

**Town of Claverack  
Planning Board  
P.O. Box V  
Mellenville, NY 12544**

**Minutes of  
October 2, 2006 meeting**

**Approved November 6, 2006**

Chairman Jay Brousseau called the October 2, 2006 meeting of the Town of Claverack Planning Board to order at 7:02 PM.

Members in attendance were as follows: Chairman Brousseau, Stephen Hook, Daniel Northrup, Robert Kavanaugh, Virginia Ambrose, Town Engineer; Joseph Romano, Cailin Brennan for Town Attorney Rob Fitzsimmons, and Secretary Jodi Keyser.

Board members reviewed the minutes of the September 12, 2006 meeting. Robert Kavanaugh asked for changes to the minutes to show that he asked to be recused from the Stewardship on Millbrook Rd. case due to being an adjoining landowner, and from the Catskillview case due to the fact that he represents an adjoining landowner. Motion to accept the amended minutes was made 1<sup>st</sup> by Stephen Hook with a 2<sup>nd</sup> from Daniel Northrup. All members were in favor. Motion was carried.

Meeting is taped by Howard Brandston.

Chairman Brousseau read the correspondence for the month as follows:

Letter from Howard Brandston to the Claverack Town Board asking that Board to consider a moratorium on subdivisions.

Letter from Stan Kosloski, Town of Claverack Building Inspector regarding a change to the subdivision application to address the issue of abandonment of a project.

Letter from Valerie Barbaro regarding the Clover Hills subdivision by Birch Builders.

Letter from Judy Zink regarding Catskillview and Stewardship on Millbrook Rd. Subdivisions.

Howard Brandston and Marie D'Amico asked that the public be made aware of applicant's postponements prior to the meetings i.e. Catskillview Rd subdivision calling to postpone at 11:30 am on October 2<sup>nd</sup> via fax. The audience members were informed that it is almost impossible to inform all of the interested parties at such a late time.

Cailin Brennan will check with Rob Fitzsimmons regarding this issue.

Regarding public hearings Chairman Brousseau asked if Rob Fitzsimmons set specific times and time limits. The Secretary and Cailin Brennan were unaware of times and time limits. Chairman Brousseau will contact Rob Fitzsimmons.

Planning Board member Robert Kavanaugh asked to be recused from the Stewardship on Millbrook Rd. due to being an adjoining landowner.

Stewardship on Millbrook Rd.

Mr. Gilchrist, Mr. Bossolini were present representing the applicant. Letter submitted from Clough Harbour with response submitted 10/02/06. Mr. Gilchrist has received the letter and will respond to the engineer's comments. DEC permits are pending. Mr. Gilchrist asked that the minutes of the September meeting show

that the Final Plat Plan was submitted. HOA is still in a draft form, hope to submit in November. ACOE letter submitted. Applicants ask that the public hearing on the project be continued to the November meeting. Chairman Brousseau opened the meeting to public comment at 7:27 p.m. Letter from Judy Zink regarding her concerns for who will police the truck traffic in the area during construction, maintaining the fire and rescue service years down the road. Mr. Bossolini answered that the truck traffic will be policed with signage as per Clough Harbour letter. Continued public hearing to November 6, 2006.

Robert Kavanaugh re-enters the meeting.

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. Continued from April. Robert Ihlenburgh was present for the applicants. Mr. Ihlenburgh feels that he has been thrown a curve ball by the Board regarding the issue of an existing orchard and the water quality. Mr. Ihlenburgh stated that the maps show an existing orchard at the site. Joe Romano asked if well tests were done onsite. Mr. Ihlenburgh answered no but there are wells on adjoining properties. Joe Romano informed Mr. Ihlenburgh that subdivision regulations stipulate that 1 test well per parcel is needed. He also stated that SEQRA and the Board need to be sure that the subdivided lots are suitable for building. It is in the applicant's best interest to have test wells done on site. Test well needs to be drilled within the existing orchard at the lowest point. Mr. Ihlenburgh was stated that he was hoping that this issue had been addresses sooner by the Board because his client wants to sell the parcels as soon as possible. Joe Romano stated that it is his suggestion that the test well be drilled on lot #1 at the corner with adequate separation between the well and the septic. Standard perk tests as per Subdivision regulations are needed. Continued to November 6, 2006.

Catskill View Road/Woodland Assoc. LLC Subdivision: 17 parcels from 287 +/- acres on Catskillview Rd. in Claverack Tax Map # (SBL) 132-1-50. Continued from April. Mr. Johnson faxed a letter to the Town Office informing the Board Secretary that they do not have all of the items requested by the Board and they ask to be postponed to the November 6<sup>th</sup> meeting.

CloverHills/ Milligan/Birch Builders Subdivision: Re-submitting of a previous subdivision. Birch Builders representative was present at the meeting. Project engineer unable to attend. Corrections made to the maps but new maps were not submitted. Joe Romano reviewed for the Board the right-of-way issue 20-foot strip of land from rear yards of Cardinale development to the proposed roadway. DOH pending will forward to Clough Harbour. Archeological study done waiting for reply and will forward to Clough Harbour. Chairman Brousseau opened public hearing at 7:55 PM. Chairman Brousseau read a letter from Valerie Barbaro and Alan Mueller regarding their concerns with the roadway that will run directly behind their properties in the Cardinale development. Both feel that the road will create a "corral" effect of their property. They are asking that the Planning Board re-route the roadway. Along with the letter is a petition signed by 30 Cardinale property owners. Ms. Barbaro 23 Macoun Ave., purchased her property 2 years ago from the Cardinales. She wants the Board to know that she has a serious issue with the roadway design in the Clover Hills development. May have problems with snowplowing because roadways will surround her property if this road is built. Mr. Birch stated that he appreciates Ms. Barbaro's concerns but the roadway can not be re-routed due to the wetland area. Continued public hearing to the November meeting. Daniel Northrup asked the developer how far the roadway actually is from the Cardinale properties. Mr. Birch stated that the roadway would be 35 feet from the property line to the center of the road. Robert Kavanaugh commented that he realizes that the Town regulations do not prohibit the roadway but he feels that due to the Town owning the roadway the 5-foot right-of-way is not enough area. He feels that it is not right for the Board to approve putting a roadway only 5 feet from someone's property

Daniel Northrup asked the developer if the roadway could start at the wetland area and go from there. Mr. Birch stated that there is a 100-foot buffer zone for the wetland area and then 65 feet for the roadway. He added that everything conforms to all the regulations at this time. A member of the audience asked that the Planning Board add a human element to decisions like this one. Continued to November.

Chairman Brousseau stated for the audience that the Planning Board is a subdivision review board. The Board's hands are tied to actions. Yes he would like to be able to add a human element into the decisions but the Town regulations are being met by the developer. Chairman Brousseau asked the concerned parties to try to work the issues out between themselves to come to an agreement that will make everyone happy. The Planning Board can not tell the developer he can and can't do things if he is meeting the regulations.

Conte, Michael & Schram, Barbara Subdivision: 4 parcels from 41.327 acres on County Rte. 9 Claverack. Tax Map # (SBL) 102.00-01-08.

Jeff Plass present is representing the applicants. Ag Data done. No response from the Town of Ghent regarding the small portion of land that is within their town. Opened to public hearing at 8:30 p.m. no public comment. Public hearing was closed. Motion made by Stephen Hook for negative SEQRA declaration and conditional final approval pending verbal approval from the Town of Ghent and granting Chairman Brousseau authorization to sign and stamp the maps after contacting Rob Fitzsimmons with a 2<sup>nd</sup> from Virginia Ambrose. All members were in favor. Motion was carried.

Chairman Brousseau will meet with Jeff Plass in two days to stamp and sign the maps and Jeff Plass will bring the 3 stamped maps to the Secretary.

Pennoyer, Douglas Subdivision: 100 Stottville Rd. Claverack. 4 parcels + 1 lot BLA? From 72.8 acres, Tax Map # (SBL) 101.-1-1.111.

Applicant asked to be continued as per Robert Kavanaugh who is representing the applicant.

Friedrich, Frank P. Subdivision: 2 lots and 2 accession parcels from 53.51 acres located on 554 County Rte. 16. Tax Map # (SBL) 132 - 2 - 48 . 111.

William Spampinato present for the applicant. Deed description was reviewed and approved by Cailin Brennan. Long Form SEQRA is done and reviewed by Joe Romano. TOC waived due to existing driveways on parcels. DOH waived due to existing wells and septic systems on parcels.

Opened to public hearing at 8:47 p.m. Marie D'Amico addressed the Board with her concerns that the project is segmentation due to the fact that the property has been subdivided at least 6 times in the past. She is also concerned that a gravel mine on the property needs to be reclaimed by the applicant. Letter was submitted to the file.

Mr. Spampinato answered that Mr. Frederick does not have to notify the Town because he falls within the agricultural area then he is allowed to mine a maximum of 750 cubic yards of material. The gravel mine does not need to be shown on survey maps because it is not a structure. As for the segmentation issue he had no comment. Chairman Brousseau informed the Board that he has looked at this project and feels that it is not segmentation. Public hearing was closed.

Motion made by Daniel Northrup for a negative SEQRA declaration and final approval for a 4-lot major subdivision with a 2<sup>nd</sup> by Steven Harder. All members were in favor. Motion was carried. Maps were stamped and signed. Fees of \$500.00 dollars were paid by check from William Spampinato.

Bruce Madlem Hunt Club, Inc.: 2 accession parcels of 50 +/- acres on Miller Rd. II to be added and merged with adjoining lands. Tax Map # (SBL) 141 - 2 - 54.

Two (2) separate applications were submitted using only one (1) map. Deeds were forwarded to Rob Fitzsimmons and all is fine. DOH waived due to existing wells and septic. TOC waived due to existing driveways. Cailin Brennan informed the Board that the (2) applications could be kept as (1) one motion. Opened to public comment. No comment. Public comment is closed.

Motion for Negative SEQRA declaration and final approval for (2) two Class 1 Boundary Line Adjustments was made by Virginia Ambrose with a 2<sup>nd</sup> from Stephen Hook. All members were in favor. Motion was carried. Maps were signed and stamped. Fees for each were paid with a check from William Spampinato.

Breezy Hill Subdivision: subdivision of 41.5 acres on Snyderstown Rd. Tax Map #(SBL) 142 . – 1 – 32.  
No Show

Poccia, Robert Subdivision: 2 lots from 5.5 +/- acres on Gahbauer Rd. Claverack. Tax Map # (SBL) 112 . – 1 – 10.  
No Show

Motion was made to adjourn the meeting at 9:26 P.M. by 1<sup>st</sup> Stephen Hook with a 2<sup>nd</sup> from Daniel Northrup. All members were in favor. Motion was carried.  
Meeting adjourned.

Respectfully submitted,

Jodi Keyser  
Secretary