



COPAKE PLANNING BOARD

SEPTEMBER 4, 2014

MINUTES

DRAFT

Please note that all referenced attachments, comprising 15 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 7:05 p.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Jon Urban, and Julie Cohen. Ed Sawchuk arrived later in the meeting and Steve Savarese was excused. Lisa DeConti was present to record the minutes. Supervisor and Board Liaison Jeff Nayer and Attorney Ken Dow were also present.

ZONING BOARD OF APPEALS – Referrals

2014-18 ZBA REFERRAL – JASON A. AND SUSAN CHADKIN – Lakevier Road [Copake Lake]

Submissions included:

- Memo from ZBA Chair, Hilarie Thomas dated September 3, 2014
- ZBA Application
- Building Permit
- Ed Ferratto Referral Letter dated August 12, 2014
- Site Map

Jason Chadkin appeared before the Board for the addition of a shed on his newly purchased property. Mr. Grant questioned whether the Zoning Board of Appeals needed input from the Planning Board as this application requires a Special Use Permit which does not involve the Planning Board. Mr. Haight clarified that rear and side yard variances are being requested.

Ms. Becker questioned whether the shed is being placed near the road and was advised by Mr. Chadkin that the shed is being placed by a fence which is located on the side of the property line. Mr. Chadkin explained that inasmuch as his property is small there is only one place he can put a shed. Mr. Haight acknowledged this as he drove by Mr. Chadkin's property inasmuch as the shed is being placed only two feet (2') from the property line and agreed that there is no other place the shed could be located. Ms. Cohen questioned whether this is a pre-fab Amish shed and was advised by Mr. Chadkin that it is.

Ms. Becker pointed out that the map shows three (3) separate lots and Mr. Chadkin acknowledged that this is correct and explained that the other two (2) lots are on the lake. Ms. Becker had concerns about the coverage of the lot as the Town Code stipulates that the lot coverage cannot be more than twenty-five percent (25%). Mr. Chadkin advised her that the Building Inspector did not raise this as an issue.

Ms. Becker questioned whether the placement of a shed will obstruct the view of any of the neighbors. Mr. Chadkin explained that there are tall pine trees on the other side of the fence and his neighbor also has a shed on that side of the property. Mr. Haight pointed out that the shed will not be visible from the road.

A letter will be sent to the ZBA advising them of the Board's concerns.

PUBLIC HEARING

2014-17 BLA/MINOR SUBDIVISION – SCOT & JULIE COHEN – Sky Farm Road – [Copake]

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

Mr. Haight asked if anyone wished to speak regarding this application. There were none. On a motion made by Ms. Becker and seconded by Mr. Grant the Board voted unanimously to close the Public Hearing.

SUBDIVISION/SITE PLAN

2014-17 BLA/MINOR SUBDIVISION – SCOT & JULIE COHEN – Sky Farm Road – [Copake]

Submissions included:

- Ag Data Statement
- Deed
- Map Dated July 21, 2014
- SEQR

Ms. Cohen recused herself from this application and then presented it to the Board. Ms. Becker acknowledged that the purpose of the Agricultural Data statement is so that the Board can consider any adverse impact the action can have on agriculture. Ms. Cohen clarified that there are only two parcels that could be affected and one of them was Robert Covino the person they

are receiving the one-point four hundred and sixty-five (1.465) acre parcel from and the other is Ms. Becker's property. Ms. Becker made note of the fact that she had no issue with the action.

Ms. Cohen acknowledged submission of the deed that will be executed once the process is complete, the map with the zoning district added and the SEQR. Ms. Cohen presented a full-size map for the Board's review. The SEQR was read.

On a motion made by Ms. Becker and seconded by Mr. Haight the Board voted in favor with Ms. Cohen abstaining to make a Negative Declaration

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted in favor with Ms. Cohan abstaining to approve the Minor Subdivision for Scot E. and Julie Cohen from a map prepared by Philip J. Massaro & Son and dated July 21, 2014 merging a onze-point four hundred and sixty-five (1.465) acre parcel from Underhill Farm LLC with their six-point zero-three-one (6.031) acre parcel.

2014-19 SITE PLAN REVIEW – BOB & MARCIA UNTRACHT – Golf Course Road – [Copake Lake]

Submissions included:

- Application
- Elevations
- Complete set of Plan Drawings

Linda Chernewsky appeared before the Board representing Bob and Marcia Untracht. Ms. Chernewsky explained that Code Enforcement Officer Ed Ferratto suggested she appear before the Board for the renovation of dormers to Mr. and Mrs. Untracht's structure.

Ms. Chernewsky acknowledged that no variances are required and the footprint will not be expanded. She explained that two (2) dormers will be added to the roof on the front and rear sides. Mr. Urban questioned why this application was before the Planning Board and after discussion it was acknowledged that CEO Ferratto felt this should be reviewed inasmuch as the structure is non-conforming and this would increase the non-conformity.

Ms. Chernewsky explained that three (3) bedrooms will be added and it was questioned whether this corresponds with the septic requirements from the sewer association. Mr. Urban explained that when the previous owner applied for these requirements he had planned for the additional bedrooms but never added them to the structure. Ms. Chernewsky will provide a letter from the association regarding this. Ms. Chernewsky acknowledged that a sauna and hot tub will be added in the future. Ms. Becker had concerns that this would affect the septic requirements.

Ms. Becker questioned whether there is a Site Map and was advised by Ms. Chernewsky that she is in the process of preparing one. Ms. Becker made note of the fact that a Site Map is needed for the records. Mr. Grant questioned what is being done for drainage and was advised by Ms. Chernewsky that whatever is existing will remain.

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted unanimously to accept the application for Bob and Marcia Untracht on Golf Course Road from a Dormer Design prepared by LMC Design and Morris Associates subject to receipt of a Community Septic letter of approval for the addition of three (3) bedrooms and acceptance by Mr. Haight of the Survey Map which will show the current conditions including structures, landscaping, set-backs, etc.

Mr. Haight will stamp and sign the maps when the conditions are met.

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

Attorney Dow acknowledged that at last month's meeting the Board issued approval of the Major Site Plan for Berkshire Mountain Club at Catamount subject to a resolution being drawn up by him that specifically sets out in writing the conditions governing the approval. Attorney Dow read the resolution into the record.

It was clarified that at the March 6, 2014 meeting the Board made the decision to set the Public Hearing to be held at the April 3, 2014 Meeting.

Mr. Urban brought up the fact that in the Resolution the project was referred to as a one-hundred and fifty-three (153) unit two-hundred and fifty-six (256) bedroom residential living space and not a Resort Hotel. He expressed concern that this might conflict with any decisions the ZBA might make. He was also concerned that this could be a legal issue in the future. Attorney Dow acknowledged that this was the way the project was referred to in the Brochure. Attorney Dow believed this to be a vexing question as by description the units are being sold to individual owners. He noted that in two (2) versions of reasonably similar projects of the same proposal the ZBA specifically passed a resolution addressing this and determined that notwithstanding the timeshare or condominium format fell within the definition of a resort hotel format as described in the Town Code. Mr. Urban questioned whether this should be added to the Resolution. Attorney Dow advised that this be left up to the ZBA to handle as they see fit. The Proposed project is a full service residential Resort Hotel. Mr. Haight addressed the fact that the first condition of approval states that *'the applicant be granted by the Zoning Board of Appeals of the Town of Copake a Special Use Permit to construct and operate a "Resort Hotel" on the subject site.'* It was agreed by the Board that this was sufficient.

It was noted that the voting record needed to be amended to Mr. Savarese 'Absent' and Mr. Sawchuk 'Abstaining.'

Attorney Dow advised that the last two (2) paragraphs be amended to read *'plans approved by the Planning Board on August 7, 2014 and affirmed by this resolution'* replace the present wording.

Mr. Grant brought up the fact that the Bond amount in the Resolution needed to be amended to the correct amount of one hundred and ninety two thousand thirty dollars (\$192,030).

On a motion made by Ms. Becker and seconded by Ms. Cohen the Board voted with a majority of five (5) in favor, Mr. Sawchuk abstaining and Mr. Savarese absent to adopt the Resolution of the Site Plan Review Conditions of Approval for the Berkshire Mountain Club at Catamount presented by Rock Solid Development LLC dated September 4, 2014 as amended per Board discussion.

MINUTES

Ms. Becker made note of the fact that the second paragraph on page six (6) of the July 14, 2014 minutes read:

*Ms. Becker then questioned whether the sewage coming from the existing base lodge was accounted for in the plans and was advised by Mr. Freeman that this is all in the engineer's report and is calculated at **five-thousand (5,000) gallons per day**. However, Mr. Freeman made note of the fact that they do not expect to use this amount.*

Ms. Becker also made note that on page eight (8) the list of conditions that were continued from page seven (7) should read as amended:

- *Any further revisions for future phases will have to come before the Board for review **as determined by the Code Enforcement Officer***
- *Copies of any Permits that expire and need to be renewed be given to the Board*
- **Receipt and acceptance of easements by Town Attorney**

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted unanimously to approve the August 7, 2014 Minutes and the July 14, 2014 as amended.

ADMINISTRATIVE

DAVID AND KRISTEN HILBERT: Linda Chernewsky submitted the requested letter from Morris Associates stating that the septic system is performing adequately. This was required by the Board for conditional approval.

CAMPBELL VILLAGE BLUESTONE & TRAFFIC CIRCLE: Mr. Haight questioned the status of this application and was advised by Ms. Becker that at the end of the year Ms. DeConti will contact the applicant regarding where the application stands.

VARVATOS ROAD MAINTENANCE AGREEMENT: Mr. Haight advised the Board that the Road Maintenance Agreement for John and Joyce Varvatos has been received and filed.

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT: Mr. Haight acknowledged receipt of the Notice of Decision by the Commonwealth of Massachusetts Town of Egremont Board of Appeals denying the alteration of a non-conforming use for Catamount to construct a maintenance building on the Egremont side replacing an existing structure located in New York.

Mr. Haight also acknowledged receipt of a letter from Andrew Gilchrest regarding the approval of the July 14, 2014 meeting minutes.

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 Ms. Becker and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 8:10 p.m.

Bob Haight, Chair

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ADMINISTRATION

JASON A. & SUSAN CHADKIN

September 3, 2014 Thomas to CPB (1)

SCOT & JULIE COHEN

August 9, 2014 Agriculture Data Statement (1)
September 4, 2014 SEQR Form (4)

DAVID & KRISTEN HILBERT

September 2, 2014 Schmitt to Thomas/ZBA (2)

JOHN & JOYCE VARVATOS

August 19, 2014 Road Maintenance Agreement (1)

BERKSHIRE MOUNTAIN CLUB AT CATAMOUNT SKI AREA RESORT HOTEL

August 5, 2014 Wood to CPB (1)
August 8, 2014 Gilchrest to Dow (1)
September 13, 2014 Site Plan Condition of Approval (4)

