

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes: July 6, 2009**

Approved August 3, 2009

Chairman Jay Brousseau called the July 6, 2009 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

**Members in attendance were: Chairman Brousseau, Attorney; Rob Fitzsimmons, Engineer; Joe Romano, Stephen Hook, Nathan Chess, Daniel Northrup, Judy Zink, and Secretary; Jodi Keyser.
Absent with regrets: Caren Mahar and Virginia Ambrose**

Correspondence:

Columbia County Planning Department seminar on 7/29/09 at Columbia Greene Community College from 6:00 – 8:00 p.m. All members were given copies of the application.

New York State Department of Environmental Conservation letter regarding Clover Hills Subdivision.

Town of Claverack Building Department report for April & May.

Rural Futures newsletter for Spring 2009.

Nuggets & Nibbles newsletter for Spring 2009.

Board members reviewed the minutes of June 1, 2009 meeting.

Motion to approve the June 1, 2009 minutes was made by Stephen Hook with a second from Nathan Chess. All members were in favor. Motion carried.

Board members discussed attendance at the August meeting. Chairman Jay Brousseau and Nathan Chess will not be able to attend the meeting in August. Chairman Jay Brousseau appointed Board member Judy Zink to act as the Chairperson for the August meeting

Continuing Cases:

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

Rob Fitzsimmons informed the Board that he is holding the Final Subdivision Maps until the Town Board meeting so that the Town Board can sign off on the escrow account. Chairman Jay Brousseau stamped and signed the approved Final Subdivision maps and a check for final fees in the amount of \$14,000.00 was paid.

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

Joe Ronsani was present for the application. Mr. Ronsani did not bring his maps to the meeting. Chairman Jay Brousseau instructed Mr. Ronsani to get his maps so that they could be signed at the meeting. Mr. Ronsani submitted a copy of the easement for the railbed that was recently granted by Columbia County for a driveway for the subdivided lot. This application was previously classified as a 2-lot Minor Subdivision. SEQRA, Ag Data, and NYS DOT were submitted earlier. Application has been legally noticed for public comment. Chairman Jay Brousseau opened the application to public hearing at 8:27 p.m. No comments were received. Chairman Jay Brousseau closed the public comment at 8:27 p.m. Joe Romano reviewed the SEQRA finding it complete. Motion for Negative Declaration regarding SEQRA was made by Daniel Northrup with a second from Judy Zink. All members were in favor. Motion carried. Motion for final approval of a 2-lot Minor Subdivision was made by Daniel Northrup with a second from Judy Zink. All members were in favor. Motion carried. Chairman Jay Brousseau informed the applicant that the Subdivision maps are stamped with the word “preliminary” and therefore they are unable to be stamped and signed. Also Chairman Brousseau informed Mr. Ronsani that the final maps should also contain a note stating that Columbia County granted an easement to cross the county owned railbed property to access the subdivided lot. Mr. Ronsani will contact Chairman Jay Brousseau when the final maps are ready. Chairman Brousseau will meet Mr. Ronsani at that time to stamp and sign the final maps and also collect the final fee of \$400.00.

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

Bob Titus and Ed Brzozowski were present for the application. Comment letters were submitted from CC DOH, NYS DEC, and Clough Harbour. Mr. Titus started with addressing some of the comments in the letter from Clough Harbour and Associates engineer Joe Romano. Mr. Titus started with item #8 the slope of the roadway. Mr. Titus informed the Board that a large portion of the main roadway is at .52% slope to keep the road as far left to allow for as much drainage to the retention pond. Mr. Titus explains that the plan is to maintain the existing roadway near the Farm Credit building at which the roadway crosses stream. Then maintaining the roadway's closeness to the drainage the road dips to a low point. If the slope was raised then the high point will be moved which will keep runoff from draining toward the retention pond. Item #2 the area draining to the retention pond is bound by the high point, points of entrance, cul-de-sac and the portion of the roadway leading up to McGowan Rd. These areas do not drain to the retention pond. Cul-de-sac is graded as much as possible and the drainage along McGowan drains to the wetland area. Mr. Titus stated that the retention pond is sized appropriately and if the TOC will not allow for impervious areas not draining to the retention pond then he will need to go back to the drawing board but it meets the SPEDIES permit. Joe Romano answered that the TOC will own the retention pond and potentially could be at risk unless there is a signoff from NYSDEC. Item #21 Mr. Titus addressed the comment regarding two separate retention ponds in the previous plan. Mr. Titus stated that two small ponds were located at the entrance and the CC DOH did not approve. Also Mr. Titus suggested a small pond in the center of the cul-de-sac but removed that because the TOC did not agree to because of the potential for maintenance problems. Chairman Jay Brousseau asked why drainage on McGowan Rd. becomes an issue. Mr. Titus stated because existing drainage needs to be accounted for when attaching drainage becomes an issue for the new plan. Joe Romano stated that the TOC would be more comfortable if NYS DEC signed off on peak flow mitigation. Chairman Brousseau then asked how will the property drain according to the plan. Mr. Titus stated that essentially all drainage is connected and goes toward the wetland and the NYS DEC wants to see detention and not all drainage going to wetlands. Joe Romano stated that he does his technical reviews based on his interpretation of the NYS DEC regulations and also to protect the TOC incase NYS DEC comes back because of the drainage issues.

Mr. Titus then stated that he is aware that he will need a waiver for the roadway slope at .52% instead of the required 1%. Joe Romano stated that he is comfortable with the 1% slope but has concerns with a .52% slope and the same swale along the roadway. TOC code requires slope of 1% to 5% but can be as low as .5% and also depends on the swale along the side of the road. Chairman Jay Brousseau stated that too flat a roadway means water will not drain. Joe Romano stated that water would drain because there is a pitch but what will happen after the water is off the side of the road? Mr. Titus will check with the swale along the roadway to be sure that water runoff can move out to drainage. Rob Fitzsimmons stated that the TOC and Planning Board do not want water to fill in the swale, which could then overflow causing flooded conditions or freezing conditions. TOC will receive phone calls to fix. Mr. Titus will submit a copy of the plan along with a letter with TOC concerns to NYS DEC. Mr. Titus then addressed item #8 explaining that the roadway grading at the intersection of McGowan Rd. will cause problems with drainage along McGowan Rd. Joe Romano stated that TOC Subdivision Regulations stipulate that street grades at the edge of the pavement between 1% and 5% are permitted and street grades at intersections should be at 3% for 100-feet then climb to 5%. Joe Romano continued to explain that this is to maintain good sight distance and alleviate the potential for ice buildup. Ed Brzozowski then stated that the roadway accessing McGowan was put in when the plan called for the original 24-lot subdivision. Now McGowan Rd. will only be used for emergency access. Mr. Titus then asked if he would need a waiver for this? Rob Fitzsimmons stated that the Planning Board can not waive anything in Part II of the TOC Subdivision Regulations therefore the grading at the intersection of McGowan Rd. will need to be graded at 3% for 100-feet then climb to 5%. Mr. Titus then asked if the TOC Board could waive this grading issue. Rob Fitzsimmons stated no, the TOC Board is also unable to waive this. Mr. Titus then addressed item #14 the easement for the maintenance of the retention pond to the TOC. Joe Romano stated that if parcel owner put trees, shed, etc. within the easement there could be possible problems for the TOC. Rob Fitzsimmons informed Mr. Titus that the easements need to be clearly depicted on the Site Plan maps. Mr. Titus stated that the Final Plat Plan will show the easements. Mr. Titus then asked to address item #12 the width of the right-of-way to allow for 10-feet. Mr. Titus is concerned that the 10-foot allowance will go into frontage and then create setback issues. Joe Romano stated that portion of swale is outside of TOC right-of-way then becomes an easement. Mr. Titus stated that he measured from roadway and if required to widen then need to move house sites back and that means getting too close to the wetland buffer. Mr. Titus agreed with comment letter wanting to increase right-of-ways but this then creates more problems. Mr. Titus will address Joe Romano's comment letter and wait for the NYS DEC approval letter. Joe Romano stated that he has reviewed the CC DOH comment letter and did not see any showstoppers. Chairman Jay Brousseau stated that the biggest issues are the wetlands and adapting the grading at the intersection of McGowan Rd. to 3%. Continued to August. Mr. Titus was informed to contact the Secretary of the Board ahead of time if he was not ready to attend the August meeting.

Hawes, Judith Subdivision: 2 parcels from 17.892 acres located at Pleasant View Drive/NYS Rte. 9-H/Kittle Rd. Tax Map # 111 . 00 – 01 – 86.

Mr. Hawes was present for the application. New maps showing the existing well and septic sites were submitted. Columbia County Department of Health letter submitted regarding testing dated 6/2/09. Underground utilities were also marked on the maps. Joe Romano reviewed the SEQRA finding it complete. Application was legally noticed for public hearing. Chairman Jay Brousseau opened the meeting to public hearing at 8:07 p.m. No comments were received. Public hearing was closed at 8:07 p.m. Motion for Negative Declaration regarding SEQRA was made by Daniel Northrup with a second from Stephen Hook. All members were in favor. Motion carried. Stephen Hook made motion to approval 2-lot minor subdivision with a second from Judy Zink. All members were in favor. Motion carried. Chairman Jay Brousseau stamped and signed the maps. Final fees check in the amount of \$400.00 received from Mr. Hawes

New Cases:

Weigelt, Clifford Subdivision: 2 parcels from 10+/- acres located at 90 Swiss Farm Rd. Hudson Tax Map #(SBL) 122 – 1 – 77.

Clifford Weigelt was present for the application. Mr. Weigelt is looking to subdivide his property on Swiss Farm Rd. into two parcels. Mr. Weigelt had some questions for the Board regarding the subdivision. Mr. Weigelt asked why the Board requires that the property be perked prior to approval for the subdivision and then the property needs to be perked for a building permit. Mr. Weigelt stated that this seems redundant. Chairman Jay Brousseau informed Mr. Weigelt that the Board requires the perk test to be sure that they are approving a parcel on which a septic system will be allowed. Mr. Weigelt then stated that it does not matter if the perk test is good or bad it just determines the type of system that will be required as per the DOH. Rob Fitzsimmons stated that the perk testing is needed to protect the TOC and the Planning Board from litigation and make the buyer aware that a septic system might be costly. Secondly Mr. Weigelt informed the Board that his property is on a privately owned roadway and there is no intention to turn the roadway over to the TOC. Therefore a cul-de-sac would come into play for his subdivision. Rob Fitzsimmons informed Mr. Weigelt that TOC code requires that a cul-de-sac can not be longer than 800-foot and must be built to TOC specifications, or a looping connector with 2 outlets is also possible depending on the property. No new lots will be permitted unless they have frontage on a TOC approved roadway. Mr. Weigelt informed the Board that this requirement restricts local people from subdividing their property because of the cost of constructing a roadway to TOC specs. Needs to change. Joe Romano stated that instead of getting rid of the TOC roadway specs the TOC should allow for flag lots and shared driveways to alleviate this problem. Rob Fitzsimmons stated that other towns allow for up to four lots on a shared driveway. Mr. Weigelt stated that this would not help him with his situation. Mr. Weigelt continued that in the future his mother will be leaving all of her children property on Swiss Farm Rd. and how will she be able to accomplish this when it is on a private roadway. This is currently written in her will to leave all of her seven children portions of the 40 +/- acres. Rob Fitzsimmons asked Mr. Weigelt if he has an agreement to maintain the roadway with the other property owners on the private road. Mr. Weigelt stated yes. Rob Fitzsimmons then stated that the issue could not be opened because everyone will do what he or she wants to do and then expect the TOC to plow, repair, and maintain roadways, which can not be accessed with the equipment. Mr. Weigelt stated that the TOC should leave the TOC roadway spec measure in place for 50 years then require the owner to build the roadway to TOC specifications. Also Mr. Weigelt stated he wondered if the taxes paid by property owners located on any of the private roadways built to TOC specs cover the cost of the maintenance of the road. Wants to know what steps he needs to do to be able to subdivide the property. Rob Fitzsimmons informed Mr. Weigelt to go to the TOC Building Department and apply for an Area Variance with the TOC Zoning Board of Appeals. Mr. Weigelt informed the Board that approximately 11 houses and his business, Gro-max are currently located on this roadway. Nathan Chess informed Mr. Weigelt that there are other ways around the situation i.e. Homeowners Association. Rob Fitzsimmons informed Mr. Weigelt that the TOC Board needs to give the Planning Board back the ability to waiver items like the roadway issue in situations like his. Mr. Weigelt will go to the TOC Building Department to apply for an Area Variance with the TOC ZBA.

Gaschel, John & Heidi Subdivision: 2 parcels from 18 +/- acres located at 328 Catskill View Rd. Tax Map #(SBL) 142 . 00 – 01 – 07.

Mr. Daniel Russell is the surveyor for the application and represents the Gaschel's at the meeting. Mr. Russell explained for the Board that the Gaschel's are proposing to subdivide their property consisting of 18 +/- acres on Catskillview Rd. The Gaschel's will subdivide 15.97 acres in parcel #1 while keeping their private residence on 1.93 acres on parcel #2. The Gaschel's plan to sell parcel #1 (15.97 acres) to Christopher Jones to remain a separate parcel from his currently owned property. Chairman Jay Brousseau informed Mr. Russell that he needs to submit driveway permit from TOC Highway Superintendent Louis Lamont. Perk test on remaining 15.97 acres. Mr. Russell stated that the perk testing is pending with the CC DOH. Mr. Russell also informed the Board that both parties are willing to dedicate a portion of the

parcel to TOC for roadway. Chairman Jay Brousseau informed Mr. Russell that the existing driveway is shown on the maps however will need existing well and septic shown on maps. Mr. Russell stated that the existing well and septic were not up to the TOC building code but were there prior to ZBA codes. Submitted Ag Data, SEQRA on 7/6/09. Motion to classify as a 2-lot minor subdivision was made by Judy Zink with a second from Stephen Hook. All members were in favor. Motion carried. Mr. Russell will return for the August meeting. Application will be legally noticed for public hearing at the August meeting. Application fee of \$200.00 received on 7/6/09.

Motion to adjourn meeting was made by Stephen Hook with a second from Daniel Northrup at 9:00 p.m. All members were in favor. Motion carried. Meeting adjourned.

Respectfully submitted,
Jodi L. Keyser
Planning Board
Secretary