

APPROVED 8/5/19

**TOWN OF CLAVERACK
PLANNING BOARD
P.O. Box V
Mellenville, NY 12544
MINUTES: July 1, 2019**

Chairman Scott Cole called the July 1, 2019 Town of Claverack Planning Board meeting to order at 7:00 p.m.

Members in attendance were: Chairman Cole, William Michael, Stephen King, Jock Winch, Alberta Cox, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser.

Absent with regrets: Virginia Ambrose and Robert Vecchi

Board members reviewed the minutes of the June 3, 2019 meeting.

Motion to approve the minutes of June 3, 2019 as written was made by Stephen King with a second from Alberta Cox.

Correspondence was received from the Columbia County Planning Department regarding the Storemaster/Pretium Site Plan granting approval of the modifications.

CONTINUING APPLICATIONS FOR 7/1/19:

Hudson Greys LLC Subdivision: Tax Map #(SBL) 132 . – 2 – 50 & 29.11. Located at NYS Rte. 23 and Old Barrington Rd. Subdivision of 52.06 acres into 3 parcels of 11, 5 acres, 12.03 acres and 28.53 acres respectively.

Dan Russell was present for the application. Mr. Russell reviewed the proposed 3 lot subdivision which is situated between NYS Rte. 23 and Old Barrington Rd. Mr. Russell submitted new subdivision maps with changes as per George Schmitt's review letter. Mr. Russell explained each page of the 4 sheet submission as follows: page 1 is the subdivision map with parcel 1 of 11+ acres parcel 2 with 12+ acres and parcel 3 with 28+ acres, page 2 and 3 are engineering and grading details with 2 foot contours and showing 3.88 acres of disturbance, page 4 shows the sediment/erosion plan. Mr. Russell reviewed the addition of delineated wetlands to the maps. Mr. Russell informed the Board that he updated the information table on the maps and placed potential house sites to show that there is ample area for setbacks on each parcel. Mr. Russell continued that as per George Schmitt's comment letter he has submitted a revised EAF for the application changing the stormwater question to yes. Mr. Russell informed the Board that he has applied for a wetlands crossing permit for the 200 square feet of disturbance with the Army Corps of Engineers which takes some time. Stephen King asked about the construction entrance on the map. Mr. Russell stated that this is necessary to mitigate the mud and dirt from tracking onto the street. George Schmitt stated that the NYS DEC requires this. Chairman Cole asked if the driveway through the wetlands is currently and existing driveway. Mr. Russell answered yes but the driveway needs to be widened from 8 feet to 12 feet for emergency vehicle access so it has to be widened 4 feet along the wetlands which has to go through an ACOE permit. George Schmitt stated that the changes were all good as far as his comment letter. Rob Fitzsimmons reminded the Board that they had discussed individual perk tests for each parcel and it was decided that due to the size of the parcels it will perk someplace which is an added note on the map. Rob Fitzsimmons also reminded the Board that the former Theilman Rd. was closed several years ago and will remain closed and that all parcels have frontage

on a State and or County road. Rob Fitzsimmons informed the Board that Andy Howard's office is drafting a driveway maintenance agreement for the parcels showing that they all share expenses for maintenance of the shared driveway.

Chairman Cole opened the meeting to public hearing at 7:16 p.m.

David Balen owns the property adjacent to the proposed subdivision and was not notified via mail. Mr. Balen stated that the map has the previous owner which is not correct. Rob Fitzsimmons informed Mr. Balen that the Town of Claverack is not required to mail notifications of subdivision to adjoining property owners only to post the application for public hearing in the Register Star and the Town of Claverack website. Mr. Balen stated that he purchased the property in 2010 from Gurten and it is still showing Gurten as an abutting property owner. Mr. Balen stated that he has a copy of the deed with convenient showing that only two residences are to be allowed on the property so he wondered what type of manipulation has been created to now have three. Mr. Russell stated that when he makes the maps and abutters listings for applications he uses the latest tax maps filed with the County. Mr. Balen stated that the tax maps must not be correct because he has owned his property since 2010 and has paid taxes all these years but is not listed on the abutter listing. Mr. Russell stated that the convenient of deed restricts the property to have only one 4,000 square foot residence if the property were to be sold as one entire parcel and it allows for a maximum of 3 houses to be built. Chairman Cole asked if each parcel could have a 4,000 square foot home. George Schmitt answered that the restriction is that if the parcel remains as one then it allows for only one 4,000 square foot residence but if it is subdivided in to two parcels could have two residences and if three parcels then it could have three residences. Mr. Balen stated that he is concerned because this property is directly opposite his home. Mr. Balen continued that he understood a house or two but now three houses and he is unclear of the limitations of the restrictions if one 4,000 square foot home is allowed on one parcel then what would the sizes of the three houses be. Rob Fitzsimmons informed Mr. Balen that the deed restrictions are not for the Town of Claverack to decide or make a decision on that he should research a title report that would give clear details of the restrictions. Mr. Balen asked if the properties are subdivided into the three parcels what if these parcels are sold do different people who then might want to subdivide them again. Mr. Russell informed Mr. Balen that this is a possibility with any subdivision and it could happen with these parcels but the owner is required to submit a subdivision application with the Town of Claverack Planning Board for review. Mr. Russell stated that he has met the deed restrictions at this point. Chairman Cole suggested that Mr. Balen visit the Columbia County Clerk's office to find out what the deed restrictions entail. Mr. Russell gave Mr. Balen his card and the number for the County Clerk's office to look for section #715 page 518. Mr. Balen stated that he is concerned with the property will look like after the buildings are constructed because he looks out onto a vacant field right now. Mr. Balen stated that he is also concerned with the light pollution even though he understands change happens he is worried about the property changing hands over and over.

Jim McCarthy and Diane McCarthy of Old Barrington Rd. own the abutting property at 96 Old Barrington Rd. Mr. McCarthy stated that he understands that the property owner can do what he wants but he is concerned with the environmental impact on the lower property. MR. McCarthy continued that his property was wet and he built an ACOE approved pond to reclaim part of the wetlands. Mr. McCarthy stated that he understands the reasons for the driveway and the need for the width for emergency vehicles but he is concerned that when the pond/wetlands rise they flow back onto his property. Mr. McCarthy stated that he is concerned with the wetlands spilling over and adding to the wet area of his property which he would not want to happen. Mr. Russell stated

that the delineated wetlands will only be impacted by widening the roadway 4 feet for NYS Fire Code. Mr. McCarthy stated that the previous owner tore up portions of the former Theilman Rd. and just built a driveway wherever she wanted to. Mr. Russell stated that his clients are required to have a licensed contractor build the shared driveway and the Army Corps of Engineers will be watching the two projects. Mr. McCarthy asked if he has any recourse if there is any impact to his property i.e. wastewater runoff. Mr. Russell answered that the ACOE will not allow that to happen and expects the least amount of impact to the wetlands just like the NYS DOT would not allow the driveway access from NYS Rte. 23 because of the slope and the danger. Mr. Russell continued that if the project were seeking to build 15 houses that would not be reasonable but only seeking to add 4 feet to the driveway for emergency access as required by the NYS Fire Code. Mr. Russell stated that if he were asking for 24 feet wide driveway then the ACOE would say no that is why he is keeping the driveway to the minimum width for minimal impact. Mr. Russell continued that sometimes the ACOE allow for more impact if the area is wetter than the mitigations might be more detailed which sometimes happens but it depends on the quality of the wetlands. Mr. McCarthy stated that he is happy with the 500 square foot pond that he created and would not want it to get any larger. Mr. McCarthy continued that the area is very wet that was the reason for creating the pond to capture the wetlands. Mr. McCarthy continued that he does not understand the slopes and grading but would like an assurance that the bottom part of the former Theilman Rd. will not be used again also. Mr. Russell stated that the Subdivision maps have a note that Theilman Rd. is an abandoned road that was closed by the Town of Claverack and will not be reopened. Mr. McCarthy stated that the previous owner made an attempt to reopen Theilman Rd. to large construction vehicles and tore out the tree line and now Mr. McCarthy can see his neighbors and it took away his privacy. Mr. Russell stated that Theilman Rd. will remain closed forever and cannot be reopened. Mr. McCarthy asked for a copy of the EAF. Mr. Russell handed Mr. McCarthy a copy of the EAF.

No further comments the public hearing was closed at 7:30 p.m.

George Schmitt reviewed the SEQRA for the Board.

Motion to grant negative declaration for purposes of SEQRA was made by Jock Winch with a second from William Michael. All members were in favor. Motion carried.

Motion to grant approval for a 3-lot minor subdivision was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. Russell paid final fees of \$675.00

NEW APPLICATIONS FOR 7/1/19:

Katsivelos Subdivision: Tax Map #(SBL) 111 . – 1 – 82 Located at 340 & 360 NYS Rte. 9H
Subdivision of 12.9 acres into two parcels of 10.9 and 2 acres respectively.

Dan Russell was present for the application. Mr. Russell stated that his client owns 12.9 acres that has two existing houses with two separate wells and septic systems. Mr. Russell continued that his client wants to subdivide the small cottage with two acres from the 12.9 acres to be able to sell it easier. Mr. Russell informed the Board that this applicant has received an Area Variance from the Town of Claverack Zoning Board of Appeals on 6/26/19 to allow for the 2 acre parcel in a 5 acre zone with the restriction that the remaining 10.9 acres remain as one parcel with no further subdividing. Rob Fitzsimmons informed the Board members that he was present at the 6/16/19 Zoning Board of Appeals meeting and the Board had a tough time coming to a decision but they reviewed all of the

arguments that the applicant presented such as that the small cottage only needs to have two acres with it to make it marketable, making the parcel larger would encroach onto the larger parcel making the property line too close to the driveway and well and the owner also owns 20 acres behind the large house which would become landlocked if the property were subdivided according to the ZBA laws. Rob Fitzsimmons stated that because of these arguments the TOC ZBA granted the area variance and the owner agreed that the remaining 10.9 acres would remain one parcel no further subdivision. Rob Fitzsimmons then informed the Planning Board members that they are o.k. to move forward with this application. Mr. Russell stated that there are no changes to the parcels other than the subdivision. Rob Fitzsimmons informed the Board members that the smaller parcel has no impact on the surrounding neighborhood because there are several existing small parcels.

Motion to accept the application as complete and set public hearing for 8/5/19 was made by Stephen King with a second from William Michael. All members were in favor. Motion carried.

Secretary Jodi Keyser informed Chairman Scott Cole that she did not receive two copies of the Harpis Site Plan maps after they were stamped and signed. George Schmitt and Chairman Cole will see that these copies are handed in at the Town office.

Motion to adjourn the meeting was made by Jock Winch with a second from Alberta Cox. All members were in favor. Motion carried. Meeting adjourned at 7:50 p.m.

Members of the Planning Board then received mandatory Work Place Violence Training from William Michael.

Respectfully submitted,

Jodi Keyser, Secretary