

**TOWN OF CLAVERACK  
PLANNING BOARD  
February 2, 2009  
7:00 p.m.  
Minutes**

**Approved April 6, 2009**

Chairman Jay Brousseau called the February 2, 2009 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Absent were: Virginia Ambrose and Daniel Northrup

Correspondence were received from:

Tranchita application \$100.00 final fee.

Copy of Doug Clark letter to NYSDEC notice of intent and SWPPP for stormwater discharge under SPDES general permit GP 0-08-001 for the Catskill View Subdivision application dated 1/7/09 starting the 60-day review.

Copy of Doug Clark letter to Mike DiRuzzio of CCDOH outlining the changes to the plan as per CCDOH comment letter regarding Catskill View Rd. Subdivision.

Letter from CCDOH to Doug Clark that the CCDOH has received the revised wastewater plan.

Board members reviewed the minutes of January 5, 2008 meeting. Motion to approve minutes with one correction on page #2 changing fells to feels. Motion to approve the January 5, 2009 meeting was made by 1<sup>st</sup> Stephen Hook with a 2<sup>nd</sup> from Judy Zink. All members were in favor. Motion carried.

**Continuing Cases:**

Catskill View Road Subdivision: 12 parcels from 287 +/- acres on Catskill View Rd. in Claverack Tax Map # (SBL) 132-1-50. Doug Clark and Francis Roche were present for the applicant. Public hearing scheduled for 7:15 p.m. Chairman Brousseau informed the Board and audience members that parties interested in speaking at the public hearing must sign their name and address on the sheet provided. Chairman Brousseau continued with all comments need to be concise and brief. Nathan Chess asked if Joe Romano received the additional information from the applicant. Joe Romano informed the Board that he and the applicant's engineer have worked items back and forth. Chairman Brousseau opened the public hearing portion of the meeting at 7:15 p.m. James Neilson of 15 Thomas Rd. stated that he is concerned with further subdividing of the parcels because they are large. He continued to ask if the applicant would in deed restrictions that no further subdividing will be allowed. How can the TOC hold the applicant to this restriction? Judy Zink asked Doug Clark if there is any information on the demolishing of the buildings on the site. Doug Clark answered that he has a permit from the TOC, which was supplied to the Board along with a copy of a letter sent to NYSOPRHP. Judy Zink asked if the Board members would be able to review the deed restrictions and covenant. Doug Clark answered yes the deed restrictions and agreement will address archeological buffers, stormwater, drainage, and buffer zones. Doug Clark continued that preliminary copy of deed restrictions and covenants were sent to Rob Fitzsimmons. Francis Roche answered the member of the public question with that the only lot that will be allowed for further subdivision is lot #1 which is the largest lot. So to answer public comment question only lot #1 will allow for further subdividing. Chairman Brousseau asked if there were any other public comments from the audience. There were no further comments. Chairman Brousseau asked that public comment be continued to the March 2, 2009 meeting. Chairman Brousseau addressed the answer to the one public comment question stating that the applicant will put restriction on further subdividing of the parcels except on lot #1. Chairman Brousseau continued that with this restriction in place if and when the owner of lot #1 wants to subdivide the parcel in the future that person will be required to seek approval for the subdivision from the TOC Planning Board. Doug Clark then stated that revised plans as per Joe Romano's comment letter was submitted with DEC

standards, labeled plantings, list of plants, and the typographic area of the plantings. Nathan Chess stated that he understands the ratio of raingarden to roof size is typically how the raingarden is designed, but how is the pitch and amount of roof taken into consideration. What happens to the runoff from the other side of the roof? Doug Clark stated that the runoff from the roof would be diverted to the raingarden with gutters, leaders, and splashguards. Doug Clark continued that specific designs could not be designed because the buyer of each lot will have different houses. Mr. Clark stated that the design is generic to the plan can not be made specific to each house because of too many variables possible. Nathan Chess asked if gutters, leaders, and splash guards be required as per the plan. Doug Clark answered that this will be part of the Certificate of Occupation and will be the burden of the TOC building department but is a fairly forward as per the plan for the Building Inspector to follow. Up to the Building Inspector to deem sufficient prior to the CO approval. Doug Clark stated that a specific design for each lot is impossible unless all 12 lots build the same prefabricated home or designed house. Mr. Clark stated that it is a big unknown the type of house that will be built on each lot so he can not design a specific raingarden for each site but can only specify area of the raingarden in relation to the size of the roof. Chairman Brousseau stated that this is somewhat like the specifications for a septic field in relation to the number of bedrooms in a residence. Nathan Chess stated that the plan leaves a lot to be assumed and makes the enforcement of the DEC regulations up to the TOC building inspector. Nathan Chess continued that notations to further define how roof runoff leads to the raingarden should be addressed. Chairman Brousseau referred to the TOC engineer Joe Romano for answers. Joe Romano stated that without knowing the exact house design it is not possible to design a specific stormwater plan for each parcel. Joe Romano continued that the plan is specific enough to determine the area of a raingarden per size of roof area. Joe Romano also stated that TOC Building Inspector Stan Koloski calls him whenever there is a question regarding a site plan. Chairman Brousseau stated that he understands Nathan Chess' concerns with who will be responsible to make sure the raingarden design plan is followed per the specs of the project. Barrett Mack stated that the concern of raingarden design could be placed in a notation on the site plan to say that a properly designed raingarden is the responsibility of the homeowner. Francis Roche stated that it is to the owner's advantage to do right so that they do not have possibly deal with a flooded basement in the future. Nathan Chess agreed but stated further that homeowners may try to save money and not install gutters. Nathan Chess agreed further that he thinks it is great to get away from large retention ponds but concerned with who will make sure the plan is followed to specs. Barrett Mack stated that deed restrictions and covenants would satisfy and guarantee that the plan is followed to specs. Barrett Mack informed Mr. Clark that he would bring a copy of the preliminary covenants and deed restrictions to Rob Fitzsimmons to review. Doug Clark stated that he would work with Joe Romano to tighten up details and notes on Site Plan. Chairman Brousseau stated that the raingarden design for stormwater management is just one more item that the Board needs to pay attention to. Chairman Brousseau continued that the design specifications should be clearly spelled out in the plan and then be followed as designed with the size of the roof determines the area and site of the raingarden for each parcel. Chairman Brousseau then asked Doug Clark if the raingarden design for stormwater management plan has been sent to the NYS DEC? Doug Clark informed the Board that he has sent the stormwater management plan with the raingarden design to NYS DEC on January 7, 2009 and this then starts the 60-day review, which will be complete sometime in March 2009. Nathan Chess asked if NYS DEC is responsible for the raingardens after they are built. Joe Romano stated that after NYS DEC grants a permit they could stop at anytime and inspect at anytime. Doug Clark stated that DEC does show up on projects when available, but could use more staff to visit all projects to ensure that plans are followed right. Nathan Chess stated that it is important for the stormwater management planned raingardens to be designed, built, and maintained properly to protect Shad swamp and to ensure the runoff does not impact Catskill View Rd. Joe Romano stated that Catskill View Rd. might be impacted during the start of roadway construction. Joe Romano informed the Board and applicant that Clough Harbour, the engineering firm for the TOC, will periodically inspect the site for erosion control. Nathan Chess then asked if all the roadways would be constructed at the same time. Doug Clark informed the Board that the Subdivision roadway would be completed first with individual drives done on a lot by lot basis. Doug Clark also stated that the Stormwater Pollution Permit is transferred from lot to lot or developer to subsequent developers until the entire build-out is completed. The SWP permit is not completed or signed off on until all the lots are finished as per each part of the Site Plan is followed. Chairman Brousseau then asked if the CCDOH comments were addressed of the letter

dated 1/21/09. Doug Clark stated that the Van Vliet Hydrological study was used to reference the amount of water that would be available for wells. Doug Clark continued that the CCDOH accepted the test wells that were drilled and ranged from 2-gallons to 10-gallons per minute. Doug Clark then informed the Board that he plans to test water levels on adjacent wells to see if impacted by each other. A Part 5 water analysis will be performed during drilling which is a test that is above the recommended regular water testing that is usually required. Nathan Chess asked if this would be part of the deed covenants and restrictions. Joe Romano stated that this requirement would be a note on the Site Plan. Doug Clark stated that wells and septic are always subject to NYS DEC regulations. Nathan Chess then asked if there is something whether it is raingarden malfunction, well, or septic problems that then affect a neighbor's property who would be held responsible. Chairman Brousseau answered that anytime a person does something on their property that affect or causes damage to their neighbors property it is the responsibility of the landowner doing the project to correct his neighbors problems. Nathan Chess stated to him that it seemed like the CCDOH is looking for more regarding the wells. Doug Clark answered that the CCDOH was asking for the Part 5 water analysis, which again is a more detailed water analysis then regularly performed. Doug Clark continued that this Part 5 water analysis would be performed per lot as each lot is sold. Chairman Brousseau stated that the Part 5 water analysis should be included in the deed restrictions and covenants and in a Resolution to protect the Town of Claverack. Doug Clark stated that this is an item for a Resolution. Chairman Brousseau asked Doug Clark if the NYS DEC grants a permit for the SWP plan when would the Board be notified. Doug Clark stated that if NYS DEC does not have any comments then they will just let the 60-day review period lapse so if no comment is received then the Board and applicant assumes the permit is granted. NYS DEC acknowledged receipt of the SWP plan on 1/7/09. Joe Romano stated that the NYS DEC may send some sort of reply and rely on the TOC engineer and Project engineer to do things right. Doug Clark then submitted a letter dated 1/29/09 from the archeologist response to comments from NYSOPRHP regarding the Phase 1 & 2 archeological study that described in greater detail the site avoidance plan areas and the 30-foot buffer and this new item will be sent to NYSOPRHP. Chairman Brousseau asked if the Board members had any further questions. No further questions from the Board or audience members. Chairman Brousseau then stated that the Board would be awaiting comment or no comment from NYS DEC regarding the SWP plan, preliminary deed restrictions and covenants. Chairman Brousseau then continued the Public comment period to the March 2, 2009 meeting.

Aiello Subdivision: Tax Map #(SBL) 120 . 00 – 01 – 16 . 111 located on the Northwest side of Stone Mill Rd. Claverack. 4 parcels from 90.839 acres.

No show. Chairman Brousseau asked Joe Romano if he has received newer plans from the applicant. Joe Romano informed the Board that he has not yet received any new plans for the subdivision from the applicant or his surveyor.

#### **New Cases:**

Ronsani, Joseph Subdivision: 2 parcels from 8 +/- acres. Tax Map # 112 . – 1 – 41 located at 512 Rte 217. Mr. Ronsani presented his application at the November 2008 meeting. Chairman Brousseau informed Mr. Ronsani that he would need to get CC Planning easement approval for the driveway for the new parcel over the county owned railbed. Mr. Ronsani called Planning Board Secretary Jodi Keyser to inform her that he has not yet received the approval for the easement from Columbia County that he needed so therefore he will not be attending the meeting. Board member Stephen Hook informed the Board and Chairman Brousseau that he attended a meeting of the Columbia County Solid Waste committee and the Ronsani application was discussed and approved. Chairman Brousseau also informed the Board that he has spoken to Dean Knox and he also stated that the Ronsani application was approved. Chairman Brousseau informed the Board that he would contact Mr. Ronsani to inform him to attend the March 2009 meeting and that the Board would possibly be able to grant conditional approval without the letter from the CC Planning Department. Continued to March meeting.

Miller, James Subdivision: 2 parcels from 15 +/- acres located at 2216 Rte. 27 Tax Map #(SBL) 141 . 00 – 02 – 36 . 1

Mr. James Miller was present to present his application to the Board. Mr. Miller explained the plan to the Board members stating that he wants to separate one (1) acre containing his private residence and garage from his 15 +/- acres of land. Frontage conforms to TOC subdivision regulations. Chairman Brousseau asked Mr. Miller if he has curb cut approval from TOC Louis LaMont. Mr. Miller stated no but he does not need the driveway because no one will build on the remaining property. Chairman Brousseau informed Mr. Miller that the Board could only approve subdivisions that create buildable lots. Need the curb cut approval, frontage, and perk test approval in order to deem the remaining parcel a buildable parcel? Chairman Brousseau continued that Mr. Miller does not need to construct a driveway, but he only needs to show ability to have a driveway. Mr. Miller stated that he would contact Mr. LaMont A.S.A.P. Mr. Miller informed the Board that there is an existing culvert on the site that was installed prior to 1972 when he purchased the property. Chairman Brousseau informed Mr. Miller that the existing culvert could be used but he should still check with Louis LaMont. Joe Romano agreed. Mr. Miller was given an Ag Data form to fill out and return to Secretary Jodi Keyser prior to the next meeting. Needs TOC highway approval, existing septic and well sites shown on maps for Mr. Millers home and his son's home. Caren Mahar stated that the applicant already has an existing well and septic on his property with his residence and an existing well and septic on the property belonging to his son. Caren Mahar continued that since there are existing approved well and septic sites on the property the applicant should not need to have perk testing. Chairman Brousseau stated that the Board could waive the perk testing due to two separate existing approved well and septic sites on the property. Chairman Brousseau informed Mr. Miller that he needs to contact Stan Koloski regarding the side setbacks for a shed that is outside of Parcel #1. Joe Romano stated that Stan Koloski might deem the shed an accessory building. Chairman Brousseau informed Mr. Miller that the standard note regarding water would need to be added to the standard map notes. Motion was made by 1<sup>st</sup> Caren Mahar with a 2<sup>nd</sup> from Judy Zink to classify as a 2-lot Minor subdivision. All members were in favor. Motion carried. Motion to waive Columbia County Department of Health perk testing on the remaining 14 acre parcel due to the size and existing approved wells and septic systems was made by 1<sup>st</sup> Caren Mahar with a 2<sup>nd</sup> from Stephen Hook. All members were in favor. Motion carried. Public hearing will be set for the March 2, 2009 meeting and will be noticed as such. Continued to March 2, 2009.

Motion to adjourn meeting was made by 1<sup>st</sup> Stephen Hook with a 2<sup>nd</sup> from Nathan Chess. All members were in favor. Meeting adjourned at 8:34 p.m.

Respectfully submitted,  
Jodi Keyser  
Secretary