

TOWN OF CLAVERACK
PLANNING BOARD
Minutes of November 5, 2012
7:00 p.m.

APPROVED 12/3/12

Chairman Stephen Hook called the November 5, 2012 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Absent: Nathan Chess

There were no new correspondences.

Board members reviewed the minutes of the October 1, 2012 meeting.

Motion to approve the October 1, 2012 minutes was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS:

Kinne, 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.

Mr. Kinne was present for his application. Mr. Kinne submitted driveway easement and deed descriptions. Rob Fitzsimmons reviewed the documents and informed the Board that the easement was recorded in the Columbia County Clerk's office. Rob Fitzsimmons reminded the Board that they had previously declared a negative declaration with regard to SEQRA. Motion to approve the minor two lot subdivision was made by Brian Goodrich with a second from Judy Zink. All members were in favor. Motion carried. Mr. Kinne paid final fees of \$200.00 cash.

Informal applications:

Mokotoff, John Subdivision: 331 Rte. 23-B Tax Map#(SBL)120 . – 1 – 4 . 21. Subdivision of 31.7 acres into 4 parcels.

Mr. Mokotoff, his attorney Paul Freeman, and engineer Brandy Nelson were present for the application. Mr. Freeman informed the Board that Mr. Mokotoff owns a 31 acre parcel that is situated between Webb Rd. and NYS Rte. 23-B in Claverack. Mr. Freeman continued that Mr. Mokotoff is seeking to subdivide the property into 4 separate parcels. Mr. Freeman informed the Board that he used the proposed new Zoning regulations to develop the subdivision. Mr. Freeman continued that parcel #4 is a large 10 acre vegetable/fruit farm that is leased from Mr. Mokotoff. Mr. Freeman stated that the other three parcels will be house sites. Parcel #1 has frontage on NYS Rte. 23-B and parcels #2 & #3 are accessed from Webb Rd. Gretchen Stearns stated that it appeared that the frontage for parcel #2 is entirely within a flood plain of the Claverack Creek and is a notorious site of major flooding. Mr. Freeman stated yes and they will seek a possible driveway easement for a common driveway for parcels # 2 & 3. Secretary Jodi Keyser noted that the map incorrectly identifies NYS Rte. 23-B as County Rte. 23-B. Mr. Freeman stated that this will be changed on new maps. Secretary Jodi Keyser also informed Mr. Freeman that the application lacks an Ag. Data Statement. Mr. Freeman was instructed to complete an Ag. Data statement and include the Keeler farm and Common Hands farms to be noticed. Brian Goodrich asked that Mr. Freeman explain the 25 foot separation between well and stream. Brandy Nelson stated that she was just playing with space and it is not a requirement. Brian Goodrich asked if that was for the septic absorption field. Paul McCreary informed the applicant that CC DOH will need to approve all septic designs. Rob Fitzsimmons asked the applicant if he feels that the property will perk with the adjacent Claverack Creek. Mr. Freeman and Brandy Nelson both answered yes because it is up high. Rob Fitzsimmons informed the applicant that the Town of

Claverack spent a great deal of money doing a topographic survey for the water pump house. Rob Fitzsimmons informed the applicant that the map provided is derived from tax maps and is not an official survey map. Mr. Freeman informed the Board that an official survey is currently in the works and perk testing will take place shortly. Paul McCreary informed the Board and applicant that he is concerned with the driveway for parcel #3 in the flood plain because of the creek floods constantly in that area and has for generations. Brandy Nelson stated that they will seek an easement for a common driveway. Gretchen Stearns asked if the area is in a DEC wetland. Brandy Nelson informed the Board that they are not planning to disturb any wetlands and she has checked that there aren't any NYS DEC regulated wetlands in the area. Paul McCreary informed the applicant that they should check on Federal wetlands in the area. Gretchen Stearns stated that she is interested in the proposed house sites because the stream has changed significantly over the past several years. Brian Goodrich asked the applicant to submit official survey maps with house, well, and septic sites noted. Rob Fitzsimmons added that these are helpful but not binding for the buyer. Rob Fitzsimmons informed the applicant that the Board will classify when official maps are submitted. Paul McCreary stated that there could be environmental concerns with the flood plain, wetlands and would like the applicant review the area for NYS DEC wetlands and possible Federal wetlands.

Continued to the December 3, 2012 meeting

Wright, Samuel Subdivision: County Rte. 11 & Stever's Crossing Rd. Tax Map #123 . – 2 – 1 . 12
Subdivision of 76.86 acres into 3 parcels.

Sam Wright and his surveyor Dan Russell were present for the application. Mr. Wright informed the Board that he has someone interested in leasing parcel #3 as a farm lease. Mr. Wright stated that Tom Decker of Double Decker Farm will be growing garlic on the approximately 4 acre parcel. Dan Russell informed the Board that the property is bound by a stream and therefore made subdividing as previously drawn impossible. Mr. Russell stated that he convinced Mr. Wright to change and abandon the idea of the back parcel because it was impossible to get frontage. Mr. Russell informed the Board that parcels #1&2 have existing driveways and the map indicates a proposed driveway for parcel #3. Mr. Wright submitted septic approval from CC DOH and curb cut letter from TOC Highway Department. Paul McCreary stated that parcel 2 has existing septic, parcel #1 applicant is seeking to waive the perk testing, and parcel #3 approval submitted. Rob Fitzsimmons asked the Board members if they were for or against waiving the perk testing on parcel #1. Paul McCreary stated that there is no problem with parcel #3 but perking parcel #1 might perk too fast because the area is a former gravel bank. Virginia Ambrose stated that the Board cannot waive perk testing just because nothing will be built on the site. Rob Fitzsimmons stated that the Board can waive the perk testing now because not being developed but could require if that happens so it is probably alright. Gretchen Stearns stated that it makes more sense to require perk testing prior to development. Paul McCreary stated that the perk testing will just determine the type of system that the CCDOH will require.

Motion to waive the perk testing on parcel #1 due to known consistency of parcel and satisfactory perk on an adjoining parcel was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to classify as a 3-lot minor subdivision was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried. Application will be set for public hearing at the December 3, 2012 meeting. Mr. Wright paid application fees of \$200.00 by check.

VanWagner-Puff, Laura Subdivision: 139 Bates Rd. Tax Map #(SBL)132 . 00 – 02 – 38 & 132 . 00 – 02 – 39. Subdivision and Merger of 131.103 acres.

Matt Bowe surveyor for the applicant was present. Mr. Bowe described the application for the Board. Mr. Bowe explained that he is not sure if the Board will consider the application as a merger and Subdivision or a Boundary Line Adjustment. Gretchen Stearns stated that in her opinion the application was a Boundary Line Adjustment because they are not creating any new parcels just

changing the configuration of existing property lines. Rob Fitzsimmons stated that it is still called a subdivision. Mr. Bowe explains that parcel #1 consists of 32.052 acres and parcel #1.2 consists of 21+/- acres. Mr. Bowe was informed that the application lacks an Ag Data Statement. Mr. Bowe will submit the Ag Data Statement to the ZBA secretary. Mr. Bowe informed the Board that he has submitted CCDOH septic approval and TOC Highway curb cuts. Virginia Ambrose stated that the proposal tidies up the property lines.

Motion to classify as a Boundary Line Adjustment was made by Brian Goodrich with a second from Judy Zink. All members were in favor. Motion carried.

Set for public hearing at the December 3, 2012 meeting.

Holmes, Thomas dba RET Holmes Subdivision: 478 Spook Rock Rd. Tax Map #(SBL)130 . 00 – 01 – 20.111 Boundary Line Adjustment of 167.2 +/- acres.

Tom Holmes and his surveyor Matt Bowe were present for the application. Mr. Bowe explained that Mr. Holmes is seeking to merge 1.72 acres with the existing 3.279 acres to make a 5 acre parcel that will allow it to be large enough to be considered as agricultural. Mr. Holmes informed the Board that the 1.72 acres is currently used to grow the pick your own flowers and has the solar panels. Mr. Holmes stated that his main objective is to combine the two parcels to make it a legal size for agricultural use within the Town of Claverack Zoning regulations. Scott Cole asked that at a previous meeting Mr. Bowe explained that the parcels were owned by different owners. Matt Bowe answered that he was only asking if the application would be considered as a Boundary Line Adjustment or a Subdivision. Virginia Ambrose stated that she also remembered something about different owners. Mr. Holmes informed the Board that he owns both parcels but they are in different business names. Motion to classify as a Boundary Line Adjustment was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried. Mr. Bowe was informed that the application needs to have an Ag Data Statement submitted. Mr. Bowe will supply an Ag Data Statement. Application is set for public hearing for the December 3, 2012 meeting. Mr. Holmes paid application fees of \$200.00.

Chairman Stephen Hook informed the Members of the Planning Board that he was contacted by a previous applicant ESL Partners on Courts Lane who needed their previously approved maps re-stamped. ESL Partners LLC subdivision was approved on March 2012 and the sale of the property fell through so the maps were never filed. The applicant has a buyer and the closing is soon so they need to have the approved maps re-stamped. Members reviewed the maps and determined that the maps were unchanged from the previously approved maps. Motion to authorize Chairman Stephen Hook to re-stamp the maps of ESL Partners LLC that were approved by the Town of Claverack Planning Board at the March 2012 meeting was made by Virginia Ambrose with a second from Brian Goodrich. All members were in favor. Motion carried. Maps were re-stamped and the applicant paid re-stamping fee of \$20.00.

NEW APPLICATIONS:

Adjourn meeting