements of this section in the SCOZ under any of the following circumstances:(a)The structure or area within the SCOZ is situated so that it does not create a significant visual impact when viewed from visually sensitive areas and*

from significant resources within the Town. (b)The reviewing board finds that the proposed project is of a minor nature and is consistent with the design standards set forth herein.

Mr. Haight made a motion to exempt the project of Section 232-26 F, Design Requirements. Ms. Becker said she plans on reviewing the design requirements and noticed the project complies with most of the standards so there is no reason to throw out the whole law. Attorney Dow said the motion can be considered but should not be arbitrary and should have findings. Mr. Freeman advised the Board that the project is not visible from the road. A discussion ensued regarding the fact that the location is out of sight and the lights on the ski area have already existed during winter month night skiing. Mr. Filipovits seconded the motion. The vote stood at four (4) to two (2) with Mr. Urban, Mr. Filipovits, Ms. Cohen and Mr. Haight voting for and Ms. Becker and Mr. Grant voting against, motion carried.

Attorney Dow considered the variances needed and whether or not they are substantially different than the previous ones and need to be reapplied for. He cited case law from 1949 which said that variances can expire; he referred to section 267 b o of New York State Town Law. Attorney Dow made note of the fact that the purpose of variances are to minimize adverse impact and said that the ZBA could re-hear the variance application. Upon further review the Planning board determined the area variances were not different and accepted them.

Attorney Howard brought up the fact that variances run with the land and pointed out that the scale of the project has been reduced, the foot print is now smaller and fewer units are planned. Ms. Becker acknowledged that the height variance was granted with conditions which may or may not still be applicable. The height variance for sixty-seven feet (67') remains.

It was acknowledged that there are existing conditions involving an agreement with the Hillsdale Fire Company. A new height variance application must be submitted to the ZBA since the conditions may not still apply. The current project is different and therefore the previously granted special use permit based on the general ZBA findings of 2005 is no longer valid. A new updated special use variance application must be submitted.

Ms. Becker asked for clarification of the number of buildings and Mr. Freeman explained that building #3 is in two sections. She requested a detailed narrative to support the plans.

The board discussed the emergency road access on Nicholson Road in the state of Massachusetts and questioned what guarantee could be given that it would remain a public road. Richard Edwards of Catamount stated that their address is 5 Nicholson Road in the town of South Egremont, Massachusetts and Nicholson Rd. will never be privatized.

Mr. Prendergast noted that the SEQR was approved once in 1990 and a supplemental was approved in May of 2003. Attorney Howard and Mr. Prendergast agreed to update the EIS and send it directly to the town engineer including a detailed narrative within the next couple of weeks. An escrow account will be established in accordance with Town Code.

Mr. Freeman asked to have a "road map" time line and was told by Mr. Grant that it won't be possible at this time. Mr. Haight suggested the possibility of extra meetings to expedite the process. Ms. Becker made note of the fact that ZBA and Planning Board review will run concurrently.

Mr. Howard reviewed what needed to be done prior to the next meeting:

1. Narrative
2. Copake /Hillsdale town line to the maps.
3. Height variance and special use permit required.
4. Fire truck requirement resolved.
5. ZBA will get memo from planning board.
6. Establishment of Escrow Account.

Mr. Prendergast talked about the SEQR and acknowledged that it was stated that it was a Type I action however no significant impact was determined. Mr. Grant advised that the Board would do the SEQR at the next meeting. The applicant questioned whether this would delay the process since a coordinated review is required. Ms. Becker pointed out that sometimes the County Planning can cause delays however Mr. Flood said there would be no problem with this.

MINUTES

Ms. Becker asked for a motion to approve the November minutes. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the November 7, 2013 minutes.

Ms. Becker asked for a motion to approve the October minutes. On a motion made by Mr. Filipovits and seconded by Mr. Urban the Board voted unanimously to approve the minutes of the October 3, 2013 meeting subject to approved by email from Mr. Savarese.

ADMINISTRATIVE

GREG HOISER: Ms. Becker advised the Board that Mr. Hosier's application had been approved by ZBA.

SALVATORE CASCINO: Ms. Becker informed the Board that the most recent article regarding Salvatore Cascino is in their packet.

EDWARD SAWCHUCK: Ms. Becker acknowledged a letter of interest from Mr. Sawchuck for Mr. Filipovits' soon to be vacated seat on the Planning Board. The Board agreed to meet with him on a Saturday.

EXPEDITED SITE PLAN: Ms. Becker informed the Board that the Expedited Site Plan needs to be reviewed, revised if needed, circulated to others and then added to the Town Code.

CARRY OVER

The following matters were carried over to the next meeting:

2012 -14 SPR/BLUESTONE & TRAFFIC CIRCLE – CAMPHILL VILLAGE – Camphill Road [Copake Lake]

2011-18 SITE PLAN REVIEW – DOMINICK SINISI – Lakeview Road [Copake Lake]

ADJOURNMENT

There being no further business, on a motion made by Mr. Grant and seconded by Mr. Filipovits, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Marcia Becker, Chair

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ADMINISTRATION

PHILLIP HADDAD & THOMAS MON

October 30, 2013 DeRuzzio to Bellamy (2)

GEORGE & IRIS FEARON

November 17, 2013 Fearon to Ferratto (1)

December 5, 2013 Baldwin & Sons (1)

CATAMOUNT CREST RESORT HOTEL

February 5, 2005 Draft & SEQR Hearing Notice (2)