

Town of Copake Zoning Board of Appeals

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Meeting Minutes of January 23, 2014

The regular meeting of the Zoning Board of Appeals of the Town of Copake was held on January 23, 2014, at the Copake Town Hall, 230 Mountain View Road, Copake, NY. An audience of about 35 was present as well as Susan Sweeney: Town Board Liaison, Kenneth Dow: Copake Town Attorney, Marcia Becker: Planning Board and Edward Ferrato: Building Department.

The meeting was called to order by Hilarie Thomas at 7:10 PM.

Roll call: Present at this meeting were: Ralph Shadic, Frank E. Peteroy, Hilarie Thomas, Michael Diperi, Jon Strom and Veronique Fabio: recording secretary.

Adam Resnikoff was absent.

Reading and approval of the minutes of preceding meeting:

Hilarie Thomas asked for a motion to waive the reading of the December 18, 2013 minutes and approve them.

Michael Diperi made the motion, Jon Strom seconded, all in favor.

Correspondence:

Hilarie Thomas reviewed the following correspondence.

January 18, from Planning Board; Memo in ref. to Galdau.

January 18,” “; Memo in ref. to Nipon.

January 23 “ “; Revised memo for Nipon.

Closed Public Hearing:

None

Public Hearing:

1) **2013-25 Galdau Andrew, 1292 Lakeview Rd.** Tax Map # 176.1-4-39.

Left and right side variances requested for construction of an 8 foot by 30 foot rear deck attached to existing home.

Hilarie Thomas asked for a motion to open the public hearing, Michael Diperi made the motion, Jon Strom seconded, all in favor.

Hilarie read the memo from the Planning Board.

“Applicant proposes to build a rear deck requiring side yard variances. At the January 11, 2014 Planning Board meeting the Board reviewed the Galdau application and had no concerns regarding the project. Chris Grant.Vice Chair.”

All the abutters have received notification and there were no comments or objections to the project.

Mr. Galdau noted that his parents own the property next to his.

Hilarie Thomas asked if anyone in the audience had questions, being none, *Hilarie asked for a motion to close the public hearing,*

Michael Diperi made the motion to close the hearing, Jon Strom seconded, all in favor.

Hilarie proceeded to read the 267-b Permitted action by board of appeals.

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall consider:

1; Whether an undesirable change will be produced in the character of the Neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: NO

2; Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue other than an area variance;

Answer: NO

3; Whether the requested area variance is substantial;

Answer: NO

4; Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Answer: NO

5; Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Answer: NO

c. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The board tonight will be voting on; 1) A right side yard set back variance of 22 feet.
 2) A left side yard set back variance of 22 feet

Roll call vote; Ralph Shadic, YES. Frank E. Peteroy, YES. Hilarie Thomas, YES.
Michael Diperi, YES. Jon Strom, YES.

Variance granted for the purpose of building a 30 foot by 8 foot deck attached to existing home.

2) 2013-18. Andrew & Lauren Howard, 48 Starling Rd, Copake.
Tax Map # 155.18-2-4.

Mr. Howard was not present for the hearing, this is the fourth hearing missed by the applicant.

3) 2013-26 Berkshire Mountain Club @ Catamount ski area. Tax Map #157.1-11.100. Special use variance, for a 3 building resort hotel project.

Hilarie Thomas asked for a motion to open the public hearing, Jon Strom made the motion, Michael Diperi seconded, all in favor.

***Hilarie asked if all the abutters were notified; one letter came back undelivered. The hearing cannot be closed until all abutters are officially notified. A new notice will be sent after research for an updated address.**

***Pat Prendergast Engineer introduced; Harry Freeman from Rock Solid Development, Andrew Howard Esquire, Richard Edwards, Tom Gilbert, and Eddy Horowitz . Pat Prendergast presented the project; He went over the history of the project. A project was proposed for (500) units in 1989 and approved in 1990. That project was never built.**

In 2003 a similar project was presented and a special use permit was obtained for 3 buildings for a resort hotel at the base of the mountain in 2006. The area is zoned residential. That project was never built.

Prendergast describes the new site plan. The applicant is applying for a renewal of the special use permit acquired in 2006. The new project is very similar to the one previously approved, except that the buildings have been pushed back closer to the base of the mountain There are some changes to the parking lots , an extra gravel parking lot is planned and a “porte cochère” was added .

The access road will be the same, the project will have its own water supply, and waste treatment plant. Four wells will provide the water for the resort and a 54,000.gallons water tower will be built. The approval for the waste treatment plant is still current and the water discharge permit is valid until 2017.

CCDH (Columbia County Department of Health) approval for the water system is valid. 72 Hour water testing were done. Grading for the parking lots has not been changed.

Storm water will be routed from up on the mountain towards the snow making reservoirs. The run off from the parking lots will be collected in catch basins, go through oil and water separators and finally be collected in the snow making reservoirs.

***Ed Ferrato from the building department asked about the clearance between the base of the slope and the base of the building.**

Prendergast responded that there will be approximately 100 feet between the beginning of the slope and building 1 and 2.

***Ed Ferrato also asked about the capacity of the run off retention pond.**

Prendergast responded that the pond is about 10 feet deep and 100 feet wide, it can hold millions of gallons.

Someone in the audience, from Breezy Hill Rd., questioned the impact of the volume of water that will be used for the resort on the water table and if the aquifer can support that much draw.

Prendergast said that tests were done on the water supply, one of the wells was run for 3 days and it was noted that the level of the other 3 wells was not affected. The debit was about 30 gallons a minute. He does not think that residents on Breezy Hill Rd will be affected in any way.

Prendergast continued with his presentation;

The fire department previously had asked for dry hydrants, the plans remain the same. Jon Strom clarified that the intake for the hydrants will be located below the level of the pumps for the snow making.

Hilarie noted that the Hillsdale fire department had concerns.

Harry Freeman from Rock Solid Development indicated that a meeting with the Hillsdale fire department was scheduled and issues are going to be discussed.

Prendergast went on to describe the lighting plan. It has been upgraded to LED lights, low light level two foot candles, shielded on the top.

The access from route 23 remains the same as in the previous plan.

Ed Ferrato asked if the road will be widened, Prendergast responded that the road will remain at the same width, 24 feet wide.

*Someone in the audience asked how many units the project will have.

Prendergast responded 256 bedrooms are now planned or 156 units.

How many cars will the parking lot accommodate and will there be a traffic light at the intersection with 23?

Prendergast indicated that no traffic light was planned.

Jeff Nayer, Town supervisor, inquired about the use of Nicholson Road as an alternative route for the equipments and trucks during construction.

Prendergast indicated that Catamount road will be used and Nicholson Road can be use in case of emergency. Nicholson Road is not a paved road.

*Someone in the audience voiced concerns about the traffic at the intersection of Breezy Hill Rd. and Mansfield Rd.

The DOT can be contacted by citizens and a request for decreased speed signs can be made. The town board will support the residents and can submit a request for speed reduction to the county, the county will contact the state and the DOT makes the final decision.

*Harry Freeman noted that a traffic analysis shows that the traffic on route 23 has decreased since 2004, from 4100 to 3177 cars daily, a decrease of almost 25%.

*Andrew Howard indicated that the DOT will most likely reassess the intersection after the construction and a review of the traffic pattern will be taken in consideration, road signs changes will be included in the final DOT traffic safety review.

*Someone in the audience asked about the height of the water tower.

Prendergast indicated that the tower planned will be 20 feet tall and located on the side of the mountain in a wooded area.

*George Beneke Hillsdale fire commissioner had questions. Following a meeting with the Berkshire Mountain Club developer, the Hillsdale fire chief and his assistant still have a lot of concerns.

- 1) Height of building is a concern for the fire department.
- 2) Water source that has to be available 24/7 as well as the sprinklers system.
- 3) Mr. Beneke questioned the access road behind the building.

Prendergast noted that no access was provided behind the building and supported the design indicating that the building will be fully equipped with sprinklers and according to the architect as long as fire trucks can be within 300 feet of any point around the building the fire codes are met.

- 4) Access road on route 23 is also a concern. In case of emergency, fire trucks entering the route 23 access as well as a possible large number of cars trying to leave the location is preoccupying.

The Hillsdale fire department wants to be sure that they have all the elements to protect the area and Mr. Beneke would like to stay in close contact with the ZBA during this process , he also suggested that ZBA makes use variance contingent to all fire safety issues being addressed.

Harry Freeman noted that time will be devoted to ensure the safety of the residents, the fire personnel and the property. The issues of the fire department will be addressed.

*Marcia Becker inquired if anyone from the town of Egremont was present and if they had been notified of the public hearing. The town of Egremont was notified by certified mail.

* Mr. Andrew Gilchrist, esquire, representing Mr. and Mrs. Alper of the Suisse Hutte, indicated that the prior developer had made an agreement with the Alpers. They are ready to work with the Berkshire Mountain Club group.

*Mr. David Silver an abutter to the project was made aware of the new plan for the first time through the notice from the ZBA. He wants to be kept informed of the permits that have expired and all the details of the project.

Prendergast indicated that the files are public and are available with the planning board as well as the ZBA. He can be contacted as well as Harry Freeman.

Frank Peteroy suggested that the minutes are available on the town web site.

Mr. David Silver owns 25 acres next to the Catamount project and he is worried about the plan for a parking lot that will be abutting his property.

*Someone in the audience voiced her concern regarding preliminary preparation for the project like cutting down trees and clearing the land for parking lots. What if the project is abandoned?

*Someone in the audience commented about the Berkshire Mountain Club web site and its soft marketing campaign. How is the response?

Harry Freeman indicated that the state of NY gave permission to get expressions of interests. A pre-sales office was recently open. The first building has 66 units, 330 fractions. Financing will depend on the response to the "whisper campaign".

*Someone in the audience commented on the size of the building on the web site.

Harry Freeman indicated that the first building foot print will be 22,000 square feet. The height of the building at the pick of the roof will be 67 feet; it will be a five story structure

He also indicated that potential buyers have access to conventional financing. Owners would own their units every fifth week of the year. For example an owner would get to use his unit on the Christmas week every five years. When units are not used they can be rented.

He went on describing the facility; indoor outdoor pool, meeting rooms, lounge, game room, storage room for the owners, sales office and a restaurant. These amenities will be in the 66 units building # 1. Studios up to 3 bedrooms units will be available with high end appliances in the kitchens. Maid and room service will be available.

A question about the work force that will be required to run the resort; 60 employees are estimated at this time.

Another question came up about fire safety and the type of construction for the building, Harry Freeman indicated that the structure will be wood framing. The structure will be compartmentalized. There will be back up generators, separate pumps dedicated to feed the fire hydrants. The water supply in that location is more than sufficient.

* Someone in the audience wanted to know if the towns surrounding the project will have other responsibilities besides the fire safety issues. The only possibility would be children in need of schooling if the project gets full time residents.

*Ed Ferrato asked if the parking areas will be paved and if there will be handicap accessible spaces.

A question was raised concerning "the land of rural charm" that Copake advertises, does that project go against the scenic overlay?

***Hilarie responded that the planning board is working with the developer to maintain a natural setting and landscaping will certainly be part of the required elements.**

***Someone in the audience commented on the future of the ski operation taking in consideration the change in weather. What would happen to the buildings? Would we have a situation like the Roe Jan school building on 22?**

Tom Gilbert responded that Catamount 5 years ago opened one of the first adventure parks in the area. The adventure park puts Catamount on the map and gives the opportunity for a four season resort.

The future development on route 23 of strip malls is a concern.

***Ken Dow noted that the area is zoned as residential and it is unlikely in the near future. Members from the Hillsdale planning board noted that the surrounding towns will benefit from the business created by the guests at the resort.**

***Hilarie asked if employees will be imported to operate the resort or if the personnel will be hired locally.**

Harry Freeman said that hiring locally is preferred however resort management trained personnel will be hired from elsewhere. The construction crews will be local as well.

The number of visitors in the summer is superior to the number in the winter.

***Tom Gilbert noted that there is an adequate labor force locally and Catamount hires 250 employees in the winter and 40 full times in the summer.**

***Lindsey Lebreck questioned if the resort will affect the taxes in the town.**

Hilarie asked if the individual units where taxed.

Harry Freeman responded that because the units will be condominiums they will be taxed by the square footage value. He noted that the fire company taxes alone will be approximately \$20,000. per year.

A question about the economic viability of the project came up.

Harry Freeman indicated that the banks require between 30 and 50% of units in contract before financing the project.

***Eddy Horowitz stood up and indicated that Catamount now hires 327 employees and that 80% of them live within 20 miles of Catamount.**

***Jon Strom questioned the expiration of the building permits that were originally granted. Ken Dow will bring documents pertaining to that for the next meeting.**

***Frank Peteroy asked for details about the 300 feet fire code access mentioned previously, as well as the detailed architectural plans, the web site plans have no value.**

The acreage for the project is 9.9; lot coverage is under 20% allowable.

Hilarie asked for a motion to adjourn the meeting to February 27, Jon Strom made the motion, Ralph Shadic seconded, all in favor.

New Applications:

2014-01 Lawrence Nipon. 12 Grant Drice Copake

Tax Map # 165.15-1-49

Area Variance , front yard of 29.8', rear yard 33.8' as well as relief from the density control schedule and from 232-24 B (2) (a) {2}.

Linda Chernewski represents the owner, she came to the table and presented the project. It consists of an addition of a partial second floor, a front entry porch, a walking deck and a covered side porch.

The planning board has reviewed the application. The site approval is subject to the granting by the ZBA of a height variance and side yard variance as well as the receipt of a stamped letter from a licensed engineer conforming that the septic system is in good working order and that it can handle the burden of increased affluent.

Hilarie asked for a motion to accept the application, it will be scheduled for a public hearing on February 27. Frank made the motion, Jon seconded all in favor.

General business

None

Meeting was adjourned at 9:10

Next meeting; Thursday February 27, 2014

**Respectfully submitted.
Recording Secretary.
Veronique Fabio**