

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

Draft

May 1, 2006

**The May meeting of the Town of Claverack Planning Board was called to order by Chairman Jay Brousseau at 7:00 PM. Members in attendance were: Chairman Jay Brousseau, Robert Kavanaugh, Judy Zink, Martha Pizza, Virginia Ambrose, Stephen Hook, Andy Howard; representing Town Attorney Rob Fitzsimmons, Town Engineer Joe Romano, and Secretary Jodi Keyser
Absent member Daniel Northrup.**

For record the meeting was tape recorded for Howard Brandston.

Chairman Brousseau called the May 1, 2006 Town of Claverack Planning Board meeting to order at 7:02 PM. Board members reviewed the minutes of the April 6, 2006 Planning Board meeting. Motion to accept the minutes with some minor spelling corrections was made by 1st Stephen Hook with a 2nd by Martha Pizza. Chairman Brousseau polled the Board and with all members in favor the motion carried.

Chairman Brousseau read the new correspondence as follows:

A letter from Judy Anderson of the Columbia Land Conservancy informing the Board of her decision to leave the CLA.

Letter from the Town of Ghent regarding the Hailey subdivision informing the Claverack Planning Board that they will be lead agency for the subdivision. This letter was submitted to the Hailey, Diane file.

2 letters from the DOH regarding Old Barrington Estates dated April 10, 2006 & April 27, 2006 respectively.

Building Inspector reports from Stan Koloski for March and April.

Stewardship on Millbrook Rd.

Robert Kavanaugh asked to be recused from the Stewardship on Millbrook Rd. due to the fact that he is an adjoining landowner.

Andy Gilchrist, Frances Bossolini, Tim Lundquist and Ben Lundquist were presenting. Slide show to the Board. Informed the Planning Board that the project is currently before the ZBA for a site plan review. House sites are no longer in cluster form and lot sizes conform to regulations. DEC and ACOE wetland permits are pending on one wetland. 2 others are not on DEC wetland map. ToC ZBA is lead agency. ToC ZBA deemed the FEIS complete and accepted at their April 26, 2006 meeting. Copies of the FEIS are available at the town office, local libraries, and on line at the town web site. Internal roadway will be built to town specs but will remain private to the HOA (not town plowed or maintained). 5 added test wells with the results submitted to the FEIS for yield, quality reports were submitted 5/1/06. Some wells may require filter systems installed by the homeowners due to the hardness of the water. A copy of the power point slide presentation was submitted to the file. Possible archeological sites are being avoided.

Homeowners Association legal paperwork that is filed with the NYS Attorney Generals office are incomplete. Chairman Brousseau asked if there will be deed restrictions on each parcel for no further subdivision. Mr. Gilchrist informed the Board yes and this stipulation is within the FEIS. Chairman Brousseau asked if the lots have restrictions on where houses are built on each lot. Chairman Brousseau asked the Board if they had any questions before opening the public hearing. No questions from the Board.

Chairman Brousseau opened the meeting to a public hearing on the Stewardship on Millbrook Rd. at 7:43 PM.

- 1) Letter submitted via Rob from Deirdre Carson (submitted to file) asking for the public hearing on the project remains open for the June meeting. Rob agreed and the public hearing will remain open to June was read by Chairman Brousseau.
- 2) Chairman Brousseau read another letter from Deirdre Carson with her ongoing concerns about the impacts to her property. (submitted to file)
- 3) Dr. Gretchen Stearns 125 Millbrook Rd. Claverack addressed the Board with numerous concerns regarding the FEIS and different items within the FEIS that she feels the Board should be looking at i.e. questions regarding nursery, HOA by-laws, gravel mining for road use, endangered species, credentials of developer, toxic waste, traffic issues, wetlands, old bridges, etc. (Dr. Stearns submitted a copy of her comments for file). Dr. Stearns asked that the Planning Board make sure that the developers answer all of the questions within the FEIS before they approve the project.

Chairman Brousseau asked Andy Howard if the Planning Board's hands are tied on the issues raised due to the fact that the ZBA had accepted the FEIS. Andy informed the Board that they could wait on approval until they are satisfied with answers to the questions. Chairman Brousseau asked Mr. Howard whether the by-laws of the HOA are easily changed by the members. Mr. Howard answered that the Planning Board can make certain requirements and regulations from their standpoint i.e. roadway construction, recreational facilities, and the Board can require the developer to Bond the project in order for the Board to maintain some control. Mrs. Ambrose asked Mr. Howard if the HOA could change land now deemed as open areas into building sites if they wanted to. Mr. Howard stated that the way he understands it is that the lands deemed open are to remain open but this is a new subject for this Board to deal with. The Board may have the right to enforce this issue but it may be difficult to do. (gray area). Chairman Brousseau reminded the Board that the ZBA is the lead agency and that the Planning Board may have to have some mechanism to enforce like a performance bond for the roadway construction.

- 4) Dr. Richard Weninger asked if the gravel is mined and used only for on site roadways is allowed but what if the gravel is used to construct a driveway for a homeowner that has paid for the land? Isn't that a different type of mining? Does this require special mining permits?

Mr. Howard answered that selling lots and then providing driveway services is not the way he understands the mining of the gravel to be used. Mr. Lundquist answered also that the driveways would be constructed at the same time as the roadway. He will only need to use approximately 3 – 4 inches of the top of the gravel, scraping the top layer, and then he will re-seed the area. Mr. Howard asked Mr. Lundquist whether the site was studied for the amount and type of gravel on site. Mr. Lundquist answered yes a study was performed and that the site has very little top soil with a large gravel area, and the area was used as a mine in the 1800's. Mr. Gilchrist responded that there is a net environmental impact to the town because trucks will not have to travel over the town roadways by using on site gravel. Mr. Howard responded that the gravel will only be removed during infrastructure and not sold or used after for private homeowners to use.

Mr. Gilchrist also responded to the letter from Deirdre Carson. He stated he wanted it public record that he was surprised she has chosen to discuss settlement agreement with the public. Ms. Carson and the project attorneys are still in negotiations and his feeling was that they were close to a settlement.

With no further comments the public hearing will continue to June.

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. NO SHOW

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

Members of the Planning Board did an onsite review of the area prior to the May meeting. New maps were delivered on April 24, 2006 are not finalized as of this meeting. Changes in roadway configuration. Chairman Brousseau is hesitant on opening to public comment until final maps are submitted. Mr. Howard agreed that it makes sense not to open to public comment because the plans and maps may change again. New roadway configuration consists of moving the roadway entrance to the area across from the barn. Will require that some brush and gravel be removed for better site distance. No through road due to topography and legal access. Roadway will be constructed to town specs and dedicated. Roadway was moved away from existing cemetery. Wetland delineation not on this map may be ready for next map. Lot size is conforming as to frontage and size. Lots number 10,11,12,13 &14 all come off the cul-de-sac and will be unable to be subdivided again. Lots #6,7,8 &9 are limited to further subdivision due to their size. House sites have avoided wetland areas. Mr. Doug Clark informed the Board that deep hole and perk tests will be scheduled soon and within 1 month or so he should have a handle on soil conditions and if lot areas are Suitable for building. Joe Romano informed Mr. Clark that grading and stormwater management issues need to be addressed. Also lot size and house density issues. Mr. Howard Brandston asked if the Board had any answers to the question regarding toxic waste on the former Gallo property and the settlement with the County. Chairman Brousseau answered that the Phase I study on the project was received recently and that the town engineer will review the study. Chairman Brousseau informed Mr. Brandston that after the on site review earlier in the evening he can't see how toxic waste can get to the area due to the topography of the area. Mr. Brandston responded that stormwater drainage might come onto his land. Chairman Brousseau answered that the Applicant will have a complete stormwater study done on the project. Another audience member asked how many feet of the property border Cty Rte 16. Mr. Clark answered only about 200 feet then the Hopkins property separates Cty Rte. 16 and Catskillview Rd. Same audience member asked how will a firetruck gain access on this road, bridges are too narrow. He would like the Board to address the issue of a roadway from Catskillview Rd. instead of a cul-de-sac. Mr. Clark answered that due to the topography of the area (too steep) a roadway is not possible. Chairman Brousseau and the Board will talk with town engineer and ToC highway superintendent regarding roadway configuration and construction. Continued to June.

Meyers, Willard & Penelope Subdivision: 3 Lot Minor Subdivision with a Class 1 Boundary Line Adjustment on Willmon Road. Tax Map No. 120-1-6.1.

Mr. Meyers wanted approval on lot #3 at this meeting due to the need for the buyer to start to build. The cul-de-sac is now at 200 feet in diameter and a pole and wires will be moved to achieve this size. Mr. Meyers and Mr. Tomaso were present. Would like approval of lot #3 with stipulation that cul-de-sac is changed in size to conform to code and the curve into the cul-de-sac is redesigned to conform to the radius. Andy Howard suggested to the applicant and surveyor that it would be better to wait until the entire project is complete. Applicant would still like conditional approval for lot #3 and will provide a bond for the cul-de-sac. Applicant also informed the Board that Mr. LaMont measured the road from the Ublacher property and it measured at 812 feet. Is that going to be a problem? Andy Howard informed the Board that the way that Rob Fitzsimmons understood the measurements is that if the cul-de-sac is made larger in circumference than the roadway would become shorter to conform to the 800 foot regulation. Chairman Brousseau understands the need for the applicant to ask for the conditional approval but he feels that there is too much up in the air regarding the lay out of Lots #1 & #2. It would be tough to separate out one lot. Andy Howard informed the applicant that you couldn't mix things now. He informed the applicant that he could return next month with either a final initial plan or a new application with the fees for a new subdivision for lot # 3. Chairman Brousseau reminded the applicant and surveyor that the Board still needs deeds re-written for the excession lot to Koskey and the lot dedicated to the Town f Claverack. DOH on Lot # 1. Andy Howard informed the applicant that he might be required to put up a performance bond for the roadway in case the road is not blacktopped. The applicant is favorable to this request. Applicant will return in June with either a new subdivision or the final initial plan.

CloverHills/ Milligan/Birch Builders Subdivision: Re-submitting of a previous subdivision. Rte. 9-H.

Applicant submitted a SEQRA long form with modifications to endangered species. Also submitted response to Fish and Wildlife letter. Joe Romano has copy of said letter. The letter states that although the habitat exists for the Indiana Bat and the Bog Turtle none of the species were noted in the proposed area. Applicant informed the Board that the Bog Turtle is not an issue due to the fact that the

project is avoiding the wetland areas, which may contain this turtle. Chairman Brousseau asked the Board members of the Board if they were satisfied with the SEQRA update. All members answered yes. Cul-de-sac length and radius of turn are still outstanding issue. Roadway was redesigned right-of-way along Cardinale property lines pulled down to make it 5 feet from property lines. Mr. Milligan talked to Mr. Cardinale and his son with regard to using the strip of land that joins the developments to have an emergency access road. Both Cardinales had no problem as per Mr. Milligan. Escrow account was set up at the Town office. Mr. Romano stated that the 800-foot limit on the roadway regulation is non-negotiable. Subdivisions are a stand-alone chapter and are outside the realm of the ZBA. Either the applicant makes the roadway comply with regulations or they must go before the Town Board. Applicant will contact the Town office to inquire about appearing at the May 8th meeting. Mr. Romano has reviewed the SEQRA and it looked complete but without official maps it is hard to deem negative. Would like to see final maps. Joe also looked through the preliminary stormwater survey. Applicant will return to the June meeting after appearing before the Town Board and maps are finalized.

Conte, Michael & Schram, Barbara Subdivision: 4 parcels from 41.327 acres on County Rte. 9 Claverack. Tax Map # (SBL) 102.00-01-08. NO SHOW

Cashen, James & Elise Subdivision: 2 parcels from 37 +/- acres on Theilman Rd. Claverack. Tax Map No. (SBL) 122.00-01-09.221 Mr. Cashen was present and submitted new maps with deep test hole sites, perk test sites, house site, and well site. Also shown on map is a special restriction as to the house site due to the parcel being within the Columbia Land Conservancy. Stipulates that the house site must be within a designated 2 acres plot within the 5.37 +/- acres with the remaining land undeveloped. Mr. Kavanaugh asked if Rob Fitzsimmons reviewed the Conservancy regulations and requirements? Mr. Howard answered that the Conservancy has their own legal rights. The Planning Board can approve the application but if the applicant builds the house outside of the designated area the Conservancy has the right to take legal action. Chairman Brousseau asked the Board to make a motion on the application. Virginia Ambrose made a motion for a negative SEQRA and final approval of the 2 lot major subdivision with a 2nd from Stephen Hook. All members were in favor and the motion carried unanimously. Maps were stamped and signed. Fees of \$350.00 were paid by the applicant check # 638.

Wright, Andy & Cynthia Subdivision: 2200 County Rte. 11 Tax Map #(SBL) 113-01-45 Subdividing 39.65 acres into 4 parcels. Applicants Andy and Cynthia Wright were present and submitted a sketch plan for their property on County Rte. 11. 40 acres on Cty. 11. Was previously zoned Rural Residential and Commercial Industrial Zone (R.R. & CIP zones) This area was CIP zone but changed in October of 2004 to RR. Jeff Plass is applicant's surveyor. Chairman Brousseau asked what part of the parcel has had previous subdivisions. Applicant informed the Board that the lands were part of the former Ross farm across the street. Parents purchased the land 50 +/- years ago on the other side of the road. Has remained in the family for at least 50 years. Not subdivided since zoning laws. Will possibly be classified as a 4 lot minor subdivision. Applicant submitted SEQRA on 5/1/06. DOH submitted 5/1/06. County DOT curb cuts submitted 5/1/06 provisional. Need copies of permits with letter. Also need Ag Data (supplied by secretary to applicant at meeting). Will return for June meeting.

Pennoyer, Douglas Subdivision: 100 Stottville Rd. Claverack. 4 parcels + 1lot BLA? From 72.8 acres, Tax Map #(SBL) 101. -1-1.111. Chairman Brousseau read the minutes of the March meeting to remind the Board members of the application. Applicants present were Mr. Doug Pennoyer and his son. Applicants submitted a new map with a slight change to the plan. Small yellow house in lot # 3 will go into 13-acre lot instead of being in a lot of its own. May require Class 1 Boundary Line Adjustment and 4 lot minor subdivision. Martha Pizza asked the applicant if the lands were ever subdivided previously. Mr. Pennoyer was unsure if the land was subdivided prior to his purchase of the land about 4 years ago. After looking through the previous subdivision maps of Gregory this may have to be classified as a major subdivision and require the major fee schedule.

Applicants were then given a punch list of items to gather for the next appearance before the Board. They are as follows:

- Long Form SEQRA
- DOT driveway cuts
- DOH perk tests sites and deep hole test sites lots #2, 3 & 4.
- Water and septic shown on the map for lot # 3
- Ag Data filled out and submitted.
- Wetland delineation shown on map and 100 year flood plain.

Will return for the June meeting.

Chairman Brousseau asked for a motion to adjourn at 10:55 PM

Motion to adjourn was made by Stephen Hook with a 2nd by Virginia Ambrose.

All members were in favor and the motion was carried.

Next meeting will be held on Monday, June 5, 2006 at 7:00 PM at the Town Hall.

Respectfully submitted,

Jodi Keyser
Secretary