

Philip Gellert – County Route 6 & Cedar Hill Road

CLERMONT PLANNING BOARD

AUGUST 8, 2007

The Clermont Planning Board held its regular meeting on Wednesday, August 8, 2007 at 7:30 P.M. at the Town Hall. Those present were Chairman Laurence Saulpaugh, Dianne O'Neal, Clayton Andrus, Robert Queirolo, Mandy Fuchs, Garret O'Connor. Also present were Robert Desmond, Dan Wheeler, Town Engineer, Andrew Howard, Town Attorney and Irving Minkowitz.

Clayton Andrus noted a correction on page 1, paragraph 3, take out 'with the salute to the flag'. A motion was made by Dianne O'Neal to approve the minutes with correction, seconded by Clayton Andrus.

Phil Gellert is seeking a boundary line change on County Route 6 adjacent to the former Coons residence, now owned by Keith Russell, on Cedar Hill Road. The current owners parcel is one acre and the lot is 89 feet in depth. The back yard abuts Mr. Gellert's 29.2-acre parcel. He would be subdividing one acre from the 29.2 acres and it will be adjoined to the Russell parcel. The property owner is doing the survey of both his lot and one acre lot. The procedure is to submit a complete application to our engineer 10 days prior to the meeting. Mr. Howard suggested that Mr. Gellert get written authorization from Mr. Russell to act in his behalf. Mr. Gellert will need the survey maps before a public hearing can be set. The survey map will show configuration of the lot, any easements, rights of way and/or possible restrictions on the properties. The survey should show neighboring wells and septic. The board requires deed descriptions of both parcels as well. If Mr. Gellert is not able to attend the next meeting, he can give written authorization for Mr. Russell to act on his behalf. There was discussion on whether the Russell property's buildable lot area is less than one acre, because the boundary lines of these properties on Cedar Hill Road generally go to the center of the road. Chairman Saulpaugh asked if the parcel is less than one acre, would Mr. Gellert have to sell them more than one acre to be a conforming lot to the two-acre zoning. Mr. Gellert will discuss this with Mr. Russell.

There was discussion on the Mountain View Farms subdivision on County Route 6 - Applicants have agreed to widen the right of way for snow plowing and fire trucks. The Town Highway Superintendent has been involved throughout the process. Robert Queirolo asked about the testing that the applicants have done on the landfill site on the south side of the property. His concern is the liability to the town if someone who purchases a lot subsequently has a problem with their well. It was explained that there is a chain of custody involved, the test sites are identified and shown on a map by whomever did the testing, who they turned it over to for processing and the lab results are documented. An environmental engineer is going to review the results and certify to the results. The results will be part of the record to back up the board's decision. Of the

initial samples, four look good, one looks bad. May ask for more samples to be taken within that area. Might want to ask York Labs difference between MDL (Minimum Detection Level) and MCL.

The Health department sets a number – one test well for every five lots. Dan will check Test Data and Pump test.

Dianne O'Neal reported that Lorraine Wheeler would come to next month's meeting about setting up Planning Board applications on the Town website.

Received a letter from the ZBA regarding William Phillips application for four area variances. He would like to utilize three lots in under two acres each. There is 129.37 feet of road frontage, which is under the required 150 feet for road frontage.

Mr. Phillips has just less than six acres and wants to create two new lots. A condition could be to adhere to site plan provisions/restrictions. Mr. Howard stated that the discretion lies with the ZBA on certain facts and circumstances, which they may want to consider. The planning board can give guidance, which the ZBA can accept or reject. They must weigh whether to allow the variances because of documented circumstances. Board can issue the most minimal variance based on circumstances of this application. The ZBA could act on any one of the proposals and be defensible in court. The planning board can make recommendations to the ZBA. Questions were raised on the land use and following the zoning requirements, whether or not Mr. Phillips finished the application process, whether we failed on asking for the proper application, how the neighbors feel about it, whether Mr. Phillips had an obligation to come back to the Planning Board after the ZBA decision.

A motion was made by Dianne O'Neal to recommend to the Zoning Board of Appeals that the parcel only be divided into two lots. Mr. Phillips had the opportunity to come back before the Planning Board with a completed application requesting the three lots. Motion seconded by Garret O'Connor. All in favor. So carried.

The Town Board has authorized our attorney, Andrew Howard or someone from his office to be here each month if needed.

A motion was made by Garret O'Connor, seconded by Dianne O'Neal to adjourn at 9:30 P.M.

Respectfully submitted,

Mary Helen Shannon
Secretary