



COPAKE PLANNING BOARD
SEPTEMBER 22, 2018
SPECIAL MEETING MINUTES

Approved
October 4, 2018

Please note that all referenced attachments, comprising 9 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 special meeting of the Copake Planning Board was called to order at 10:03 a.m. by Bob Haight, Chair. Also present were Julie Cohen, Chris Grant, Marcia Becker, and Jon Urban. Ed Sawchuk and Steve Savarese were excused. Attorney Ken Dow and Town Board Liaison Richard Wolf were also excused. Lisa DeConti was present to record the Minutes. The purpose of the meeting was to review the application of a Zip Line at Catamount Ski Area.

ZONING BOARD OF APPEALS – Referrals

2018-18 ZBA REFERRAL/SPR– CATAMOUNT SKI AREA – Route 23 [Copake]

- Application for Site Plan Review
- List of Abutters
- Request for Special Use Permit
- Building Permit Denial
- Zip Tour Feasibility Study/Project Concept
- Letter from Columbia County Planning Board to Howard Henward/Hillsdale Planning Board
- Letter from Columbia County Planning Board to Craig Norton/Hillsdale Zoning Board of Appeals
- Letter from Columbia County Planning Board to Bob Haight/Copake Planning Board

A Special Meeting was held to review the application of a Zip Line at Catamount Ski Area. Pat Prendergast appeared before the Board representing the applicants. Mr. Prendergast explained that there are two (2) Zip Lines, one that is eight-hundred feet (800') long and twenty feet (20') off the ground and the other is fifty-eight hundred feet (5,800') long and two-hundred feet (200') off the ground. He also explained that the ski lift is used to get to the top. He also made note of the fact that the Zip Line ends in the Town of Hillsdale.

Mr. Prendergast acknowledged that he appeared before the Hillsdale Planning Board and they didn't require anything from the applicant however the applicant will be appearing before the Hillsdale Zoning Board in the first week of October inasmuch as the Building Inspector questioned whether a Special Use Permit would be required.

Mr. Prendergast made note of the fact that there are no DEC permits required and Mr. Grant pointed out that a Special Use Permit is required from the ZBA. Mr. Grant referred to the Building Permit Denial which required Town Codes:

- 232-21B - Prior to the issuance of a building permit for a business, commercial, industrial, or general use, or for any multifamily dwelling, or for any structure greater than 3,500 usable square feet of floor space, including agricultural buildings, the Building Inspector shall require site plan approval pursuant to this section. Some agricultural uses may undergo a modified site plan review and approval pursuant to Section 232-21(H)(4).
- 232-21F(1) – **Existing and Discontinued Uses, Structures, and Applications.** Any use or structure lawfully in existence on July 15, 2018 or any building permit issued by the Town of Copake on or before such date shall not be subject to additional site plan review under this article, but only to the extent such use or structure existed or was authorized by such permit as of such date, and any change in size, configuration, or intensity of any existing business, commercial, industrial, general, or multi-family use made or proposed to be made after such date, or any building permit or special use permit issued therefore after such date, shall be subject to site plan review as provided under this article.
- 232-23A – Authorization to grant or deny special uses. The Town Board authorizes the Zoning Board of Appeals to grant or deny special uses in accordance with section 274-b of the New York Town Law and the provisions set forth in this section. No land or structure may be used or constructed for any use requiring a special use permit pursuant to this chapter, and no use subject to a special use permit under this chapter may be permitted, enlarged or altered, unless approved by the Zoning Board of Appeals.
- 232-23I – Expansion of special use. Any change to a specially permitted use that involves new construction, enlargement, exterior alteration of existing structures, increased parking, an increase in the floor area, lot area, or lot coverage allocated to the special use, increased hours of operation, or other changed use of outdoor areas shall require a new or amended special use permit in accordance with the procedures set forth in this Zoning Law.

Mr. Haight asked whether there is access for emergency vehicles. Mr. Prendergast acknowledged that there is an existing road used for this. Mr. Haight made note of the fact that the Department of Transportation will need to be notified as they advised the Town that they need to be notified of anything that might make their roads busier.

A discussion ensued as to whether this application would be considered a Minor or Major Site Plan. It was decided that this would be considered a Minor Commercial Site Plan Review. It was also noted that the Town Code refers to a Less Intensive Review and the Board can consider Waiver Requirements for Site Plans. As noted in the Town Code, *the Planning Board may find that some requirements of this subdivision are not requisite in the interest of the public health,*

safety or general welfare as applied to a particular project or application or are inappropriate to a particular site plan. In such cases, the Planning Board may waive any submission requirements for the approval of site plans provided such a waiver does not prevent or circumvent the purposes and intent of any Town of Copake law or regulation or the Comprehensive Plan.

The Check List was reviewed. It was noted that:

- Approval was granted by the Columbia County Planning Board
- Special Use Permits will be needed from both the Town of Copake and the Town of Hillsdale
- Comments will be made from the Department of Transportation.
- Catamount is located in the MU (Mixed Use) Zoning District.
- Not located in an Agricultural District
- This application is a Type 2 Exempt Action

On a motion made by Mr. Grant and seconded by Ms. Becker the Board voted unanimously to classify the application of Catamount Ski Area for a Zip Line as a Type 2 Action under SEQRA 6175C7.

Mr. Grant acknowledged that the Columbia County Planning Board classified this application as a Modification of a previously approved Site Plan. The Board agreed with this classification and considered it a Minor Site Plan.

On a motion made by Mr. Haight and seconded by Ms. Becker the Board voted unanimously to approve the Modified Site Plan for a Zip Line at Catamount Ski Area dated August 2018 subject to ZBA approval for a Special Use Permit under sections 232-23A and 232-23I of the Copake Town Code and compliance with any requirements received from the Department of Transportation if any.

ADMINISTRATIVE

JOE FLOOD/J&J TWIN OAKS LLC: Ms. Becker advised the Board that she reviewed the Subdivision Map for Joe Flood and J&J Twin Oaks LLC that was approved in 2013 and questioned whether it was filed with the County. She pointed out that if this was filed with the County this would be the starting point for the new subdivision Mr. Flood submitted at the September meeting. Ms. Becker acknowledged that this subdivision was filed with the County on May 13, 2013 so the 2013 survey map would be the starting point when the new application is reviewed.

ADJOURNMENT

There being no further business, on a motion made by Mr. Haight and seconded by Ms. Cohen, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 10:50 a.m.

Bob Haight, Chair

Please note that all referenced attachments, comprising 9 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

CATAMOUNT SKI AREA

September 13, 2018	Building Permit Denial (2)
September 14, 2018	Request for Special Use Permit (2)
September 19, 2018	Stalker to Haight/CPB (2)
September 19, 2018	Stalker to Norton/Hillsdale ZBA (2)
September 19, 2018	Stalker to Henward/Hillsdale PB (1)