

CLERMONT PLANNING BOARD
NOVEMBER 14, 2007

The Clermont Planning Board held its regular meeting on Wednesday, November 14, 2007 at 7:30 P.M. Those members present were Laurence Saulpaugh, Dianne O'Neal, Clayton Andrus and Garret O'Connor. Those members absent were Aldo Dusman, Amandus Fuchs and Robert Queirolo. Others present were Andrew Howard, Dan Wheeler, Rodney Morrison, Ken Casamento, Irving Minkowitz, Antonio Trigo, Robert Desmond, Brandon Seymour, Ronald Seymour, Sandy Wagner, Ronald and Jennifer Griffin and Thomas Jantzen.

Chairman Saulpaugh opened the meeting. A motion was made to accept the minutes of the October meeting by Garret O'Connor, seconded by Clayton Andrus. All in favor. So carried.

A motion was made by Garret O'Connor, seconded by Dianne to close the regular meeting and open the public hearing which was continued from last month on the Prime Development subdivision known as Mountain View Farms on County Route 6.

Mountain View Farms Subdivision – County Route 6

Rodney Morrison and Kenneth Casamento representing the applicant were present. They have addressed the concerns, which were raised at last months meeting.

1. Surface water on Seymour property – Met with the Seymour's on site and have suggested a four-foot berm with swale on each side to redirect water so it won't run through their property. Dianne O'Neal asked where the water will go? It will be directed towards the wetlands.
2. Screening – There is a potential for screening because of the view of house site to the Seymour's residence. Proposed using white pine and spruce to buffer the view of house site from their residence. Would allow vegetation between property lines to remain.
3. Resident Sandy Wagner asked which way the water will be going? It will go away from her property.
4. Garrett O'Connor asked what would prevent buyer from relocating the house site? Mr. Morrison responded that it would be stipulated on the map where the house location would be. Would there also be something in the deed to prevent the owner from removing the trees. Yes, and at the time the owner would apply for a building permit the berm and trees would have to put in place. If the parcel never sells or no house is built then it stays as is. There would be no berm or trees unless something is done. Dianne O'Neal asked if the Seymour's were all right with this arrangement. They responded that they are and can't expect the developer to do any more. They have been living with this water for years, but just don't want it to get any worse.

5. Ronald and Jennifer Griffin are neighbors to the west of the project. Their concerns are about water in their basement from the stream, which feeds into the wetlands, causing a saturated condition in their yard. Mr. Morrison responded that the property borders a wetland, they are required to have a 100 foot buffer which will re-vegetate over time. This plan would take the water away. Mr. Casamento also noted that DEC requires a statement in the deed with restrictions that nothing can be done in the buffer.
6. Bob Desmond asked if deed descriptions go to the Planning Board before the board grants final approval. Mr. Morrison responded that before final approval, the deed descriptions would be in place, but not before preliminary approval.
7. Mr. Morrison stated that the traffic study, DEC requirements and all studies that the board has asked for has been done.
8. They are delaying the south side development due to the agricultural dumpsite.
9. Bob Desmond has been sitting in on these meetings and the applicants have been complying with everything that board has asked.
10. The applicants were asked if they have sold any of the lots. They have not and cannot sell any lots yet. They have sold the original house and the existing driveway to that house will tie into the cul-de-sac eventually.
11. There are lots that are larger than zoning allows, usually there are restrictions to no further subdivision included in the restrictions. Would the board like deed restrictions for no further subdivision? Yes, the board would like deed descriptions for no further subdivision.

The Griffins and Sandy Wagner's letters were discussed. Dan Wheeler talked about the 25, 50 and 100-year storms. The design for this plan is a twenty five-year storm. It would be an unrealistic expectation to look for a guarantee that there would be no flooding. Realistically there should be less water because the land is no longer being used for farming.

Andy Howard feels that the applicant has addressed the concerns brought up at last months meeting.

Dianne O'Neal asked if we need to respond to the concerns of Sandy Wagner and the Griffins raised in their letters presented tonight. Both Dan and Andy agree that we have given it the hard look and do not have to respond.

Clayton Andrus made a motion to close the public hearing, seconded by Dianne O'Neal and to re-open the regular meeting.

The Full Environmental Assessment form, Part 1 was reviewed.
Changes were made on the following pages:

1. Page 3, B- 1 – number of lots from 10 to 13
2. Page 5, C- 9 – number of lots from 10 to 13

The Determination of Significance – Type I, Part 2 was reviewed. The Notice of Determination of non-significance for negative declaration was reviewed and a motion made to accept the written rationale for a negative declaration with corrections made by Dianne O'Neal, seconded by Garret O'Connor. All in favor. So carried.

The applicants are hoping for preliminary subdivision approval and requesting the board to look at final and based on what is done, waive public hearing on final. They will prepare the deed restriction language on wetlands and impacts around the house site. They are waiting for DEC approval. Dianne O'Neal asked if they want the board to leap over preliminary and grant final? Rodney Morrison would just like the final public hearing waived, grant final subdivision approval, contingent with conditions. Andy Howard explained that the board could grant preliminary approval, gain other input by way of condition. Prepare a resolution giving final approval, setting conditions for board to review. If during process, you feel that there is a need to have a final hearing, you could hold a final public hearing. Irving Minkowitz feels that the board should have a final public hearing.

Dianne O'Neal - there are three members who are not here tonight, would rather do it by granting preliminary approval, prepare a resolution giving final approval setting conditions for next month.

A motion was made to grant preliminary approval by Clayton Andrus, seconded by Dianne O'Neal. All in favor. So carried.

The applicants will need the DEC approval for stream crossing, deed description for Lot #11 – berm easement and tree buffer, easements for common driveways.

Dan will prepare estimate for road: bond estimate and maintenance bond estimates, build a road or post a bond. Town attorney reviews bond for substance and form. As construction progresses applicant asks for periodic bond reduction on certain items so that it is not an undue burden. Maintenance bond at finish.

Antonio Trigo – County Route 6 – Proposing a two-lot subdivision of twenty-five acres on County Route 6 – western end. There is a deed restriction of three houses on total property. One parcel would have to have a deed description for no further subdivision because of restriction of three-house limit. He will divide off ten acres more or less with two house limit. The way it is proposed to be divided, the ten-acre lot would not be able to have two houses. Suggested that Mr. Trigo get the other party to agree to no further subdivision and one residence on property.

Andy Howard reported that he filed and served a complaint to Lewis Ackerman on the Route 9 subdivision known as Sharon Acres. Mr. Ackermans attorney has asked for a thirty-day extension to comply. One lot is actively in contract for sale. They will have to take care of it because they will not be able to sell the parcel. He also spoke to Ray Jurkowski to confirm conditions on drainage use.

Dianne O'Neal gave copies of the report of the removal of the Hettling gas tanks, which was in the report from C.T. Male to the town.

Dianne O'Neal discussed her proposed project on Route 9. There is 90% probability it would be reduced from two entrances to one entrance as a minor commercial driveway. Her engineer is working on plan.

A motion was made to adjourn by Clayton Andrus, seconded by Garret O'Connor.

Respectfully submitted,

Mary Helen Shannon
Secretary