



# **COPAKE PLANNING BOARD**

## **NOVEMBER 7, 2013**

### **MINUTES**

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#### **DRAFT**

**Please note that all referenced attachments, comprising 11 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.**

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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, George Filipovits, Bob Haight, Jon Urban and Julie Cohen. Steve Savarese was excused. Lisa DeConti was present to record the minutes.

#### **ZONING BOARD OF APPEALS – Referrals**

##### **1. ZBA REFERRAL/SPR – GEORGE & IRIS FEARON – Lake Shore Dr. [Taconic Shores] – (2013-28)**

No one was present regarding this application. Ms. Becker advised the Board that Mr. & Mrs. Fearon requested a front yard set-back for an addition which will be attached to their garage in the front yard. However no application form was received. Ms. Becker explained that the addition is considered the modification of a non-conforming structure. Access from the house through the garage to the addition is planned. The Board requested a floor plan.

Ms. Becker continued to explain that inasmuch as the Planning Board did not receive a complete application it cannot complete a site plan review. Ms. Becker also pointed out that the Board will have to review the Septic System specifications including the location of the fields.

A letter will be written to the ZBA expressing the Board's concerns and requesting more information from the applicant.

##### **2. ZBA REFERRAL – JOSEPH AND VERONIQUE FABIO – North Mountain Road [Copake] – (2013-29)**

No one was present regarding this application. Ms. Becker informed the Board that Joseph and Veronique Fabio are asking for relief from Zoning Code 232-8D. (4) to locate a garage in their front yard. This application only requires a referral letter from the Planning Board. Mr. Filipovits commented that it appears that the placement of the garage will be pretty much hidden from the road as the parcel is quite large.

Ms. Becker will write a letter to the ZBA advising them of the Board's comments.

## **PUBLIC HEARING**

NONE

## **SUBDIVISION/SITE PLAN**

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

Pat Prendergast appeared along with Developer Harry Freeman of Rock Solid Development LLC, Architect James Trip and owners Tom Gilbert and Rick Edwards. Mr. Prendergast advised the Board that the applicants wish to make revisions to their previous approval. Mr. Prendergast explained that the previous approval consisted of three (3) buildings with one-hundred and twenty-five (125) units that contain three-hundred and twelve (312) rooms. Mr. Prendergast pointed out that the amended amount of units will be also be three (3) buildings with one-hundred and fifty-nine (159) units and two-hundred and fifty-six (256) rooms. He did make note of the fact that although there are now more units they do consist of fewer rooms.

Mr. Prendergast advised the Board that the wells approved in the previous application have already been installed and approved as was the Waste Water Treatment System. Harry Freeman also brought up the fact that there is adequate access across Nicholson Road which was legally accepted as a Public Road in the Town of Egremont, MA which has undergone improvements,

Ms. Becker reminded the Board that the previous Site Plan Review expired on May 1, 2010 and this application will be considered new. Ms. Becker also brought up the fact that the previously approved Subdivision was never filed with the County and its approval has therefore also lapsed.

A discussion ensued regarding the approved variances received with the previous approval and Attorney Ken Dow advised that variances do not have a time limit on them but can expire if not used. It was also noted that the ZBA does have bi-laws stating that a variance can expire if not used within ninety (90) days. Mr. Prendergast acknowledged that he spoke with Patrice Perry who advised him that variances go with the land. Attorney Dow did reiterate that although they go with the land they can expire. Mr. Prendergast requested copies of the previously approved variances for his review. Ms. Becker questioned whether new variances would be required and noted that some were subject to conditions.

Ms. Becker advised that the Scenic Corridor Overlay Design Guidelines will need to be considered because of the project location. Mr. Prendergast made note of the fact that the approved SPDES permit has been kept current and doesn't expire until 2017. He also noted that the sewer plant will be granted an extension should its approval expire. Mr. Prendergast then advised that the prior Storm Water Pollution Prevention Plan has not expired and is still valid. However Mr. Prendergast will reapply under the old permit number so as to meet the new standards. Mr. Grant acknowledged that the SEQR will need to be gone through and the environmental impact will need to be considered.

Mr. Haight brought up the fact that a height variance had been granted with the previous application. Ms. Becker made note of the fact that a new variance may be needed as the revised building is higher than the previous one. There was a discussion regarding the fact that the proposed building is a four (4) story building and fire access needed to be considered in the event of a fire. A discussion ensued regarding a condition attached to the height variance that involved fire truck access to the upper floors.

Mr. Grant questioned whether the Board needed to retain an engineer and how the density had been determined for the ten (10) acre parcel. Mr. Prendergast brought up the fact that parking had been determined at one (1) space per bedroom. It was also questioned whether approval would be needed from Berkshire County. Ms. Becker advised that they will need to be notified of the Public Hearings, as would the Town of Hillsdale.

Ms. Becker questioned whether the applicant was ready to move forward as the project needs to be classified. On a motion made by Mr. Grant and seconded by Mr. Filipovits the Board voted unanimously to classify the application for Catamount/Berkshire Mountain Club at Catamount Ski Area as a Major Site Plan.

Ms. Becker brought up the fact that an Escrow Account will need to be set up and Mr. Grant questioned whether the Planning Board needed to declare themselves lead agency. Mr. Prendergast questioned whether the Board needed to request variances from the ZBA. Attorney Dow advised that Mr. Prendergast can go directly to the ZBA for a height variance, and that the Planning Board can refer an applicant directly to the ZBA. Ms. Becker brought up the fact that five (5) variances had been previously granted by the ZBA.

Mr. Freeman asked for a review time line because they would like to break ground next summer.

Mr. Grant asked the Developer who would own and manage the resort hotel. Mr. Grant was advised that there will be a partnership between Rock Solid Development and Catamount. The facility will be privately owned and managed and consist of fractional ownerships as well as public hotel rooms. The first building will have sixty-three (63) units and one-hundred and twenty (120) bedrooms. There will be some retail units, a restaurant, fitness club and a pool. However it was unclear whether these would be for facility owners and occupants only.

The following submissions were acknowledged:

- an application for Site Plan review
- sheets 1, 2, 3 of maps dated October 30, 2013
- set of maps with pages 2 & 3 revised and dated November 6, 2013
- a letter dated October 31 from the Berkshire Mountain Club at Catamount Ski Area (?)
- NOI letter dated March 17, 2005 from the NYS DEC
- a letter dated January 23, 2012 from the NYS DEC regarding the SPDES Permit renewal
- New York State DEC SPDES Discharge Permit expiring in 2017
- January 5, 2006 DOH Letter conditionally approving the Water System
- Catamount abutters list

## MINUTES

On a motion made by Mr. Filipovits and seconded by Mr. Haight the Board voted unanimously to approve the minutes of the September 5, 2013 meeting.

On a motion made by Mr. Haight and seconded by Mr. Urban the Board voted unanimously to approve the minutes of the Special Meeting of September 14, 2013.

The October minutes could not be approved as there was not a quorum of members present from that meeting without Mr. Savarese.

## ADMINISTRATIVE

**TASK FORCE:** Mr. Haight reported of his experience representing the Planning Board before the Copake Task Force. Mr. Haight acknowledged that he explained the Planning Process when he was questioned as to the length of time it takes for a project to be approved. The Columbia County Planning Department provides a check list for project submission. Mr. Haight suggested that a Copake submission check list be created with a disclaimer so that it could be presented to prospective applicants so they are aware of the complexity of what is needed. When questioned as why the Board didn't meet more often he explained that the amount of applications before the Board doesn't warrant that. He also explained that immediate building project approval is only given in places with full time employees. He also explained to them that not all projects require approvals from the ZBA or the Planning Board. Many do not.

**EDWARD SAWCHUCK:** Ms. Becker advised the Board that a letter was received from the Department of Health regarding final approval of Mr. Sawchuck's septic system.

**CENTRAL HUDSON LETTER:** Ms. Becker advised the Board that she received a letter from Central Hudson Gas and Electric Corp. requesting that local municipalities and planning boards work with them to identify projects that may potentially affect or occur on or within their transmission utility easements.

**POLAYES REVISED LANDSCAPE PLAN:** Ms. Becker acknowledged receipt of the Revised Landscape Plan for Barry Polayes and Carol Tiger. Mr. Grant made note of the fact that a request had been made for a tree to be planted to stabilize the bank where an existing tree was removed, and it was not included. Mr. Haight questioned what caliper of tree the Board would like to be planted. Mr. Grant suggested something with good root structure. Mr. Urban suggested that it could be several trees. Ms. Becker will report the Board's comments to the applicant.

## **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. Filipovits and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:35 p.m.

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Marcia Becker, Chair

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## **ADMINISTRATION**

### CATAMOUNT CREST RESORT HOTEL

March 17, 2005	Cioffi to Resort Hotel at Catamount Ski Area (2)
January 5, 2005	DeRuzzio to Prendergast (2)
January 23, 2012	Higgins to Catamount Development Corporation (1)
January 23, 2013	SPDES Permit (1)
October 31, 2013	Prendergast to CPB/Becker (2)
	Catamount Abutters List (1)

### EDWARD SAWCHUCK

October 15, 2013	DeRuzzio to Peteroy (2)
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### CENTRAL HUDSON GAS & ELECTRIC CORPORATION

October 17, 2013	Sammon to CPB (2)
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