



COPAKE PLANNING BOARD
JULY 14, 2014
MINUTES

Approved
September 4, 2014

Please note that all referenced attachments, comprising 29 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 Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Steve Savarese, Jon Urban, Julie Cohen and Ed Sawchuk. Lisa DeConti was present to record the minutes. Supervisor and Board Liaison Jeff Nayer and Attorney Ken Dow were also present.

ZONING BOARD OF APPEALS – Referrals

2014-16 ZBA REFERRAL – CHARLES MURKOFSKY – Longley Road [Copake Lake]

Mr. Haight advised the Board that Charles Murkofsky is before the Zoning Board of Appeals requesting a variance for an eight foot (8') deer fence around the perimeter of his property with seven to eight foot (7-8') gates at his driveway.

Mr. Grant expressed his concern that once a deer fence of this height is permitted for one applicant they will become widely used on properties in the area. Mr. Becker expressed her concern that the deer, having no place to go, will become more of a hazard on roads.

Mr. Haight made note of the fact that the area of Longley Road is a highly residential area. Mr. Grant did not feel it would be wise to start fencing off properties in residential areas. Ms. Becker brought up the fact that this issue has been raised several times in the Town and no policies have been established. Mr. Grant acknowledged that the policy is that fences are allowed but need to be the appropriate height.

Ms. Becker advised that the only thing the Board can do is bring up the fact of aesthetics and the impact this would have on neighbors. Ms. Cohen pointed out that a four to six foot (4-6') chicken wire fence has already been installed behind the fir trees.

Ms. Becker suggested advising the ZBA to consider the aesthetics of the area. Mr. Haight suggested they be advised to keep the fence down to the minimum height and noted that this is not considered a health issue inasmuch as lyme disease is everywhere in Columbia County and will not be kept out of a person's yard by keeping the deer out. He added that the issue of the Rhododendrons is a personal issue and not a public one. A Discussion ensued regarding other

ways of keeping deer and ticks off of one's properties such as organic and non-organic yard sprays, sound devices and spraying to keep deer and ticks out of the area.

Mr. Sawchuk acknowledged that this issue is starting to come up multiple times and suggested coming up with some guidance on the precedence of doing this. Ms. Becker was in agreement. Mr. Haight brought up the fact that the fencing height is already in the zoning code, however he noted that there are different laws and considerations for farmers.

Mr. Sawchuk expressed concerns that a precedent would be set. Mr. Grant explained that a ZBA decision would not set a precedent as each application is an individual decision based on an individual case. However Mr. Grant added that when something is started other individuals will use this as an example to do the same thing. The Board also expressed concerns that these types of fences would detract from the attractiveness of the area and would also have the potential to increase the number of deer on roads. Ms. Becker also brought up the fact that there are differences between a farm requesting to protect their crop and a resident wishing a fence around their property.

A letter will be written to the ZBA expressing the Boards comments and concerns and ask that they take the aesthetics into consideration. The Board also suggests keeping the fence down to the minimum height.

PUBLIC HEARING

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

Mr. Haight acknowledged the following submission:

- David Silver letter dated June 30, 2014

Pat Prendergast appeared along with Project Attorney Andy Howard. Developer Harry Freeman attended with the use of Skype.

Mr. Haight acknowledged that the Public Hearing remained open and asked if anyone wished to speak regarding the Minor Subdivision.

ANDREW GILCHREST, Tuczinski, Cavalier & Gilchrest, PC... Mr. Gilchest requested that it be noted that as part of the Subdivision he would like included in the record all the previous comments submitted during the course of the SEQR review by the Planning Board and would like all the comments submitted on behalf of his clients to the ZBA also considered part of the record for the subdivision. He also wanted it noted for the record that a two lot subdivision is being created and the Code requires that everything be shown on the lots. It was his understanding that the map for the lot being created with water and sewer facilities does not show this. He also wanted it noted that it was his recollection that in the prior proceedings dealing with the SEQR review the Board commented that they will get into certain issues when they get into the detailed Site Plan Review and Subdivision review and at tonight's meeting it was stated that this was taken care of during SEQR. Mr.

Gilchrest commented that this is the first detailed review and discussion regarding the two-lot Subdivision. He believed the Subdivision Plat before the Board was not complete and not compliant with the Code Check List and the extent of the discussion concerning the substantive 2-Lot Subdivision Plat seems to be limited to tonight's discussion.

Mr. Haight asked Mr. Prendergast to point out on the Subdivision Plat where the sewer facility will be located. Attorney Howard acknowledged that there is a 2-Lot Subdivision along with an extensive Site Plan Review which contains all of that information and there is nothing preventing the Board from utilizing both documents. Attorney Howard also noted that the applicant has obtained all of their DEC regulatory permits, all of which will be incorporated into the process. Ms. Becker acknowledged that Lot 1 has an existing septic system located on it and questioned whether Lot 2 had a septic system on it. She was advised that Parcel 2 will have the sewer facility located on it.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to close the Public Hearing for the Subdivision for Berkshire Mountain Club at Catamount.

Mr. Haight addressed a letter from David Silver who has concerns that the streams feeding his land and ponds might also be feeding the Catamount ponds. Mr. Haight advised that he contacted Mr. Silver and explained that this falls under the jurisdiction of the DEC and not the Planning Board. Mr. Prendergast made note of the fact that Catamount has been doing this routinely every winter in November, December and January for the past fifty (50) years and this is nothing new. Mr. Prendergast also clarified that a new more permanent structure has been designed with concrete piers which has been submitted to the DEC.

On a motion made by Mr. Savarese and seconded by Ms. Becker the Board voted unanimously to approve the 2 Parcel Subdivision for Catamount Development Corp., last revision dated July 2, 2014 subject to the addition of the two (2) locations of the Septic Systems onto the Site Map.

2013-30 MAJOR SITE PLAN –BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA – Route 23 – [Copake]

Pat Prendergast appeared with Project Attorney Andy Howard. Developer Harry Freeman attended through the use of Skype.

Mr. Haight acknowledged the submissions which included:

- Elise Wallace letter dated June 7, 2014
- Pam Strompf letter dated June 12, 2014
- Harry Freeman letter dated June 23, 2014
- Couch and White letter to ZBA dated June 26, 2014
- Andrew Abrams letter dated July 8, 2014
- Tuczinski, Cavalier & Gilchrist letter to ZBA dated June 26, 2014
- Empire State Appraisal Consultant letter dated June 23, 2014

Mr. Haight advised that the Public Hearing remained open acknowledged that the letters from Elise Wallace, Pam Strompf and Andrew Abrams were in favor of the Swiss Hutte. He asked if anyone wished to speak regarding the Major Site Plan.

STEPHANIE FERRADINO, Couch White ... Ms. Ferradino referred to the Balloon Test and felt it had a significant impact to the adjacent properties. She felt that it was difficult to judge what the site would look like by viewing two (2) balloons three-hundred feet (300') apart and presented a picture of the site with a building the approximate size of the proposed building she superimposed in this space. Ms. Ferradino pointed out a comparison of the superimposed building against a shed and automobile so as to judge building size and also made a comparison of the building which is approximately three-quarters ($\frac{3}{4}$'s) up the sides of the adjacent pine tree.

Ms. Ferradino brought up the fact that at the SEQR Review Mr. Freeman made reference to speaking to her regarding landscaping on her client's property and noted that this was not accounted for in the SEQR resolution. Attorney Howard made note of the fact that they requested to visit but the request was denied. Mr. Freeman acknowledged that a request was made several times both publicly and privately.

Ms. Ferradino made note of the fact that mention was made that no vegetation would be removed however she pointed out that there are trees between the two (2) balloons that would need to be removed. Ms. Ferradino referred to a statement made at the SEQR Review that the waste water treatment plant needed to be placed in a specific location which she did not believe to be true as she felt the placement of it was more of a cost issue. She expressed a desire to have it moved to the other side of the parking lot.

Ms. Ferradino made reference to the elevations that she believed were not in the record and expressed concern that if requests for these approved documents were made they would not be in the files and could not be foiled. Ms. Ferradino referred to the prior variances and made comment that they go with the land if a building exists and believed that no variances exist as there is no building. She also noted that the prior project plans have expired. Ms. Ferradino suggested reviewing the Town's Sign Code (232-14 R) which states that business signs shall be permitted only on the property on which the business is located.

Ms. Ferradino addressed Mr. Grant's concern regarding the elevations and commented that she did not felt that documents presented after approval are not a benefit to the Board.

ANDREW GILCHREST, Tuczinski, Cavalier & Gilchrest, PC... Mr. Gilchrest presented a letter which was presented to the ZBA on behalf of his clients. Mr. Gilchrest believed that this was presented at the last meeting. Mr. Haight explained that he had requested an e-mailed copy of this letter be sent so he could distribute it to the Board members but he never received it. Mr. Gilchrest presented hard copy of this letter and said he would send a copy by e-mail as well. Mr. Gilchrest also requested that all his prior comments be included in the record for the Site Plan Review as well as any written submissions which were submitted to the ZBA be completed as part of the Site Plan

record. He once again wanted it noted that it is his recollection that when the Board was reviewing this as part of the SEQR process statements were made that this was just for SEQR purposes and additional review will be done when we get to Site Plan. Mr. Gilchrest addressed the fact that according to his notes Attorney Dow made comment that SEQR is just one piece along the way. Mr. Gilchrest feels no additional issues other than the elevations are being addressed by the Board.

Regarding a previous discussion earlier in the meeting about screening, Mr. Gilchrest felt it was not appropriate for the Board to be taking into consideration existing vegetation off the project site for purposes of vegetative screening. He felt off-site properties should not be considered for purposes of screening.

Mr. Gilchrest wanted to confirm for the record Mr. Freeman's earlier statement that he is not disputing the numbers and information regarding Mr. Peteroy's calculations concerning the number of trucks.

The Public Hearing once again remained open.

SUBDIVISION/SITE PLAN

2014-14 SITE PLAN REVIEW – JOHN & JOYCE VARVATOS – Island Drive – [Copake Lake]

Submissions included:

- Referral letter from Code Enforcement Officer (CEO) Ed Ferratto
- Application
- Boundary line adjustment map
- Letter of Agency
- Crawford & Associates letter dated August 28, 2012
- Army Corp of Engineers Joint Application F
- Location map
- Soil and Erosion Control plan
- Topographic Survey
- NYSDEC letter dated June 26, 2014
- Deed package
- Easement agreement
- Landscape plan
- Site Plan Review Project Manual
- Email from Guterman, Shallo & Alford, PLLC dated July 14, 2014
- Fee in the amount of \$50.00

Kipp Edick appeared representing Mr. and Mrs. Varvatos and presented full size maps to the Board. The Board discussed the subdivision that had been done previously.

Mr. Haight asked if Mr. Edick had any response from the Army Corp of Engineers and was advised that the application is in the works but he has not received a response back from them as yet. Mr. Edick did acknowledge receipt of a letter from the NYSDEC advising him that no permit was required by them. Ms. Becker expressed concern that a permit would be needed to dig into the soil at the bottom of the lake however she was advised that no digging will be taking place as posts will just be resting on the bottom of the lake. Inasmuch as documents are needed for the dock process Mr. Edick asked if this portion of the application could be separated from the Site Plan and was advised that it could be removed and he could return when the awaited documents were received. Mr. Edick chose to remove this portion from the application as he would not be able to obtain a permit until the documents are received.

Ms. Becker acknowledged receipt of the easement across parcel nine (9) however she pointed out that it had not been executed. Mr. Edick presented a letter from Mr. and Mrs. Varvatos' lawyer advising that the language for the road maintenance agreement still needs to be finalized however Mr. Swiatek has agreed to maintain the entire easement area with the exception of any damage caused by construction. Mr. Edick advised that Mr. Zwiatek was asking for the right to inspect the utilities on a certain portion of the land however he is in agreement to maintain the area as stated in the email. Mr. Edick was advised that conditional approval could be received however building cannot begin before the final maintenance agreement is received. Mr. Haight also advised him that the document needs to be reviewed by Town Attorney Dow. Mr. Edick pointed out that the shared portion of the parcel is less than seventy feet (70'). Ms. Becker made note of the fact that the deed makes reference to the easement but advised that the maintenance is still required by the Board. Mr. Urban did make note of the fact that when Mr. Zwiatek was before the Board for the subdivision a maintenance agreement was required at that time and should exist.

The Landscaping Plan was reviewed. Mr. Edick explained what trees will be removed and that they will be careful to not take out more trees than needed. Mr. Edick made note of the fact that more trees and live vegetation will be added to buffer the shoreline. Mr. Haight questioned the location of the well and was advised that it is over one-hundred and twenty feet (120') from the lake. Mr. Haight also asked what type of trees will be added. Mr. Edick explained that they are mostly oaks and pines and referred to the itemized list he provided. Mr. Haight made note of the fact that the house is not in the one-hundred foot (100') buffer but the patio is.

The lighting schedule was reviewed and Mr. Grant questioned whether the lights in the buffer zone are solar as there cannot be any excavation within one-hundred foot (100') buffer. It was acknowledged that the lights are solar.

Ms. Becker questioned the number of bedrooms and was advised that there are four (4) bedrooms and three and one half (3½) bathrooms and this fits within the Homeowner Association septic guidelines. Ms. Becker also advised that an elevation sketch or floor plans are usually required. Mr. Edick explained the floor plan of the house and will be submitting the official floor plans shortly. He also advised that everything fits within the set-backs.

On a motion made by Ms. Becker and seconded by Mr. Urban the Board voted unanimously to classify this application as a Minor Site Plan.

After the check list was reviewed on a motion made by Ms. Becker and seconded Mr. Savarese the Board voted unanimously to approve the Site Plan Review for John and Joyce Varvatos on Lot 8, Island Drive at Copake Lake from plans done by designer Kipp Kolby Edick LLC dated July 3, 2014 subject to receipt of the Road Maintenance Agreement and the Elevations and Floor Plans.

Mr. Haight will stamp the plans when the conditions are met.

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

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

Pat Prendergast appeared with Project Attorney Andy Howard. Developer Harry Freeman attended through the use of Skype.

The following were submitted:

- David Silver letter dated June 30, 2014
- Bob Haight response to Mr. Silver dated June 30, 2014
- Harry Freeman letter to Hannigan Law Firm dated June 23, 2014
- Photos from the Balloon Test taken by Mr. Sawchuk
- Conceptual Estimate of Traffic on Catamount Road prepared by Frank Peteroy
- Subdivision maps
- SEQR Resolution Draft & Negative Declaration

Ms. Becker acknowledged the letter to Mr. Terrence Hannigan, attorney of the Fire Department submitted by Rock Solid Development, LLC summarizing life safety items relevant to the Hillsdale-Copake Fire Department and District. Mr. Haight asked if any replies had been received and was advised that none had. Mr. Grant acknowledged that a sign-off from the Hillsdale-Copake Fire Department is required.

Ms. Becker referred to the punch list and noted that a comment from the fire district regarding the emergency access, access to the buildings and the use of Catamount Road is outstanding. Mr. Grant also requested that the emergency access road be incorporated into the map and questioned whether the proposed use of the access roads is acceptable to the Hillsdale-Copake Fire Department and the Great Barrington Fire Department. Ms. Becker pointed out that Engineer Tom Field did say in his June 19th letter that from the comments by the Fire Company at the June 3rd Planning Board meeting, we believe that the issue of emergency access has been resolved to the satisfaction of the respective fire companies. Mr. Grant advised that Attorney Hannigan needs to respond to Mr. Freeman's letter.

Ms. Becker noted that during the SEQR review the Board asked that the submission of the grant application be part of the record. Mr. Freeman acknowledged this request and noted that it was discussed at that time that this did not seem appropriate inasmuch as a lot of proprietary

information was contained in this document. Mr. Grant did acknowledged that this document is a matter of public record and it can be obtained with the proprietary information blacked out. Ms. Becker pointed out that the Empire State Development Corp. was listed when the list of interested parties was given and because of this questioned whether the grant application is needed by the Board. Mr. Haight agreed that this document can be obtained if needed.

Ms. Becker then asked exactly what the evacuation plan is. Mr. Prendergast explained that in the event the parking lot has to be evacuated, cars will be sent out Nicholson Road leaving Catamount Road open for emergency vehicles entering the site. Attorney Howard did make note of the fact that with the reconfiguration of Catamount Road and Route 23 there will be a perpendicular, wider intersection of three (3) lanes allowing better entrance accessibility.

Ms. Becker then questioned what improvements were planned for Nicholson Road. Mr. Prendergast explained that new gravel is planned for placement on the Catamount owned property. Mr. Freeman acknowledged that this was noted on plans that were previously submitted by Mr. Prendergast. Regarding the building of the new entrance and the amount of fill being brought in, Ms. Becker referred once again to Engineer Field's letter in which he stated that: *"the modified access drive designed by Creighton Manning included in the plan set is still not clear where this occurs with respect to the development. In addition, the plan is concept level and does not include grading or profile information. This plan and associated grading should be fully developed and submitted as part of the site plan review process. The amount of fill implied on the plans may require easements be given to the Town for the road bed."*

Attorney Howard pointed out the date of Engineer Field's letter which was the day before the conceptual approval letter from the New York State Department of Transportation (NYSDOT). Mr. Freeman explained that NYSDOT cannot give final approval until after the Site Plan has been approved so Board approval would need to be given contingent upon final approval by the NYSDOT. He added that should there be a significant change because of the DOT plan they would have to come back before the Board.

Mr. Grant acknowledged that the water issue has been resolved inasmuch as the pumps will be relocated downstream and the waste processing treatment will be located on the exiting stream as there is no other location for it. Mr. Grant also noted that the discussion of construction noise and the limiting of hours for truck traffic down Catamount Road will need to be finalized. Mr. Prendergast believed this could be written up as part of the approval resolution. Mr. Freeman brought up the fact that these conditions are part of the SEQR resolution and should be documented already. Ms. Becker questioned whether a new document will be submitted with this information. Mr. Prendergast believed this was part of the record already as it is part of the SEQR findings. Ms. Becker made note of the fact that should this project be approved this would be a condition and would be separate from the SEQR. Attorney Howard acknowledged that this could be part of the final resolution that Attorney Dow will draft up.

Ms. Becker questioned the increase in the water capacity of the tank and was advised by Mr. Prendergast that the fire department thought it would be better to have a little more storage on the hill so they went from the fifty thousand (50,000) gallon tank to a seventy thousand (70,000) gallon tank. He also made note of the fact that this didn't require much change in the dimensions of the tank as it only amounted to a couple of feet in diameter and five feet (5') higher. Ms. Becker questioned the capacity of the waste water treatment plant and was advised that this is fifty

thousand (50,000) gallons. Ms. Becker asked if the water use calculations include the spas, restaurants, etc. Mr. Prendergast explained that these numbers were designed by DEC numbers and when something is designed by DEC numbers the actual use is usually half of these numbers.

Mr. Grant questioned how garbage will be disposed of and was advised that this will be done with the use of dumpsters. Ms. Becker made note of the fact that a sketch plan of all three buildings had been requested several times. Mr. Freeman advised that the additional buildings are consistent with the architecture of the first building. Mr. Haight pointed out that approval can be conditional on the applicant appearing before the Board once again when the time comes to build the additional buildings. Mr. Prendergast brought up the fact that the buildings will all look the same. Ms. Becker made note of the fact that the Board is being asked to approve the whole project without seeing it. Mr. Freeman explained that this had been discussed several times since the beginning of the project and is only now being requested at this late date. Mr. Grant suggested putting it into the resolution that the Board would have to approve buildings one (1) and two (2) before they can be built.

Ms. Becker wanted it noted that she is not comfortable with this as the Board is being asked to approve a project without seeing the complete project. Attorney Howard made note of the fact that the elevations were reviewed during the SEQR process. Mr. Urban brought up the fact that the Board discussed this several times and the consensus was that the Board was happy with what had been presented with the backdrop of the mountain. Mr. Grant pointed out that this was not a unanimous decision. Mr. Urban suggested superimposing an image onto the elevations. Ms. Becker noted that she cannot assess the bulk of the project without having the whole project to look at and is not comfortable with this situation however there are other Board members that are. Mr. Grant pointed out that although he and Ms. Becker wished to see a rendering of the complete project the Board voted to go ahead. Ms. Becker made noted of the fact that this was for the SEQR review and not the Site Plan. Mr. Grant asked when the front, back and side elevations will be done. Mr. Freeman advised that he has brought them to meetings before.

The landscaping plan was discussed. Attorney Howard acknowledged the fact that no existing vegetation will be removed. Mr. Haight cautioned that the type of trees planted could eventually spoil the view of the mountains for the Swiss Hutte and neighboring properties if they grow too tall.

Mr. Haight referred to a letter sent in by Mr. Silver questioning a comment in the Board minutes that Mr. Prendergast pointed out his location on the map and explained that there are hundreds of feet of wooded areas between his property and the parking lot. Mr. Prendergast clarified that there are hundreds of feet between his property and the two (2) buildings with some woods between them. He then clarified that the parking lot in the prior project was approved at three feet (3') from Mr. Silver's property line however with the new project they are now twenty-five feet to thirty feet (25-30') from the property line. Attorney Howard made note of the fact that there would be greater density between the two (2) properties if Mr. Silver wasn't mowing over the property line.

Mr. Sawchuk questioned what the points of the Balloon test represented. Mr. Prendergast explained that they are the two front corners of building #1 at the height of the balloon. Mr. Sawchuk asked if this included the tower and was advised that there is no tower in this project. He then questioned what part of the building will occupy the height between the two balloons and was advised that this would be the roofline. The height of the balloon was said to be sixty-two feet (62') from the ground. Mr. Sawchuk asked if the Planning Board approved the height of

this building and was advised that the height variance was approved by the ZBA. Mr. Sawchuk submitted photos taken at the Balloon Test. The addition and type of trees was discussed for the entrance in the event trees were damaged with the construction of the improved roadway. Mr. Prendergast believed Mr. Freeman would be agreeable to the addition of more trees in that area.

Mr. Savarese questioned whether warning signs will be put at the sharp curve westbound on Route 23 and Catamount Road. Mr. Haight advised him that the Town could petition the State for them. Mr. Freeman acknowledged that they would be in support of this petition. Ms. Becker asked if the signage was listed on the Site Map and was advised by Mr. Freeman that there will not be any signs on the applicant's property with the exception of minimal signage on the buildings and any signs on Route 23 will have to be approved by the DOT.

Mr. Sawchuk asked if the applicant had a traffic study similar to the estimate prepared by Frank Peteroy that he submitted to the ZBA. Mr. Prendergast did review this and acknowledged that there will be a number of trucks on Catamount Road. Mr. Haight clarified that Mr. Peteroy compiled a partial list for the ZBA estimating the type and weight of trucks that will be using and possibly damaging Catamount Road. Mr. Freeman acknowledged that there will be additional trucks and vehicles accessing this road however he will not take issue with Mr. Peteroy's numbers. Mr. Freeman made note of the fact that Catamount Road is a Town Road and they have made a commitment that should there be damage to that road they will repair it. He also committed to overlaying a Town Road with the Town's approval so as to make improvements to the road leaving it in better condition following construction than it is in now.

Mr. Haight asked if Mr. Freeman would be agreeable to posting a Bond and was advised by Attorney Howard that even though there is no obligation in the Code to provide for this they are agreeable to putting up a bond. Mr. Grant made note of the fact that an amount would have to be estimated for this. Mr. Haight clarified that this amount can be decided between the engineers. Attorney Howard made note of the fact that there will be a bond of suitable size as dictated by the Town Engineer and Town Attorney. Mr. Sawchuk suggested consulting with Engineer Field regarding the weight bearing capacity of the road. Attorney Howard pointed out that the whole beginning of the road is being rebuilt pursuant to DOT inspection and once that significant portion is done it makes no sense not to complete the whole road. Mr. Freeman acknowledged that he walked that road with the Town Highway Superintendent who was part of the crew that built the new part of the Town Road. He added that this is the land that came with the land swap and the Highway Superintendent was very comfortable with the base of the road.

Once again the conversation centered on the elevation drawings. Mr. Sawchuk questioned whether there was a drawing depicting the height of the entire structure. Mr. Prendergast advised that the height of the buildings will be sixty-seven feet (67') high. Mr. Haight acknowledged that the project has already been approved for the sixty-seven feet (67'). There were disagreements as to the type of elevations provided, the elevation rendering submitted and actual architectural drawings of the elevations. Mr. Freeman explained that an elevation drawing by an architect is usually in black and white and the one he presented is a colorized version of the same thing made for presentation purposes. Mr. Haight reminded the Board that a majority of the Board agreed on this at a previous meeting. Attorney Dow questioned whether the discussion centered on straight on elevations versus renderings of the elevations. Mr. Grant clarified that this is the point.

Ms. Becker referred to Town Code 232-23 (3) *Review of site plan. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations: (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.* She clarified that she is specifically looking for renderings of the three (3) buildings. Mr. Urban suggested the applicant put together all the renderings and drawings they have for the Board as he believed he had seen these previously. Attorney Dow clarified that Ms. Becker is requesting a rendering of the three (3) buildings and Mr. Grant is requesting a straight on elevation drawing from all sides with heights, gables and peaks included. Mr. Freeman clarified that the only difference with the elevation he has presented is that it is colored as opposed to leaving it in black and white which is the way they are normally seen.

Attorney Dow asked Mr. Grant whether the type of drawings he is referring to affects his ability to judge the project. Mr. Grant explained that the other drawings show the grades, the heights and the pitches and a depiction does not do that. Ms. Cohen suggested asking how many of the Board members were satisfied with what has been presented. Mr. Freeman expressed his frustration to the fact that different things are being asked for at each meeting which is prolonging the process to the point that it is endangering his ability to break ground in the spring.

Mr. Grant asked for some kind of assurance that elevations will be given should approval be granted. Mr. Freeman clarified that if building plans are what Mr. Grant is referring to he will be happy to supply the Board with a full set of plans at that time.

New subdivision maps were prepared by Surveyor Jeff Plass. Ms. Becker reminded the applicant that there are easements that are required. Attorney Howard explained that it would be best for the applicant to supply a written agreement of easements inasmuch as there were several easements that apply. Mr. Freeman acknowledged that this was discussed much earlier in the process as the best way to proceed. This will be listed as a condition of approval.

The subdivision Check List was reviewed. Mr. Freeman made note of the fact that water supply and sewage are located off site. He acknowledged that there are easements in place to bring sewer water onto site as well bring sewer off site and no sewer or water facilities will be located on the subdivision. Mr. Haight asked Mr. Prendergast to point out on the map exactly where the sewer plant will be. Mr. Prendergast explained that the sewer plant is on Lot 2 and Lot 1 is the lot being subdivided out. Attorney Howard pointed out that the Subdivision is being done in conjunction with the detailed Site Plan that is being gone through and both documents can be utilized. Mr. Prendergast suggested having Surveyor Jeff Plass indicate the sewage facility on the Subdivision Map. Mr. Prendergast acknowledged that the easement restrictions will need to be drafted and sent to Attorney Dow to review.

Mr. Freeman acknowledged that there is an existing septic system on Lot 1 and suggested that be accounted for as well. He also wanted to acknowledge that the intention is to abandon the existing septic system which is noted on the site plan.

It was Attorney Howard's understanding that Attorney Dow would prepare a document regarding the SEQR. Attorney Dow acknowledged that he is in the process of completing this and has been reviewing the documents as well as the coinciding meeting minutes so that everything is properly accounted for. Ms. Cohen read the SEQR Resolution into the record. A Roll-Call Vote for this was

taken and passed by a vote of 6 to 1 with Mr. Sawchuk voting against. Attorney Dow noted that the Resolution will be modified to include the vote and result of the voting.

Mr. Grant questioned whether the funding from Empire State Development Corporation (ESD) was a 2013 grant and was advised by Mr. Freeman that it was. Mr. Freeman acknowledged that the grant was awarded in December of 2013. Mr. Grant questioned what the milestones were for receipt of the funding. Mr. Freeman clarified that the funding does not come in the form of cash until after the project is completed. Mr. Grant then asked if this was only for the infrastructure and the sewer and water. It was clarified by Mr. Freeman that one part was received because of marketing and jobs and the other was for infrastructure. Mr. Grant then questioned whether they were on track according to ESD and Mr. Freeman advised him that they are.

Mr. Haight asked if the Board felt there was anything specific the applicant's needed for next month's meeting. Ms. Becker suggested updated plans and Mr. Haight requested an e-mail set as well. Mr. Grant noted that the Town Road needs to be discussed and suggested that Mr. Prendergast contact Engineer Tom Field to discuss a cost estimate.

Mr. Haight acknowledged that things were dependent on ZBA approval. It was Mr. Freeman's understanding that the ZBA would not take action prior to receipt of Site Plan approval. Mr. Haight clarified that the Planning Board needs ZBA approval as they sent the applicant to them. Ms. Becker did bring up the fact that Site Plan approval can be granted subject to receipt of the ZBA variances. Attorney Dow did not believe Site Plan approval was necessary for special use and area variance approval.

The outstanding items were noted to be the elevation package, conditional DOT approval, copies of the renderings and a Bond estimate for the road. Mr. Freeman expressed his concerns about paying for bonds and legal approvals prior to approval and asked that these be done with conditional approval. Mr. Grant felt this could be accomplished. Mr. Haight also requested a discussion with the applicant and the Breen property owners or their lawyer regarding the landscaping issue. Mr. Freeman was agreeable to meeting with Ms. Ferradino at any time regarding this issue.

MINUTES

On a motion made by Mr. Haight and seconded by Mr. Sawchuk the Board voted unanimously to approve the meeting Minutes of June 5, 2014.

ADMINISTRATIVE

OPEN MEETING LAW CLARIFICATION: Attorney Dow sent a memo clarifying that Open Meeting Laws are not violated as long as when a quorum of Board members happen to be gathered together they do not discuss anything related to ZBA or Planning Board matters.

JOHN MAGGIACOMO: The ZBA Referral for John Maggiacomo which was reviewed by the Board at last month's meeting has been withdrawn from the ZBA.

HOUSING RESOURCES: Ms. Becker brought an article to the Board's attention regarding Housing Resources which ran in the Columbia Paper and the Register Star.

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. Savarese and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:10 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 29 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

JOHN & JOYCE VARVATOS

May 21, 2014	Sullivan to Becker/CPB (3)
June 9, 2014	Joint Application to Army Corp of Engineers (2)
June 26, 2014	Cady-Poulin to Varvatos (1)

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA RESORT HOTEL

March 31, 2014	Peteroy Conceptual Construction Estimate (1)
June 7, 2014	Wallace to CPB (1)
June 12, 2014	Strompf to CPB (1)
June 23, 2014	Freeman to Hannigan (3)
June 23, 2014	Clark/Herbold to Gilchrest (4)
June 26, 2014	Ferradino to Thomas/ZBA (4)
June 26, 2014	Gilchrest to ZBA/Town Hall (3)
June 30, 2014	Silver to Becker/CPB (1)
July 8, 2014	Abrams to CPB (1)
July 14, 2014	Resolution of Negative Declaration (4)

