

**TOWN OF CLAVERACK
PLANNING BOARD**

**Minutes
April 6, 2009
7:00 p.m.**

Approved May 4, 2009

Chairman Jay Brousseau called the April 6, 2009 meeting of the Town of Claverack Planning Board to order at 7:00 p.m. Members in attendance were: Chairman Jay Brousseau, Caren Mahar, Virginia Ambrose, Daniel Northrup, Nathan Chess, Judy Zink, Attorney; Rob Fitzsimmons, Engineer; Joe Romano, Secretary; Jodi Keyser.

Absent: Stephen Hook

Correspondence were received from:

NYSOPRHP letter regarding the meeting for March 11, 2009 at the Peebles Island State Park.

NYSOPRHP letter regarding historic designation for the Conyn-Rensselaer House located at 644 Spook Rock Rd.

Columbia County Clerk's office notice of filing for Hardwood Grove Property Management.

Columbia County Land Conservancy PILOT programs regarding the Bardwell Conservation Area on Snyderstown Rd. Smart Growth Seminar information.

Chairman Jay Brousseau read from a Register Star article dated March 9, 2009 titled Unique Land Matters.

Board members reviewed the minutes of the February 2, 2009 meeting.

Motion to approve the minutes of the February 2, 2009 meeting was made by Caren Mahar with a second from Judy Zink.

All members were in favor. Motion carried. Minutes approved.

Continuing Cases:

Catskill View Road Subdivision: 12 parcels from 287 +/- acres on Catskill View Rd. in Claverack Tax Map # (SBL) 132-1-50.

Mr. Francis Roche was present for the application. Mr. Roche informed the Board that project engineer Doug Clark was unable to attend the meeting. Mr. Roche informed the Board that with the exception of the shovel test report the archeological study is complete. Mr. Roche continued that the technical review is complete with Joe Romano and Doug Clark. Doug Clark submitted cost estimates to Joe Romano for roadway bonding. Mr. Roche submitted a Draft Resolution, Draft Covenants and Restrictions, and a draft Financial Agreement. Chairman Jay Brousseau asked if Joe Romano and Doug Clark worked out the details regarding the SWPP and the raingardens. Mr. Roche stated that details of the raingardens and plantings were added to the Site Plan. The 60-day SWPP review was submitted to NYS DEC on 1/16/09 and are still awaiting reply. Rob Fitzsimmons then read through some of the highlights of the Declaration of Protective Covenants and Restrictions i.e. all lots with the exception of Lot #1 are able to be subdivided, raingarden designs as per owner of the parcel, raingarden plans filed with Columbia County Court House so that buyers are aware of the restrictions, roadways built to TOC specs, houses will not contain less than 2,000 square feet etc. Nathan Chess suggested that a line be added to the Declaration of Protective Covenants and Restrictions that would refer to the SWPP design to protect all parties. Rob Fitzsimmons stated that the Declaration of Protective Covenants and Restrictions and Approved Site Plans are both recorded with the County but Mr. Roche agreed to cross-reference the Protective Declaration of Covenants and Restrictions with the Site Plan Maps and the Storm Water Pollution Plan to ensure that everyone concerned is aware of the plans and restrictions. Rob Fitzsimmons also informed the Board that the Protective covenants and Restrictions also reference the Financial Agreement for the roadway bonding, maintenance, and drainage. Nathan Chess asked if the Financial Agreement and or the Protective Declaration of Covenants and Restrictions covers any part of damage to Catskillview Rd. due to construction. Rob Fitzsimmons informed the Board that the Covenants does not address any damage to Catskillview Rd. Chairman Jay Brousseau stated that the TOC highway department did improve some of the culverts on Catskillview Rd. Audience member and Catskillview Rd resident Howard Brandston stated that guardrails were installed and weight limit signs at the culverts were installed. Rob Fitzsimmons then reviewed the Subdivision Plan Resolution with the Board and the Financial Agreement between the owner and the TOC. Chairman Jay Brousseau then asked each Board member if they were in agreement with these two documents reminding them that the Resolution is pending on the 60-day NYS DEC SWPP permit. Members Caren Mahar, Virginia Ambrose, Judy Zink, and Dan Northrup were all satisfied with the documents. Board member Nathan Chess stated that he has an issue with the future condition

and impact on Catskillview Rd. during the possible long build-out of the project. Mr. Chess asked if there is some way that the Board can give notice of a major project so that the TOC highway Superintendent Louis Lamont could inspect the road for any changes or damages incurred during construction so that the user road is protected. Rob Fitzsimmons stated that the Stewardship on Millbrook Rd. subdivision had a stipulation added stating that the developer gives the TOC 24 hour notice of heavy equipment being transported over the adjacent roads. Chairman Jay Brousseau opened the continued public hearing for the project at 7:35 p.m. Howard Brandston of Catskillview Rd. stated that he is concerned with the heavy construction equipment being transported over Catskillview Rd. and the impact that traffic will cause to the roadway. Mr. Brandston continued that Catskillview Rd. has some dangerous curves and is very narrow in spots, which may hinder the transporting of large construction vehicles. Also Mr. Brandston stated that he has had issue in the past with damage to his property from large vehicles on the roadway and in the past has made the TOC repair his property. Rob Fitzsimmons stated that Joe Romano would review and specify weight limits, roadway traffic, 24-hour notification to the TOC highway dept of any larger equipment, etc. Nathan Chess stated that he is concerned with the amount of expense the TOC may need to absorb because of damage to Catskillview Rd. during a possible extended build-out. Rob Fitzsimmons stated that this is correct and it is the reason that the TOC has adopted the requirement of roadways built to TOC specifications because the TOC Town Board became concerned that too many of the town's roadways were substandard. Howard Brandston continued with his comments stating that he is also concerned with the amount of increased traffic on Catskillview Rd. and the disruption he may have at his home. Mr. Brandston stated that he is hopeful that the developer will be considerate of the residents of the roadway as he was during an addition onto his home. James Neilson of Catskillview Rd. stated that he is concerned that tractor-trailers will have a difficult time maneuvering Catskillview Rd. due to the steep inclines and curves. Mr. Neilson reminded the Board that Catskillview Rd. is composed of oil and stone and in poor condition at the present time. Board member Nathan Chess agreed that Catskillview Rd. will be tough to use as access for the project. With no further public comments Chairman Jay Brousseau closed the public hearing at 7:53 p.m. with thanks to everyone. Rob Fitzsimmons asked if the Board members felt that they could make a motion to approve the Site Plan Resolution pending NYS DEC 60-day SWPP approval. Chairman Jay Brousseau asked if the Board members had any questions. Board member Dan Northrup asked why a 24-hour notice to the TOC would do for the Board. Rob Fitzsimmons stated that the notification helps the TOC highway Superintendent Louis Lamont be aware that there will be large equipment transported over Catskillview Rd. so that the weight restrictions are maintained and to inspect for damages that may be caused. Chairman Jay Brousseau then polled the Board members for their votes for the Resolution. Caren Mahar – yea, Virginia Ambrose – yea, Judy Zink – yea, Dan Northrup – yea, Nathan Chess – abstained, Stephen Hook – absent, Chairman Brousseau – yea. With a majority of the vote to approve the motion was carried. Mr. Roche will return with the revisions to the Resolution at the May meeting for the Resolution to be signed.

Ronsani, Joseph Subdivision: 2 parcels from 8 +/- acres. Tax Map # 112 . – 1 – 41 located at 512 Rte 217.

Mr. Ronsani called Secretary Jodi Keyser to inform her that he was unable to make the meeting due to a broken leg. Mr. Ronsani will contact her to keep her updated on his application.

Miller, James Subdivision: 2 parcels from 15 +/- acres located at 2216 Rte. 27 Tax Map #(SBL) 141 . 00 – 02 – 36 . 1 James Miller was present for his application. Mr. Miller submitted an Ag data statement on February 13, 2009, submitted letter from TOC highway Superintendent Louis Lamont for curbcut approval on 4/6/09. Mr. Miller met on-site with Mr. Lamont to view the site of the proposed subdivision. DOH waived due to existing septic and wells with a motion dated 2/2/09. New maps submitted 4/6/09 with standard notes. No Board questions. Joe Romano stated that the maps look fine to him. Classified as a 2-lot minor subdivision on motion dated 2/2/09. Chairman Jay Brousseau opened the meeting to public hearing at 8:04 p.m. No comments. Closed the public hearing at 8:05 p.m. SEQRA was reviewed by Joe Romano. Side yard setbacks were inspected and found in compliance with TOC regulations. Virginia Ambrose made motion for Negative Declaration with regard to the SEQRA with a second from Caren Mahar. All members were in favor. Motion carried. Virginia Ambrose made motion for final approval of a 2-lot Minor Subdivision as depicted on the maps with a second from Judy Zink. All members were in favor. Motion carried. Maps were stamped and signed. Mr. Miller paid final fees of \$400.00 by personal check.

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.

Mr. Aiello was present for his application. Mr. Aiello wanted to ask the Board members for advice regarding his property located on Stone Mill Rd. Mr. Aiello submitted a letter from TOC Highway Superintendent Louis Lamont giving approval for driveways. Mr. Aiello has a problem with the fact that there are not enough road frontages for all four lots. Mr. Aiello

submitted new maps showing a cul-de-sac for access to two parcels and driveways for the remaining two parcels. After reviewing the maps Board members found that parcel #4 only has roadway frontage of 50 feet. Joe Romano also added that the cul-de-sac, which only serves two parcels, might be too costly for the TOC highway to maintain. Board members informed Mr. Aiello that he would need a Variance from the Zoning Board of Appeals and this is not an easy task. Mr. Aiello will return after revisions from his surveyor. Mr. Aiello will return.

CloverHills/ Milligan/Birch Builders Subdivision: Re-submitting of a previous subdivision.

Robert Titus was present for the application. Mr. Titus informed the Board that he has not returned to the Planning Board in about a year after receiving Preliminary Plat Approval in March of 2008. Mr. Titus was addressing some concerns in the final comment letter from Joe Romano when the project hit a snag. Mr. Titus received a call from DOH regarding bad conditions on lots # 1 and #2 after a melt off of winter snow and then some rain which created a large amount of ponding water. DOH informed Mr. Titus that they would not approve the Phase II plan with the retention ponds as previously planned. Mr. Titus then moved the retention ponds back and forth trying to make them work with the lot configurations. Mr. Titus found this impossible so there is no further plans at this time for the Phase II portion of the project. Mr. Titus was informed that with the new plans the project will need an amended application, revised SEQRA, new maps with changes, re-noticed in the newspaper. Also Lot #10 will need to be added to another parcel can not stay alone. Joe Romano will review the escrow with the Town Office Clerk and advise Mr. Titus. Mr. Titus was informed that he will need to start over again for Preliminary Approval. Will return in May.

New Cases:

Neighbors of Center Hill Woodland Stewardship/Howard,Michael: 13 parcels from 73.12 +/- acres. Located at 48 Stevers Crossing Rd. Tax Map #(SBL) 122 – 1 – 22 – 10.

Mr. Lundquist and Mr. Howard were present for the application. Both Mr. Lundquist and Mr. Howard were very patient allowing the Board to have smaller applications go before their presentation. Mr. Lundquist used a PowerPoint presentation to describe the 13-parcel subdivision for the Board members. Mr. Lundquist informed the Board that the project is considered a Woodland Stewardship somewhat like the Stewardship on Millbrook Rd., which he worked on. Mr. Howard purchased the 73.12 +/- acres on Stever's Crossing Rd. and is currently in the process of building his home on one of the parcels. Mr. Lundquist explained that the site sits on top of the plateau and is virtually unseen from anywhere. Houses will be clustered and hidden. The property owners will share the facilities and share the cost of maintenance for roadways, gardens, community buildings, etc. The cottages are the smaller of the homes at about 1,200 square feet costing approximately \$220,000.00. Mr. Lundquist informed the Board that Mr. Howard has constructed a roadway to his property but it is not built to town specs because of the cost. Mr. Howard wishes to keep the roadway private and maintained by the HOA. Mr. Lundquist stated that his company, Bluebird Properties Inc. is now in partnership with Ed Herrington to produce the types of homes that will be constructed on the sites. "Green" houses will be shipped all over the United States from Herringtons Lumber Co. Mr. Lundquist informed the Board members that he is willing to take them to the property for a walk through. Many Board members were interested by the project. Chairman Brousseau informed the applicants that the current plat plan does not meet the frontage requirements for the subdivision laws. Mr. Lundquist informed the Board that the current subdivision laws regarding frontage are old and were designed for suburban lots in developments. Virginia Ambrose asked if the applicants had met with any other of the Boards to discuss their project. Mr. Lundquist stated that he met with Jim Keegan, Louis Lamont, Rob Fitzsimmons, Joe Romano, and Stan Koloski for a basic technical review. Mr. Howard informed the Board that he felt that the roadway be kept as is not meeting TOC specs if all neighbors agree to maintain. Nathan Chess informed the Board that he is working with Mr. Howard and Mr. Lundquist and therefore will ask to be recused from any decisions. Applicant will return in May.

Kosky, Richard: William Better representing Mr. Koskey submitted maps showing that the property containing the TOC water tower and the access roadway will be dedicated to the TOC. Mr. Koskey is asking for a subdivision of his remaining property into four parcels. Mr. Better explained that the TOC access roadway will be extended to a cul-de-sac built to TOC specs and roadway frontage meeting regulations for each parcel. Mr. Better was informed that he will need to submit an Ag Data letter, SEQRA, and an application. Also deeds conveying the property from RPK to Koskey. Perk tests will be needed on parcels # 1 & #3. Engineering review of the roadway. Rob Fitzsimmons asked that a note be added to the maps stating, "Any and all Storm Water Pollution Plan will be submitted and reviewed prior to building." Rob Fitzsimmons informed Mr. Better that the Board would classify the application at the May meeting. Mr. Better will work with Mr. Fitzsimmons to gather all information by the May meeting. Continued to May.

Informal:

Daly, John & Mary: Webb Rd. Boundary Line Adjustment

Mary Daly presented a Boundary Line Adjustment for her property and two adjoining properties. Mrs. Daly was informed to return to the Planning Board with new maps showing title block referencing accession lots showing which piece will be coming from which parcel and added to what parcel. Maps need to show septic on existing lot and approximate well and septic sites on other lots. TOC highway waived due to existing driveway. Deeds need to be rewritten and reflective of the transfer of property, Rob Fitzsimmons informed Mrs. Daly that she would need to submit the new deeds to his office for review two weeks prior to the May meeting. Need Ag data submitted. Will return to the May 4, 2009 meeting.

Board member Caren Mahar informed Board members that after discussion at the last meeting she pulled some information from the Internet regarding some training. Caren Mahar continued that if the Board found some items of interest then they might be able to find qualified individuals or companies to do training for members. Joe Romano informed the Board that his company, Clough Harbour and Assoc. could do many of the trainings. Board members will further discuss this idea.

Caren Mahar made a motion to adjourn the meeting at 10:10 p.m. with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Jodi Keyser
Secretary