

Gellert – County Route 6 & Cedar Hill Road
Messmer – Commons Road
Fenn – Common Road
Sharon Acres Development – Route 9

Mountain View Farm – County Route 6
Kosior – County Route 6
O’Neal – Route 9

CLERMONT PLANNING BOARD

OCTOBER 10, 2007

The Clermont Planning Board held public hearings and its regular meeting on Wednesday, October 10, 2007 at the Town Hall. Those members present were Laurence Saulpaugh, Clayton Andrus, Robert Queirolo, Dianne O’Neal, Garret O’Connor, Mandy Fuchs and Aldo Dusman.

Also present were Dan Wheeler of D.F. Wheeler Engineers, Andrew Howard, Town Attorney, Kevin and Dawn Russell, Richard Messmer, Ross Fenn, Ronald Seymour, Jr., Kenneth Casamento, Rodney Morrison, William & Edward Kahle, Brandon Seymour, Raymond Staats, Irving Minkowitz, Mary Funk, Theresa Mulkins, Kim Morrissey, Justina D’Angelo, Christine Kosior, The Stickles and Bob Desmond,

The meeting was called to order by Chairman Saulpaugh. There was a correction to the minutes noted by Dianne O’Neal on page 3 - that there is no specificity on number of parking spaces required for her project and if Mandy did say that. There is no square footage for farmers market but for inside store in the zoning regulations. Dianne thought that it was said that there is no square footage in our zoning. Remembers it not being specific in zoning. A motion was made by Garret O’Connor, seconded by Clayton to accept the minutes with the correction to delete “For every 100 square feet of building, one space must be allotted”. All in favor. So carried.

Dawn and Kevin Russell, representing Phil Gellert for a boundary line change on County Route 6 and Commons Road, brought in maps and paperwork. It was noted that Mr. Gellert has addressed the concerns from the last meeting in a letter from Dan Wheeler. Dan Wheeler has reviewed these maps. A copy of the CED wetlands map has been attached.

A motion was made by Mandy Fuchs, seconded by Dianne O’Neal to open the public hearing. Chairman Saulpaugh explained the boundary line change and that all requirements have been addressed. There were no questions from anyone present on this action. A motion was made by Mandy Fuchs, seconded by Dianne O’Neal to close the public hearing. All in favor. So carried.

A motion to approve the boundary line change was made by Aldo Dusman, seconded by Dianne O’Neal. All in favor. So carried.

A motion was made to open the hearing on the SEQRA application. It was determined that there is no adverse impact by this proposed action. A motion was made by Clayton

Andrus to declare a negative declaration, seconded by Dianne O'Neal. All in favor. So carried.

A motion was made by Mandy Fuchs, seconded by Clayton Andrus to open the public hearing on the Mountain View Subdivision project on the north section of the property on County Route 6.

Rodney Morrison of Land Resource Consultants, representing Prime Development made the presentation to those present. Certified letters were sent and receipts submitted for it. The project is Mountain View Farm subdivision consisting of 65 acres. There are 40 acres on north and 25 acres on south. When they came before the board, the zoning was one-acre in the RA, but the board felt their plan was very dense, even though it met the regulations. The number of lots proposed has been changed to 3-4 acres per lot rather than on two acre or smaller lots. There is a single road extending to the back of the property with a cul-de-sac. Because of the length of the road and the number of lots proposed off of the road, the applicants needed to seek a variance to have all single family homes off of the proposed road from the Zoning Board of Appeals. A variance was granted for fifteen lots. After the variance was granted it was decided to subdivide the existing house and two lots with frontage on County Route 6. The Stickles, who live in the existing house, were present for this hearing. When the road is complete, there is an agreement with the Stickles to close their existing driveway and they will use new road to access their property. There are thirteen residential lots proposed off the 1450-foot road with cul-de-sac. Four of the lots have a common driveway and the remaining lots have individual driveways. It is up to the discretion of the Planning Board to consider the merits of this street extending all the way to the Minkowitz property or as it is layed out.

This hearing is just for the north section. There is no intention to change the south lot but they are just not ready at this time to present it. There is one area, which was left open to allow for the view of the mountains. The owner is a builder and there are packages to purchase solar or geo thermal homes. The Chairman asked if anyone has any questions for Mr. Morrison.

- William Kahle – County Route 6 -Asked about the size of the houses. Mr. Morrison responded that what is contemplated is 3-4 bedrooms homes, 2000-3000 square feet. He is concerned about home sales in the area.
- Wickham Boyle – County Route 6 – The housing market has changed and it is unprecedented. Does board have power to do anything about this? Mr. Morrison responded - LRC is a designer of projects and in tune with market change. Market cannot be guaranteed. Ms. Boyle is very nervous and thinks we should use original housing rather than subdivision. Rodney believes if built and put forth, they will be sold.
- Ron Seymour / Brandon Seymour – County Route 6 - The concerns are that septic and drainage will be draining towards their property which adjoins this project. What will happen to water coming off leach field? Mr. Morrison responded that soil tests were done, there is a large wetland area. Anything done has to be done 100 feet off

the wetlands. As it is developed, less open field, there will be less runoff. Asked how far off the property line is the proposed house and it is 150 feet. The septic field is over 110 feet from the property line. Drainage runs towards existing stream. There will be no more of less than there is now. The Seymours asked if the land would be leveled by second and third house or left as is. Mr.Morrison does not anticipate leveling land. There will be no house on slope.

- Mr.Minkowitz asked if the road would be wider than usual. Mr. Morrison responded that a decision was made to leave the paved surface at twenty-two feet and build a gravel shoulder four feet wider than that and add four feet additionally. The total road width is thirty feet wide. Roadside swales will carry stormwater all the way up to the cul-de-sac. This is at the request of the Highway Superintendent for snow plowing and emergency vehicles.
- Beyond eastern property line there is a right-of –way, owned by Mr. Minkowitz. It was reported that at one time it went all the way through to County Route 8. When asked if they consume that right of way, the response was that it is Mr. Minkowitz' property and not wide enough to build a road. This design is creating a legal right of way for future access by Mr. Minkowitz or a successor of the property.
- Edward Kahle asked what other subdivisions the developer has done in this area. Mr. Morrison's response was that the parcels are consistent with subdivision and the zoning ordinance. There isn't anything proposed hear that stretches the limits of the zoning.
- William Kahle – This project should require an environmental impact statement. Mr. Morrison responded that all of this work has to be done when you do a major subdivision and has been done. Mr. Kahle doesn't like to hear this just dropped like a bomb.
- Ron Seymour asked if this would have an effect on our wells? Mr.Kahle thinks it has to have an effect when everyone starts his or her washing machines, etc. Mr. Morrison stated that they are following the health code, should have no effect.
- Mr. Minkowitz asked about the impact on agriculture. Mr. Morrison responded that the agricultural data form is filed. Based on zoning, you are allowed to develop. Chairman Saulpaugh responded that when land is sodded and seeded there should be less runoff.
- Ron Seymour is concerned that the one house in the back part of the subdivision will cause a water problem. Mr. Morrison – Outside of the DEC buffer, a berm can be built to remove surface water, not ground water. Chairman Saulpaugh suggested going out with Ron and have him show the problem.
- The lots proposed are 8.5 acres, 5.5 acres, 3 acres, and 4.3 acres. Four of the thirteen are two acres; the rest are in excess.
- Wickham Boyle -There has been no vote, this in informational hearing. Is there a reason why you are doing this? Mr. Morrison responded that the Planning Board is empowered only to act on the laws. The applicants have been working for two and a half years; the density is less than what we started with. Mr.Minkowitz has been aware of all the plans since day one. Any other comments that we can deal with we are happy to.

Chairman Saulpaugh stated that the board is going to continue the hearing next month, giving Mr. Morrison time to answer questions that were brought up.

Dianne O'Neal asked if they could provide a list of other developments that they have worked on. Mr. Morrison will comply. A motion was made by Aldo Dusman, seconded by Clayton Andrus to continue the hearing until next month. All in favor. So carried.

The purpose of public hearing is for public to convey concerns to board. The applicant will address the issues brought up tonight.

Richard Messmer of Commons Road is proposing subdividing a seven-acre lot into two lots – 2 acres and 5 acres. He has received Health Department approval and driveway approval from Highway Superintendent Potts for the two-acre lot. He does have to send a survey map to the Health department. He originally was seeking a three-lot subdivision but eliminated the third lot, which called for a fill system. Garret O'Connor reminded Mr. Messmer to not include the driveway in the two acres on the survey map. A motion was made to accept the sketch plan presented by Garret O'Connor, seconded by Dianne O'Neal. All in favor. So carried.

Ross Fenn of Commons Road would like to subdivide approximately 7.50 acres into two lots, 5 acres and 2.50 acres. There is only approximately 195 feet of driveway which has only 60 foot width rather than the 100 feet which is required. The zoning requires 50-foot width for each lot. Mr. Fenn asked if he could get a variance on that because it is only a short distance? When he subdivided the last piece the Planning Board asked him to leave the required 100 feet in the event that he further subdivided. They suggested that he might be able to purchase the additional from Mr. Jantzen on the east side of his property line and add from his parcel to the 2.50 acre lot. Also could apply for a variance for two 30-foot areas for a common driveway if in the Hamlet. Come back next month with a complete application for the Planning Board and he can be denied and referred to the Zoning Board of Appeals.

Christine Kosior on County Route 6 has two parcels, 4.662 acres and 1.50 acres. She would like to change the boundary lines, giving her 2.50 acres with existing house and combining remaining acreage with the 1.50 acres parcel, which has an existing well and septic and a fifty foot right of way from Route 6. She wants to maintain the fifty-foot right of way with the larger parcel. She will get a surveyor and come back next month with a completed application

Four concerned residents of Sharon Acres on Route 9, Mary Funk, Kim Morrissey, Justina D'Angelo and Theresa Mulkins came before the board with concerns about the road in the Sharon Acres development. They have noticed that the for sale signs have been removed and have heard rumors that the last parcel has been sold. They are concerned that the developer will walk away without the road being turned over to the town. The town's engineer on the project, Raymond Jurkowski has spoken to our town attorney, Andrew Howard. In regard to the roadway, the physical work had been completed, the

road is topped and in relation to drainage issues, etc., but advised that there is an issue as to final 'as built plan' being stamped by his engineer. The plan is on Colarusso's desk ready to be stamped but the applicant has not followed through. Plans have been provided to Ray but are not stamped by engineer. Maintenance bond comes into play once maps are stamped, etc. Andy Howard can do a last owner search to find out if all lots have been sold. He believes that Mr. Ackerman should be violated and enforcement proceedings started to prevent him from selling these lots. Mandy Fuchs says all conditions must be met before approval is granted. Andy Howard will commence filing as soon as possible and serve him to hold him in violation. The tax department and building department should be notified. Town law does allow you to refuse to grant building permits.

Mrs. Mulkins was asked about the problem that she had with the septic system and drainage issue. The original location of the septic was changed because the house site was moved. DEC won't let them put drainage in because of wetlands.

Mandy Fuchs believes there is a conflict between the subdivision regulations and the highway ordinance on bonding or building a road. Andy Howard said the Town could consider dedication of road, even without engineered stamped maps.

Discussed review of the SEQRA applications - Can review outside of public hearing, after hearing is closed or can also be reviewed prior to public hearing.

Dianne O'Neal recused herself from the board for discussion on her proposal of a café, farm market and four apartments in the former Hettling building on Route 9.

1. Our zoning requires 10 parking spaces for four apartments. Garret O'Connor asked about handicapped parking. The architect should be familiar with building code and address this in the plan.
2. Robert Queirolo asked about loading zone for deliveries to the café and market.
3. Clayton Andrus brought up the requirements for the loading zone at Clermont Inn that they should be separated from the apartment area.
4. At a minimum 30 parking spaces would be needed for this plan.
5. Dianne left the outdoor seasonal market out of the plan, because according to Agriculture and Markets if it is not in the zoning regulations, then their rules prevail.
6. She must get approval from DOT on the entrance/exit. She asked if the board wants her to go further with her plan or go to DOT for approval first.
7. Robert asked if the gas tanks are gone. Dianne said yes, that DEC took them out and have monitored the area. She has the paperwork on it.
8. Has the drainage problem been resolved? The engineer is working on it.

Dan Wheeler should review and would like to talk to Mr. Sweeney and get the scale of the plan. He suggested getting engineer to work on the plan and then take it to DOT because they may cut down the entrances from two to one, in which case, a turnaround

would have to be provided. Once there is DOT approval, the board will have more information to work with.

A motion was made to adjourn by Garret O'Connor, seconded by Clayton Andrus at 10:40 P.M.

Respectfully submitted,

Mary Helen Shannon