

**TOWN OF CLAVERACK
PLANNING BOARD**

**Minutes
July 30, 2007
7:00 PM**

APPROVED 10/1/07

Chairman Jay Brousseau called the July 30, 2007 meeting of the Town of Claverack Planning Board to order at 7:06 PM. Members in attendance were Chairman Brousseau, Stephen Hook, Daniel Northrup, Robert Kavanaugh, Virginia Ambrose, attorney Rob Fitzsimmons, engineer Joe Romano, and secretary Jodi Keyser. Absent with regret were Judy Zink and Caren Mahar.

Board members reviewed the minutes of the July 2, 2007 meeting. Motion to accept the July 2, 2007 minutes as written was made by 1st Stephen Hook with a 2nd from Daniel Northrup. All members were in favor. Motion carried.

Correspondence received for the month of July were:

Response letter from Clough Harbour and Assoc. regarding the Catskill View Rd. subdivision.

Letter from Columbia County Department of Health regarding Catskill View Rd. subdivision.

NYS DEC letter regarding lead agency status for McNamee Claverack gravel bank dated July 18, 2007. No one on the Planning Board had knowledge of the aforementioned gravel bank. Rob Fitzsimmons informed the Board members that the same letter was received by the ZBA also. He will check on the letter with the DEC.

Columbia County Department of Health letter dated 7/11/07 regarding Richard Jones' 2 lot minor subdivision also not on the agenda before the Planning Board.

Cornell Co-operative Extension "Nuggets and Nibbles"

Town of Claverack Building Inspector Report for June 2007.

Rural Futures for July/August

Letter from Clark Engineering regarding Catskill View Rd. subdivision.

Notice of map filings with the County for Bloomfield & Riley and Margaret Browne subdivisions.

Chairman Brousseau asked the members of the Board if they had any objections to starting the meeting with the Friedrich subdivision instead of Catskill View Rd. subdivision because a Board member was in route to the meeting and the number of members present did not meet the number needed for a quorum.

Board members were all in agreement.

Planning Board Cases for 7/30/07:

Friedrich, Daniel & Lawrence Subdivision: 2 parcels from 67 +/- acres on Old Barrington Rd. Tax Map # (SBL) 132 . - 2 - 8.

Mr. Duncan Bruce and Mr. Daniel Friedrich were present for the application. Outstanding issue with permit from A.C.O.E. Rob Fitzsimmons and Joe Romano were in contact with Peter Olmstead of the A.C.O.E. and were both in agreement that the applicant will have a permit granted by the A.C.O.E. in the future but due to some litigation that the A.C.O.E. is involved with at this time they are unable to grant any permits in writing. Not just this application but this is the situation for all permit applications at this time. Rob and Joe discussed with Mr. Olmstead a minor change in the culvert size. Chairman Brousseau conferred with Rob Fitzsimmons and Joe Romano and he is also satisfied that the A.C.O.E. will rubber stamp the permit A.S.A.P. Maps with septic design, perk test sites, well, driveway, and current survey showing meets and bounds of remaining lands thereof submitted 7/30/07. TOC highway submitted 7/2/07. Department of Health submitted 7/2/07. Rob Fitzsimmons informed the Board that he felt they could move on this application with condition that the applicant must secure the permit from the A.C.O.E. prior to issuance of a building permit from the town and any construction work starting. Rob Fitzsimmons asked the Board secretary to send a letter to the TOC Building Inspector Stan Koloski informing him not to issue a building permit unless the applicant produces the permit from the A.C.O.E. Chairman Brousseau opened the meeting to the public at 7:27 PM. No comments from the public. Closed public comment at 7:28 PM. Application was classified as a 2-lot minor subdivision and the short form SEQRA was reviewed at the July 2, 2007 Planning Board meeting. Motion for negative declaration SEQRA was made by 1st Daniel Northrup with a 2nd from Stephen Hook. All members were in favor. Motion carried.

Motion to approve a 2-lot minor subdivision with contingent approval from the A.C.O.E. with the condition that the applicant secure A.C.O.E. permit prior to the issuance of a building permit from the Town of Claverack and prior to any construction taking place at the site was made by 1st Daniel Northrup with a 2nd from Virginia Ambrose. All Board members were in favor. Motion carried.

Mr. Bruce will mail a check to the secretary in the amount of \$120.00 for his final fees. Check was received on 8/4/07.

CloverHills/ Milligan/Birch Builders Subdivision: Re-submitting of a previous subdivision.
No Show

Pennoyer, Douglas Subdivision: 100 Stottville Rd. Claverack. 4 parcels + 1lot BLA? From 72.8 acres, Tax Map #(SBL) 101.-1-1.111.

No Show

Blue Ridge LLC: Boundary Line Adjustment 200 Gahbauer Rd. Tax Map #(SBL) 101 . 00 – 02 – 20 . 1. Revise lot lines between two existing parcels taking 3.8 +/- acres from one parcel and adding 3.8 +/- acres to the other parcel.

No Show

Board member Robert Kavanaugh asked to be recused due to representing an adjoining landowner.

Catskill View Road/Woodland Assoc. LLC Subdivision: 17 parcels from 287 +/- acres on Catskillview Rd. in Claverack Tax Map # (SBL) 132-1-50.

Mr. William Johnston, Mr. Doug Clark, Mr. Kirby VanVleet, were present for the applicant. Letter from Columbia County Department of Health dated 7/16/07 to Mr. Clark redesign for septic. Letter from Mike DiRuzzio of CC DOH to Mr. Clark dated 7/23/07. Mr. Clark met with Mr. DiRuzzio to clear up the discrepancy asking for written comments regarding Mr. Van Vleet's February hydrogeological report. Letter from Clough Harbour and Assoc. submitted 7/30/07. Joe Romano reviewed the comment letter for the Board. Mr. Romano informed the Board that there are still some outstanding technical issues that the applicant will need to address. Mr. Romano stated for the Board that at this time Clough Harbour and Associates have reviewed all the records submitted and that they have enough information to make the decision that the closed Columbia County landfill will not impact the wells in the Catskill View Rd. subdivision. Mr. Dave Robinson of the Columbia County Department of Public Works was asked by the Planning Board to review the closed landfill and its influence on Shad Swamp. Mr. Robinson submitted a letter and he read the letter for the Board. Mr. Robinson stated in his letter that after reviewing the information submitted from the hydrogeologic report he finds no impact or influence from the landfill on Shad Swamp. Mr. Robinson stated that well # 4 was used for the testing because it is below the water level of Shad Swamp in order to find any connection and there is no impact found. Mr. Robinson stated that the applicant performed a 72-hour pump test on the well closest to Shad Swamp and that also showed no connection. A 72-hour pump test is not required by the applicant but they wanted to test the well and Shad Swamp at the same time. This showed no impact and all results were below standards. Rob Fitzsimmons informed the Board that it is the engineering consensus that the Board continues with the progression of the project. Board member Daniel Northrup asked town engineer Joe Romano if he would have a problem drinking water from the wells in the subdivision or to letting his family drink the water? Mr. Romano answered no but didn't feel relevant. Mr. Robinson was asked the same question. Mr. Robinson answered that he does not drink any tap water. He informed the Board that the landfill closure followed approved guidelines and procedures. Tested once a year and submitted to DEC and everything is fine.

Chairman Brousseau opened the meeting to public hearing at 8:07 PM informing the audience that comments need to be held to 5 minutes for each person so that everyone has a chance to be heard. Frank Clegg of Catskill View Rd. that the monitoring well #8 showed high levels of manganese and iron. Mr. VanVleet answered that the levels were comparable to all wells in the county. Mr. Clegg stated that the bottom of Shad Swamp because the contaminants from the landfill have settled and that most of the water flows south past the swamp. Testing was not done in areas that houses are being built. Mr. Clark stated that the wells tested showed levels comparable to all other wells in Columbia County.

Tim Smith of Catskill View Rd. stated that he feels the landfill is not monitored correctly and questions the route of monitoring. He stated that the testing information is based on old testing and not new testing. Mr. Robinson answered

that he was asked by the Planning Board to review the hydrogeologic report and to determine whether there is any connection between the closed landfill, the groundwater aquifer, and Shad Swamp. Mr. Smith stated that he felt that the water entering Shad Swamp is different than the water leaving the swamp. Mr. Robinson stated that there is no connection between the swamp and closed landfill. Mr. Smith stated that the swamp is acting like a natural leachate. Mr. Robinson answered that all standing groundwater does this. Chairman Brousseau asked at this time how many functioning wells are between the proposed subdivision and the closed landfill. Mr. Clark stated that within 1.3-mile circle of the landfill there are 145 tax parcels in 3500 acres. If this subdivision is of such a concern then there should be a bigger concern. Bigger picture number of parcels turned over and subdivided 10, 12 or 15 new houses recently but just one at a time does not create such a red flag. Mr. Johnston asked if any of the new homeowners within the area in question have contacted Mr. Robinson with concerns. Mr. Robinson stated no. Mr. Smith stated that he has nothing against subdivision or developer but feels that the situation could cost the town and the county a lot of money if the wells become contaminated at some point. Chairman Brousseau asked town attorney Rob Fitzsimmons if the town would be open for litigation. Rob Fitzsimmons stated that if one of the wells in the subdivision becomes contaminated then the homeowner would sue the developer not the town. He informed the Board that their function is to determine if lots are buildable and one of the stipulations to determine this is potable water supply. Mr. Smith then stated that there are no records to show number of accidents on the road only the people who live there can. Mr. Smith then asked Mr. Robinson about the Article 78 action that was brought against the County. Mr. Robinson reviewed the county's procedure and reason for closing the landfill. Mr. Smith then informed the Board that he wants them to understand the information that he has found and that this project will create legal issues for the town and county. Mr. Smith wants the Planning Board to ask for a full disclosure. Chairman Brousseau asked the town engineer, town attorney and Mr. Robinson if it is a fact or just a rumor that Shad Swamp is polluted? Chairman Brousseau asked Mr. Smith to produce data stating that the information provided by the experts to the Board is incorrect. Mr. Smith stated that there is no current data on Shad Swamp. Chairman Brousseau asked the experts what is involved in finding out if or if not Shad Swamp is polluted? Mr. Robinson stated that whether Shad Swamp is polluted or not polluted is not in question. The question is whether there is a proven connection between the closed landfill, Shad Swamp, and the groundwater aquifer. Mr. Northrup reiterated that no other wells in the area have been found to have pollutants. Mr. Robinson again stated that is a correct statement. Mr. Clegg then asked the Board what happens if a person buys a lot and then is buying part of Shad Swamp and something happens that their well becomes polluted? Rob Fitzsimmons stated that the concern for the Board is whether the subdivision lots have potable water, adequate access, and a usable septic design. He also stated that the Real Property Disclosure is up to the seller to disclose any and all problems to the buyer. Mr. Smith then asked if the Planning Board could make the seller inform potential buyers of the landfill and possible pollution? Rob Fitzsimmons stated that the Planning Board has no authority other than subdivision laws to govern subdivisions and that making such a stipulation could open the Board up to litigation by the developer for interfering. Chairman Brousseau then continued the public hearing to the September meeting. Punch list for Clough Harbour includes lot lines, septic designs and locations, wants final septic design approval for lots #14 & #15, and archeological questions answered. Mr. Smith handed each member of the Board a packet of information he has gathered and one copy was submitted to the file. New maps may be ready for the September 13, 2007 meeting. Chairman Brousseau informed the applicant that if all of the information requested is ready and data for the EAF is received then the Board will begin the EAF review process.

Mr. Kavanaugh re-enters the meeting.

Motion to adjourn was made by 1st Stephen Hook with a 2nd from Virginia Ambrose. All members were in favor.

Motion carried. Meeting was adjourned at 9:04 PM.

The next regular meeting of the Town of Claverack Planning Board will be Thursday, September 13, 2007 at 7:00 PM.

Respectfully submitted,

Jodi Keyser
Secretary