



COPAKE PLANNING BOARD

MAY 1, 2014

MINUTES

DRAFT

Please note that all referenced attachments, comprising 34 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, 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

2014-8 ZBA/SPR – PHILIP PODRID – Brown Road [Taconic Shores]

Ms. Becker advised the Board that Philip Podrid is requesting to construct a twelve foot (12') by twenty foot' screened in porch addition to an existing concrete slab on his property on Brown Road in Taconic Shores. Ms. Becker noted that inasmuch as this is a non-conforming structure a Zoning Board Referral and Site Plan are required.

Ms. Becker acknowledged that Mr. Podrid's home is a one story structure and the screened in porch will not change the character. She continued to note that an eight foot (8') variance is needed for the front of the property and a twenty-seven foot (27') variance is required for the rear of the property.

Ms. Becker referred to the 'Review of Site Plan where appropriate section' of the Town Code. It was acknowledged that the application accounts for a one-thousand (1,000) gallon septic tank which is more than adequate for the existing two (2) bedroom structure.

On a motion made by Mr. Savarese and seconded by Mr. Grant the Board voted unanimously to approve the Site Plan for the Philip Podrid property on Brown Road in Taconic Shores from a site map drawn by Mr. Podrid subject to the addition of a date on the site map and approval from the ZBA for the required variances.

2014-9 ZBA REFERRAL – MARK E. KAPLAN – Golf Course Road [Copake Lake]

Ms. Becker advised the Board that a ZBA Referral is needed for an eight foot (8') by ten foot (10') shed Mark E. Kaplan wishes to build on the shore of his property on Golf Course Road at Copake Lake. Ms. Becker noted that there will be a planting bed under the hickory tree for maximum security. Ms. Becker acknowledged that the structure will be twelve feet (12') from the side and eleven feet (11') from the rear and questioned whether this distance was eleven feet (11') from the lake. It was decided that this distance was from the lake.

Ms. Becker explained that the building plans call for footings which mean excavation however no footings or piers were said to be required. She noted that the shed will sit upon a wooden framed floor. Mr. Haight explained that this is a pre-fab structure placed on the wooden frame and leveled with stones and does not need any digging. Mr. Grant pointed out that the shed will be anchored to the ground with standard anchors and questioned how this would be done. Mr. Haight explained that these are a screw-in type to prevent anything from blowing away.

It was noted that the variance will be within one-hundred feet (100') of a water body. Ms. Becker acknowledged that the ZBA made note of the fact that a disturbance of the banks permit may be required because this seems to be within fifty feet (50') of a water body and a letter is being written to the DEC regarding this.

Ms. Becker asked if the Board had any suggestions regarding this. The Board had no comments to make and a letter will be written to the ZBA advising them of the Board's review.

2014-10 ZBA REFERRAL – JOHATHAN H. HARRINGTON – County Route 7 [West Copake]

Ms. Becker advised the Board that a ZBA Referral is needed Jonathan H. Harrington who wishes to build a six foot stockade fence along one-hundred and seventy feet (170') of his property line in West Copake. It was noted that the fence will not be placed in front of Mr. Harrington's house and the request is for the safety and protection of his two (2) toddlers as well as keeping any tick-infested deer out of his property. It was noted that a fence already exists on the back and side of the property.

Ms. Cohen questioned whether the existing bushes will be removed. Ms. Becker asked where exactly the fence will be installed and whether the twenty-five foot (25') set-backs are being respected. Mr. Grant had concerns about the height of the fence and whether the Town right-of-way is being considered. He also noted that the correct section in the Town Code should be taken into consideration.

A letter will be written to the ZBA addressing the Board's concerns.

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.

The Public Hearing remained open from the prior meeting. Ms. Becker asked if anyone wished to speak regarding this application. No one spoke regarding the Public Hearing.

2013-30 MAJOR SUBDIVISION –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:

- Stephanie Ferradino April 24, 2014 letter to the ZBA
- Andrew Gilchrist letter of April 24, 2014 to Ken Dow – ZBA jurisdiction
- Andrew Gilchrest April 24, 2014 letter to ZBA and Planning Board, Exhibits A-G
- Silvanus Lodge April 30, 2014 letter of support
- Sephanie Ferradino letter of May 1, 2014
- Gert Alper owner of the Swiss Hutte’s letter of May 1, 2014

The Public Hearing remained open from the prior meeting. Ms. Becker asked if anyone wished to speak regarding this application.

HANK HENWARD, Town of Hillsdale Planning Board Chair... Mr. Henward made note of the fact that the Town of Hillsdale supports this project and given the proximity to the project they see great benefits for economic development. Mr. Henward expressed concerns regarding the increase in traffic and questioned what provisions have been made for this. He requested a copy of the traffic study to review. He also acknowledged the use of Nicholson Road as an access road for fire apparatus. Mr. Henward offered his Boards support in any way they could be of assistance.

RICHARD BRIGGS, Town of Hillsdale Fire Department and Highway Superintendent... Mr. Briggs along with Fred Miller and Bobby Briggs expressed concerns for the use of Nicholson Road and feels that there is a good possibility a fire truck could get stuck on this road after a spring thaw. Mr. Briggs also expressed a concern for the safety of the men that would be on Great Barrington’s ladder truck with the use of this road. Mr. Miller expressed his concerns about what would happen should a seventy-one-thousand (71,000) pound ladder truck get stuck on Nicholson Road. He also agrees that there is no base on this road and feels improvements need to be made. Mr.

Miller feels there needs to be access to the back of the building. He estimates that ninety-thousand (90,000) gallons of water are used per hour to fight a fire and one-million (1,000,000) gallons wouldn't last as long as was previously stated. Mr. Briggs also questioned the depth of the pond and feels a more recent study needs to be submitted. Mr. Miller noted that Nicholson Road was not as acceptable access road in 2005 and was found to not be up to what was needed at that time. He also felt significant improvements need to be made to it. He also feels more recent tests need to be performed on the ponds and expressed concern for the workers in the building prior to the sprinkler system being hooked up. Mr. Briggs asked that no permits be given contingent on any decisions that need to be made by the fire company.

FIRE COMMISSIONER ... Questioned if a fire was coming out of the top of the building it would still look like seventy-nine feet (79') feet no matter how it was measured and all that is available is a thirty-five foot (35') ladder because the ladder truck has not arrived from Great Barrington. He also had concerns about depending on another township in another state maintaining that road and not having any authority regarding this. He feels that the safest thing might be to build another access road.

ANDREW GILCHRIST, Tuczinski, Cavalier & Gilchrist P.C. ... Mr. Gilchrist who is representing Mr. and Mrs. Alper from the Swiss Hutte referred to a letter of April 3, 2014 which raised certain concerns regarding the use of Nicholson Road. Mr. Gilchrist acknowledged that some of these issues have been addressed however the requested information regarding the load bearing capacity of Nicholson Road as to the weight of the truck had not been addressed as yet. Neither had Engineer Field's review of the adequacy of Nicholson Road to carry any emergency vehicle to the site, the opinion from a qualified traffic engineer and an expert on emergency response to provide an opinion to the Board.

Mr. Gilchrist noted that there was a lot of discussion regarding the original emergency access road of 2006 which was subject to an agreement his clients had executed and incorporated as a condition of the earlier approval. He noted that the earlier access road was designed by the pre-eminent traffic firm of Creighton Manning who said that was an appropriate access road as well as did the Town of Egremont. Mr. Gilchrist also noted that under the current 2011 Comprehensive Plan, dealing with Catamount and construction of the Resort Hotel it specifically says construction of the access road. He brought up the fact that according to the present plan construction vehicles will be going directly in front of his client's property. He made note of the fact that the edge of Catamount Road at its closest point is approximately twenty feet (20') from his clients building and questioned why this issue has not been addressed as it was in the previous application. He made note of the fact that all the construction vehicles were being accessed over the new access road in that application because there was a finding under SEQR that this adequately mitigated impacts to offset properties including the Swiss Hutte.

Mr. Gilchrist noted that what was asked for on April 3rd was what are the projected types, numbers, weights, other specifications for the construction vehicles both loaded and unloaded, what construction materials will be delivered to the site, quantification of type, number weight of construction vehicles using Catamount Road including the months, days and hours of operation. He felt an analysis must be undertaken of the potential

structural, noise and light impacts on adjacent properties and structures if in fact Catamount Road is going to be the only road used for the construction vehicles. He questioned what the distance is between Catamount Road and the adjacent structures including wells and septic and asked if those construction vehicles will impact the water supply to their existing business.

Mr. Gilchrest addressed the fact that an additional fifty by one-hundred and twenty foot (50' x 120') maintenance building has been proposed right across from the municipal boundary into Egremont. He felt the Board should ask the applicant whether this interplays with this application and whether it will be used as a staging area for all the construction vehicles.

Regarding the grant, Mr. Gilchrest foiled the County Economic Development Corporation for whatever application materials they had. He received a number of documents including the state application and the actual form that is required to be filled out by the grant applicant, which he said is attached to his comment letter. He made note of the fact that the form says that there will be thirty-five (35) jobs as a result of the project and not the sixty (60) that was previously stated as well as one-hundred and twenty (120) construction jobs. He noted that what it also says is that phase 1 includes sixty (60) units and that the subsequent phases include one-hundred and fifty plus (150+) units which add up to two-hundred and ten plus (210+) units whereas the application being reviewed says one-hundred and fifty three (153) units. Mr. Gilchrest questioned what happened to the other sixty plus or minus (60+/-) units and asked why a state grant was awarded based on a project described as two-hundred and ten plus (210+) units.

Mr. Gilchrest also attached some minutes from the Town of Egremont where the applicant stated as recorded in the Egremont minutes that three-hundred (300) jobs will be created with two-hundred (200) construction jobs. He noted that the Egremont minutes said this will be a ten (10) year build out and not five (5) years as has been reported. He then questioned what the full extent of the project is. Mr. Gilchrest pointed out that it was noted that part of the original submission stated that before the information could be publicly disseminated the applicant's permission would be needed. He asked if for permission to go through the entirety of the grant application. Mr. Freeman noted that it had been a while since he reviewed that application and said that there had been a lot of proprietary business information in it which is why he believed this provision was in there. Attorney Howard told Mr. Gilchrest that had he let them know what he is referring to prior to the meeting he would have been able to address this request. Mr. Gilchrest suggested going into the hall to review this. Attorney Howard questioned how long Mr. Gilchrest had this information and was advised that he had this since the county responded to his foil request which he attached to his March 24th letter.

Mr. Gilchrest wanted it noted in the record that the Board should not take the matter of Nicholson Road for fire access lightly.

GERT ALPER, Swiss Hutte Hillsdale, NY ... Mr. Alper expressed his concerns as to the impact the construction will have on his business. He pointed out that the secondary roadway known as Emergency Exit Road was an attached condition of the approval together with the Swiss Hutte agreement in the last application. Mr. Alper also addressed

concerns that regarding the impacts of not building the previously proposed access road as reservations to the Swiss Hutte will not be able to be made without telling potential guests that there will be heavy construction going on at Catamount with heavy truck traffic rolling by feet away from their rooms. He made note of the fact that in retrospect he would have reservations about signing an agreement.

STEPHANIE FERRADINO, Couch White ... Ms. Ferradino acknowledged that she is the attorney for Linda Breen a neighbor whose property is adjacent to the proposed development. Ms. Ferradino made note of the fact that there is a question pending in front of the ZBA about whether the application is a hotel or residence and until that decision is decided the application is not complete. She advised that it is not appropriate to conclude the work on SEQR as this issue is outstanding.

While reading Mr. Gilchrest's information from the county application she noted that it seems there is more to this project than has been proposed in the applications to the town and there are three (3) components that are in the county application that she has not seen in the towns. Ms. Ferradino acknowledged that the three (3) components she is referring to are retail, commercial and restaurant and under Town Code these are uses that would require special use permits and the applicant would need to have at least one (1) or two (2) more applications to make regarding this. She pointed out that these should be pending as part of the SEQR review and failure to include these opens you up to a segmentation challenge and state law does not allow the segmentation of projects.

Ms. Ferradino made note of the fact that a variance would be needed for story height as this is listed in our Town Code which limits the stories to two and one half (2½) for this particular district. She made note of the fact that the view of her client's home and bed and breakfast will be impeded by the height of the proposed application as it is in direct line of her view. Ms. Ferradino advised that the Board study this impact with a balloon test to view the negative impact from all the different angles. She suggested a visual rendering and brought up the fact that with modern technology the hotel can be placed into the picture and the balloon in the picture will tell you that they have it at the right scale. She advised that this should be done from any of the visually impacted properties.

Ms. Ferradino also had issue with the fact that the sewage treatment plant is being located in close proximity to her client's property and she pointed out that there is room to relocate this further from Mrs. Breen's property. Ms. Ferradino also brought up the fact that there is not appropriate landscaping proposed to minimize the impacts from her client's view and suggested larger twenty foot (20') year-round trees be required.

Ms. Ferradino made note of the fact that the Town files are very hard to follow as the applicant is not submitting new documents and some documents are being changed however the dates are not. She also pointed out that there are two SEQR forms with the same date however there is handwritten information and notes that show they are different. She also brought up the fact that at the last meeting changes were made in the SEQR form which was initialed by the applicant. She suggested that the applicant submit a new completed form so that this information is more easily understood and transparent. Ms. Ferradino advised that her earlier letter be reviewed by the Board and the applicant as it points out inconsistencies in the SEQR form.

Inasmuch as the Town of Egremont is included in certain components of this application Ms. Ferradino suggested making them an involved or interested agency and provide them with the appropriate information. Once again she noted that this is considered segmentation.

Ms. Ferradino encouraged that the Board require a lot more testing of the water as there was a stream that used to feed the pond on Mrs. Breen's property and that stream has been entirely diverted into Catamount's ponds. She questioned why this necessary if there is so much water on the site. Ms. Ferradino made note of the fact that her client's property has been impacted by this as her pond has significantly been depleted. She also brought up the fact that Catamount was not able to make enough snow this past winter and noted that this could be because they didn't have enough water. She questioned how this will be impacted by the addition of a large hotel if there are problems already. She also questioned how this will affect adjacent businesses and their water supply not to mention what would happen in the event of a fire.

Ms. Ferradino asked that the Board require the applicant to provide copies of any new documents to all interested parties or to provide this information on a public website. She also asked that the rules regarding submissions be made clear to everyone

COPAKE RESIDENT, Copake, NY ... In consultation with his neighbors this gentleman wanted to note that there is a lot of interest in seeing this project succeed and the motivation for many businesses is the fact that more people will be brought into the area. He acknowledged that a lot of legitimate concerns have been raised during the Public Hearings and he believes they should and will be addressed. He also salutes the Fire Department and acknowledges that their concerns are legitimate as he believes the safety concerns of the developers are. He addressed the fact that the scenery will change however he feels that we should not negate controlled growth in our area.

GEORGE ATWOOD, Fire Commissioner Hillsdale, NY... Mr. Atwood questioned who the Clerk of the Works would be and he hopes the Town has a good engineer to oversee this project. Mr. Atwood was in favor of the use of the five eight's inch (5/8") sheet rock as previously discussed.

ANDREW GILCHREST, Tuczinski, Cavalier & Gilchrest, PC... Mr. Gilchrest who spoke earlier expressed his concerns about tax base and increasing this for the Town. He brought up the fact that what he found out from the viewing of the Columbia Economic Development Corporation minutes is that this applicant is anticipating an IDA application. Mr. Gilchrest advised that the town should be asking what the projected real property tax implications will be for the Town, County and School District. He acknowledged that the prior application in 2005 quoted this figure as two-hundred fifty-seven thousand dollars (\$257,000) in new annual tax revenue for combined Town and County and the School District would receive four-hundred and forty-six thousand dollars (\$446,000) annually and the Hillsdale Fire Department would receive twenty-eight thousand four-hundred and seventy dollars (\$28,470) annually. He pointed out that this information is not noted in the present application and if an IDA application was going to be made it should have been listed in the Environmental Assessment Form as an involved

agency. He said that this was not done. He believes the Town should want this record adequately developed so that the Town Engineer has the record on which to advise this Board and that all that information be included.

Mr. Gilchrest asked that the Public Hearing remain open for the purpose of allowing him the opportunity to inquire whether the applicant will allow him to supply the information that was included in the state grant application to this Board for consideration in this project. He made note of the fact that the municipal record that he reviewed has not included that information in it and he feels a complete technical and economic record in front of this Board should be developed before any decisions are made and that includes closing of the Public Hearing, making any SEQR determinations or any actions on a Site Plan or Subdivision.

JEFF PAIGE, Hillsdale, NY... Mr. Page once again expressed his concern with the entrance to the project and acknowledged that he has since found out that a deceleration lane is proposed East on Route 23 for the entrance to Catamount Road making three (3) lanes that someone heading west out of Catamount Road would have to cross. To him this is making an already dangerous intersection more dangerous. He also had concerns regarding the use of Nicholson Road as he felt emergency vehicles would have to travel too slowly on this road.

It was addressed by someone that there has been a lot of background information in previous files that is known as part of the record that the Board has been relying on.

ATTORNEY ANDREW HOWARD, Freeman Howard ... Attorney Howard wanted to address some of the comments made this evening. He acknowledged that he takes the concerns of the fire companies to heart and they have taken steps and will continue to do so to reach out and meet with the fire department and the fire district. However they have not been able to do that as yet but they will work with these departments regarding the concerns they have raised.

Attorney Howard wanted to remind the Board that this particular site and this particular type of project has probably undergone more review in the Town of Copake than any other site and any other project in its history. He pointed out that it has gone through a full Environmental Impact Statement review on a project that was probably three (3) times as large. Attorney Howard noted that the footprint of the present project fits within the footprint of the Neopolis project and will be utilizing less acreage than what was reviewed in the mid 2000s. He made note of the fact that this project is not taller than the Neopolis project and the Environmental Impact Statement found that the visual impacts had a greater visual impact with that project because there were towers associated with it. He brought up the fact that what that Board found at that time was that a building of that height, located in that location against the backdrop of Catamount mountain even with towers did not represent a significant negative visual impact to the Breen property and others nearby.

In regard to the Waste Water Treatment Plant Attorney Howard noted that this has been reviewed and approved by the NYS DEC and is not in Mrs. Breen's view shed. He pointed out that none of the vegetation existing between Catamount and Mrs. Breen's

property will be affected as a result of this project. Attorney Howard made note of the fact that Mrs. Breen is not in favor of the construction of the access road as the impact of the grading and the construction of that road would have had a significant impact on her property which is one of the reasons the applicant is not considering this.

Attorney Howard pointed out that several of the same issues have been gone over at the last several meetings between the ZBA and the Planning Board so he requested that the Public Hearing be closed allowing them the opportunity to move forward and satisfy the outstanding issues.

RESIDENT ... A question arose regarding contact with the Fire Commissioners and Ms. Becker clarified that it was the Boards understanding that Mr. Freeman will continue to approach the Fire Districts and Commissioners to resolve outstanding issues.

Ms. Becker acknowledged that the Board keeps hearing the same thing over and over again during the Public Hearings and asked whether the Board would be interested in receiving written statements from the public. Attorney Howard did offer to have a portion of the Public Hearing left open to satisfy Mr. Gilchrest's request inasmuch as this was the first he had heard of this matter and didn't have time to review it. Ms. Becker questioned whether the Board was in favor of closing the Public Hearing or leaving it open. Mr. Grant felt there was no reason to close it however the majority of the Board was in favor of closing it.

Attorney Dow did advise that closing the Public Hearing would limit what could be considered by the Board. Ms. Ferradino questioned how comments could be made if new submissions were still forthcoming and believed that it is not appropriate to close the Public Hearing until the application is complete. Attorney Dow advised that the Chair is in control of the meeting and further oral commentary doesn't need to be entertained. Ms. Ferradino suggested limiting the Public Hearing to new information. It was concluded that the Public Hearing would be left open for new information. The Public Hearing was closed for the evening but remained open for receipt of new information. Ms. Ferradino questioned what the deadline for submissions was and Ms. Becker advised her that although it is not in the code it is helpful to have things submitted no later than one (1) week prior to the meeting.

Ms. Becker made note of the fact that several submissions were not entered into the record at last month's meeting and questioned whether the list could be submitted rather than everything being read into the record. However, Ms. Becker noted that a letter from the Silvanus Lodge was requested to be read into the record. Ms. Cohen read this letter.

STEEL EDWARDS, Silvanus Lodge ... Mr. Edwards expressed support for the project. Mr. Edwards sees this undertaking bringing in more and more people who will support the local businesses in the community and sees this increasing property values.

RICH EDWARDS, Catamount ... Mr. Edwards wanted to express his appreciation for the Board, the Fire Department, the neighbors and anyone else concerned with the project. He explained that this was a dream of his family for years and he is hopeful that this project will allow Catamount to go on for many years to come.

SUBDIVISION/SITE PLAN

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

Rachel Kelly appeared before the Board representing Farmland Renewal LLC. Ms. Kelly explained that Farmland Renewal is proposing to swap three (3) acres behind the Copake Cemetery Association with three acres that go straight out from Farmland Renewal's property. Ms. Kelly also pointed out that Farmland Renewal owns one of the houses on the property and the land swap will allow them access from the field to the house.

Ms. Becker acknowledged the following submissions:

- The Application
- The Letter of Agency authorizing Rachel Kelly to speak
- A fee in the amount of Fifty Dollars (\$50.00)
- Photos of the project

Mr. Haight questioned whether this would be considered a Boundary Line Adjustment and was advised that this appears to be the case. Ms. Cohen made note of the fact that it is an even swap of land.

On a motion made by Mr. Grant and seconded by Mr. Savarese the Board voted unanimously to accept the Lot Line Alteration Survey Map prepared for Farmland Renewal LLC and Copake Cemetery Association by Lyndon Chase dated April 23, 2014 as a preliminary sketch and set a Public Hearing for the next meeting.

The preliminary sketch was stamped and dated.

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 and Project Attorney Andy Howard.

Ms. Becker acknowledged the following submissions:

- Great Barrington Fire Department letter of March 28, 2014 to Fred Miller
- Town of Egremont letter to Charles Burger, Great Barrington Fire Chief of April 16, 2014
- April 18, 2014 letter from Pat Prendergast regarding the fire lanes, truck specs and updated site plan

- April 23, 2014 letter from Great Barrington Fire Department to the Town of Egremont Planning Board regarding the ladder truck specs and road base
- April 24, 2014 letter from the Hillsdale-Copake Fire District to the ZBA addressing fire and safety concerns
- Freeman Howard letter of April 24, 2014 to Attorney Ken Dow regarding the ZBA resort hotel interpretation
- E-mails from Tom Field regarding the road bases, reconstruction, treatment plant smell, the Ginsberg visual impact test from the ZBA. Pat Prendergast e-mail about draw down tests, smell and fill dated April 4th – 29th
- Building section drawing showing floors and height dated April 30, 2014
- Ken Dow memo regarding the ZBA SEQR review dated May 1, 2014
- Comp Plan excerpt pages 46-47 and the former EAF findings pages 18-19 and 52-53
- Photo of Egremont fire truck on Nicholson Road dated May 1, 2014
- Resort Building 1 floor plans dated May 1, 2014
- DVD Fighting Fires in Sprinkled Building dated May 1, 2014

Ms. Cohen read the March 28, 2014 letter from the Great Barrington Fire Department to Fred Miller. The Great Barrington Fire Department had concerns about using Nicholson Road as an emergency access road as they feel it is not adequate for their ladder truck inasmuch as the entire length of the road is a dirt road with a poor base at best and not designed to hold a 70,000 pound vehicle. Their truck is forty-nine feet (49') long with a twenty-two foot (22') wheel base and they also feel the multiple turns along the road are not navigable for large apparatus. They also noted that they would hesitate using this road if the road were to be widened and the turning radiuses improved without major upgrades to the road base.

Mr. Grant read the Town of Egremont's letter to Charles Burger, Fire Chief of the Great Barrington Fire Department questioning whether they felt Nicholson Road would suffice as an emergency access road. The Town of Egremont noted that Nicholson Road is a town road and maintained by their town. However they also had concerns for the use of this road as an emergency access road.

Ms. Becker read the April 18, 2014 letter from Pat Prendergast into the record. Mr. Prendergast acknowledged that the handicap parking spaces have been corrected to eight feet (8') and believed the turning radius for large trucks such as the ladder trucks from Great Barrington and Hudson is quite good. He also noted that he believes that although not the preferred path Nicholson Road would work for these trucks.

Mr. Prendergast advised the Board that he received information from Hudson regarding their ladder truck and it appears that Great Barrington is buying their ladder truck from the same place Hudson bought theirs. Mr. Prendergast received CAD drawings for the ladder truck as well as radius information from this company and accounted for this on the maps provided. Mr. Prendergast did acknowledge that there would be overhang issues on some sections on Nicholson Road but if there were no walls the vehicle could just go over the curb. Mr. Prendergast did make note of the fact that the ladder truck is eight feet three inches (8'3") wide

which is slightly wider than a tractor trailer. He felt the truck would be able to navigate the sharp left turn into Catamount but would have to go outside of the easement area.

Mr. Prendergast pointed out that Nicholson Road is an emergency access road and in most cases the ladder truck coming in from Great Barrington would most likely use the newly improved entrance on Catamount Road. He made note of the fact that in the event that Catamount Road was not available the ladder truck would then need to go onto Nicholson Road. Ms. Becker clarified that at this time Great Barrington is not willing to do this. Mr. Freeman did make note of the fact that as in prior applications the plans do show two (2) ways of egress a primary way and a secondary way allowing for the fire trucks to come into the area from two different ways. Mr. Freeman acknowledged that the Town of Egremont presently uses Nicholson Road for access to Catamount and submitted a picture of their truck on this road during mud season which is one of the worst times of the year.

Ms. Becker questioned the specifications for the road that the Code Enforcement Officer requested. Mr. Freeman acknowledged that he would be happy to sit down with CEO Ferratto regarding this. Attorney Howard brought up the fact that the Town Code stipulates access to the site and two presently maintained access roads are being provided. He also noted that there are two ways coming off Catamount Road to access the site. Attorney Howard made note of the fact that in the event of a fire Nicholson Road can be made available for patrons to exit the site so as to keep Catamount Road clear for fire apparatus. Engineer Tom Field did bring up the fact that in the event of a fire chaos would ensue and one cannot make decisions ahead of time as to which exit would be used for what purpose. Mr. Prendergast made note of the fact that should an emergency occur there would be Fire Police directing traffic to the appropriate roads.

Mr. Grant advised that the Board needs to make sure that a fire truck, specifically a ladder truck, will be able to access the site and Great Barrington stated that they are not willing to use Nicholson Road for this purpose. Mr. Pendergast did make note of the fact that Hudson would also send out their ladder truck for mutual aid in the event of a fire. Mr. Freeman brought up the fact that he drove many of the roads at Copake Lake and these are not ideal roads to be accessed by fire apparatus. He also acknowledged that he is more than willing to sit down with the fire companies as well as CEO Ferratto to work out solutions regarding this and would have no problem receiving approval subject to these matters being resolved.

Mr. Urban suggested contacting the manufacturer of the truck to see if they would be able to advise whether this truck is capable of accessing Nicholson Road. Mr. Grant pointed out that the decision is up to the Fire Chief. Mr. Freeman did make note of the fact that it is the Fire Chief's decision to send the apparatus down this road however it is the CEO's decision whether or not this meets code. He also pointed out that the access road in the previous approval was a gravel road.

Ms. Cohen read the April 23, 2014 letter from the Great Barrington Fire Department to the Town of Egremont Planning Board into the record. Chief Burger reiterated his concerns and advised that while the turning radius was engineered to create a maneuverable truck the two-hundred and thirty-three inch (233") rear overhang provides a rear swing far outside of the turning radius and requires any changes in grade to be gradual.

The April 24, 2014 letter from the Hillsdale-Copake Fire Department to the Zoning Board of Appeals was read into the record. In this letter the Fire Department asked for clarification as to whether this is a continuation of the prior Neopolis project or an entirely new project. They feel that if the matter is a continuation of the prior project they expect the safety features included in the prior plans be incorporated into the current (proposed) design and the terms of the 2006 agreement be honored by the developer. They clarified their concerns regarding the seventy-nine foot (79') height of the building and the challenges they present for their ability to access the upper stories for both fire suppression and rescue with their present apparatus which has a maximum extension of thirty-five feet (35').

They also expressed concerns that the lack of masonry fire stop walls extending to the roof significantly increases the risk that fire could extend upward and spread laterally through the attic. They suggest a minimum of two (2) fire stop walls extending to the roof be installed in the main building.

Concerns were also expressed regarding Great Barrington's reluctance to utilize Nicholson Road without major upgrades. They believe that the previously proposed service road accessing the rear of the building is the most viable and non-controversial option. They also had concerns regarding the water supply.

Additional equipment and apparatus was also an issue of concern for this district and noted that at a minimum one new tanker truck will be needed to address the imminent and increased hazards created by the magnitude of the project.

Ms. Becker made note of the fact that most of the concerns set forward in this letter were dealt with by the State Code Officer. Engineer Field advised that most of what was dealt with at that time concerned the interior of the building and the fact that sprinklers are being installed has a big effect on the zones inside the building. He noted that the Fire Companies concerns center mostly on the outside of the buildings. Ms. Becker made note of the fact that double sided five-eighths inch (5/8") sheet rock is being requested which is beyond code requirements. Mr. Freeman acknowledged that this is already included and the code requires different types of architecture. Mr. Freeman also presented the Board with a CD about how fires are fought in buildings like the one being proposed. He reiterated that he is more than willing to work on any matters in questions and has no issues with the Town Engineer reviewing these.

Mr. Freeman also brought up the fact that they are operating within the same height variance that was previously provided. He referred to the SK Building Sect and explained that New York State Code and Copake Town Code differ in the way they measure building height. He pointed out that New York State Code measures the average grade from the lowest level to the mid-line of the roof line and Town Code takes the approximate grade plan and take it to the peak of the roof. He noted that the concern should be the level of the fourth (4th) floor and from the road side it is forty-eight feet (48') and from the slope side it is approximately thirty-six feet (36') to the fourth floor level.

Mr. Grant did note that the Fire Department did raise a number of issues like the use of the Great Barrington's ladder truck on Nicholson Road and the adequacy of the water supply. Ms. Becker asked Engineer Field if he reviewed the issue of the water supply. Engineer Field acknowledged that he had some concerns and one centered on the supply of water in the ponds as the ski area

uses the majority of the water with the remainder left for use in the event of a fire. He noted that it is not known what is left or where the bottom of the pond is. It was his impression that a test was to be done to find out what the bottom of the pond is like and what is left over after use by the ski area. Mr. Prendergast acknowledged that he used the underwater contours from 2005 when it was last contoured and if the main pond was pumped down there would still be one million (1,000,000) gallons left. He also noted that there are other ponds holding close to a million (1,000,000) gallons.

Mr. Grant questioned the intake valve located at the bottom of the pond. Mr. Prendergast explained that he used this before and never had a fire company come back to him telling him the valves were too close to the bottom and if there were problems he wouldn't continue to use it. The question arose as to how many gallons would be needed in the event of a fire. Mr. Freeman explained that if three-thousand (3,000) gallons a minute were pumped it would take twelve (12) hours to go through a million (1,000,000) gallons. He also pointed out that sprinkler systems use a low volume of water and the fire would be contained with a relatively low volume of water. Ms. Becker suggested Mr. Freeman sit down with the Fire District to discuss this and ease their concerns and asked if they were willing to do this. Mr. Freeman advised that multiple phone calls have been made to them and asked if anyone could be of assistance with this.

Engineer Field brought up the fact that in one letter the Great Barrington Fire Department spoke about potential improvements to Nicholson Road which might make a difference to them and questioned whether this was something the applicant would consider. Mr. Freeman acknowledged that they would be more than happy to entertain any possibilities. Mr. Freeman noted that the biggest concern preventing access on any road during an emergency situation would be an accident in an intersection and there is less of a chance of this on a straight-away. They are trying to prevent any situation that might require use of the ladder truck by using the best fire protection system within the building. He also noted that any call during an incident would be made by the Fire Chief as to the best way to handle things.

Mr. Grant questioned whether any other options have been considered like an easement across a neighboring landowner's property. Mr. Freeman would be open to this but as yet this doesn't seem to be an option. Ms. Becker questioned what the applicant's relation was with the Town of Egremont on improving the roads. Mr. Freeman said he would be open to suggestions however he is not aware of what the specific issues regarding this would be. He noted that he would much rather spend money improving Nicholson Road than the access road that was proposed in the prior application as he feels this is a viable secondary access which he doesn't believe the prior proposed road is. Mr. Prendergast brought up the fact that a million dollar home was built in that area which must have had large sixteen-wheeler trucks delivering supplies and he never heard of any of them getting stuck in the road.

Ms. Becker acknowledged the April 24, 2014 letter from Attorney Howard to Attorney Dow and noted that this has to do with the determination about a Resort Hotel versus a Time Share. It was noted that this is a decision that will be dealt with by the ZBA.

Ms. Becker then acknowledged the April 24, 2014 letter from Stephanie Ferradino to the ZBA and the April 24, 2014 letter from Andrew Gilchrest to Attorney Dow questioning the ZBA's jurisdiction. After that Ms. Becker acknowledged the April 24, 2014 letter from Andrew Gilchrest to the Planning Board with attachments, an e-mail from Engineer Field regarding the

emergency access road who felt this matter should stay with the Planning Board for as long as possible prior to a decision by the CEO, an e-mail between Engineer Field and Bill Gregory regarding any damage that may occur to Catamount Road and a suggestion of a six inch (6") hole being drilled in the road to check the sub-base which was considered a good idea. They concluded that inasmuch as the developer will be reconstructing the road, protection can be obtained by a bond should any damage occur. Ms. Becker also acknowledged an e-mail from Engineer Field regarding any odors from the treatment plant. He agreed with Mr. Prendergast that as long as the system is working properly no unpleasant odors should be noticed other than a slight musty smell. The SPDES permit was also acknowledged as well as an article regarding a balloon test for Ginsbergs which was sent to the Planning Board from the ZBA.

Ms. Becker noted that there were questions regarding a Draw Down Test and acknowledged that this information can be found in the August 2005 Engineers report. A letter of support was received from Sylvanus Lodge in Hillsdale and read into the record while a May 1, 2014 letter was acknowledged from Stephanie Ferradino. Mr. Freeman also submitted manageable sized building plans.

Mr. Prendergast made note of the fact that the only change to the Site Plan was the reconfiguration of the handicapped parking spots to eight feet (8'). Mr. Prendergast acknowledged profiles of the drainage pipes have been added as requested by Engineer Field as were the generators that were added to the Pump House

After a short break Ms. Becker presented Mr. Freeman with an invoice from Clark Engineering for approval. Mr. Freeman noted that the rate was misquoted. After correcting this he approved the invoice for payment from the Escrow Account. The Board proceeded to the Public Hearing.

After the Public Hearing Ms. Becker acknowledged that the Board's intent was to proceed to the SEQR. Mr. Grant was not sure whether the Board could proceed with this or not however Attorney Dow advised the Board to review the document so that areas of significance could be highlighted.

Attorney Dow informed the Board that the ZBA requested that he advise the Board of what transpired at their April 24th meeting. He advised that the ZBA did their own review of Part I and Part II of the SEQR and wanted to be on the record as having reviewed it and having put in their comments. He noted that the ZBA highlighted a certain number of issues however they understand that some of the concerns that were raised may not materialize or may have already been mitigated. During the SEQR review Attorney Dow will acknowledge the issues that concerned the ZBA.

Before the SEQR was reviewed Mr. Grant made note of the fact that there might be certain questions that may not be able to be answered. Attorney Dow agreed that this is certainly a possibility. Attorney Dow did acknowledge that there is a lot of history and a lot of these questions may have already been reviewed.

Mr. Grant asked whether Part I of the SEQR had been reviewed. Ms. Becker reminded him that it was reviewed at last month's meeting and the changes were initialed by Mr. Freeman. Ms. Cohen began reading the SEQR. It was reviewed and any pertinent issues were flagged.

One issue that was discussed was whether the hotel across the street is considered the same as the one the applicant is proposing. Mr. Grant acknowledged that there are far less rooms in that hotel than will be in the one being proposed.

Another issue that was raised was the Impact on Space and Recreation. Mr. Prendergast noted that there was one in Greenport and Ms. Becker believed there might be a CEA in Egremont. She questioned whether this should be looked into and it was decided that it will be.

Regarding Section 13- Impact on Transportation, it was noted that there will be a reconfiguration of a public road as well as an increase in traffic.

A discussion ensued regarding Section 15-Impact on Noise, Odor and Light and it was noted that any adverse lighting conditions will be mitigated to conform to the proper levels.

It was questioned whether there were issues with Section 17-Consistency with Community Plans regarding the Comprehensive Plan. Attorney Dow explained that under the Comprehensive Plan there was a lot of discussion as to community character however there was an action to encourage existing commercial business activity near Catamount and expansion if viable. Mr. Grant made note of the fact that Item 'c' under this section cannot be answered at this point.

A discussion ensued regarding a change in the zoning. Mr. Grant questioned whether zoning would have to be changed to allow this project. Attorney Dow acknowledged that the amending of zoning is being considered not to promote this project but to reflect what is going on and to anticipate what may be coming further so that the area can be opened up to additional things. Ms. Becker agreed and brought up the fact that the new access road didn't talk about the Neopolis access road but referred to the possibility of an access road coming off Breezy Hill Road for an access road where there are shops. Attorney Dow believed this was more in the context incurred in general business expansion and commercial activity. Mr. Grant did note that at this point the Board does not know whether this is consistent with zoning regulations or not. Mr. Freeman advised that the proposed action that needs to be considered is the creation of a resort hotel. This issue will remain open for more discussion.

Attorney Dow acknowledged that the flagged items can be possible issues that need to be either found that they are not issues or they will need to be mitigated.

Mr. Gilchrest asked when the SEQR document will be made available to the public. Mr. Grant advised that a declaration has not been made as yet and the document is not complete. Mr. Gilchrest then asked if this was part of the public record. Attorney Dow advised him that as long as it is fully understood that this is a discussion document only and is not the final conclusion and the issues have only been flagged prior to the mitigation steps. It was Mr. Gilchrest's understanding that once this document was marked small or moderate to large it was the conclusion and the question is whether it can be adequately mitigated. Attorney Dow advised that the Board was not answering this document to answer it but were reviewing this to discuss it and the Board agreed to go through it prior to answering it in depth so that the potential areas of concern can be flagged. He explained that the Board was trying to make it apparent to everyone where the issues lie and it was a discussion and not a determination.

Mr. Gilchrest questioned whether the Board is looking for additional responses from the applicant and would this be considered the new information that will be able to be commented on at the next meeting. Attorney Dow advised that most of these documents are already in the record and it was the Board's intent to get through the document so that they know what still needs to be done. Ms. Ferradino asked what the response date is for the applicant and what the response date would be for a reply. She noted that Attorney Howard will be providing a written document and she wanted an opportunity to comment on it. She asked if she could be told when his document is due and what the date would be for her response. Attorney Howard acknowledged that most of it is enumerating what is already in the record and where it is. Ms. Becker acknowledged that she would let Ms. Ferradino know when Attorney Howard's document was received.

MINUTES

On a motion made by Mr. Urban and seconded by Mr. Grant the Board voted unanimously to approve the meeting Minutes of April 3, 2014.

ADMINISTRATIVE

DOUG GOODHUE LETTER: Ms. Becker advised that a letter was sent to the Board from Doug Goodhue regarding Taconic Street but the Board has no jurisdiction over this.

LOCAL LAW: Ms. Becker acknowledged a letter stating that the Planning Board has no objection to the enactment of a Local Law amending Chapter 232 of the Code of the Town of Copake which provides for the use of alternate members of the Zoning Board of Appeals in the case of absence or conflict of interest on a regular ZBA member.

CJ REALTY: Ms. Becker informed the Board that a decision was needed to address a letter received by CJ Realty to once again extend the Site Plan approval for their subdivision project on Empire Road. Ms. Becker acknowledged that this is for a subdivision that cannot be changed unless the owner changes it. Ms. Becker noted that the subdivision is grandfathered but the site plan is not however, there was not much that could be done to it. The Board agreed to extend this.

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 Mr. Grant and seconded by Mr. Savarese, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 11:00 p.m.

Marcia Becker, Chair

Please note that all referenced attachments, comprising 34 pages, are on file with the Copake Town Clerk and in the Planning Board office. The referenced attachments are filed in the individual project files. An annotated listing follows:

ADMINISTRATION

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA RESORT HOTEL

March 28, 2014	Burger to Miller (2)
April 16, 2014	Sargarin to Burger (1)
April 18, 2014	Prendergast to CPB/Becker (1)
April 23, 2014	Burger to Sagarin (2)
April 24, 2014	Kane to ZBA (4)
April 24, 2014	Howard to Dow (2)
April 24, 2014	Ferradino to ZBA (6)
April 24, 2014	Gilchrist to Dow (2)
April 24, 2014	Gilchrest to ZBA/CPB (5)
April 30, 2014	Silvanus Lodge to CPB (1)
May 1, 2014	Ferradino to Becker/CPB (4)
May 1, 2014	Alper to CPB (3)

LOCAL LAW AMENDMENT

April 10, 2014	Advisory Report of CPB amending Code (1)
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