

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: August 6, 2012**

Approved 9/5/2012

Chairman Stephen Hook called the August 6, 2012 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Hook, Scott Cole, Judy Zink, Virginia Ambrose, Nathan Chess, Brian Goodrich, attorney; Rob Fitzsimmons, engineer; Paul McCreary, and secretary; Jodi Keyser

Absent with regret: Gretchen Stearns

Members discussed the need to change the September meeting date due to the Labor Day Holiday. After discussion the members agreed to change the meeting date to Wednesday, September 5, 2012 at 7:00 p.m. at the Claverack Town Hall Building.

Members reviewed the minutes of July 2, 2012 meeting.

Motion to approve the July 2, 2012 minutes was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS:

Kinney, Stewart: Corner of NYS Rte. 9-H & Rte. 66 Claverack. Tax Map #(SBL) 101 . 00 – 01 – 8 . 1 Subdivision of 28.6 +/- acres into two parcels of 19.7 & 8.85 acres respectively.

No show. No contact with the applicant regarding the progress of the application. Still awaiting deed descriptions and driveway maintenance agreement.

NEW APPLICATIONS:

Pilgrim, Keith & Kristin Subdivision: 560 Route 16 Tax Map #(SBL) 132 . – 2 – 48 . 111. Subdivision of 44.47 acres into two parcels of 23 acres and 21.5 acres.

Kristin Pilgrim was present for the application. Ms. Pilgrim reviewed her application for the Board members. Ms. Pilgrim stated that she and her husband purchased the property approximately a year ago which had an existing farming lease. Ms. Pilgrim continued that they are seeking to acquire a second mortgage through Fannie Mae or Freddie Mac. Ms. Pilgrim informed the Board that her mortgage broker informed her that Fannie Mae and Freddie Mac would not approve a mortgage on property that has a farming lease attached. Ms. Pilgrim stated that they are looking to subdivide the property into two parcels. Parcel #1 consists of 23 acres and contains a newly constructed residence. Parcel #2 consists of 21.5 acres and is the portion of the property that has a farming lease attached. Nathan Chess asked who has the farming lease. Ms. Pilgrim informed the Board that Parcel #2 has roadway frontage on Snyderstown Rd. and will retain the farming lease which her brother and sister-in-law use. Ms. Pilgrim continued that her brother and sister-in-law also rent a barn from Mr. Frederich. Ms. Pilgrim informed the Board that she and her husband have constructed a new home on Parcel #1 with septic and well installed. Ms. Pilgrim stated that she currently does not have a certificate of occupancy for the home. Ms. Pilgrim stated that she and her husband are working with Valley Mortgage and were advised to subdivide the farm lease portion of the property from the residential portion of the property in order to secure a Fannie Mae or Freddie Mac mortgage so that the property does not have a farming lease attached. Rob Fitzsimmons informed the Board and applicant that the

newly created Parcel #2 will need a perk test. Ms. Pilgrim informed the Board that the property is mainly gravel and perked well on Parcel #1. Nathan Chess asked if the Pilgrims are keeping both parcels. Ms. Pilgrim answered yes. Ms. Pilgrim submitted a driveway letter from Town of Claverack Highway Superintendent Louis Lamont. Ms. Pilgrim also asked the Board if they would consider waiving the perk test for Parcel #2 because all of the adjoining properties have septic systems. Nathan Chess stated that the Planning Board has waived perk testing on large lots in the past in this same area. Motion to waive perk testing on Parcel #2 due to the size of the parcel and adjoining wells and septic systems was made by Nathan Chess with a second from Virginia Ambrose. All members were in favor. Motion carried. Ms. Pilgrim was instructed to bring full size maps with the surveyor's official raised seal to the September meeting.

Motion to classify as a 2-lot minor subdivision was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried. Set public hearing for the September 5, 2012 meeting. Ms. Pilgrim paid the application fee of \$200.00.

Mossman, Malia Subdivision: Preusser Rd. Tax Map #(SBL) 133 . – 1 – 58 .112. Subdivision of 6.88 acres into two parcels consisting of 3.44 acres each.

Malia and Phil Mossman were present for the application. The Mossmans reminded the Board that they recently appeared before the Planning Board for this subdivision and were advised to seek a variance from the TOC ZBA. Mr. Mossman continued that they met with the TOC ZBA and TOC Building Inspector, Stan Koloski regarding the subdivision. Mr. Mossman submitted a letter from Stan Koloski in support. Mr. Mossman informed the Board that they have had perk testing done on the parcels but due to vacations they were unable to get a letter from CC DOH with approval. Rob Fitzsimmons informed the Mossmans to bring the CC DOH letter to the September meeting. Mr. Mossman explained that the driveway is built with an S-curve due to the 7% grade. Mrs. Mossman continued that the maps show proposed house, well, and septic sites. Virginia Ambrose stated that the length of the driveway would require a turn-around as discussed with a previous subdivision. Mr. Mossman informed the Board that the upper parcel would be conveyed to their daughter who does not have a plan to build at this time. Paul McCreary informed the Board and applicant that NYS Fire Codes for building require turnarounds on long driveways for emergency egress and access. Nathan Chess stated that he understands the letter from the TOC Building Inspector but does not see a legal driveway maintenance agreement. Both Mr. and Mrs. Mossman informed the Board that the property is not being sold. Nathan Chess recommended that a written driveway maintenance agreement should be in place prior to approval of the subdivision. Nathan Chess also recommended that the driveway be reviewed by local representatives of the local fire department prior to approval. Rob Fitzsimmons informed Mr. Chess that the TOC does not require fire department approval for driveways and the TOC has regulations in place to address these issues. Rob Fitzsimmons continued that a driveway maintenance agreement is a basic document that protects everyone on the common driveway and should be written prior to approval. Mrs. Mossman informed the Board that she has verbal agreement from all of the neighbors on the roadway. Rob Fitzsimmons continued that the agreement can be as simple as all parties agree to share in the driveway maintenance. Rob Fitzsimmons continued that banks might require this legal agreement prior to funding for construction and it keeps a safety net for Parcel #2 so it cannot be cut off from accessing Preusser Rd. Nathan Chess suggested that the driveway maintenance agreement be added as a note on the maps. Rob Fitzsimmons informed the applicants that the Board can schedule a public hearing for the September meeting and could grant a conditional approval pending the CC DOH approval letter and the Driveway Maintenance agreement but the Board cannot stamp and sign the maps until these items are received. Brian Goodrich asked if the Board can require the applicant to add the turn-offs to the driveway. Rob Fitzsimmons stated that the driveway is pre-existing and the Board cannot make the applicant add turn-offs now but could be something to look at in the future.

Motion to classify as a 2-lot minor subdivision was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Set public hearing for September 5, 2012 meeting. Application fee was paid previously.

Catskillview Rd. Subdivision: Nathan Chess reported that he has concerns that the developers for the Catskillview Rd. Subdivision are not adhering to the approved Site Plan with regard to the Storm water Management plan and the Rain-gardens. Mr. Chess informed the Board that he happened to meet with the project's landscape architect at the property and informed her of the approved plans for the development and the rain-gardens that were to be installed for the Storm water Management Plan. Mr. Chess stated that the landscaper was unaware of such a plan. Mr. Chess also has concerns that the 25% forever wild areas of the approved Site Plan are not being met. Mr. Chess stated that the Declaration of Covenants should be added to each survey map along with the restrictions for the parcels. Rob Fitzsimmons informed Mr. Chess that the Declaration of Covenants is filed with the Columbia County Clerk's Office to go with every individual map that were filed on each parcel. Mr. Chess stated that was not the case and he emailed the Town of Claverack Building Inspector Stan Koloski to ask if it was his responsibility to check on the approved Site Plans to make sure that the restrictions were being met. Mr. Chess informed the Board that Stan Koloski emailed back that it was not his responsibility to check on the Site Plans. Nathan Chess continued that the project is not a simple landscaping design but an agreement between NYS DEC, the developer, and the TOC Planning Board and that the storm water management plan and 25% Forever Wild portion of each parcel be attached to each parcel's survey map. Rob Fitzsimmons informed Mr. Chess that he had asked the developer in 2011 to meet with the Town of Claverack engineer prior to a full build-out of the property but he received a building permit for one of the parcels and started to build without the TOC being notified to stay on top of the project. Rob Fitzsimmons continued that the original plan had been modified a couple of times in the recent past and had the market remained hot the TOC would have had constant contact with the developer to notice the approved plan and restrictions. Rob Fitzsimmons reminded the Board that they were hesitant with the proposal to use rain-gardens in place of storm water management ponds when the project was before them. Rob Fitzsimmons continued that part of the blame for the lack of attention to the project is with the TOC but 95% is on the developer. Mr. Chess informed the Board that a house is in construction phase being built for spec. Rob Fitzsimmons stated that the TOC was never notified by the developer or his representatives that any construction had started only that an escrow account needed to be established for the engineering review. Rob Fitzsimmons continued that to keep this from happening in the future a complete set of approved maps should be dropped to the TOC Building Inspector's office. Rob Fitzsimmons continued that it is not proper that the developer or his representatives have not contacted the TOC Planning Board. Rob Fitzsimmons informed the Board that the TOC Building Department will not generate permits or Certificates of Occupancy until all items are addressed as per approved plan and that the purchaser of the property will need these items for the bank to receive a mortgage. Rob continued that the home currently under construction is being built by the developer so it did not come up in the deed restrictions with the County Clerk's office of a bank. Nathan Chess stated that he has visited the site and it appears that a storm water pond is in construction. Paul McCreary informed Mr. Chess that what he saw was a large sand filter septic system. Paul McCreary informed the Board that he had spoken to the project's engineer Doug Clark just today and that Mr. Clark stated that he had reminded the project developer Mr. Jones several times about the rain-gardens and wetlands disturbance areas. Mr. McCreary suggested sending a letter to all parties indicating all of the approved requirements. Rob Fitzsimmons and Paul McCreary will compose a letter to Mr. Jones, Mr. Clark, and Mr. Roache with the approved requirements and copy TOC Building Inspector Stan Koloski. Nathan Chess asked if the Planning Board did the homework then who is responsible to review, mandate and make sure that plans are being followed. Rob Fitzsimmons stated that it is not the TOC Building Department responsibility but it is the project

developer's responsibility to notify the Town of Claverack that they are proceeding with construction to alert the TOC engineer to review and visit the site to maintain integrity. Paul McCreary informed the Board that the good news was that typically rain-gardens are the last item to be completed during construction but it is something that can be caught now. Paul McCreary continued that after he had the discussion with the project's engineer Doug Clark he sent out an email to Mr. Jones, his architect, and the contractor not to forget the rain-gardens or wetlands disturbance areas (25% forever wild). Nathan Chess asked if the Planning Board could have the TOC Building Department issue a stop work order to the project. Chairman Stephen Hook answered that the rain-gardens are the last item to be completed during construction so issuing a stop work order now would be useless. Rob Fitzsimmons stated that the TOC Building Department will not issue a Certificate of Occupancy until rain-gardens and all other restrictions are fully completed as approved. Nathan Chess stated that plans and drawings need to be submitted to the engineer prior to finalization of the project. Nathan Chess continued that the letter being sent to Mr. Jones should be copied to the Planning Board members and Town Board members and asked that the Planning Board receive an update at the September meeting. Paul McCreary stated that he is not defending anyone but these things happen in other places also and issues fall through the cracks.

Motion to adjourn the meeting was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Meeting adjourned at 8:07 p.m.

Respectfully submitted,
Jodi Keyser
Secretary