

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

Approved 4/3/2006

March 16,2006

**The March meeting of the Town of Claverack Planning Board was called to order by Chairman Jay Brousseau at 7:03 PM. Members in attendance were: Chairman Jay Brousseau, Daniel Northrup, Martha Pizza, Robert Kavanaugh, Judy Zink, Town Attorney Rob Fitzsimmons, Town Engineer Joe Romano, and Secretary Jodi Keyser**

**Absent were Virginia Ambrose and Steve Hook with regrets.**

**Chairman Brousseau read the new correspondences to the board as follows:**

January Building Inspector Report received from Stan Koloski.

Letter from the New York State Office of Parks, Recreation, and Historic Preservation regarding the Taconic State Parkway and its being listed on the National Register of Historic Places. Part of the Taconic Parkway runs through the Town of Claverack.

A Planning News newsletter from the New York Planning Federation.

Department of Health letter regarding the Summit Heights development in Philmont.

**The Board members reviewed the minutes from the February meeting. Martha Pizza made a motion to accept the minutes as written, with a 2<sup>nd</sup> by Judy Zink. The Board carried the motion unanimously.**

**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 at 7:11 PM

The applicant's representative, Mr. Buono submitted new maps containing raised seals, wetlands at the southern most end of the property are delineated, and flood plains are down by the creek.

Chairman Brousseau addressed the covenant letter that was previously submitted to the Board is to protect and enhance the marketability of the property. Chairman Brousseau and Attorney Fitzsimmons asked Mr. Buono to explain each of the stipulations of the covenant.

Chairman Brousseau asked Rob Fitzsimmons about the public comment at last months meeting regarding the landslide issues. Attorney Fitzsimmons stated to the Board members that every aspect of a subdivision request should be considered before they receive Board approval. The most important consideration that needs to be made is whether the lots are buildable. Both Mr. Fitzsimmons and Mr. Romano agree that the subdivision in question is creating buildable lots because of the size and the flood history of the area. The elevation is 30 feet above the flood zone at the lowest point and raise to 100 feet. Chairman Brousseau asked the members of the Board if they had any further questions regarding this subdivision. The Board members had no questions at this time.

The meeting was opened to public comment at 7:17 PM. Mr. Frank Clegg asked if the water main that runs through the property (Hudson City Line) is protected and is there an easement for maintenance purposes. Mr. Fitzsimmons answered that the line will soon be closed due to the new water supply coming on line. The old line will be auxiliary for fire protection and there is an easement in place. With no further public comment the public hearing on the project was closed at 7:20 PM.

The SEQRA was passed to Mr. Romano for review. He informed the Board that part 1 of the SEQRA was OK and he then read all the questions on part 2 with all the answers being negative.

Chairman Brousseau asked the Board members to make a motion regarding this subdivision. Motion was made by Martha Pizza with a Negative SEQRA declaration for preliminary and final approval of a 3 lot minor subdivision with a 2<sup>nd</sup> from Judy Zink. All members of the board agreed with 1 member abstaining from the vote the motion was carried. Final fees were paid in the amount of \$155.00 check # 1100 received from Greenfield Holding/Anthony Buono.

Mr. Kavanaugh re-enters the meeting at 7:27 PM.

**Catskill View Road/Woodland Assoc. LLC:** *17 parcels from 287 +/- acres on Catskillview Rd. in Claverack Tax Map # (SBL) 132-1-50. Continued from February. Applicant's representative, Everett Quackenbush and the Applicant, Edward Chilson were present at the meeting. Chairman Brousseau reviewed the request for the Board members and the public. The applicant submitted new maps showing adjustments made to Lots # 11, 12, and 13 to conform to the setback and frontage regulations. An aerial map was done but not received yet should be in any day. A SEQRA Long Form will be completed and submitted at the April meeting. Chairman Brousseau asked the Applicant to send copies of the SEQRA to Mr. Romano, Mr. Fitzsimmons, and a copy for the file. The Cu-de-sac will be an 800-foot collector road built to town specs. 9 lots will have access via the collector road and 8 lots accessible via Catskillview Rd. The Board*

members preferred that lot # 16 have access from the collector road also. Mr. Quackenbush informed the Board that the wetland delineation would be added to the maps possibly at the April meeting but most likely the May meeting. Mr. Kavannaugh informed members of the Board that there is an old cemetery near the collector road on the map and that this may cause a problem if the road is dedicated to the town. Mr. Kavannaugh would like to see the maps show the entire span of Catskillview Road and adjoining land ownership delineated better. Mr. Fitzsimmons thinks that the cemetery on the site may be a problem with SEQRA. Mr. Chilson stated that an old stone wall already marks the roadway on the map and that the cemetery is outside the perimeter of the roadway. Mr. Fitzsimmons also raised concerns about moving soils on or near a cemetery could be a problem and that an archeological survey should be done especially if the road were to be dedicated to the town someday. Mr. Kavannaugh stated that the new maps should contain exact lot sizes with wetland delineation. Chairman Brousseau asked the applicant to forward these maps to the town engineer Joe Romano for review. Mr. Romano told the applicant that stormwater issues will need to be addressed, line of site at the town road, and more detailed road plans need to be seen. The applicant will contact Mr. LaMont at the Town Highway Department. Ms. Pizza asked if the lots depicted on the map considered "flag" lots? Chairman Brousseau answered that possibly lots # 12 & 13 may be considered "flag" lots but they have the minimum lot widths so therefore conform to building code and are allowed. All board members did agree that the applicant should undertake some sort of traffic study. All members of the board agreed also that the lots conform to the Town of Claverack planning regulations. The meeting was then opened to public hearing at 7:51 PM.

Tim Smith is concerned about the site in question is polluted and wanted to know if the applicant has to inform buyers of the situation with the old town dump on Snyderstown Rd. Mr. Smith informed the board that the wetlands on the site contain toxic water from the dump. The old dumpsite is less than 1 mile from area. Will the swamp be drained? Does the applicant have to inform the buyers of the previous litigation and the close proximity to the old dump?

Mr. Chilson informed the board that he checked with the State before he purchased the land. Mr. Romano and Mr. Fitzsimmons would like the applicant to forward a copy of the Phase 1 study and SEQRA to them as soon as possible. Marie DeMeco wanted the board to know that the county has a contract with Baldwin Bros. contracting to empty the toxic waste after a heavy rainfall.

James Nelson asked if the lots are within a 4 acre zoning area and that he feels that the houses will be too close together which creates water system issues. Chairman Brousseau informed Mr. Nelson that lots conform to the town 2-acre residential zoning area and planned lots are almost double the regulated size. DOH needs to sign off regarding the water systems.

Jan Seward asked if the 17-lot subdivision goes through would this be the end of subdivisions in this area. Chairman Brousseau would like to see the board ask the applicant for a Covenant stating no further subdivision will be allowed. Mr. Chilson may entertain the idea but was not in favor of instituting the idea. That Board members are concerned that the collector road maybe able to handle more traffic. Mr. Romano informed the board and public that further subdivision would not meet lot set back restrictions and size. Chairman Brousseau would still like the applicant to address no more subdivision.

Mr. Constadine wanted to know if the land owned by the applicant border Cty. Rte. 16 on both sides? Would like to see a clearer map showing property boundaries, Cty. Rte. 16, and Bates Rd. Ext. Mr. Constadine is concerned that the road and bridges will suffer because of the increased traffic and construction vehicles. Catskillview Rd. is narrow and bridges are only one lane and need repair already. Who will pay for all of the repairs? Will this be up to taxpayers? Road repairs will cost a great deal. Mr. Romano feels that a traffic study is very important and the applicant needs to get this started and consult with him for impact. Mr. Romano and Mr. Fitzsimmons told the applicant and his representative that they need to set up an escrow account in the amount of \$5,000.00. Also they want the applicant to submit maps with all public roadways.

Susan McKinney would like to know if the maps of the project were available for public viewing other than at the Planning Board meeting. Chairman Brousseau told the audience that anyone could file a FOIL. Mr. Chilson also told members of the audience that anyone with questions regarding the project could contact his personal surveyor. He then passed out cards for this purpose.

Mr. Kavannaugh felt that a traffic study needs to be done not only on Catskillview Rd. but also along Cty Rte. 16 from Rte 23 to Rte 23 at the other end and which way will the construction vehicles come from? Another member of the audience asked the applicant if the rumor of a 1-day auction of the property is true. Mr. Chilson replied no to this question.

Howard Branston owns land bordering the project and is concerned of the impact on the wildlife. He feels that a thorough environmental impact study take place. What impact will the building have on Shad Swamp? Road is already a hazard in the winter i.e. ice buildup, pits, and ruts. Who will pay for repairs?

Mr. Frank Clegg informed the board that he has issue with the water supply and feels that a study needs to be conducted to ensure that the ground water is not contaminated.

Chairman Brousseau informed the applicant that he and his representative have heard many concerns from the members of the board and audience and that they have some work to do before the next meeting. The Planning Board will also do a site visit tentatively May 1<sup>st</sup> at 5:30PM. Public hearing is continued to the April meeting.

INFORMALS:

**Pennoyer, Douglas:** 3 parcels from 70 +/- acres on Stottville Rd. Informal Site Plan Review. Maps were shown to the board showing the plan. DOH perk tests are shown on map. 100-year flood plain is delineated. Stottville Rd. is a town road and the area lies within two towns, Stockport and Claverack but mostly within Claverack. Mr. Fitzsimmons will send a letter to the neighboring town asking that the Town of Claverack be named lead agency. Applicant needs to contact Mr. Lamont for driveway cuts onto Stottville Road. Applicant was informed that the deed needs to be re-written regarding the boundary line adjustment. The applicant asked if the neighboring town have anything to do with the plan. Mr. Fitzsimmons will contact the Town of Stockport Planning Board to address this. Applicant was then given an application to fill out and they will return probably for the May meeting after they have addressed the issues and get the proper paperwork submitted.

**Clover Hills- Milligan/Birch Builders subdivision:** Rte. 9-H behind Farm Credit. Re-submitting a previous subdivision. 16-lot extension of existing subdivision along expanded roadway from other subdivision. Wetland delineation is on the map. Roadways and septic engineered as per town specs. Lot and road width meets town regulations. Applicant has applied for DEC buffer permit in regards to wetlands. DOH perk tests completed on front properties will be done on back properties. Channels for stormwater into stormwater structures shown on maps. All open drainage except for a couple of pipes needed to direct stormwater elsewhere. (12 inch 10 year pipe will be used) Roadway will be dedicated to the town for Right of Way. Driveway setback is at 10 feet as per regulations. Mr. Romano asked if other homeowners gain access to roadway from adjacent development? 10-foot strip of right of way may prevent this from happening. May need restriction on map stating that the lots # 26,27, and 28 not permitted access to roadway from the back of these properties. Adjacent development owner, Cardinale, has a 50foot strip of land, may be private road. Chairman Brousseau noted that the cul-de-sac is 1200 feet long and is in violation of town law. Only permits 800 feet in a subdivision that has only one route of access. Need to find out if roadway in Cardinale's Orchard Estates is a private road or dedicated to the town like the other road in the development. May mean 2<sup>nd</sup> source of access to Clover Hills. Applicant will submit SEQRA and new application and will set up an escrow account with the Town of Claverack in the amount of \$2,500.00. Applicant will continue and return for the April meeting.

**Conte, Michael & Schram, Barbara Subdivision:** 4 parcels from 41.327 acres on Cty Rte. 9 Claverack. Tax Map # (SBL) 102.00-01-08. DOT needed for the driveway cuts, DOH needed, and DEC wetlands need to be delineated on the maps and will have a buffer need to be flagged. Small portion of project is located within the Town of Ghent and Jeff Plass will send a letter to coordinate with them. House sites need to be delineated. Project contains a no build area due to a historic viewshed. Application is continued to May meeting.

**BLA Stalee Place LLC & Heins Crest Homeowner's Assoc.:** Boundary Line Adjustment and relocation of a driveway, Schroeder Road Claverack. Tax Map # (SBL) 112.00-01-71. May classify as a class 1 boundary line adjustment. Owner moved roadway. Roadway is within 100 feet of a buffered DEC wetland and is in violation. Roadway was built on an existing stone road used for agriculture purposes. Applicant and attorney informed the board that DEC would consent to the plan if it receives Planning Board approval. The owners will be fined by DEC. Applicant will return for the April meeting.

Chairman Brousseau asked for a motion to adjourn the meeting. Ms. Pizza made the motion to adjourn with a 2<sup>nd</sup> from Ms. Zink. All members of the board were in favor. The meeting was adjourned at 9:17 PM.

The next meeting of the Town of Claverack Planning Board will be held Monday, April 3, 2006 at 7:00 PM at the Town Hall.

Respectfully submitted,

Jodi Keyser  
Secretary