

**TOWN OF CLAVERACK  
PLANNING BOARD  
91 Church St.  
Mellenville, NY 12544**

**Approved 3/16/06**

**February 6, 2006**

The February meeting of the Town of Claverack Planning Board was called to order at 7:00 PM by Chairman Jay Brousseau. Members in attendance were: Chairman Brousseau, Mrs. Martha Pizza, Mrs. Virginia Ambrose, Mr. Steve Hook, Mr. Robert Kavanaugh, Ms. Judy Zink, and Town Engineer Joseph Romano. Member Daniel Northrup informed the board at last months meeting of his inability to attend in February, and Town Attorney Rob Fitzsimmons informed Mr. Romano that he was called to an emergency meeting in another town but was available by cell phone if needed.

Board members review the draft minutes of the January 2006 meeting. Mr. Hook voiced concern about the fee amounts paid by applicants in the minutes. Chairman Brousseau will check into the matter with Town Attorney Fitzsimmons. Mrs. Pizza made a motion to accept the minutes as written with a 2<sup>nd</sup> from Mr. Hook.

Correspondence for the month was read by Chairman Brousseau to the board members.

A letter regarding the Edwards subdivision/Greenfield Real Estate L.L.C. giving approval for a subsurface sand filter to discharge treated sewage effluent to at downstream mound. Chairman Brousseau forwarded the letter to Town Engineer Romano for review.

A letter regarding the Old Barrington Rd. Subdivision was read to the board and sent to Town Engineer Romano for review.

A letter from James Tomaso, Land Surveyor, regarding the Meyers Subdivision asking that their application remain open until the additional information regarding the road plans and septic design for lot # 3 is ready to be presented to the board.

A letter from Connor, Curran & Schram, P.C. regarding written comments from a neighbor, Deirdre Carson of the Stewardship on Millbrook Rd. Subdivision.

**Edwards, Leonard/Greenfield Real Estates Subdivision:** *3 parcels from 12.03 acres on Rte. 23-B immediately southwest across the Lone Star Bridge from the Greenport Town Line. Rear line is the Claverack Creek. Tax Map No. (SBL) 120-1-1.100.* Board member Robert Kavanaugh asked to be recused from this matter.

Mr. Peter Van Alstyne of Van Alstyne Land Surveying representing Mr. Leonard submitted new maps of the proposed Subdivision to the board. The new map shows a small area in the southern portion of the subdivision marked with dash marks as an A.C.O.E core wetland area. Map shows an S.D.S. approved septic site. A blocked cistern is marked and distance between septic systems is shown. Curb cuts are now noted on the map. Housing placements are now marked on the new maps.

Mr. Van Alstyne submitted a Declaration of Covenants and Restrictions letter regarding the "Creekview Subdivision" aka Edwards, Leonard Subdivision stating restrictions, conditions, and covenants of the lots.

Ms. Zink asked if the water main marked on the new map the new water main or an old existing one. Mr. Van Alstyne informed the board that is an old, pre-existing water main.

Ms. Zink asked about the wetlands at the lower part of parcel #1. Was this spot make lower at one point to keep the Claverack Creek from flooding out Keeler's Bridge on Webb Rd?

Mr. Van Alstyne was unsure of the answer to this.

Noted on new map in last note no building will be permitted on the slope other than walk out basements.

Chairman Brousseau asked that the Declaration of Covenant restrictions be added to the standard notes on the map.

Chairman Brousseau asked Town Engineer to confer with Town Attorney Rob Fitzsimmons with regard to the Declaration of Covenants and Restrictions letter. This is a new area for the board and should be examined.

Chairman Brousseau opened the meeting for public comment. Mr. Ian Nitchke approached the board regarding his concerns about the subdivision being ignored by the board and wished to reiterate. Chairman Brousseau asked Mr. Nitchke to keep his comment to new concerns only. Mr. Nitchke wants the board members to listen to his old concerns. Mr. Nitchke also has new concerns due to the recent landslide downstream from this site. Mr. Nitchke is concerned that the land slopes downward on this property the same way. The Sons and Daughters of Italy Lodge sits back a greater distance on land than the proposed houses of the subdivision. The situation in the Town of Greenport is serious. Mr. Nitchke would like the plan looked at by ACOE, DEC, Soil and Water Conservation, Town Engineer, and a geological study performed on the soil. Mr. Nitchke feels that the site is unstable. Mr. Nitchke submitted to the board copies of articles from the Register Star regarding the Greenport landslide.

Mr. Nathan Chess asked Town Engineer about the town's liability if a landslide should occur on the site. Mr. Chess feels that the area does warrant a geological study due to the proximity to the creek.

Town Engineer Romano stated that if the board feels that this is a concern than they can ask for a geological study from the applicant and Mr. Romano will contact Town Attorney Fitzsimmons regarding these concerns. Ms. Zink is concerned about the safety of lot #1. Ms. Ambrose asked if there was an existing study on the area due to the frequent flooding in the area.

Mr. Nitchke asked Chairman Brousseau if the concerns were a ground to deny the application.

Chairman Brousseau stated that it is up to the buyers and the builders of the property to be aware of. The delineation of flood area, wetlands and curb cuts are mapped, and that personally a soil study is not needed but he will make Mr. Fitzsimmons aware

of the concerns due to the recent event in Greenport. Mr. Van Alstyne will relay concerns to the applicant. Chairman Brousseau then continued the public comment to the March meeting.

Mr. Kavanaugh re-enters the meeting at 7:32 PM.

**Casey, Kevin & Joann Subdivision:** 4 parcels from 13.9 acres on Millbrook Road, corner of Schoolhouse Road and Millbrook. Tax Map No. (SBL) 131.00-01-75.122.

Mr. Robert Ihlenburg was present at the meeting to represent the Caseys. A letter from Town of Claverack Highway Department Superintendent submitted 2/6/06 finding that the driveways for lots # 1, 2, and 3 have adequate site distance and that lot #4 needs to be moved more south. The driveways are proposed and no permits have been issued at this time.

Mr. Ihlenburg showed the board that lot #3 was changed to meet a 150-foot lot width and a 50 set back of the lot and that lot #2 was decreased to 2.4 acres.

Application needs ag data statement submitted.

DOH will wait to do perk testing until April '06.

New map shows new driveway placement.

Application will be continued to the March meeting and the applicant's representative will attend.

**Cashen, Margaret:** Re-stamping of a previously approved subdivision. Original stamped maps were lost. Chairman Brousseau asked members of the board to review the new maps prior to re-stamping. Chairman Brousseau then stamped the maps with the re-stamping date of 2/06/06 and the original stamping date of 2/27/04. There is a re-stamping fee but the members of the board were unsure of the amount. Chairman Brousseau will contact former secretary Katherine Cotton for the amount. He will then call Mrs. Cashen with a re-stamping bill.

**Catskill View Road/Woodland Assoc. LLC:** 17 parcels from 287 +/- acres on Catskillview Rd. in Claverack Tax Map # (SBL) 132-1-50. Preliminary Site Plan Review. Presenting were Edward Chilson, Woodland Creek Assoc. (applicant) and Doug Clark, Clark Engineering and Surveying, PC applicant's engineering firm. Applicant provided map of the proposed Subdivision to the board for review.

Mr. Clark noted that the area has a State wetland but that it is not field delineated at this time. A formal delineation will be done in Spring of '06. An aerial flight topography has been ordered. The parcel contains a steep grade.

Due to adjoining lands and stream a through road is not possible. The map shows an 800 ft. long cul-de-sac. Common driveways not allowed.

Lot sizes range from 4 acres up to 65 acres with wetland area. Chairman Brousseau noted that some of the lots in the cul-de-sac might not have the required width size and setbacks. Upon further review by the applicant Chairman Brousseau, board members, and Mr. Clark the lots may have to be reconfigured to meet setback and width size. Mr. Clark asked Mr. Romano if the set back and width sizes still pertained in a cul-de-sac. Mr. Romano will look into regulations further.

The site has existing buildings and barns.

Mr. Romano asked about soil conditions on the site. Mr. Clark told the board that a formal soil evaluation and DOH testing is tentatively set for Spring '06 but his observation is that the soil seems mostly permeable.

Mr. Kavanaugh asked applicant if the houses on lots 5,6,7, and 8 as shown on the map sitting below the ridge line. Are the majority of the houses visible from Catskillview Rd. Mr. Kavanaugh is very familiar with the property.

Mr. Clark told the board that most likely only the houses on the above mentioned lots would be visible from the road.

8 of the 17 driveways will have access from Catskillview Rd. and the remaining 9 properties will access from a collector road.

Applicant would like an association road. Chairman Brousseau informed the applicant and representative that the board does not like the idea of association roads and that all roads will need to be built to town specs.

Mr. Clark asked the board about building an emergency access road to be maintained by the homeowners.

Chairman Brousseau informed the applicant that the board would like to do a site visit in the Spring/April.

Application was submitted on 2/6/06 without fee (applicant will bring fees due to March mtg.). Ag data submitted.

Applicant and/or representative will attend March meeting.

**Stewardship on Millbrook Rd. Subdivision:** Proposed Subdivision of area of Millbrook Rd. and Orchard Rd. in the Town of Claverack, Tax Map # (SBL)

Mr. Gilcrest was present at the meeting to update the Planning Board members of the progress of the application for the Stewardship on Millbrook Rd. Subdivision. Town of Claverack is the lead agency and the application is currently being reviewed by the ZBA. A Positive SEQRA declaration and DEC is involved. Preliminary DEIS is submitted at this time with the ZBA. The town wanted further explanation. The ZBA deemed the DEIS adequate for public review. On 12/05/05 the ZBA held a public hearing on the Stewardship and a written comment period was set. The written comment period has ended and these comments will be addresses. Next step is SEQRA and FEIS will be prepared in February. Another completeness review will take place. The goes before the ZBA for adequate review and then the ZBA will make their findings.

Mr. Lundquist and Mr. Gilcrist then review the plans for the Stewardship project. 235 acres on Millbrook Rd. consisting of 48 residential lots and 1 common lot owned by the homeowners association. The 49<sup>th</sup> lot consists of wetlands and 65 acres deemed restricted with no building. Areas of community will have commercially supported agriculture and an organic farming facility

that will be subcontracted to an outside commercial farming operation. The #1 wetland area is under DEC jurisdiction. The developer will remove invasive species to promote a healthier area for native species to the wetland. This will also make the wetlands look more conducive to for the landowners. 2 other wetlands on the property are not under DEC jurisdiction at this time but they will be inspected for invasive species also and used by the homeowners for personal use. All roads will be built to Town Highway Department specs but will remain private to the homeowners association. A visual impact study is underway at this time. The association will have a nursery for private use by the homeowners. The nursery will not be commercial like the farming facility. Gravel from on site will be used for roadways. Houses will resemble farmhouses of the local area with small outbuildings that will serve as studios, garages, and storage areas. The idea is to make each home-site look like a family compound. Mr. Gilcrest will inform the board of appearing at the April meeting for the next update.

INFORMAL

**Haley, Joseph and Diane:** Carpenter Rd. in the Towns of Ghent and Claverack NY. Landowners representative, Richard Van Alstyn provided maps showing that the landowners are in the process of subdividing their property which is dissected by Carpenter Rd. into 2 separate parcels, 1 north of Carpenter Rd and #2 south of Carpenter Rd. with a boundary line adjustment. Most of the subdivision is within the Town of Ghent but 5 acres are within the Town of Claverack. The 5 acres in question are landlocked and border the Philmont Rod and Gun Club. Because most of the land is in the Town of Ghent they will be the lead agency in the matter and will solicit the Town of Claverack for this and this is the consensus of the Claverack Planning Board.

Respectfully submitted,

Jodi Keyser  
Secretary