

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: February 1, 2010**

Approved 3/1/10

Chairman Jay Brousseau call to order the February 1, 2010 meeting of the Town of Claverack Planning Board at 7:00p.m.

Members in attendance were: Chairman Brousseau, Stephen Hook, Judy Zink, Virginia Ambrose, Nathan Chess, Attorney; Barrett Mack, Engineer; Joe Romano, and Secretary; Jodi Keyser

Absent with regrets: Caren Mahar and Daniel Northrup

Correspondence:

Lorman SEQRA and Stormwater regulations training filers.

Columbia County Department of Health approval letter for Clover Hills subdivision dated 12/29/09.

Columbia County Clerk subdivision map filing for Koskey

Nuggets and Nibbles Spring

Landmark Archeology advertisement.

NYS DEC letter with Article 24 permit for Clover Hills subdivision.

Review Minutes of January 4, 2010 meeting.

Motion to approve the minutes of January 4, 2010 meeting was made by Stephen Hook with a second from Judy Zink.

All members were in favor. Motion carried.

Continuing Cases:

CloverHills/ Milligan/Birch Builders Subdivision: 10-parcel subdivision located on Rte.9-H.

Ed Brzozowski and Bob Titus were present for the application. 2 sets of new subdivision maps were submitted "revised" 12/2009 for the 10-lot residential subdivision. Mr. Titus informed the Board that all of the lots have their own wells and septic systems. NYS DEC O.K. with wetland disturbance buffer. All lots and house sites meet TOCZBA regulations for setbacks, frontage, and size. Nathan Chess asked about the note on the maps showing that the NYSDEC approval is validated for 3 years and this application has been going on past the 3 years. Nathan Chess continued asking if the flagging and DEC inspection should be required to be re-evaluated because of the time that has lapsed from the time DEC did the study. Joe Romano stated that NYSDEC issued the permit, which is their re-validation of the study. Chairman Jay Brousseau read the conditions of the NYSDEC letter showing the updated maps that were submitted. Bob Titus stated that the note Nathan Chess was referring to is a standard note on each map. Nathan Chess stated that he just wanted to be assured that no other study needed to be performed because of the length of time since the study was performed. Bob Titus stated that even though there has been a few years since the NYSDEC study was performed the lines of delineation have never changed. Chairman Jay Brousseau reads that the NYSDEC permit was granted on 1/27/10. Joe Romano added that NYSDEC had requirements that the applicant needed to meet therefore NYSDEC has issued the permit so nothing else is required. Virginia Ambrose asked about a K-turn near lot #10. Ed Brzozowski stated that the K-turn is required for emergency and town trucks to be able to turn around. Mr. Brzozowski added that Valarie Barbaro has asked during a meeting if the K-turn could be moved closer to lot #10 and that this change will be made on the final Site Plan maps. Joe Romano informed the Board that the applicant has addressed all of the comments from Clough Harbour and Associates but they still need to submit a Construction estimate for the Bonding along with the developers agreement and construction schedule. Bob Titus handed Joe Romano and Barrett Mack each a copy of the Construction estimate, bonding, developer's agreement, and construction schedule to review. Nathan Chess then asked what the final cost would be for the applicant for the Recreation fees. Secretary Jodi Keyser informed the Board that the Recreation fees are \$1,000.00 per lot for a major subdivision. Chairman Jay Brousseau opened the meeting for the Public hearing at 7:22 p.m. Alan Mueller addressed the Board that he lives directly behind this development and he has concerns with the 10 foot right-of-way at the bottom of his property. Mr. Mueller is concerned that water runoff will not be distributed at the bottom of his property because of no culvert causing water to pool. Bob Titus agreed to replace a previously existing culvert and add an additional culvert at the bottom of the Barbaro and Mueller properties with a swale. Chairman Jay Brousseau asked that the maps show this change. Valarie Barbaro stated that she met with Mr. Brzozowski on 1/31/10 to discuss the changes for the subdivision. Ms. Barbaro stated that she forgot to ask about the fact that in previous maps there would be a roadway behind her property with a 10-foot set back is now a driveway with a 5-foot setback so it is now closer to her property. Ms Barbaro stated that she is happy that this is no longer a roadway but also without berms she is still concerned with traffic from the lot #10 owners. Ms. Barbaro continued that she wants

some protection at the back of her property. Ms. Barbaro stated that a berm would have delineated her property from the other subdivision and now nothing will separate properties. Ms. Barbaro stated that she understands that there is no longer a need for the applicant to construct a berm and they are still planting trees along the back of her property but she does not like the fact that the driveway will now be closer to her property than the proposed roadway. Ms. Barbaro asked if a fence or something could be added along her property to keep people from entering and trespassing as in past situations. Mr. Mueller then stated that he is also requesting that the applicant add 5 more trees to the 14 already agreed upon. Ed Brzozowski informed the Board that the plan shows that trees will be planted along the backs of the Barbaro and Mueller properties – 14 for the Mueller property and 12 for the Barbaro property. Mr. Brzozowski continued that this should be adequate because the plan has been changed from a roadway to a private driveway. Chairman Jay Brousseau informed Ms. Barbaro and Mr. Mueller that in his opinion the developer is going above and beyond to please them and the Planning Board feels that he is conforming to TOC regulations. Chairman Brousseau continued that the trees along the Mueller property could be spread out further instead of adding more trees. Mr. Mueller was in agreement. Chairman Brousseau added that Mr. Mueller and Ms. Barbaro needed to remember that the right-of-way behind their properties was there prior because the Cardinale and Mulligan subdivisions were thinking of joining at one point. Mr. Mueller affirmed that he did remember this. Nathan Chess then asked Joe Romano if it would be possible for the developer to construct a reverse swale or ditch at the bottom of the properties along the driveway. Mr. Chess continued that this would solve two problems the delineation of the properties and may also help to disperse the runoff water. Bob Titus stated that adding a ditch would be feasible. Ms. Barbaro and Mr. Mueller were both in agreement. Public hearing closed at 7:39 p.m. Chairman Brousseau stated that the Site Plan review is now deemed complete and public comment is closed but developers agreements and construction schedule will be worked out among the developer and TOC representatives i.e. Joe Romano and Rob Fitzsimmons. Joe Romano reminded the Board that the applicant submitted a revised SEQRA because of the changes to the plan and the Board will need to review the new SEQRA. Bob Titus stated that he will consult with Joe Romano and Rob Fitzsimmons for the Draft Resolution. Nathan Chess reminded the applicant that new maps will need to show the K-turn, ditch, and culverts that were discussed at this meeting. Chairman Jay Brousseau reminded the applicants that if the new maps and Resolution are not going to be ready for the March meeting it is their responsibility to contact Jodi Keyser. Continued to the March 1, 2010 meeting.

Huehnel Alvin/Hyatt, Marcus & Brenda BLA: Boundary Line Adjustment of .73 acres Tax Map #(SBL) 132 . – 1 – 25.

No show for the fourth month. Chairman Brousseau directed Secretary Jodi Keyser to send the applicant a letter informing the applicant to make contact with the Planning Board prior to the March meeting or the application will be considered withdrawn.

New Cases:

Haley, Joe & Diane Subdivision: 40 acres from 150 acres located at 391 Carpenter Rd.

Mr. Haley and Mr. Van Alstyne were present for the application. Mr. Van Alstyne submitted new maps. Mr. Haley has purchased the Tip Top T Farm from the Tipple family and is looking to subdivide 40 acres from the 150 acres and to sell that 40 acres back to the Tipple family. Mr. Van Alstyne explained that the property is divided by a creek and railbed. Mr. Van Alstyne stated that his plan was to maintain easement over an existing farm road for at least agricultural use to maintain fields. Mr. Van Alstyne also maintained access through Ghent off of Carpenter Rd. through lands owned by Jennings was gained through a modification of the easement allowing access for agricultural use only in the Town of Ghent. Chairman Jay Brousseau informed the applicant that he was under the impression at the January meeting the 110 acres was going to be an accession parcel joined to Mr. Haley's existing 100 acres then there would be no need to deal with frontage issues in Claverack. Mr. Van Alstyne then asked what if the applicant did not want to add this 110 acres to the existing property. Nathan Chess stated that would create a landlocked parcel and therefore would not be able to approve because it would create an unbuildable lot. Mr. Haley informed the Board that the property will be part of the Columbia Land Conservancy and will not have house sites. Chairman Jay Brousseau informed the applicant that the 110 acres will need to be added to the existing 100 acres or something else owned by Mr. Haley. Mr. Van Alstyne then asked if there were any provisions in the TOC Subdivision codes allowing for the creation of a landlocked parcel. Chairman Brousseau answered absolutely not, whether they plan to build or not. Joe Romano then added that the applicant can still proceed with the easement over the Tipple Farm but parcels 1A and 1B need to be mapped as parcels 1 & 2 and shown together on a deed with a defacto subdivision. Joe Romano continued that the parcel is not a buildable lot and a portion of the parcel is within the Town of Ghent. Secretary Jodi Keyser will notice the Town of Ghent. Chairman Jay Brousseau noticed that a portion of the Columbia County Rail bed runs through the property. Chairman Brousseau asked if the applicant should notify Columbia County or what might be needed. Mr. Van Alstyne will pursue the railbed issue with Columbia County if needed. Chairman Brousseau informed the applicant that revised deeds need to be to TOC attorney

Rob Fitzsimmons at least two weeks prior to the March meeting. Virginia Ambrose added that the new maps need to have a location map and the proposed 30-ft. easement. Mr. Haley indicated that if the TOC requires the deeds state the parcel is not a buildable lot he is essentially giving up the development rights and the Columbia Land Conservancy will not proceed because of the devaluation of the property and he will lose the tax break. Chairman Brousseau asked for a note on the map that the parcel is covered by an accession lot. Chairman Jay Brousseau informed the applicant that the Board will need CCDOH, which is usually waived on these large parcels, and the Tipple's may already have wells on portions of the properties. Chairman Brousseau continued that CCDOT line of sight is required. Motion to classify as a two lot minor subdivision was made by Nathan Chess with a second from Stephen Hook. All members were in favor. Motion carried. Need deeds two weeks prior, CCDOH, CCDOT, and Notice to Town of Ghent.

Informal:

Meyers, Willard & Penelope Subdivision: Boundary Line Adjustment on Willmon Road. Tax Map (SBL) 120-1-6.1. Adjustment of a previously approved Boundary Line Adjustment. Mr. Tomaso was present for the applicant. Mr. Tomaso explained that after reviewing the site of the previously approved boundary line adjustment on Wilson Rd. Mr. Koskey asked Mr. Meyers for more frontage on the cul-de-sac. Mr. Koskey wants to add 45 ft onto his property, which would take his frontage on the cul-de-sac from 314 feet to 360 feet. Mr. Koskey wants this to be an accession lot to his existing property. Mr. Tomaso continued that the new line adds approximately .3 acres to the existing 1.5 acres. Chairman Brousseau informed the applicant that new maps, SEQRA, proposed deeds and an application would be required prior to the March meeting. Mr. Tomaso asked approximately how many meetings should he expect this action will take. Chairman Brousseau informed the applicant that usually two meetings is normal. Nathan Chess asked why Mr. Koskey is asking for the small addition. Mr. Tomaso stated that he is just looking to make a neater line. Nathan Chess stated that in his estimation he figures that by adding the small piece of property Mr. Koskey will gain enough frontage to be able to allow for another building lot off of the cul-de-sac. Chairman Brousseau and members of the Board reviewed the maps and numbers to come to the same conclusion. Mr. Tomaso will return for the March meeting.

Virginia Ambrose then asked the Board and counsel how far the Board is expected to go to make applicants and neighbors of actions happy. Virginia Ambrose continued to state that as with the Clover Hills application the Board acted more as mediators than a Planning Board. What are the Board's responsibilities? Virginia continued that Nathan Chess' idea for a ditch along the driveway with the Clover Hills subdivision was wonderful and he is a hero but at what point does the Board stop.

Motion to adjourn meeting was made by Stephen Hook with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Jodi Keyser
Secretary