

**TOWN OF CLAVERACK  
PLANNING BOARD**

**Minutes: October 1, 2007  
7:00 PM**

**APPROVED 11/5/07**

Chairman Jay Brousseau called the October 1, 2007 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Brousseau, Stephen Hook, Judy Zink, Caren Mahar, Dan Northrup, Virginia Ambrose Engineer; Joe Romano, Secretary; Jodi Keyser. Attorney; Rob Fitzsimmons informed the Chairman that he would be running late for the meeting due to other obligations but would attend.

Correspondence received were the Town Building Inspector reports for July and August.

Letter from Columbia County Department of Health regarding the Stewardship on Millbrook Rd.

Letter from Valarie Barbaro regarding Clover Hills Subdivision.

Minutes of July 30, 2007 meeting were reviewed by the Board members. Motion to accept the July 30, 2007 minutes as written was made by 1<sup>st</sup> Stephen Hook with a 2<sup>nd</sup> from Dan Northrup. All members were in favor. Motion to accept was carried.

Planning Board Cases for 9/13/07:

Meeting is being taped by Howard Brandston.

**Stewardship on Millbrook Rd.**- Chairman Brousseau informed the Board and audience that the Final Plat Plans for the Stewardship on Millbrook Rd. were stamped and signed after the Columbia County Department of Health and Clough Harbour both signed off on the plans.

**Catskill View Road/Woodland Assoc. LLC Subdivision: 17 parcels from 287 +/- acres on Catskillview Rd. in Claverack Tax Map # (SBL) 132-1-50.**

Mr. Johnston, Mr. Clark, and Mr. Chilson were present. Mr. Johnston informed the Board that the application is at the SEQRA review stage with the Board. Revision to the maps as per comment letter from Clough Harbour which shows lot #15 merged with lot #14 creating one lot due to Phase III Archeological study sign off from NYSOPRHP. Mr. Johnston informed the Board that the number of lots will remain the same incase the sign off from NYSOPRHP is received. Joe Romano indicated that the application was resubmitted to the Columbia County Department of Health. Phase III Archeological on lot #15 resolved with merger to lot #14. Also Joe Romano informed the applicant and Board members that there is still some tightening up to be done with regard to the Stormwater Pollution and Management Plan. Open to Board questions. Dan Northrup asked if the roadway and culvert issues are addressed. Doug Clark informed the Board that he submitted a traffic study from Creighton Manning that recommended signage and guiderails but Mr. Lamont is concerned with culverts. Mr. Clark informed the Board that one stipulation is to limit the weight at the one culvert sight to a 6-ton weight limit. Signs will be placed at both ends of Catskill View Rd. directing construction traffic to enter at the east end of Catskill View Rd. Joe Romano informed the Board that he and Rob Fitzsimmons have informed the Town Board of these plans and kept them up to date with the project. Joe Romano informed Chairman Brousseau that the Board could address the SEQRA at this time. Chairman Brousseau asked Joe Romano if Clough Harbour reviewed the SEQRA. Joe Romano stated yes and there were no red flags noted. Chairman Brousseau informed the Board that the applicant is looking for Preliminary Plat Plan Approval. Mr. Johnston stated that he forwarded the draft Preliminary Plat Plan Resolution to Rob Fitzsimmons. Chairman Brousseau informed the Board that this application would be tabled until the Town's Attorney Rob Fitzsimmons arrives at approximately 7:45 p.m.

Rob Fitzsimmons arrived at 8:00 p.m. Catskill View Rd. Subdivision continued at 8:10 p.m.

Rob Fitzsimmons asked the applicant's attorney Mr. Johnston for a sample Resolution for Preliminary Plat Plan Approval and a sample Resolution for SEQRA review. Rob Fitzsimmons read for the Board and audience the proposed resolution for the SEQRA Long Form EAF with the revised Long Form EAF attached. Rob Fitzsimmons read for the Board and audience members the Preliminary Plat Plan Approval Resolution. Rob explains that this resolution is mostly a duplicate of the SEQRA Resolution with all documentation provided and received for application. Mr. Johnston indicated that #20 should read south of the formerly closed landfill and not north of . . .

Rob Fitzsimmons and Joe Romano informed Chairman Brousseau that he could open the meeting to the public at this time, wait until after SEQRA review, or before and then after. Chairman Brousseau polled the Board members. Stephen Hook – later, Caren Mahar – now and after, Dan Northrup – later, Judy Zink – later, Virginia Ambrose – later, Chairman Brousseau informed the audience that it was the consensus of the Board to hold public comment until after the SEQRA review. Joe Romano reviewed SEQRA part #2 for a potential large impact with the Board members item by item as follows: #1. Negative but with some small to moderate impact. #2 Negative. #3 Negative. #4 Negative. #5 Negative. #6 Negative. #7 Negative. #8 Negative. #9 Negative but with some minor disturbance of migratory birds small to moderate. #10 Positive – land was previously a farm. #11 Negative but with some small to moderate visual impact. #12 Negative – areas found to be of archeological importance are delineated and not being impacted. #13 Negative but with some small to moderate impact of open space for public use. #14 Negative. #15 Positive large impact with regard to traffic problems and roadway conditions. #16 Negative. #17 Negative. #18 Negative. #19 Negative but with some small to moderate impact of the density of land use and a small to moderate impact with regard to community resources and services. #20 Positive. Rob Fitzsimmons then informed the Board that since they determined some of the items in Part #2 as causing impact then they must proceed to Part #3. With regard to item #15 traffic then need to briefly describe impact and mitigation used to alleviate the impact. The mitigation supplied includes signage along roadway, signage during construction, Creighton Manning Traffic study, which describes the impact of increased traffic. Report shows that traffic will increase so minimal as not to create an impact. Short of re-building the entire road the traffic consultants have come up with measures to make the roadway safer. Joe Romano informed all parties that it is not the responsibility of the applicant to fix all of the Town's problems with regard to this road. Mr. Johnston informed all that Creighton Manning used acceptable measures in traffic study that met standards set forth. Rob Fitzsimmons asked the Board if they felt that the impact of traffic is of such a magnitude to make applicant go back and provide adequate information but it is not for the Board to make the applicant re-pave the road to specs in order to make the roadway safer. If the Board thinks that the applicant needs to study or mitigate the issue of traffic further then the applicant will need to do more to address this issue. But if the Board members find that after looking at all of the information provided the applicant has done an adequate job to mitigate the issue of traffic. Board member Daniel Northrup stated that he felt guardrails and signs are not going to be enough to alleviate issues or make the quality of the roadway better because just 15 houses will increase traffic on a roadway that is already lacking. But in the same sense it is not up to the applicant to build a new roadway to fix something for the town. Board member Mahar stated that the Board does take note of the increased traffic and that the roadway is an existing problem but not up to the applicant to fix the roadway. Rob Fitzsimmons reminded the Board that the applicant did address the County Rte. 16 issue but due to the topography of the area an access is not sustainable for a town spec roadway to be built. Board member Stephen Hook stated that he felt the same as both Mr. Northrup and Mrs. Mahar. Board member Judy Zink also stated that she was in agreement with Mr. Hook and Mrs. Mahar. Chairman Brousseau stated that in conclusion with regard to the Part III analysis the Town of Claverack Planning Board acknowledges there are existing problems with Catskill View Rd. but it is agreed that it is not the responsibility of the applicant to fix the roadway. Rob Fitzsimmons stated that the Town of Claverack can not make the developer re-build Catskill View Rd. and the Claverack Town Board is aware of the roadway and culvert issues.

Rob Fitzsimmons went on to state that the Town of Claverack Planning Board acknowledges there will be an increase in traffic on the roadway and there is an issue with the condition of Catskill View Rd. But the Board concludes that the applicant has satisfied and mitigated these issues to the best of their ability. Therefore the Board is in agreement that they no longer feel that the roadway issues in #15 of the EAF is no longer creating a significant impact.

The Board then went on to review #10 and #19 of the EAF, which asks the impact on agricultural lands, and that those lands not be severed, crossed, or access limited to and the density of land use. Mr. Clark stated that

the subdivision is not within an agriculture district, the area does not show prime soils for agriculture, and the area topography is too steep, too wet, and too wooded to be considered prime agriculture land. The issue is whether this area is considered prime agricultural farmland. Board member Dan Northrup stated that by today's standards this area is not considered prime agricultural farmland and therefore he felt that there is not a significant impact. Mr. Clark also stated that the design shows clustered home-sites making the homes closer together to make for more open space. Mr. Clark also stated that with the open areas on the lots a homeowner might want to have a crop/garden area. Rob Fitzsimmons asked the Board members if they felt that the project would effect the total agriculture in the Town of Claverack Therefore the Board members noted concerns but the applicant has made adjustments i.e. clustered home-sites to create large lot sizes in order to create large open spaces. All Board members were in agreement with this statement.

The Board then went on to discuss EAF #20. Rob Fitzsimmons reminded the Board members that with regard to this project the Planning Board entertained public comment early on in the process in order for impacts and issues to be addressed. If the Board members feel that they have been provided with sufficient information to come to a decision then they can proceed. Also the Board has deliberated the impact statements in the EAF for more than an hour this evening and has come to the conclusion that there are negative impacts with regard to the SEQRA and that the Planning Board is ready to make a motion with regard to the SEQRA.

Motion for a negative SEQRA declaration was made by 1<sup>st</sup> Caren Mahar with a 2<sup>nd</sup> from Virginia Ambrose. Members were then polled individually with their vote. Chairman Brousseau – Negative SEQRA declaration, Virginia Ambrose – Negative SEQRA declaration, Judy Zink – Negative SEQRA declaration, Stephen Hook – Negative SEQRA declaration, Dan Northrup – Negative SEQRA declaration, and Caren Mahar – Negative SEQRA declaration. All members were in favor of a Negative SEQRA declaration. Motion carried.

The Board then went on to the Preliminary Plat Plan Resolution. Motion for a Preliminary Plat Plan Resolution approval and to accept the Preliminary Plat Plan was made by 1<sup>st</sup> Judy Zink with a 2<sup>nd</sup> from Stephen Hook. Board members were then polled individually for their vote. Chairman Brousseau – Accept Preliminary Plat Plan and Resolution, Virginia Ambrose - Accept Preliminary Plat Plan and Resolution, Judy Zink - Accept Preliminary Plat Plan and Resolution, Stephen Hook - Accept Preliminary Plat Plan and Resolution, Dan Northrup - Accept Preliminary Plat Plan and Resolution, Caren Mahar - Accept Preliminary Plat Plan and Resolution. All members were in favor. Motion was carried.

Chairman Brousseau opened the meeting to the public at 10:02 p.m. and members of the audience wishing to speak were asked to be brief due to the late hour.

Tim Smith of Catskill View Rd. informed the Board that he feels that he has been accused of hearsay but he has only talked to the Board and given facts to the Board. Mr. Smith has concern with Shad Swamp collecting leachite. Concerned that monitoring of wells at the site of the closed landfill is not being done. Concerned that leachite from landfill is draining into Shad Swamp. Applicant has not supplied data on Shad Swamp. Concerned that Article 78 with the County could be in jeopardy. No traffic accident report available.

Rob Fitzsimmons asked Chairman Brousseau to have Mr. Howard Brandston stop trying to talk to him and make comments in his ear during the meeting. This activity has occurred numerous times during the meeting and it is distracting to him. Chairman Brousseau informed Mr. Brandston that if he continued to distract the Town Attorney, Rob Fitzsimmons during the meeting he would be removed. Mr. Brandston apologized and agreed to refrain from aforementioned activity.

Martin Minch of Catskill View Rd. asked if the developer had looked into making the access roadway for the project enter from County Rte 16 instead of Catskill View Rd. Feels that Catskill View Rd. is not able to handle the increase in traffic and construction traffic. Chairman Brousseau answered Mr. Minch stating that the Board can not tell the applicant where he can and can not access the project. Mr. Clark also answered that they had looked into access off of County Rte. 16 but due to the topography of the area (too steep) this was not a feasible plan. Mr. Minch asked if the trees on the roadway are over 100 years old and if those trees need to be cut down then isn't that considered an impact? Rob Fitzsimmons answered that the applicant can only cut trees on his frontage. But also if the Town of Claverack needs to cut down some tree in order to make the roadway wider or to re-build the roadway then it would be in the best interest of all homeowners on the roadway to cooperate. If the Board felt that there were significant resources in that area the Board could require the applicant to delineate certain trees, shrubs, or areas. Mr. Minch then addressed Chairman Brousseau with the question of what the Board does with the comments made by the public. Chairman Brousseau answered that he frequently asks the Board members their feelings on issues raised by the public and he also asks the applicant and their

representatives for answers and documentation. Rob Fitzsimmons addressed the public informing the audience that public comment does not mean that all questions asked by the public will be answered. The Board is still in the midst of a significant process with regard to this project and the public should bring issues of significance for the Board to address. Board member Virginia Ambrose stated for the audience that just because a question is not answered immediately by the Board or by the applicant it does not mean that the Board is not hearing the concerns of the public. Board member Stephen Hook stated that the Board could not tell the applicant where he can or can not build a roadway. Chairman Brousseau then asked the Board members if any of them want to revisit the County Rte. 16 entrance/access issue. Most of the Board members were agreeable. Rob Fitzsimmons informed the applicant that they need to re-assemble a response in writing with reasons for not considering an access road from County Rte. 16 by the next (November) meeting. Mr. Clark will collect necessary data for November meeting.

Mr. Robert Considine of Catskill View Rd. asked whether the lots would have covenants attached so the lots are not subdivided by the new buyers to create even more lots. Chairman Brousseau answered that this issue had not been formally addressed with this project. Chairman Brousseau asked the applicant if the lots being created with this project are subdividable at a later date. Mr. Clark answered that parcels # 13,12,11,10,9,8, & 7 could not be subdivided due to the lack of frontage and possibly more of the remaining lots because of the septic systems and their topography. Chairman Brousseau asked Rob Fitzsimmons if the Board should be concerned with the 6 or 7 remaining lots that could possibly be subdivided later? Rob Fitzsimmons answered that a covenant is a voluntary measure for the applicant in this case. The need for a covenant becomes an issue if it is part of mitigation for a significant environmental impact. Mr. Considine asked again if the applicant would consider a covenant with regard to future subdividing of the parcels? Mr. Johnston stated no need for a covenant.

Mr. Neilson asked if pollution problems are found at the site who is responsible? Also who will re-do Catskill View Rd. and who will pay for the repairs? Rob Fitzsimmons answered that roadways are budgeted items, the liability of the landfill with regard to mis-maintained landfill then litigation would be against the landfill-monitoring agency. Tim Smith then asked that the pollution issue in the hydrogeologist report blatantly accuse ZMR of eschewing findings for lawsuit.

Motion to close public hearing at 10:35 p.m. was made by 1<sup>st</sup> Virginia Ambrose with a 2<sup>d</sup> from Judy Zink. All members were in favor. Motion to close public comment was carried by all.

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

Mr. Titus and Mr. Brozowski were present. Chairman Brousseau informed the applicants that he spoke with Valarie Barbaro and Alan Mueller regarding a letter they sent to the Planning Board regarding berms. Mr. Mueller asked to be retracted from original letter of 9/17/07. Talked with developers after last meeting. Both applicants and developer will discuss the situation further to come to an agreement. Updated letter from NYSOPRHP, Patricia Gabriel with a negative declaration from that office. Applicant is looking for a draft resolution for SEQRA. Phase I consists of 10 lots and Phase II consists of 5 lots all together totaling 15 lots. The temporary cul-de-sac in Phase I will be eliminated after Phase II. All lots meet zoning and planning regulations for size and frontage. Chairman Brousseau asked the applicants to work with Valarie Barbaro and Alan Mueller regarding berms and trees to be planted along their lots. Joe Romano informed the Board that the Preliminary Plat Plans look fine for Phase II. Deed restrictions were sent to Rob Fitzsimmons for review. Applicant needs to compile cost estimates for review, construction bond, escrow account, and to meet section 5 of the subdivision regulations. Chairman Brousseau asked the applicants to contact Valarie Barbaro and Alan Mueller as soon as possible. Joe Romano informed the Board that in previous discussions the Board, applicants, and Ms. Barbaro and Mr. Mueller agreed that the berm would be completed prior to any construction on Phase II. All agreed that the trees, berm, and other plantings are to be planted and given adequate time to mature before the construction on Phase II begins. Chairman Brousseau informed Mr. Titus and Mr. Brozowski to contact Rob Fitzsimmons to draft a Preliminary Plat Resolution and a draft SEQRA Resolution prior to the next meeting. Chairman Brousseau also informed the applicant that it is possible to do a Preliminary Plat Plan Approval and a Final Plat Plan Approval at the next meeting with conditions on Final Plat Plan Approval being the completion of Section 5 of the Subdivision Regulations. Chairman Brousseau opened the meeting to public comment at 7:50 p.m. No comments. Continued the public comments to the November meeting.

Howard Brandston wanted it in the record that he is mad for being asked to wait with regard to the Catskill View Rd. project because the town attorney is running late. Mad that public is made to wait. Happens too often. He feels that this is rude to the public that shows up on time and then made to wait. The Chairman should cancel the applicants until the next meeting.

Chairman Brousseau answered Mr. Brandston with the fact that the Catskill View Rd. project is controversial it is within the best interest of the Board, applicant, and members of the public to have the Town's attorney present for all discussions of the project. Chairman Brousseau also refused to cancel the applicants due to the fact that all parties were ready to move forward with the project and for the fact that Rob Fitzsimmons would be arriving shortly.

#### **New Cases:**

#### **Singleton, Joseph Subdivision: 2 parcels from 14.206 acres Tax Map # 141 . 00 – 01 – 03 . 111 Located at 241 Millbrook Rd.**

Mr. Singleton wants to subdivide Parcel #1, which contains his residence from the remaining 5 acres to the south. Pat Prendergast has designed a septic system, well is located 300' from existing driveway. The 5 acres conforms to the Zoning laws. Parcels are directly across from the Stewardship on Millbrook Rd. subdivision. Soils perked well for in-ground septic system. Columbia County Department of Health letter is pending. SEQRA long form needed. Ag data needed. Existing driveway in use (horseshoe shape) will leave until possible lot is sold at some point. Not looking to sell at this time but may at a later date. Joe Romano informed the applicant that he would need ingress and egresses for lots in case the properties are sold. This is to protect the Town from neighbor dispute on who owns the driveway right-of-way. Parcel #2 does not have a dwelling. Chairman Brousseau asked the applicant if this parcel has been subdivided in the past. Mr. Singleton informed the Board that this subdivision would be the fifth one for the original parcel. Chairman Brousseau informed the applicant that the subdivision would be considered a major subdivision. Motion to classify as 2-lot major subdivision was made by 1<sup>st</sup> Judy Zink with a 2<sup>nd</sup> from Virginia Ambrose. All members in favor. Motion to classify as a 2-lot major subdivision was carried by all. Items pending: SEQRA long form, Ag Data, driveway easement for both parcels. Continued to November.

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

Joseph Ronsani brings before the Board a plan to subdivide 1 acre from his 8 +/- acres on Rte 217 in order to give it to his daughter to build a home. Parcel is located within the Rural Residential Zone making 1-acre a conforming lot. 150' lot width is conforming also. Applicant needs SEQRA short form, New York State Department of Transportation letter for curb cuts, Department of Health approval for septic and well. Proposed septic site, well site, perk test sites, driveway location, and home site should be added to maps. The applicant will need to acquire an easement from Columbia County to cross the county owned railroad bed. Also applicant should have surveyor denote the 100-year flood plain on maps. Considered a 2 lot minor subdivision. Chairman Brousseau informed the applicant that he will need to show perk tests on the 1-acre lot to be subdivided as well as the remaining 7-acres will need to be perked also to prove that both lots are buildable. Motion to classify as a 2-lot minor subdivision was made by 1<sup>st</sup> Virginia with a 2<sup>nd</sup> from Stephen Hook. All members were in favor. Motion to classify as a 2-lot minor subdivision was carried by all. Continued to November.

Motion to adjourn 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 to adjourn was carried by all at 11:00 p.m.

Respectfully submitted,

Jodi Keyser  
Planning Board Secretary