

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting: June 6, 2011
7:00 p.m.**

Approved 7/5/11

Acting Chairman Jay Brousseau called the June 6, 2011 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Acting Chairman Jay Brousseau, Virginia Ambrose, Judy Zink, Nathan Chess, Brian Goodrich, Attorney Rob Fitzsimmons, Engineer Paul McCreary, and Secretary Jodi Keyser

Absent: Chairman Stephen Hook and Caren Mahar

Correspondence:

Training information for Land Use Training at Columbia-Greene Community College on 6/22/11.

On-line University NYMIR

Members discussed the July meeting date, which falls on July 4, 2011. Members agreed to change the July meeting from July 4th to July 5th with the meeting to be held at the Town Office Building on Church St.

Members reviewed the Minutes of May 2, 2011 meeting.

Motion to approve the May 2, 2011 minutes was made by Nathan Chess with a second from Virginia Ambrose. All members were in favor. Minutes approved

CONTINUING APPLICATIONS:

Caputo, Jack & Kathleen Subdivision: Tax Map #(SBL) 132 . 00 – 02 – 02 Subdivision of 5.1 acres into two parcels located at Oak Hill Rd – 840-feet north of Old Barrington Rd.

Dan Russell was present and informed the Board that the applicant is waiting for perk testing from CC DOH. Mr. Russell also informed the Board that Lewis McNamee will be the lead representative for the application and he will notify the Planning Board Secretary of the status of the application.

Route 217 LLC: Tax Map #(SBL) 121 . 00 – 01 – 42 Subdivision of 79+/- acres of the Runyon farm property, which lies south of NYS. Rte. 217 into two separate parcels of 22 acres and 57 acres respectively.

No contact from Mr. Mattikow.

Route 217 LLC: Tax Map #(SBL) 121 . 00 – 01 – 41 and 121 . 00 – 01 – 39 and 121 . 00 – 01 - 40 Subdivision of a portion of the of the Runyon farm property, which lies south of NYS. Rte. 217 into two separate parcels.

No contact from Mr. Mattikow.

Shumsky, Ann Subdivision: Tax Map #(SBL) 141 – 01 – 39 Subdivision of 3.821 acres located at 2281 NYS Route 27 Stop 16.

Jeff Plass and Stephen Shumsky were present for the application. Mr. Plass submitted new maps with notes #7 addressing the roadway agreement and note #9 addressing the septic distance and need for new well if property sold or change of owner.

Mr. Plass supplied a copy of a draft roadway maintenance agreement. Mr. Shumsky informed the Board that he has verbal agreement from his neighbors but did not have all of them sign the agreement yet. Rob Fitzsimmons reviewed the roadway maintenance agreement and informed the Board that the document was a NYS BAR Association standard real estate form. Chairman Jay Brousseau reminded the Board that the application was previously classified as a 2-lot minor subdivision. Rob Fitzsimmons informed the Board that they could make the roadway maintenance agreement a condition of approval. Paul McCreary reviewed the SEQRA form. No

Board questions. Chairman Jay Brousseau opened the meeting to the public at 7:11 p.m. No public comments. Public hearing closed at 7:11 p.m.

Motion for negative declaration with regard to SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor.

Motion to approve 2-lot minor subdivision with condition of roadway maintenance agreement being signed by all neighbors and submitted to the file and authorizing Chairman to stamp and sign maps at the time condition is met was made by Virginia Ambrose with a second from Judy Zink. All members were in favor with exception of Nathan Chess who abstained.

NEW APPLICATIONS:

Nielsen, Karen – Tax Map #(SBL) 132 . – 1 – 43 Subdivision of approximately 2 acres into 2 separate parcels located at 391 & 395 Bates Rd. Ext.

Karen Nielsen was present. Chairman Jay Brousseau reminded the Board that Ms. Nielsen appeared at the May meeting as an informal application. Ms. Nielsen is seeking to subdivide a two acre parcel on Bates Rd. Ext. Ms. Nielsen explained that the two acre parcel contains two residences each with a well, septic, and driveway. Ms. Nielsen explained to the Board that she is looking to subdivide the property equally making 2 one-acre parcel each containing a residence. Chairman Jay Brousseau informed the Board that the maps show all setbacks meeting TOC subdivision limits. Chairman Brousseau informed Ms. Nielsen's surveyor Mr. Van Alstyne that the maps should have standard notes, which can be found in the TOC Subdivision Codes. Chairman Brousseau also informed Mr. Van Alstyne that the application is lacking a completed SEQRA form and an Ag Data form. Mr. Van Alstyne submitted a SEQRA form. Chairman Jay Brousseau informed Mr. Van Alstyne that the Ag Data form is needed to the Secretary by June 17, 2011.

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.

Paul McCreary asked Mr. Van Alstyne to add a location detail on the maps also. Set public hearing for July 5, 2011. Continued to July

Skabowski, Dana & Joseph: Resubmission of a previously approved Boundary Line Adjustment located at 144 County Rte. 27-B. Tax Map #(SBL) 131 – 01 – 59 . 1 and 131 – 01 – 59 . 22

Jeff Plass represented the application. Mr. Plass informed the Board that the application was previously approved by the TOC Planning Board with conditional approval pending rewritten deeds. Mr. Plass continued that the applicants have rethought their plans and have now decided to build a new home on the vacant parcel and to sell their current residence. Mr. Plass informed the Board that they have also decided to change the Boundary Line Adjustment also. Rob Fitzsimmons informed the Board they will need to determine whether the change is significant enough to require the applicant to submit a new application or is only a modification of the previously approved BLA. After reviewing the new maps the Board members determined that the change was not significant and only a modification of approved application. Motion to conditionally approve modification of Class 1 Boundary Line Adjustment pending review and submission of newly written deed descriptions on maps dated May 6, 2011 was made by Nathan Chess with a second from Brian Goodrich. All members were in favor. Motion carried. Mr. Plass informed the Board that Bernard Karp is rewriting the deed descriptions and he will submit them when they are finalized.

Beginnings Properties: Tax Map #(SBL) 122 . – 1 – 39 . 2 and 122 . – 1 – 40 . 12 Boundary Line Adjustment of current lots of 50.26 acres and 36.10 acres into parcels of 46.36 acres and 40.00 acres located at Roxbury Rd. and Theilman Rd.

Dan Russell represented the application. Mr. Russell explains to the Board that the applicant is seeking a Boundary Line Adjustment of property on Theilmann Rd. and Roxbury Rd. Mr. Russell informed the Board that the applicant is seeking the BLA to remedy a driveway issue. Mr. Russell continued that the driveway was routed to avoid creating a steep grade but instead was built partly onto the other parcel. Mr. Russell stated that the owners, Mr. Koskey and Mr. Bervy own both parcels and are seeking to fix the issue by changing the boundary lines. Mr. Russell informed the Board that the subdivision was approved in 1993. Paul McCreary informed the Board that he had concerns with the second parcel's roadway frontage on Roxbury Rd. Mr.

Russell informed the Board that the parcels are on a previously approved subdivision map and are legal parcels. Paul McCreary stated that the property along the Claverack Creek has changed over the years and he doubts that the approved parcel currently contains the required frontage at this time. Mr. McCreary is concerned that the Board would be approving a parcel that no longer has adequate roadway frontage. Mr. Russell informed the Board that the owners could legally sell the parcels because they are on a filed approved subdivision map as is. Rob Fitzsimmons informed Mr. Russell that he would need to review rewritten deeds. Motion to classify as a Class 1 Boundary Line Adjustment was made by Nathan Chess with a second from Brian Goodrich. All members were in favor. Motion carried. Audience member Katie Cashen informed the Board that the parcel with frontage onto Roxbury Rd. does not have adequate frontage because the Claverack Creek has changed the access significantly due to flooding. Chairman Jay Brousseau informed Mr. Russell that if the subdivision would currently be denied because of frontage but it is an approved subdivision so what now. Chairman Brousseau continued is it up to the Planning Board to clean up or can it be left alone? Nathan Chess stated that the current BLA does not clean up the frontage issue. Virginia Ambrose stated that her opinion if the Board sees a problem it is their duty to mitigate or at least address problems. Rob Fitzsimmons informed the Board that the issue is a pre-existing non-conforming issue that the owners are aware of. Mr. Russell informed the Board that he will make the owners aware of the frontage issue. Mr. Russell continued that his clients are only seeking to fix the driveway issue at this time. Virginia Ambrose stated that she felt the Board should be addressing frontage issue first.
Set for public hearing on 7/5/11.

Informal:

Dan Russell informed the Board that he represents Enid Futterman seeking a Boundary Line Adjustment on Theilmann Rd. Mr. Russell informed the Board that Ms. Futterman's application was not prepared in time for the June meeting. Board members reviewed maps. Mr. Russell will submit a formal application for the July 5th meeting.

Motion to adjourn the meeting was made by Nathan Chess with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jodi Keyser
Secretary