



COPAKE PLANNING BOARD

MARCH 6, 2014

MINUTES

DRAFT

Please note that all referenced attachments, comprising 19 pages, are on file with the Copake Town Clerk and in the Planning Board office. An annotated listing of those attachments appears at the end of this document.

A regular meeting of the Copake Planning Board was called to order at 7:00 p.m. by Marcia Becker, Chair. Also present were Chris Grant, Bob Haight, Jon Urban, Julie Cohen and Ed Sawchuk. Steve Savarase 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

NONE

PUBLIC HEARING

2014-3 MINOR SUBDIVISION – MICHAEL SHADIC – Pumpkin Hollow Rd. – [Copake]

Matt Shadic appeared before the Board along with Surveyor Samuel March. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to open the Public Hearing.

Ms. Becker asked if anyone had any questions or wished to speak on this application. Lindsay LeBrecht asked for clarification of the Road Maintenance Agreement. Mr. Shadic explained that the thirteen acre parcel is responsible for fifty percent (50%) of the maintenance, the next parcel is responsible for thirty-five percent (35%) and the remaining parcel is responsible for fifteen percent (15%).

On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to close the Public Hearing.

2014-5 MINOR SUBDIVISION – BARBARA BRAUNSTEIN – Golf Course Road – [Copake Lake]

On a motion made by Mr. Grant and seconded by Ms. Cohen the Board voted unanimously to open the Public Hearing for the Minor Subdivision of the Braunstein property.

Ms. Becker asked if anyone had any questions or comments on this application. Lindsay LeBrecht and Stuart Troyetsky reviewed the maps. Mr. Troyetsky questioned what parts of the property were in Taghkanic and which parts were in Copake. A review of the maps clarified that the Braunstein house is in Taghkanic and the tennis courts are in Copake.

On a motion made by Mr. Grant and seconded by Mr. Urban the Board voted to close the Public Hearing.

2014-6 MINOR SUBDIVISION – NORMAN BASNER – Center Hill Road – [Copake]

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

Ms. Becker asked if anyone had any questions or comments regarding this application. Being none, on a motion made by Mr. Grant and seconded by Mr. Urban the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2014-3 MINOR SUBDIVISION – MICHAEL SHADIC – Pumpkin Hollow – [Copake]

Matt Shadic appeared before the Board along with Surveyor Samuel March requesting to subdivide three (3) lots from an existing piece of property. Ms. Becker acknowledged the following submissions:

- A letter of agency from Michael Shadic giving his son Matt permission to speak on his behalf.
- A new set of maps in which the lots conform to Town Code.
- The SEQR that needs to be completed
- The Agricultural Data Statement stating there are no farms within five-hundred feet (500') of this project
- Road Maintenance Agreement which needs to be reviewed by Attorney Dow

Ms. Becker advised Mr. Shadic that the well needs to be one-hundred feet (100') from the septic systems as this was not indicated on the map. Mr. Shadic will make note of this. Ms. Becker made note of the fact that this application is an unlisted action and the SEQR needs to be read.

After the SEQR was read, on a motion made by Mr. Grant and seconded by Ms. Cohen the Board voted unanimously to make a Negative Declaration for Mr. Shadic's project.

Ms. Becker asked if Attorney Dow wished to review the Maintenance Agreement which he chose to do. On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted unanimously to approve the Minor Subdivision for Michael Shadic from a survey map by Dan Russell revised March 3, 2014 subject to Attorney Dow's review and approval of the Road Maintenance Agreement and receipt of a Health Department letter approving a septic system design and location for parcel 2. Ms. Becker will stamp the maps after Attorney Dow's review is completed and the Columbia County DOH letter is received.

**2014-5 MINOR SUBDIVISION – BARBARA BRAUNSTEIN – Golf Course Road –
[Copake Lake]**

Surveyor Jeff Plass appeared representing Barbara Braunstein. Mr. Plass submitted:

- survey maps dated January 19, 2014
- Fee in the amount of fifty dollars (\$50.00)
- Letter of agency to him from Mrs. Braunstein
- Deed referring to access to Golf Course Road

Mr. Plass advised that the Letter of Agency has been signed by Mrs. Braunstein. Mr. Plass explained that Mrs. Braunstein's property is one-hundred and thirty (130) acres and is located on Golf Course Road at Copake Lake. Mr. Plass made note of the fact that this land was left to Mrs. Braunstein after the death of her husband and she wishes to subdivide off the eighteen (18) acre parcel with the house on it. Mr. Plass explained that the Town line between Taghkanic and Copake bisects the property. Inasmuch as the house and shared driveway are in Taghkanic Mr. Plass noted that Taghkanic expressed their desire to be declared lead agency. However after speaking to Ms. Becker he was advised that Attorney Dow felt that an application for Subdivision should be presented to the Town of Copake for their approval along with the Town of Taghkanic's approval.

Mr. Grant questioned when the Braunstein property was subdivided from the Golf Course. Mr. Urban explained that the property wasn't part of the Golf Course but two (2) separate parcels with separate deeds which were both owned by the Braunsteins.

Ms. Becker questioned what Taghkanic's decision was on the Air-strip. Mr. Plass acknowledged that Taghkanic's decision was that this is not an issue for the Subdivision as new owners would have to go before the Board verifying this.

Attorney Dow clarified that the deed stated that the fifty foot (50') Right of Way extends through the remaining lands to Lakeview Road. The roads were reviewed on the maps for more clarification.

Mr. Grant questioned whether the deed stated the number of times the property had been subdivided since 1972. Mr. Plass believed the property had only one Subdivision process which was never acted on. Mr. Haight pointed out that the Board needed only to be concerned with the Copake section of the parcel.

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to classify this application as a Minor Subdibvision.

Ms. Becker made note of the fact that there is no Road Maintenance Agreement as there are no owners of the other lot and questioned whether one was needed. Mr. Plass acknowledged that a Road Maintenance Agreement exists and has been provided to Attorney Lawrence Howard as the road is in Taghkanic and not in Copake at all. Mr. Grant requested a copy be reviewed. A copy will be supplied. Mr. Plass questioned whether Taghkanic can approve the Road Maintenance Agreement and Copake not approve it. He was advised that the Board just wants to acknowledge that the agreement exists and road access is provided. Ms. Becker noted that a copy should also be placed in the files.

Ms. Becker acknowledged that this application is an unlisted action. The SEQR was read. On a motion made by Mr. Grant and seconded by Ms. Cohen the Board voted unanimously to make a Negative Declaration for the Braunstein Subdivision.

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted unanimously to approve the two (2) parcel Subdivision of the property of Barbara S. Braunstein on a map prepared by Plass, Rockefeller and Nucci revised March 3, 2014 subject to receipt of a copy of the Road Maintenance Agreement.

Mr. Plass will have the maps stamped by Taghkanic and then give them to Copake.

2014-6 MINOR SUBDIVISION – NORMAN BASNER – Center Hill Road – [Copake]

Scot Cohen appeared along with Surveyor Samuel March representing Norman Basner. Ms. Becker acknowledged the following submissions:

- The survey maps
- The Public Hearing notice
- Agricultural Data Statement
- The Deed
- The SEQR

Ms. Becker made note of the fact that there are five (5) properties that border this property that are in agriculture use and this needs to be considered by the Board before a decision is made.

On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to classify this application as a Minor Subdivision and Boundary Line Adjustment. Ms. Becker clarified that this parcel was originally subdivided from the Pells property to the Basner property and is now being returned to the old Pells property.

Ms. Becker acknowledged that this application is an unlisted action. The SEQR was read.

On a motion made by Mr. Haight and seconded by Mr. Grant the Board voted unanimously to make a Negative Declaration.

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted with Ms Cohen abstaining to approve the proposed Boundary Line Adjustment between the properties of Norman Basner and Stephen M. Futrell and Thomas G. Goldsworthy as prepared on a survey drawn by Daniel Russell dated February 25, 2014.

Ms. Becker will stamp the maps on Saturday.

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 along with Developer Harry Freeman, Project Attorney Andy Howard and Traffic Engineer Kenneth Wersted of Creighton Manning.

Ms. Becker acknowledged that there are twenty-four (24) submissions, some of which will be held for the Public Hearing. Attorney Dow advised that the Public Hearing documents be acknowledged now and then resubmitted for the Public Hearing. Ms. Becker acknowledged the following:

- DEC Lead Agency letter dated Feb 7, 2014
- DEC SPDES Permit Modification letter, permit and support documents dated Feb 10, 2014
- USACE letter, permit for discharge of fill, and support documents dated Feb 10, 2014
- CCPB letter and revised recommendation dated Feb 11, 2014
- CME Traffic Study Dec 20, 2004 received Feb 14, 2014
- David Silver letter dated Feb 18, 2014
- Hillsdale-Copake Fire District letter dated Feb 21, 2014
- Clark Engineering review letter from Tom Field dated Feb 24, 2014
- Subdivision map dated Feb 18, 2014
- Prendergast letter to CCDOH – water system plans dated Feb 26, 2014
- Tuczinski, Cavalier & Gilchrist letter and exhibits dated Feb, 27
- Prendergast letter to NYDEC – storm water, and grading & drainage maps dated Feb 26, 2014
- CCDOH letter to Prendergast – water supply dated March 3, 2014
- Becker e-mail to Freeman re: plan for meeting and Freeman reply March 3, 2014
- Tuczinski, Cavalier & Gilchrist letter – SEQR and exhibits (no date on letter) received March 5, 2014

- Ken Dow e-mail to Andy Howard re: SEQR, Lead Agency 20 days dated March 5, 2014
- Andy Howard to Ken Dow response to SEQR Lead Agency 20 days dated March 5, 2014
- Frank Peteroy “schematic elevations bulk” from ZBA meeting Feb 27, 2014
- Andy Howard response to Gilchrist letter and exhibits dated March 6, 2014
- Prendergast letter response to Clark Engineering review by Tom Field dated March 6, 2014
- Nicholson Road photos submitted by Ed Sawchuk on March 6, 2014

(David Silver’s letter of February 18, 2014, Tuczinski, Cavalier & Gilchrist letters dated February 17, 2014 and March 5, 2014, Frank Peteroy’s schematic from the ZBA meeting of February 27, 2014, Attorney Howard’s response to the Gilchrest letter dated March 6, 2014 and the Nicholson Road photos submitted by Mr. Sawchuck on March 6, 2014 will all be resubmitted during the Public Hearing scheduled for next month’s meeting.)

Ms. Becker made note of the fact that the DEC letter was the only response received back from the list of agencies notified regarding Lead Agency status. She did point out that they have no objections but they did note that the application is considered major under UPA regulations and therefore requires Public Notice and comment period once the application is deemed complete. The department review of the application is currently underway and is a Type One (1) classification to which they have no objections.

Ms. Becker advised that the Planning Board has been established as Lead Agency and as such has twenty (20) days to make a SEQR determination. She acknowledged an email from Attorney Dow to Attorney Howard asking if his clients will agree to an extension which they have agreed to.

Ms. Becker suggested the Board and applicants gather around the table of maps to review and discuss the submitted documents. The Site Plan and Subdivision were reviewed.

Ms. Becker acknowledged that the Town of Hillsdale location had been added to the map. Access to the property was discussed. Mr. Plass explained that Catamount Road was created for this purpose and will be modified. Mr. Freeman explained that there will be direct access from the Town Road. It was noted that the water tower was located on the map. Mr. Prendergast acknowledged that cross easements will be required for sewer, water, drainage and access.

The Minor Subdivision Checklist was reviewed. It was noted that the deed restrictions, easements and covenants will be forthcoming. Mr. Freeman explained that all the wells will feed into the water tower which Mr. Prendergast explained will be used for storage.

Supervisor Nayer asked what the total number of parking spaces is and whether parking will be for the three (3) buildings. He was informed that there will be parking for the three buildings. Supervisor Nayer was concerned that if someone rented out their room and also decided to use the facility at the same time an issue might arise regarding their parking spaces. Mr. Freeman advised him that they were required to supply two-hundred and eighty-six (286) parking spaces and over four-hundred (400) are being provided.

Ms. Becker noted that the existing base lodge was previously supposed to tie into the wastewater system and questioned whether this will be another easement. Mr. Prendergast explained that the lodge will tie into the system and will be covered under the sewer and water easements.

Mr. Plass asked if the easements can be covered with verbiage and notes as Mr. Prendergast will account for these on his site maps. Mr. Plass questioned whether notes regarding the easements can refer back to Mr. Prendergast's maps. Mr. Field believed they should be noted on the Subdivision map inasmuch as this map is the legal document and will be filed and it should also be noted in the deeds. Attorney Howard disagreed as utility easements do not give meets and bounds descriptions and notations relating to this should suffice. Mr. Grant noted that physical infrastructure with a specific path needs to be accounted for. Attorney Howard pointed out that the Subdivision map is the land that is subject to certain easements and the Site Plan will lay them out.

Ms. Becker noted that copies of the deeds and covenants are to be provided and questioned whether these will cover the easements and was advised that they will. Mr. Plass pointed out that any notations can refer to the corresponding dates of the easements to better identify them. Ms. Becker asked if Mr. Grant and Mr. Field were comfortable with this. Mr. Field felt it should be a Board decision and Mr. Grant believed that as long as there is verbiage put on both the Site Plan and the Subdivision map this would be fine.

Mr. Sawchuk questioned whether there are any easements with the Swiss Hutte. It was noted that the access road going into the development is a Town Road and none was needed. Attorney Howard pointed out that in 2011 the Swiss Hutte approached the Town of Copake and Catamount and a land swap was made. Attorney Howard concluded that what is left now is the Town Road, Nicholson Road and the Right of Way across the north side of the parking lot.

Mr. Sawchuk questioned whether this agreement was binding or conditional on the previous approval. Attorney Howard noted that initially there was talk about doing this in the prior project but none of that occurred. However, six (6) years later a new agreement was entered into as of January 4, 2011. Supervisor Nayer made note of the fact that the land swap between the three parties had nothing to do with the prior approved project as it occurred in 2011.

Mr. Sawchuk questioned the status of Nicholson Road and was advised that it is a fully maintained Town Road in the Town of Egremont MA. Mr. Sawchuk questioned the condition of Nicholson Road and pointed out that there is a sign on that road stating there is no winter maintenance on it.

Attorney Dow questioned what would happen if the Subdivision is approved with the easement notations and the Site Plan is not approved or does not move forward. Attorney Howard clarified that the applicants would be requesting that Subdivision approval occur at the same time it considers Site Plan approval. If the Board were to go ahead and grant Subdivision approval subject to receipt of the easements as set forth on a Site Plan, the Town could then modify the Site Plan if necessary with final approval subject to the applicant providing the noted documents.

Attorney Howard also noted that should the Site Plan not go through the applicant would most likely withdraw the Subdivision. Mr. Freeman did make note of the fact that the previous Subdivision was approved and the only reason this is being reviewed again is because the prior applicant never filed the maps.

Mr. Field acknowledged that he provided a check list of all the permits that he knew were in order and it looks to him like the only thing that is outstanding is the Department of Transportation permit. He also noted that the County Health Department has a few issues that will need to be addressed by Mr. Prendergast as time goes by. Mr. Prendergast advised that these issues concern information about the food service and the pool.

Ms. Becker questioned whether there were to be three (3) buildings or four (4) buildings in the project and was advised that there are three (3) buildings. One of the buildings is a connected building with a drainage swale running through it. However the exact design has not been decided as yet. Mr. Freeman compared the prior plan to the present plan and noted that the prior plan disturbed more land which they are trying to keep to a minimum.

Ms. Becker advised that the fire and safety aspect will be handled by Code Enforcement Officer Ed Ferratto, the fire company and the State Code Enforcement Officer. A meeting has been set for Tuesday, March 11, 2014 at 2 pm.

Ms. Becker questioned the required permits. Mr. Prendergast advised her that the parking permits are the same as the previous project and the only permit in question is the DEC permit that will be provided as soon as he received it. He also noted that the Army Corp of Engineers had no issue with the discharge permit however the woman from the DEC reviewed it and held it for a fifteen (15) day review period. Ms. Becker asked Mr. Prendergast where he found it noted that gravel parking lots have a three foot (3') set-back. He produced a copy of the Town Zoning Code 232:11 which referred to this.

Mr. Grant questioned how the run-off into the detention pond will be dealt with once the parking areas are paved. Mr. Freeman noted that there are a number of catch basins which run through oil and water separators where they get cleaned before going into the snow making reservoirs. Ms. Becker asked what is being done about salt being used and was advised that no salt is used. Supervisor Nayer pointed out that the use of salt is not conducive for the snow making process. Mr. Prendergast acknowledged that they have received the new storm water permit and as per Mr. Fields suggestion he had written the DEC to see if they meet 2010 standards.

Mr. Grant questioned whether there will be any parking barrier to people wanting to ski but have nothing to do with the resort. Mr. Freeman acknowledged that there will be staff parking attendants to oversee that people get parked in the appropriate places as well as valet parking for the resort.

Mr. Sawchuk questioned how much impervious surface there will be and Mr. Prendergast advised him that this is detailed in the storm water permit. Mr. Grant questioned whether any thought had been given to using permeable parking surfaces. Mr. Prendergast advised that he is not all that comfortable with this as it is not as hard and there are some places where this has been used and did not hold up well in the winter.

Mr. Sawchuk had issue with the fact that there is a sign on Nicholson Road which states there is no winter maintenance. Mr. Prendergast made note of the fact that this is not true anymore and suggested the sign should be removed. Ms. Becker advised that Code Enforcement Officer Ed Ferratto will deal with this issue. Mr. Sawchuk also questioned who made the decision to eliminate the access road and was advised by Mr. Prendergast that it was a decision by the architects.

Mr. Freeman advised the Board that for the next meeting he will provide a drawing with the old building and the new building superimposed on it showing that it is half the length of the original building. Mr. Freeman also noted that his drawings are Code compliant buildings as there is a provision in that Code that says if you are building into a mountain and you have other ways to fight the fire the three-hundred foot perimeter is not needed. He also noted that there will be standpipes in each of the stair towers used to fight fires along with fully integrated sprinklers. This will be addressed further during the meeting with CEO Ferratto and the Fire Department.

Mr. Field had felt that more grading in the parking lot was needed and thought that handicapped parking needed more consideration. The Sewer and Water plan was discussed and Mr. Prendergast noted that there are four (4) wells with one located in Massachusetts with all of them pumping up to the Water Tower. Mr. Prendergast noted that approval was received for this by the Columbia County Department of Health.

Mr. Prendergast noted that when he met with the Fire Department before they requested dry hydrants and this has been addressed. Mr. Freeman made note of the fact that what would really fight a fire in this type of building is the sprinkler system. Mr. Freeman also discussed the retention ponds and pointed out that even if the ponds were to go down to the level where the snow making inlets are exposed, the Fire Department inlets are being put lower than that point so that they will have access to the water that the snow making system does not draw from. He also noted that dry hydrants are being proposed as well. Mr. Haight pointed out that this type of building is required by Code to have fire walls.

The lighting plan was discussed next and it was noted that Mr. Field felt the lighting plan was not bright enough for Code. Mr. Prendergast asked what areas he felt were too dim and Mr. Field explained that he felt the areas near the buildings where the people would be walking were too dim. Mr. Freeman clarified that building lights were not shown on the plans but assured Mr. Field that the buildings will be well lit. This issue will be revisited.

Mr. Prendergast advised that all the sewer and drainage lines on the project are run by gravity. He also noted that this has all been approved by the DEC. Mr. Prendergast also discussed the overflow ponds and noted the improvements on them including the installation of a concrete flume so as to avoid erosion when one pond overflow to the other. Ms. Becker questioned where Mrs. Breen's wet lands and pond were located and questioned whether the overflow will go into her pond. Mr. Prendergast advised her that nothing will go into Mrs. Breen's pond and will be redirected to the stream.

Ms. Becker questioned where David Silver's property was. Mr. Prendergast pointed out Mr. Silver's location on the map and explained that there are hundreds of feet of wooded area between his property and the parking lot.

Mr. Prendergast asked Mr. Wersted to explain the Traffic Report. Mr. Wersted noted that the plan is quite similar to what was submitted in 2004/2005 with the roadway alignment essentially coming in at a very sharp angle to Route 23. He explained that the new plan will be two lanes and come in at a ninety degree (90°) angle making the intersection safer because you can look right and left easier. Mr. Prendergast asked how the traffic numbers changed from the previous report taken ten (10) years ago and the more recent study. Mr. Wersted explained that in 2004 traffic volumes were collected at the site entrance and an average typical condition was analyzed.

A worst case scenario condition where numbers were factored up at anywhere from one-hundred and seventy percent to three-hundred percent (170%-300%) was used. Then the actual building size was taken into consideration and the number of units was proposed which estimated how much traffic would be generated by a typical condition and worst case condition of one-hundred percent (100%) capacity. Mr. Wersted noted that the whole year summarized in one number would come to fourty-one-hundred (4,100) vehicles per day on Route 23. He then noted that since that time traffic volumes have gone up and down in a downward trend and today volumes are around three-thousand (3,000) vehicles per day, about twenty-five percent (25%) lower than in 2004.

Mr. Prendergast asked what peak times showed. Mr. Wersted explained that the DOT counts cars every couple of years and there are some weekday peak PM hours which are about fifty-five percent (55%) lower with numbers at two-hundred forty-five (245) vehicles today compared to the four-hundred and sixty (460) vehicles in 2004. Mr. Sawchuk asked how the back-up of cars and busses at the 4 o'clock hour would affect emergency vehicles. Mr. Wersted explained that this is why the count is taken in the afternoon/evening time period as a count at noon would not be accurate. He also noted that this coincides with the busiest time on Route 23. Mr. Sawchuk asked when this data was taken. Mr. Wersted explained that this was taken in 2004 with present volumes accounted for at twenty five percent (25%) lower.

Mr. Sawchuk then asked how traffic would be dealt with in the event of a fire. Mr. Wersted explained that an emergency responder would likely be at the intersection. Mr. Prendergast noted that there are two (2) lanes going out of the resort. Supervisor Nayer explained that the Fire Police would close lanes off at the entrance and base of the intersection and divert any vehicles that need to be diverted.

Mr. Sawchuk did not feel it was realistic that the emergency access road was believed to be needed in the previous application and is not being considered for this application. Mr. Haight added that the previously considered road was not maintained either and Nicholson Road is an option now. Mr. Sawchuk asked if that was in writing somewhere and was advised that this is a Town Road and access does not need to be granted.

Mr. Freeman explained that there would be no reason during a fire situation or any emergency situation to vacate nine-hundred cars from the site as the parcel is a four-hundred and fifty (450) acre parcel. He pointed out that in an emergency situation the Fire Department takes charge. He said that the biggest concerns are whether emergency vehicles are able to get into and out of the resort in a timely fashion and we believe we have a suitable solution to doing that.

Mr. Freeman also brought up the fact that the previous access road was a much steeper road than Nicholson Road and would be more difficult for fire apparatus to access. Mr. Freeman also noted that fire apparatus was taken down Nicholson Road and the Fire Department felt very comfortable with the road. Attorney Howard believed the Town Code maximizes the road grade at ten percent (10%) and the previous access road was noted to be a grade of fifteen percent (15%).

Attorney Dow questioned what responsibility the Town has in the reconfiguring of the entrance road, Catamount Road. It was noted that the construction will be done by the developer. A discussion ensued regarding ownership of the road and Mr. Freeman mentioned that the road owned by Copake does encroach some on their property and an easement will be granted. Attorney Dow questioned what else beyond the Planning Board process the Town would have to

do to reshape the road and whether there are any other authorizations needed by the Town allowing the changes to be made in an existing Town Road. Attorney Howard pointed out that the state Right of Way needs to be located so that it could be determined whether there was a portion of this relocated road outside of the state Right of Way and outside of what was previously dedicated by the Town. If that situation existed, in connection with the state DOT saying relocate this, part of the survey work would be to survey that area and ultimately dedicate it to the Town. Mr. Plass acknowledged that he knows where the state line is and can superimpose this onto the map so that if there is an encroachment it can be seen.

It was considered that a review by DOT for the state Right of Way and a review by the Town might be necessary. It was noted that it was important to show the grading, its impact and whose land it is on and this would be part of any dedication that will take place. Mr. Freeman made note of the fact that plans showing the grading of the road have been submitted to the state for their review and once their review is received it will be incorporated.

Ms. Becker questioned when the road reconstruction will occur and was advised that this is a timing issue as it will need to be built at times best for everyone. It was questioned whether this is part of the DOT permit and was advised that the permit and bond are held open until final inspection is done.

Mr. Haight questioned whether the majority of the exiting cars were going east or west on Route 23 and was advised that the majority of cars went west with only about twenty-five percent (25%) going east. Mr. Freeman brought up the fact that when a traffic study is done they usually consider the busiest time of day and they assume that the parking lot is at one-hundred percent (100%) capacity. He also noted that this is not the normal scenario as cars normally leave at different times of day. Attorney Howard questioned when the second count was taken for the traffic study. Mr. Wersted advised that the first count was taken in 2004 and the most recent was taken in 2010 as they are normally taken every three to four years. It was clarified that the hours these counts were taken in were during the four to six (4-6) pm time period. Mr. Freeman brought up the fact that the math for Catamount parking spaces has not changed and the only factor that has changed is the number of parking spaces in the present application versus the previous one.

Ms. Becker noted that the next step is to do the SEQR and set the Public Hearing and asked the Board they felt there was enough information to set the Public Hearing for next month and make the SEQR determination. Mr. Sawchuk felt it was unreasonable to set a Public Hearing before going through all the material. Ms. Becker advised him that one of the reasons for reviewing the maps the way the Board did tonight was to see what revisions were needed. Mr. Prendergast noted that the revisions needed were pretty minor. Ms. Becker clarified her question and asked if the application was complete enough to open the Public Hearing. Mr. Urban pointed out that the Board always had the majority of the information when they set a Public Hearing and the Board never waited until an application was complete before scheduling one.

Mr. Field brought up the fact that he asked Mr. Prendergast if he could possibly have the grading plan for the next meeting and felt that with that the Board would be in good shape. Mr. Field said his main concern was what will be decided at the Building Code Review meeting and will that change any of the Site Plans. Attorney Howard advised that the Board is within their rights to start the Public Hearing process and made note of the facts that they have an incentive to provide everything needed and get it to the Board as soon as they can.

Mr. Sawchuk had issue with the fact that no one was designated to stand at the top of Catamount Road to count cars over the President's Day Weekend. Mr. Freeman advised him that this was done according to the standards of the industry. Attorney Howard advised Mr. Sawchuk that he does not individually have the ability or the right to demand. If this is something the Board wants the Board will make that decision. Mr. Sawchuk continued his objections. Supervisor Nayer made note of the fact that Mr. Sawchuk's opinion is not the opinion of the Board or the Town. Attorney Dow advised Mr. Sawchuk that Attorney Howard is correct. Mr. Sawchuk was advised that if he has a request he needs to bring it to the Board and the Board will vote on whether they want it or not and this is the process that is followed.

Attorney Dow clarified that individual members can have their questions however an individual member is not in a position to demand a particular piece of information, document, study or anything of the kind. When things are being done in accordance with the industry standards by professionals in the field they are acceptable and a member can't make up their own standards of professional evaluation in fields that are governed by professional standards and licenses. If there is an appropriate measure for traffic studies and other circumstances that are being done by professional licensed individuals in the field and are complied with those standards then the Board is going where they can't go to come up with its own standard or measurement.

Mr. Sawchuk still had issue because he felt the study didn't address peak usage analyzed recently and once again Mr. Wersted explained how the study was done. Mr. Freeman did acknowledge that these are professional standards as noted by Attorney Dow. Mr. Grant pointed out that this is not the final word on the subject and everything is subject to the environmental impact study as they will be looking at traffic and it will come up again and will be reviewed objectively. Mr. Grant felt the more important question is by opening the Public Hearing are they starting the clock.

Inasmuch as he was not there for the previous project, in going back through the history of this project, Attorney Howard felt it still provided him with a road map and comfort level for what had occurred as this was a five hundred and twenty (520) bedroom project utilizing twenty (20) acres of land. A draft and full environmental statement was reviewed and adopted between 1989 and 1990 and fast forwarded to 2004. The five hundred and twenty bedroom project went down to three hundred and thirteen (313) and ten (10) acres and what the Board did at that point was develop a supplemental environmental impact statement and then analyzed the issues and proceeded. If that traffic report had gone up fifty percent (50%) that would be a significant potential enough to analyze.

He noted that the next question is whether the Board identifies any new significant adverse environmental impact and if it does this can be addressed in a supplemental (SEIS) as was done last time and if it is discovered that there are no new impacts than a supplemental does not need to be done and this is the process that has been followed. Mr. Freeman wanted to make note of the fact that everything requested by the Board has been provided in a timely fashion since their first meeting in November as some Board members were not present at that time and might not be aware of this.

Mr. Sawchuk was under the impression that a year ago an application to the state was made by the applicant for a million dollars (\$1,000,000.00) to build an access road and was advised by Mr. Freeman that this was not correct and is public knowledge and also can be reviewed on the state website. Attorney Howard questioned whether Mr. Sawchuk was pre-judging this application based on the fact that he is carrying on discussions outside of the information being provided.

Ms. Becker advised that she would like to set a Public Hearing and make a SEQR determination at the next meeting and asked the Board if they felt there was enough information. Attorney Dow clarified that the Public Hearing is in relation to the Site Plan Review and the Subdivision and is not in relation the SEQR determination. The SEQR determination should be done as timely as possible and it might be helpful to the Board to open the Public Hearing for some discussion. Mr. Grant noted that the time line really relates to the SEQR and should there be a positive declaration then there are so many days to file an environmental impact which is not the timeline of the Public Hearing.

On a motion made by Mr. Grant and seconded by Mr. Haight the Board voted with Ms. Becker, Mr. Grant, Mr. Haight, Mr. Urban and Ms. Cohen voting in favor and Mr. Sawchuk voting opposed to schedule a Public Hearing for the April 3, 2014 Planning Board meeting for the Site Plan Review and Minor Subdivision for Berkshire Mountain Club at Catamount.

Supervisor Nayer suggested the Board send a letter to the ZBA advising them of the Public Hearing. Ms. Becker will take care of this. Mr. Haight noted that the ZBA said they will be keeping their Public Hearing open until the Planning Board does their SEQR. Mr. Grant pointed out that a Public Hearing can be held open as long as needed. Supervisor Nayer acknowledged that once the ZBA Public Hearing is closed the Board has sixty-two (62) days to render a decision however the ZBA can give approval pending approval of the Site Plan Review.

MINUTES

On a motion made by Mr. Haight and seconded by Ms. Cohen the Board voted unanimously to approve the meeting Minutes of February 6, 2014.

ADMINISTRATIVE

BOB HAIGHT SURGERY: Mr. Haight advised the Board that he will be having back surgery on March 21, 2014 and is not sure what his recuperation time will be. He will provide us with more information as he finds it out.

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 Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:00 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 19 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

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA RESORT HOTEL

February 7, 2014	Gabriel to Becker/CPB (2)
February 10, 2014	Gabriel to Gilbert (1)
February 10, 2014	SPDES Permit (1)
February 10, 2014	USACE letter (2)
February 11, 2014	CCPB to Thomas (1)
February 24, 2014	Field to Becker/CPB (4)
February 26, 2014	Prendergast to Malcolm/NYSDEC (2)
March 3, 2014	DeRuzzio to Prendergast (2)
March 6, 2014	Prendergast to Becker/CPB (4)

(Several of the items submitted will be held over for the Public Hearing which will be at our next meeting. For a complete list of these submissions see the Berkshire Mountain application above)