

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: September 12, 2011
7:00 p.m.**

Approved 10/3/11

Chairman Stephen Hook called the September 12, 2011 meeting of the Town of Claverack Planning Board to order at 7:00 pm

Members in attendance were: Chairman Hook, Judy Zink, Caren Mahar, Virginia Ambrose, Brian Goodrich, Jay Brousseau, Nathan Chess, attorney Barrett Mack, engineer Paul McCreary, and secretary Jodi Keyser

Correspondence:

SPEDES permit for the Triform facility on Millbrook Rd.

Cornell Cooperative Extension training letter.

Letter dated 8/11/11 from Mr. Mattikow withdrawing one of his applications.

Members reviewed the minutes of August 1, 2011 meeting.

Motion to approve the August 1, 2011 minutes was made by Jay Brousseau with a second from Judy Zink. All members were in favor. Motion carried.

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.

Lewis McNamee and Daniel Russell were present for the application. Mr. McNamee submitted CCDOH letter and TOC Highway application for driveway. Dan Russell reviewed the 2-lot minor subdivision for the Board. Mr. Russell informed the Board that perk testing was completed on parcel #2 and the driveway permit application was submitted for parcel #2 also. Mr. Russell continued that well and septic sites are shown for both parcels on the maps.

Chairman Stephen Hook opened the meeting to public hearing at 7:09 pm. There were no comments from the public regarding the application. Chairman Hook closed public hearing at 7:10 pm. Paul McCreary reviewed the SEQRA. \

Motion for negative declaration regarding SEQRA was made by Caren Mahar with a second from Judy Zink. All members were in favor. Motion carried.

Caren Mahar mentioned that the maps should show the distance from the house to the roadway on parcel #2. Mr. Russell stated that he will make the addition to the map.

Nathan Chess asked why the TOC driveway permit is not signed by a TOC official and that it looked like an application and not the permit.

Mr. Russell will obtain a letter from TOC Highway Superintendent Louis Lamont for the driveway approval. Motion to approve the 2-lot minor subdivision pending official Town of Claverack Highway approval for the driveway on Parcel #2 and new maps showing the distance from the house site to the roadway was made by Virginia Ambrose with a second from Caren Mahar. All members were in favor. Motion carried. Mr. McNamee was informed that the maps will be stamped and signed when the above items are supplied to the Planning Board.

Mr. McNamee was also informed that the Final fees in the amount of \$200.00 are expected at the same time that the maps are stamped and signed.

Route 217 LLC: Tax Map #(SBL) 121 . 00 – 01 – 42 Subdivision of 141 +/- acres of the Runyon farm property, which lies south of NYS Rte. 217 into two separate parcels of 22 acres and 119.02 acres respectively.

Mr. Mattikow who introduced himself as one of the principles of Rte. 217 LLC who are the contract vendee for the application.

Nathan Chess asked Mr. Mattikow to clarify what he meant by contract vendee and if that actually meant that he was one of the buyers of the property. Mr. Mattikow stated that he was part of the company that was buying the property.

Mr. Russell was also present for the application. Mr. Russell informed the Board that after completing an official survey of the property he discovered that the actual acreage on the submitted application was incorrect and should actually read 141 +/- acres into two parcels of 22 acres and 119.02 acres.

Nathan Chess stated that the application would need NYS DOT permit and letter for driveways, CC DOH perk test results, and the maps need to show the distances between house, well, and septic sites.

Nathan Chess also asked that the 100-year flood plain be delineated on the map. Jay Brousseau asked if the applicant had supplied a letter or documentation from the property owner giving Mr. Mattikow permission to represent them on this application. Secretary Jodi Keyser supplied a letter from the Runyon family giving Mr. Mattikow permission to proceed with the application. Nathan Chess asked if it is legal for the buyer to represent the application. Mr. Mattikow stated that in New York State a buyer can act as a seller's agent which can be a broker, attorney, real estate agent, some surveyors, and engineers can legally represent the seller.

Barrett Mack understood what Mr. Chess was asking and he will research the question. Virginia Ambrose asked why the application had such an odd formation to the parcels. Mr. Russell stated that the parcels were drawn to allow for reasonable roadway frontage and to keep from devaluation of the remaining 119 acres.

Nathan Chess asked Mr. Mattikow if as the purchase vendee whether he is going to purchase the property. Mr. Mattikow stated that this question was answered earlier. Mr. Mattikow stated that the Rte. 217 LLC is under contract to purchase the 141 acres from the Runyon's aka Beaver Creek Realty in which Rte. 217 LLC will purchase 119.02 acres from the Runyons and they will retain the remaining 22 acres. Nathan Chess asked if Rte. 217 LLC was in contract to purchase both Phases I & II. Mr. Mattikow stated yes. Jay Brousseau asked that the SEQRA form be resubmitted to show the updated acreage. Mr. Russell will submit a revised SEQRA. Mr. Mattikow changed the official Subdivision application and initialed the changes. Mr. McCreary stated that he sees the details for Parcel #1 but not on Parcel #2 on the maps. Mr. Mattikow stated that he was not planning to do anything with Parcel #2. Nathan Chess informed Mr. Mattikow that the Planning Board requires each parcel to show the details of well, septic, and house site to determine if the parcel would create a legal subdivision. Jay Brousseau stated that the TOC code requires perk testing on all parcels but remembers the Planning Board waiving this requirement in the past for large parcels. Mr. Mattikow asked if he was required to engineer the remaining 119 acres in Parcel #2. Nathan Chess stated yes it is required by the TOC subdivision regulations. Nathan Chess continued that he realizes that this requirement was waived in the past but should not be waived in this application. Chairman Hook polled the Planning Board members as to whether they would allow the perk testing on Parcel #2 to be waived. All members with the exception of Nathan Chess were favorable to waiving the perk testing on Parcel #2. Barrett Mack summarized the application and items that the applicant needs to supply, NYS DOT curb cut approval letter, CC DOH perk test permit on Parcel #1, delineate 100-year flood plain on maps, and revised SEQRA. Barrett Mack suggested continuing the application for the October meeting to allow the applicant time to obtain answers to the questions and revised maps. Barrett Mack stated that the Planning Board determined that perk testing on Parcel #2 can be waived due to the size of the parcel. Barrett Mack informed the Board that if they all questions are answered, DOH permits, NYS DOT curb cut letter, and revised SEQRA are received then the Board can set public hearing for the November 2011 meeting. Board members then asked how many times the property has been subdivided in the past. Jay Brousseau suggested that the Board wait to classify the application until the amount of subdivisions is answered. Jay Brousseau continued that all subdivisions of the Beaver Creek properties should be considered in the classification. Mr. Mattikow informed the Board that when NYS DOT separates a property it does not constitute a subdivision. Dan Russell stated that he will bring a tax map to the next meeting showing parcels were not previously subdivided.

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.

Mr. Mattikow submitted a letter dated 8/11/11 to the Planning Board officially withdrawing this application.

Catskillview Rd. Subdivision: Tax Map #(SBL) 132 – 1 – 49 & 132 – 1 – 50 Seeking modification of a previously approved Subdivision located at Catskill View Rd.

Derick Gardner of Clark Engineering was present for the application. Mr. Gardner informed the Board that his client Mr. Chris Jones owns the Catskill View Rd. Subdivision and is seeking to modify the previously approved cul-de-sac. Mr. Gardner informed the Board that Mr. Jones is seeking to allow the center of the cul-de-sac to be grass and not pavement. Mr. Gardner stated that grass in the center of the cul-de-sac would be better for stormwater mitigation. Jay Brousseau stated that the TOC Roadway specs call for 20-feet of roadway at the diameter but does not remember requiring the applicant to pave the inner circle of the cul-de-sac. Mr. Gardner stated that the second request is to build the roadway to TOC specs and then add a layer of oil and stone to make it look more like a country road. Mr. Gardner informed the Board that the third request is to modify the 4-foot of shoulder along the roadway with a flexible asphalt material instead of the required 3-inches of crushed stone. Mr. Gardner stated that the different material will hold up better. Nathan Chess stated that he did not remember requiring the center of the cul-de-sac to be paved. Board members reviewed the approved subdivision maps that show the flexible material being approved. Nathan Chess suggested that the applicant refer the request to the TOC Highway Superintendent Louis Lamont.

Three items are grass-island in the cul-de-sac, topping the built to TOC specs roadway with oil and stone, and use of a flexible asphalt material for the 4-foot shoulder instead of crushed stone. Jay Brousseau stated that each item sounds smart in his opinion. Paul McCreary stated that the flexible shoulder material might be a maintenance issue and it should be referred to TOC Highway. Paul McCreary also stated that limiting the amount of asphalt in the cul-de-sac is a good idea unless there is a reason to require the island be entirely paved. Nathan Chess suggested that Mr. Gardner relay a message to Mr. Jones that re-thinking his decision to dedicate the roadway to the TOC would alleviate most of these issues. Barrett Mack will look at old minutes and contact Louis Lamont. Paul McCreary asked if this is going to be a TOC highway and if bonding and inspections will be required. Continued to the October meeting.

L. Elliott Bristol Estate Subdivision: Tax Map #(SBL) 121 . 00 – 01 – 03 Subdivision of approximately 47 +/- acres into 3 parcels located on NYS Rte. 9-H and Old Lane in Claverack.

Jeff Plass was present for the application. Mr. Plass reviewed maps of the proposed subdivision for the Board. Mr. Plass explained that the Bristol estate is seeking to subdivide 47.405 acres into three parcels at the intersection of NYS Rte. 9-H and Old Lane. Mr. Plass stated that the property has been subdivided twice prior. Mr. Plass informed the Board that Parcel #3 contains the original house which is along NYS Rte. 9-H. Mr. Plass stated that Parcel #1 has a small amount of frontage along Old Lane but a larger amount along the Water Tower roadway which is a TOC approved roadway. Chairman Hook stated that the applicant needs to provide CC DOH for Parcels #1 & 2, NYS DOT driveway permit for Parcel #2, and TOC Highway permits for the other parcels. Paul McCreary stated that he noticed a driveway along the northeast corner.

Motion to classify as a 3-lot minor subdivision was made by Jay Brousseau with a second from Virginia Ambrose. All members were in favor. Motion carried.

Set for public hearing at the October meeting.

Motion to adjourn the meeting was made by Caren Mahar with a second from Jay Brousseau. All members were in favor. Motion carried. Meeting adjourned at 8:30 pm.

Respectfully submitted,
Jodi Keyser
Secretary