



COPAKE PLANNING BOARD
JUNE 5, 2014
MINUTES

Approved
July 14, 2014

Please note that all referenced attachments, comprising 68 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 Chris Grant, Vice Chair. Also present were Bob Haight, Marcia Becker, Steve Savarese, Jon Urban, and Julie Cohen. Ed Sawchuk was excused. Lisa DeConti was present to record the minutes. Supervisor and Board Liaison Jeff Nayer, Attorney Ken Dow and Town Engineer Tom Field were also present.

ZONING BOARD OF APPEALS – Referrals

2014-12 ZBA REFERRAL – JOHN MAGGIACOMO – Cherokee Drive [Copake Lake]

Submissions included:

- Patricia Gabriel letter stating that no permit is needed by NYS DEC for John H. Maggiacomo [1 page]

Mr. Maggiacomo appeared before the Board with Landscape Designer Gary Dysard. Mr. Grant explained that Mr. Maggiacomo wishes to construct a retaining wall. Mr. Dysard noted that any previously used hazardous materials are being removed and replaced with concrete Allen Block which is a material approved for water areas.

Mr. Haight questioned whether the area on the map used for people placing their boats in the water has a right-of-way for this area. Mr. Maggiacomo acknowledged that a right-of-way does exist and Mr. Dysard explained that the retaining wall does not interfere with access. Ms. Becker pointed out that the retaining wall is being made bigger.

Mr. Haight expressed concerns that the retaining wall might encroach on the right-of-way. Mr. Dysard explained that there will also be ten feet (10') from the ramp to the lake. Mr. Haight questioned whether there was a designated width required by Arrowhead Acres and was advised that there is not. Mr. Dysard noted that boats wider than eight and one half feet (8 ½') are not allowed so the ten foot (10') right-of-way should be sufficient.

Ms. Becker acknowledged a letter from the DEC saying that a permit is not needed and asked whether there are plans for erosion and sediment control. Mr. Maggiacomo advised that plans

were submitted but copies have not been made. Mr. Grant questioned the ownership of the road and Mr. Maggicomo explained that he pays the taxes on the road and everyone has access through an easement.

Mr. Grant acknowledged that a ninety-three foot (93') setback variance from the lake, a thirty foot (30') side yard variance and a twenty foot side yard (20') variance are needed from the ZBA. Ms. Becker advised Mr. Maggicomo that the Board will need copies of the documents submitted to the ZBA.

Ms. Becker acknowledged that the only concern she had was the implementation of an erosion and sediment plan during the digging process. Mr. Dysard agreed to place hay bales in the areas where needed.

A letter will be written to the ZBA expressing the Boards comments and concerns.

2014-13 ZBA REFERRAL – MARILYN GOLDMAN – Golf Course Road [Copake Lake]

Mr. Goldman explained that he will be building a driveway in front of his house. There will be a retaining wall which uses Allen Block and the driveway will be asphalt. Mr. Grant acknowledged that relief was needed for development within one-hundred feet (100') of a body of water. Mr. Haight questioned whether the shed was new and was advised that it is.

Ms. Becker questioned whether the area was flat and was advised that it is sloped. It was noted that the Japanese maple tree will remain and another tree is also being added. Ms. Becker explained that the Board's concerns are to prevent run-off into the lake. Mr. Urban recommended that shrubs be added to prevent run-off and Mr. Haight noted that the neighbor's property will not be affected by the run-off. Mr. Grant questioned whether consideration could be given to not paving the driveway. Mr. Goldman advised him that according to his engineer the soil is clay based and whether or not it is paved should not make a difference. He added that he applied for a paved driveway but is not sure whether or not the end result will be paved.

Mr. Grant acknowledged that relief is needed for development within approximately forty-four feet (44') from the lake on a non-conforming lot. Ms. Becker expressed concern for an erosion and sediment control plan and was advised that a silt fence will be used and is indicated on the site map.

A letter will be written to the ZBA advising of the Board's recommendations and concerns.

PUBLIC HEARING

2014-7 MINOR SUBDIVISION – DAVE VALDEN – Main Street – [Copake]

Mr. Grant advised that Mr. Valden is requesting a minor boundary line adjustment on Main Street in Copake.

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to open the Public Hearing.

Mr. Grant asked if there was anyone present wishing to speak on this application. Being none, on a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to close the Public Hearing

**2014-11 BLA/MINOR SUBDIVISION – FARMLAND RENEWAL LLC – County Rte. 7A–
[Copake]**

On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to open the Public Hearing.

Mr. Grant asked if there was anyone present who wished to speak on the Farmland Renewal LLC application. Being none, on a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to close the Public Hearing

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

Pat Prendergast appeared along with Developer Harry Freeman and Project Attorney Andy Howard.

Mr. Grant acknowledged that the Public Hearing remained open. He asked if anyone wished to speak regarding this application. No one spoke regarding the Minor Subdivision.

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

Pat Prendergast appeared along with Developer Harry Freeman and Project Attorney Andy Howard.

Submissions included:

- Gray Davis e-mail dated May 8, 2014
- Steven J. Chickery e-mail dated May 8, 2014
- Ueli H. Burkart e-mail dated May 21, 2014
- Astric Meyer-Alper e-mail dated May 21, 2104
- Ulrich Toggenburger e-mail dated May 22, 2014

- Jolanda Alper e-mail dated June 14, 2014
- Barbara Holcombe e-mail dated June 5, 2014
- Liah Wallace e-mail dated June 5, 2014
- Michelle Garive e-mail dated June 5, 2014

Mr. Grant advised that the Public Hearing remained open. Ms. Becker read the submitted letters into the record.

GRAY DAVIS, Copake, NY ... Mr. Davis believes the project will be a positive asset to the area with the addition of the Berkshire Mountain Club at Catamount. He feels the proposed lodge is in keeping with the scale of the area, is nicely detailed and is well sited at the base of the mountain. He also believes the lodge will provide employment to many local residents and help to keep our younger community members in the area as well as bring additional revenue to many local businesses.

STEPHEN CHICKERY, Copake, NY ... Mr. Chickery feels the proposed lodge is well suited to the area and would be an economic boon to our County. He believes that the present operation at Catamount needs this project to be green lighted in order to stay competitive with the other ski lodges in the surrounding communities.

UELI H. BURKART, Switzerland... Mr. Ueli H. Burkart does not agree with this procedure. He insists that Catamount comply with the 2005 agreement and the resulting obligations. He pledges his full support for the Swiss Hutte.

ASTRID MEYER-ALPER ... Ms. Meyer-Alper is the sister of Swiss Hutte owner Gert Alper. Ms. Meyer-Alper asks the Board to stay behind Gert and Cindy Alper.

ULRICH TOGGENBURGER, Zurich/Switzerland ... Mr. Toggenburger officially doesn't agree with the procedure and insists that Catamount totally comply with the agreement and the resulting obligations of the 2005 agreement.

MICHELLE GARVIE ... Ms. Garvie ask the Board to consider the financial detriment this project as it stands will have on the Alpers of the Swiss Hutte. She feels the plans as they stand now would spell the end for their business. She asks that the Board consider what this means to the Alpers, to their employees and to the community. She also asks the Board to consider all the aspects of the development project before them and what the bottom line looks like for all affected parties.

JOLANDA ALPER, Zurich Switzerland ... Ms. Alper, Gert Alper's cousin feels that to destroy the relaxing unspoiled nature of the Swiss Hutte would be an inexcusable mistake.

BARBARA HOLCOMBE ... Ms. Holcombe feels the impact of construction using the road for up to 5 to 10 years would certainly be a loss for the Swiss Hutte with its beautiful

views. She feels there should be an alternative construction access. She feels this construction will create hardships for the Swiss Hutte and could discourage their regular customers.

LIAH WALLACE ... Ms. Wallace asked the Board to consider the negative effects this project will have on the beautiful view and quiet atmosphere of the Swiss Hutte when deciding on the future of the Catamount Development project. She feels there should be an alternative construction access that does not impact this quaint and beautiful business.

DAVID SILVER, Copake, NY ... Mr. Silver asked for clarification of the March 6th minutes as to whether Mr. Prendergast physically pointed out the location of his property on the map. If Mr. Prendergast did not physically point out this location he requests that the minutes be corrected.

STEPHANIE FERRADINO, Couch White ... Ms. Ferradino brought up the fact that there are still questions as to whether this project is a Resort Hotel or a Time Share which is residential. She referred to Mr. Freeman's comment that the commercial portion of the project is only 17% which confuses her because if it is a hotel 100% of it is commercial as a hotel is a commercial entity. Mr. Grant advised her that the ZBA is dealing with that issue. Ms. Ferradino questioned what the bulk of the project is if only 17% of it is commercial. She noted that the rest of it would be residential. Mr. Grant advised that more financial information would be forthcoming,

Ms. Ferradino presented the Board with a letter advising that she did not receive the nineteen (19) page SEQRA response until June 3, which did not provide her sufficient time to provide a meaningful response. She requested that the Board let that discussion be held over until the next meeting so as to allow everyone to participate.

Ms. Ferradino acknowledged that there are two issues that significantly impact her client, one being really significant landscaping in between the project and her client and the other being the relocation of the sewage treatment plant further away from her client's property.

ANDREW GILCHREST, Tuczinski, Cavalier & Gilchrest, PC... Mr. Gilchrest was encouraged that the applicant conceded the need to have a secondary access road off Catamount Road into Catamount Development Corp. land, however he felt this was a start and not a finish. He noted that mention was made regarding a thirty-foot (30') easement and a new located secondary access road.

Mr. Gilchrest presented a 2005 map that was put together for this project when it was previously in front of the Planning Board. Mr. Gilchrest brought up the fact that at that time the Town of Copake owned certain parcels, Catamount owned certain parcels and the Alpers owned certain properties. He noted that this land transfer was contemplated under their binding agreement for this project.

Ms. Becker asked Mr. Gilchrest if this was relevant to the project as he was referring to a map from 2005. It is Mr. Gilchrest's belief that the 2005 project is the current project. He wishes to address how Catamount Road is currently located, why it exists and why this applicant is now able to say they will put in a secondary access road over a thirty-foot

(30') easement. He noted that this did not exist prior to 2005. Mr. Grant acknowledged that a land swap was done however and pointed out that the Town of Copake does now own that road. Mr. Gilchrest did make note of the fact that this was due to the consideration his clients got through the previous agreement. Mr. Gilchrest noted that the road that the emergency access road is being proposed on was previously owned by his clients. Mr. Gilchrest acknowledged that the consideration for that land swap was the benefit that his clients received under the 2005 agreement which is now not being adhered to by the applicant.

At the last meeting Mr. Gilchrest acknowledged that he had obtained a copy of the applicant's application for the 1.2 million dollar state grant for this project for which he asked the Board why there were 210 units listed when the application before the Board only has 153. He had hoped that the Board would ask the applicant that question.

Mr. Gilchrest made note of the fact that the new access road will also serve truck traffic which will mitigate potential impact of heavy vehicles on the adjacent land uses along Catamount Road during the construction and operational phases. He pointed out that there were a number of reasons for the prior proposed road, a significant point and what benefited his clients is why they agreed to that land swap which was the diversion of all delivery vehicles.

Mr. Gilchrest brought up the fact that there was a tax analysis done in 2005 which indicated the tax benefits. It was Mr. Gilchrest's opinion that the Town get a binding agreement that they be paid the taxes that will not be diminished in any way.

Mr. Gilchrest then noted that within that grant application there was an additional potential hotel site for 60-80 rooms. Mr. Grant questioned whether this was the information that went before Empire State Development Corp and was advised by Mr. Gilchrest that it was. Mr. Grant pointed out that this was not relevant to what has been presented to the Town for consideration. Mr. Gilchrest argued that the SEQRA does require this Board to look at the project before it in any part of a long range plan for the project site. Mr. Gilchrest referred to a map he presented and pointed out that a potential hotel site is where the previous access road was supposed to have been. Mr. Gilchrest asked that the Board look at the short term, long term and cumulative impact of the project before them including all parts of any long-range plans. Mr. Gilchrest believed the Board needed to review this under SEQRA and absent looking at this is considered segmentation.

Mr. Gilchrest presented the Board with a letter he asked to include in the record with a memorandum explaining SEQRA segmentation. Mr. Haight questioned where the map Mr. Gilchrest presented came from and was advised that this was from the state grant application. Ms. Becker questioned whether the prior project was part of that grant application and was advised that pieces of it were but this will be reviewed at a later date.

Mr. Grant advised that the Board will be looking at all this during the SEQRA process and as far as the Alpers are concerned Mr. Gilchrest has addressed all of that in his formal complaint so all of that information is available to the Board and the Town. Mr. Gilchrest expressed his thanks that the Board will take care of these issues. He felt any letter to

Copake from the DOT supporting Catamount Road is premature and any support or determinations from this Board or the ZBA would be premature.

ATTORNEY ANDREW HOWARD, Freeman Howard... Attorney Howard wanted it noted that the complaint given to the Board has not yet been served to either Catamount or to Rock Solid Development. Attorney Howard pointed out that it is being brought up that the prior agreement in 2005 was the consideration for the land swap however he noted that this is not true. He referred to the agreement that was executed in January 2011 and questioned the fact that if the prior agreement was enforceable why a new agreement was entered into which made Catamount Road the public road it is today.

With regard to their application to the state for their finances Attorney Howard noted that it includes some of the prior proceedings from this Board He continued to note that at the Zoning Board meeting Mr. Gilchrest's partner came up with sections of the SEQRA findings statement from 2005 saying 'look what they included in the packet which happens to be the same things we have been referring you to'. Attorney Howard noted that there was a market study that was done in 2012 in connection with what they were going to do and it was a time share project which was entirely different.

Attorney Howard pointed out that when you do the overlay what you interestingly find is that the proposed hotel was part of an appendix to the grant application that was done two (2) years prior and rests on the lands of Linda Breen. Attorney Howard made note of the fact that Rock Solid Development does not have a contract to purchase Linda Breen's property. Ms. Ferradino asked why this was included. Attorney Howard asked her if he has been in contact with her to purchase Linda Breen's property. Attorney Howard acknowledged that they do not have a contract with Linda Breen and cannot build a hotel on property that they do not own. Attorney Howard just wanted this clarified to the Board.

Mr. Freeman explained that they have been looking at this project for the past three (3) years and have looked at many different scenarios. He acknowledged that several different market studies were done for different scenarios and what Mr. Gilchrest referred to was on page 21 of a market analysis that was done for a time share project which they have chosen not to do. That project and this was attached as an appendix to the project and was not referenced in the application materials. He noted that it was in the market studies and all market studies were asked to show why there is a need for further resort development.

Mr. Grant assumes that a copy of the application to Empire State Development Corporation will be included in the submissions. Mr. Freeman acknowledged that this would be done if requested but he noted that this is quite a large document and that application was done well in advance of anything being finalized. He noted that an updated version was supplied at a later date. Mr. Grant pointed out that as part of that process the applicant is required to represent Empire State Development and supply information regarding what sort of jobs will be created as the Town has an interest in knowing this information.

Mr. Grant acknowledged that the Public Hearing will once again remain open.

SUBDIVISION/SITE PLAN

2014-7 MINOR SUBDIVISION – DAVE VALDEN – Main Street – [Copake]

Mr. Grant advised that Mr. Valden is requesting a minor boundary line adjustment on Main Street in Copake. Ms. Becker acknowledged that Parcel 2A is to be merged with Parcel 1.

Submissions included the:

- Maps
- Ag Data Statement
- Lot Line Adjustment Map
- Short EAF

Ms. Becker acknowledged that the Ag Data Statement is needed because it is within five-hundred feet (500') of farmland and will have to be mailed to Walter Kiernan and Alice Belt.

Part II of the SEQRA was read. On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to make a Negative Declaration for the Short Environmental Form for Dave Valden.

On a motion made by Mr. Savarese and seconded by Ms. Cohen the Board voted unanimously to approve the Boundary Line Adjustment for David and Ellen Valden and Copake Country General Store Inc. from a map prepared by Daniel Russell POS dated May 13, 2014.

Mr. Grant will stamp the maps Saturday. Three copies will be provided for the Town.

2014-11 BLA/MINOR SUBDIVISION – FARMLAND RENEWAL LLC – County Rte. 7A– [Copake]

Rachel Kelly appeared before the Board representing Farmland Renewal LLC. Ms. Kelly reminded the Board that Farmland Renewal is proposing to swap the three (3) acres they own with the three (3) acres owned by the Copake Cemetery Association. Ms. Kelly also noted that Farmland Renewal owns one of the houses adjacent to the property and the land swap will allow them access from the field to the house.

The SEQRA was read. On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted unanimously to make a Negative Declaration.

On a motion made by Ms. Becker and seconded by Mr. Savarese the Board voted unanimously to approve the Minor Subdivision for Farmland Renewal LLC from a survey prepared by Lyndon Chase dated April 23, 2014.

Mr. Grant will stamp the maps on Saturday.

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

Submissions included:

- Sketch Plan
- Crawford and Associates Letter
- Letter of Agency

Kipp Edick appeared representing Mr. Swiatek. Mr. Edick advised the Board that Mr. Swiatek wishes to build a single family one-story residence with three (3) bedrooms, three and one-half (3 ½) baths and a two and one-half (2 ½) car garage with a loft above it that could be used as a living space. Mr. Edick noted that the garage will be connected to the house by a breezeway pergola. Mr. Edick acknowledged that although the drawing of the structure on the map appears to extend into the setbacks they do not and they abide by the one-hundred foot (100') offset from the lake.

Ms. Becker questioned whether any building will occur into the banks and noted that a Disturbance of Banks Permit would be needed from the DEC. She also suggested checking with the Army Corps of Engineers for anything they might require.

Mr. Edick advised that the only thing that encroaches is the one-hundred foot (100') setback for the patio however he was advised by CEO Ferratto that this was allowed by code.

Ms. Becker noted that this is a Community Septic System and the Board needs to keep track of the amount of use. Ms. Becker made note of the fact that the loft above the garage would be classified as a possible fourth (4th) bedroom. Mr. Edick provided a letter from Crawford and Associates advising the capacity the septic system could handle this. He acknowledged that the well and the pump locations were noted.

Ms. Becker pointed out that some plantings have been added as a buffer. Mr. Edick acknowledged that Andy Aubin will be putting together the erosion and sediment control plan. He advised that he expects to be using a silt fence down by the water and asked whether sediment basins or the like were needed. Ms. Becker noted that the property was pretty flat and Mr. Haight thought a silt fence would be sufficient.

After reviewing the letter from Crawford and Associates Ms. Becker believed the Community Septic will be able to accommodate the four (4) bedrooms proposed.

Mr. Edick made note of the fact that there is a right-of-way on a small portion of shared roadway and it is unsettled at this point as to who is responsible for maintaining it. Mr. Haight advised him that this information will be needed. Mr. Haight also advised that any planned lighting needs to be pointed downward.

The Site Plan Check List was reviewed. Ms. Becker questioned whether the landscape plan was complete or not and was advised by Mr. Edick that it was not. Mr. Edick asked whether the Board determines the one-hundred foot (100') setback by the high water mark and was advised by Mr. Grant that it is.

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 before the Board along with Developer Harry Freeman and Project Attorney Andy Howard.

The following were submitted:

- David Silver letter dated May 6, 2014 [1 page]
- NYS DEC Letter and Permit dated March 8, 2014 – Stream Disturbance & Water Quality Certification and maps – [10 Pages]
- Couch & White letter dated May 19, 2014 – Contact information regarding Linda Breen [1 page]
- Pat Prendergast Pond Survey dated March 20, 2014 – [5 pages]
- Hillsdale/Copake Fire Department letter dated May 22, 2014
- Couch and White e-mail & letter dated May 27, 2014 [3 pages]
- Andy Howard response to EAF [19 pages]
- Pat Prendergast letter dated June 3, 2014
- Updated Site Plan
- Tuczinskim Cavalier & Gilcrest Litigation Proceedings Dated June 3, 2014
- Tom Field/Clark Engineering Letter dated June 3, 2014
- Pat Prendergast letter dated June 5

Mr. Freeman acknowledged that he had a successful meeting with the Hillsdale/Copake Fire District concerning questions regarding the fire protection issues and how they would be dealt with. Mr. Freeman noted that the emergency access issue regarding apparatus access around the rear of the building had been discussed and a solution had been reached. He made note of the fact that some of the fire hydrants had been relocated and the use of a stand pipe is also being discussed.

Mr. Freeman noted that the two (2) ponds were resurveyed and at the suggestion of the Fire Department they will now plan to pump out of the second pond instead of the first pond. He continued to note that the water tower will now hold seventy (70,000) gallons of water instead of the previous fifty (50,000) gallons. Mr. Freeman acknowledged that there will be two (2) dry hydrants coming off of reservoir one (1) with another dry hydrant at a lower elevation.

Mr. Freeman explained different ways of access that were suggested by the Fire Department and noted that the primary and secondary accesses are both planned to come off of the Copake Town Road (Catamount Rd.) He brought up the fact that as discussed the best access is off of Catamount Road and added that if needed the four-wheel drive pumpers that are used have negotiated their way down Nicholson Road. Mr. Freeman acknowledged that improvements are being considered for areas of Nicholson Road as well as some of the water issues so that it would

be a good convenient way out for passenger vehicles. He also made note of the fact that they are also working with Egremont as there may be other areas of that road that need improvements should it be needed for an emergency exit. Mr. Freeman did note that there are no plans to pave this road however the Fire Department was confident that vehicles could be vacated from there. Mr. Grant did point out that there would still be an issue if Route 23 and Catamount Road were blocked. Mr. Freeman reassured him that the Fire Department was comfortable with the ability to provide access if needed.

Ms. Becker mentioned the right of way that connects Catamount Road with Nicholson Road through the back of the parking lot. Mr. Freeman acknowledged that the secondary access comes in through that right-of-way. Mr. Grant felt this was still a single point of access and was assured by Mr. Freeman that according to the Fire experts this was not. Mr. Grant asked Mr. Field's opinion on this matter and was advised that this is a Code issue. Attorney Dow explained that according to the code when you are on a public road there only needs to be one access to a given point and when you depart from a public road you need two ways in. Mr. Freeman pointed out that there was never a second access off of Route 23 and there were always two means of access off Catamount Road. Mr. Freeman noted that the original Creighton Manning Report recommended the use of Nicholson Road as a secondary access. He also pointed out that Catamount Road will be an improved road with three (3) lanes of traffic at the top that narrows down to a straight of way with an additional slow down lane on Route 23 giving a lot more manipulation room in the event of an accident.

Mr. Grant questioned whether the Great Barrington Fire Company had been consulted for their sign-off on this so that he can be sure the ladder truck will have access. Mr. Freeman advised that the ladder truck would have no problem going into Catamount Road. Mr. Grant asked if a letter could be provided to this effect and Mr. Freeman advised him that they agreed to the use of Catamount in the previous letter that they had submitted.

Ms. Becker asked if Mr. Freeman felt they had resolved their fire access concerns with the fire district. Mr. Miller of the Fire Department was consulted and pointed out that although this is not an ideal resolution the previous project was not ideal either as you had to go in one-hundred and fifty feet (150') to access the access road. He noted that there was no improvement planned for the swing which would have to be navigated. He did point out that Nicholson Road is not an ideal resolution either for the ladder truck although it may work for some of the lighter equipment. Ms. Becker asked if the improvements that are planned for Nicholson Road could be received. Mr. Freeman advised her that the only improvements he could show her are the improvements to the property controlled by Catamount however he assured her that he will work with the Town of Egremont.

Attorney Dow wanted clarification as to whether the Town Code supports the requirement of single access on a public road for a project of this classification and type. Mr. Freeman pointed out that the issue of needing a second access is really a discretionary item for the Code Enforcement Officer. Mr. Freeman brought up the fact that the Fairfield Inn in Great Barrington has ninety-four rooms with a single means of egress and is a larger building.

Ms. Becker questioned whether Mr. Freeman intended to make a presentation with the DVD she received last month. Mr. Freeman advised her that this was not his intent however he had hoped that additional copies of the DVD could have been gotten for the other Board members but this was not possible.

Mr. Grant made noted of the fact that the response to the SEQRA had only been received on the Tuesday prior to the meeting which was not enough time for this to have been reviewed. He also acknowledged a response from Engineer Field which was received on June 3. Mr. Grant read this into the record. In his letter Engineer Field acknowledged the modified DEC Wastewater SPDES Permit valid until January 2017, the updated Army Corps of Engineers National Permit is valid until March 2017, the updated Columbia County Health Department Water System Approval and the updated and renewed DEC Stormwater SPDES Permit. Engineer Field also noted that inasmuch as approval from the DOT may take some time his suggestion to them was to submit a letter of approval to help the Board complete the SEQRA process. Engineer Field also noted that the Town of Copake Building Department must issue a permit.

Mr. Prendergast made note of the fact that the DEC permit for stream disturbance had been submitted. Mr. Grant asked where Mr. Prendergast was regarding the letter of approval from the DOT. Mr. Prendergast addressed the fact that the entrance that was submitted by Creighton Manning is exactly the same plan as was previously submitted. He spoke with the engineer from Creighton Manning who suggested that the Town Board write a letter regarding the fact that the improvements to the road are being done on behalf of the Town who is expressing their interest in this being completed. Mr. Prendergast can provide suggested letters. Mr. Freeman suggested drafting the letter.

In regard to the Technical Review of Engineer Field's letter Mr. Prendergast acknowledged that he will have the lighting increased to conform to the Town Code. Mr. Prendergast acknowledged that he has shown a silt fence on the drainage and grading plan and when construction starts the developer will need to employ a certified stormwater inspector who will probably do some site specific things to cut down on erosion. Mr. Haight agreed with this. Engineer Field suggested that the erosion control plan from the SWIPP be included in the plans.

Mr. Grant read the Hillsdale/Copake Fire District letter into the record. He felt this letter only dealt with access to the rear of the building and not the emergency access and asked if the Commissioner could supply a separate letter addressing the emergency access.

Attorney Dow acknowledged that at the last meeting the Board very quickly went through Part II of the SEQRA in a preliminary way so as to separate out things that had nothing to do with the project and identify the things that did. He did note that no decisions were made on anything. Attorney Dow referred to the items that were flagged and noted that they fell into two (2) categories. He said that there were those that may be relevant but might prove they have little or no impact and can be dismissed and then there are others where there might still be potential impact that may be mitigated. He pointed out that the latter are more appropriately dealt with in Part III where it has to be explained that something that may have had an impact still doesn't create a significant adverse impact. He suggested going back to the items that were flagged and take the time to get into the record and the facts so that it can be determined whether or not there is potential before the mitigation that may take place. He advised that after going through Part II to identify the relevant environmental areas of concern these areas then need to be analyzed to determine whether they have significant adverse impact. Then in Part III thoroughly analyze the relevant areas of concern to determine if they may have significant adverse impacts. He noted that there are things that may be put aside in Part III because they may have been treated and then there are those that may be found to have significant impacts and then the Board would have to proceed to the EIS.

Attorney Howard made note of the fact that the process is still in the Public Hearing that is continuing on. He made note of the fact that at the last meeting public comments were taken and a decision was made to adjourn the Public Hearing for the evening at which time the SEQRA was gone through and items were then flagged. He acknowledged that what they wished to do regarding the flagged items was to provide their analysis of the record as it currently exists based on the information that has been presented. He advised that those questions taken from the EAF are the function that this Board's undertakes under SEQRA and although members of the public have the ability to speak on the document submitted in terms of what actually occurs that it is the Board's EAF process to deal with and assemble the record up until this point. Attorney Howard had no objection to going through the EAF at this time however he doesn't want to get it confused with regard to the fact that the Board is still in the Public Hearing and that exercise is an exercise that the Board entertains after the Public Hearing is closed.

Mr. Grant questioned the EAF response provided by Attorney Howard and asked for clarification. Attorney Howard acknowledged that he highlighted and addressed the pertinent issues referring to the flagged items made by the Board during the review process.

Mr. Grant made note of the fact that the last draw down test was done in 2005 and questioned whether it made sense to update this. Mr. Prendergast did not believe this was necessary. Mr. Grant asked Engineer Field if he was in agreement with the 2005 test and Engineer Field advised that this is the County's decision and they haven't asked for an updated version. Engineer Field clarified that this is a public water supply.

Mr. Grant felt that under the potential impacts when looking at fiscal and community impacts the Town deserves to know how much this will cost them in services and how much they will get back in terms of taxes. Mr. Freeman acknowledged that he met with the assessor today and the tax dollars will far exceed the numbers that were in the previous plan. Mr. Grant asked if an exact amount could be given. Mr. Freeman advised that this is not possible as the assessor is working through several issues at this time and is not able to give him that information. Mr. Freeman then brought up the fact that there was a comment at one of the previous meetings that he had approached the IDA for exemptions for the commercial portion. He noted that there are actually state statutes that allow for a 50% amount of taxes however the only part any deferral could be received on is for the commercial portion which is about 17% in the first building so the vast amount of the building will be appraised significantly higher so the net benefit of the state statutory is the exemption for new construction is going to be negligible.

Ms. Becker asked Attorney Howard if he preferred not to deal with the EAF until the public comment period is closed. He advised that what the Board typically does is hold their Public Hearing and gets its input, close the Public Hearing and then continues on. Attorney Dow agreed and pointed out that the Public Hearing is technically in relation to the Site Plan and Subdivision and not the SEQRA. A discussion ensued as to whether the Board should proceed with the SEQRA or the Public hearing as Public Hearing is not about the SEQRA. Attorney Dow suggested proceeding with the Public Hearing, close it for the evening and then proceed to the SEQRA.

Attorney Dow suggested that the Board start to review the flagged items of the EAF. Mr. Grant felt that inasmuch as the Board has not had time to review Attorney Howard's response to the EAF it not be reviewed until the Board has the opportunity to do so.

Attorney Howard asked the Board to consider having a special meeting to allow this process to move forward before the next ZBA meeting. Mr. Grant acknowledged that the DOT letter is outstanding and Ms. Becker made note of the fact that she would like to see a landscaping plan as this might mitigate some concerns.

Ms. Ferradino made note of the fact that at the last meeting it was requested that she submit her materials the week before the meeting however Attorney Howard's response to the EAF had not been received until a couple of days prior to the meeting.

Attorney Dow pointed out that there are two processes running simultaneously and Part II and Part III of the SEQRA are Board actions and the public comments are not about those specifically and if further information comes in from the applicant in the public hearing period in relation to the Site Plan and Subdivision they can be considered but as far as the SEQRA action that is not a participatory process in itself. Mr. Freeman questioned whether the Public Hearing could be closed inasmuch as most of the questions being raised are surrounding the SEQRA. Mr. Grant felt it premature to close the Public Hearing.

Mr. Gilchrest advised that the process is for the SEQRA to have been completed prior to the Public Hearing so that it can be considered in the process.

MINUTES

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to approve the meeting Minutes of May 1, 2014.

ADMINISTRATIVE

TRAINING AMENDMENT TO THE POLICY MANUAL: A resolution was made to the Policy Manual requiring individuals of the Planning Board and Zoning Board of Appeals to obtain prior approval of the Town Board in order to attend Training Sessions.

EDGAR MASTERS OFFER OF ASSISTANCE: Due to the resignation of Ms. Becker as Chair of the Planning Board Edgar Masters offered his assistance to the Board if needed.

APPOINTMENT OF CHAIR: Ms. Becker acknowledged that she is still a member of the Planning Board however she is no longer Chair. She advised that Mr. Haight is interested in the position and would be available immediately. She would be willing to help him with the transition. Ms. Becker also offered to take back the position until the end of the year to help with the transition. Ms. Cohen felt that if the transition was to take place it should be done at this time. Mr. Grant said he might also be interested in taking on the position of Chair. Ms. Becker advised them that the position requires close to 20-25 hours a week. Supervisor Nayer noted that Mr. Grant is presently acting Chair and noted that Ms. Becker is still a member of the Board and the Chair can contact any member for help. Ms. Becker had concerns about the record keeping for a large

project like Catamount. Supervisor Nayer addressed the Board and Ms. Becker asked that he refrain from this as he is not a member. Supervisor Nayer asked that the record show that he is the Board Liaison and has the same rights of discussion as any Board member with the exception of a vote. Supervisor Nayer asked Attorney Dow to clarify this and Attorney Dow acknowledged that this is what is said in the Town Code. Mr. Grant suggested putting the decision off until the next meeting. Ms. Cohen felt this should be decided at this time and nominated Mr. Haight for the position of Chair. Mr. Savarese seconded and the Board voted all in favor to elect Mr. Haight as Chair. A letter will be written to the Town Board advising them of the Board's decision.

SPECIAL MEETING AND JULY MEETING DATE: The Board discussed possible dates for a special meeting for Catamount and a change of date for the July meeting. Possible dates will be looked into and the Board will be advised accordingly.

CARRY OVER

The following matters were carried over to the next meeting:

- 2014-7 MINOR SUBDIVISION – DAVE VALDEN – Main Street – [Copake]**
- 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 Ms, Becker and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:08 p.m.

Chris Grant, Vice-Chair

Please note that all referenced attachments, comprising 33 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 MAGGIACOMO

May 7, 2014 Gabriel to Maggiacomo (1)

DAVE VALDEN

June 5, 2014 Ag Data Statement (1)
Short Form EAF (4)
EAF Summary Report (1)

JOHN & JOYCE VARVATOS

May 21, 2014 Sullivan to Becker/CPB (3)

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA RESORT HOTEL

May 6, 2014 Silver to Becker/CPB (1)
May 8, 2014 Gabriel to Freeman/DEC Permit (10)
May 19, 2014 Ferradino to Nayer/TB (1)
May 20, 2014 Prendergast to CPB/Becker (5)
May 22, 2014 Canetto to ZBA (1)
May 27, 2014 Ferradino to CPB (2)
Howard EAF Response (19)
June 3, 2014 Gilchrest to CPB (2)
June 3, 2014 Prendergast to Grant/CPB (2)
June 3, 2014 Field to Grant/CPB (3)
June 5, 2014 Prendergast to Grant/CPB (3)

PUBLIC COMMENTS

May 8, 2014 Davis to /CPB (1)
May 8, 2014 Chickery to CPB (1)
May 21, 2014 Burkart to CPB (1)
May 21, 2014 Meyer-Alper to CPB (1)
May 22, 2014 Toggenburger to CPB (1)
June 4, 2014 Alper to CPB (1)
June 5, 2014 Holcombe to CPB (1)
June 5, 2014 Baker to CPB (1)
June 5, 2014 Garvie to CPB (1)