

CLERMONT PLANNING BOARD

September 12, 2007

The Clermont Planning Board held its regular meeting on Wednesday, September 12, 2007. Those present were Chairman Laurence Saulpaugh, Clayton Andrus, Dianne O’Neal, Garret O’Connor, Aldo Dusman, Robert Queirola and Amandus Fuchs. Others present were Andrew Howard, Dan Wheeler, Bob Desmond, Philip Gellert, Kevin and Dawn Russell, Rodney Morrison and Kenneth Casamento of LRC.

Mandy Fuchs asked if the recommendation had been sent to the ZBA on the Phillips request for area variances. The secretary neglected to send the recommendation. A motion was made to approve the minutes of the previous months meeting by Amandus Fuchs, seconded by Garret O’Connor. All in favor. So carried.

Philip Gellert appeared requesting a boundary line change to annex one acre to the land of Kevin and Dawn Russell, which is just less than one acre. Mr. Gellert is taking the one-acre from a parcel of 29.2 acres. Mr. Gellert gave a letter of representation for the Russell’s to represent him in the event that himself or his son cannot be at the next meeting.

Mr. Gellert received a letter from Dan Wheelers office on this date and was unable to respond to it.

Discussed the points of the letter:

1. Minimum lot size in the RA zone is now two acres. Mr. Gellert - Surveyor will change map to show minimum area to two acres. Suggested changing website, which still states one acre.
2. New map with legible surveyor’s stamp. Mr. Gellert - Surveyor stamp should be more legible. Will do that for next map.
3. There are no structures shown on parcel 2. Mr. Gellert – there are no structures on parcel #2.

4,5,6 - Definitions -Two single family dwelling units on a single lot: allows for a single conforming lot. Planning board should assess total lot acreage that includes land within the roadway. Mr. Gellert – This will not be a buildable lot, Parcel #1 is the land being conveyed, parcel #2 belongs to Mr. Russell. The buildings are the Russell’s which have been on Mr. Gellert’s property. By combining the two parcels, the Russell’s will have the setback requirements needed and be more compliant with zoning. The property does go to the middle of the road and the board has approved this in the past. By making this boundary line change, the property is closer to meeting the requirements. The board estimates about .25 acre is under the road. It was discussed about the possibility of selling the Russell’s additional acreage but it would cost a few thousand dollars, which Mr. Gellert thinks is unnecessary. The parcel will be about a tenth under the two acres. Mandy Fuchs agrees that it is more conforming than it was, that if he transferred a half-

acre it would be more conforming. This is not creating a new lot; it is making a lot less non-conforming. Mr. Gellert's remaining acreage is still conforming.

7. Board would like written confirmation that there are no state or federal wetlands. Phil will have Mr. Heuhnel talk to DEC and stamp map.

8. Septic and septic field should be shown on map.

9. Easements and covenants for Parcel #1 and #2 should be shown on map or a statement that there are no easements or covenants. Mr. Huehnel will check on these.

10. If there are streams or watercourse, show on map.

Dan Wheeler suggested that Mr. Huehnel call him and they can discuss these points. Will need a deed description of the new parcel.

Phil would like public hearing next month, however, board members Aldo Dusman and Dianne O'Neal would like to know that everything is done before scheduling hearing. A motion was made by Mandy Fuchs, seconded by Garret O'Connor to accept as sketch plan, however, minimum acreage should be corrected to two acres on map, surveyor stamp should be clear, wetlands have to be delineated, if any, septic area should be shown on final map and a written response to Dan Wheelers letter addressing other points. All questions must be resolved and paperwork submitted by September 20th in order to schedule public hearing. Also, certified return receipt requested letters must be sent out.

Richard and Patti-Ann Messmer – Commons Road –The Messmer,s have seven acres and first proposed a three-lot subdivision in March. Would like to change application for a two-lot subdivision and keep as much as he can for himself and make the new lot one and one half-acre. Mr. Messmer was to be granted a three lot subdivision under the prior zoning for the RA zone of one acre, however because this is a new application will have to follow the new zoning of two acre lots in the RA zone. The health department has done deep soil tests. He should submit the results with the new application. Mr. Messmer should submit a sketch plan showing anything within two hundred feet, an agricultural data statement will be sent for any farm operation within 500 feet. Paperwork should be submitted to Dan Wheeler for review. Fees for subdivision application, recreation and to set up escrow account should be submitted.

Ken Casamento and Rodney Morrison of LRC for Prime Development on the Mountain View subdivision on County Route 6. They have received health department approval on the thirteen lots on the 44.508 acres on the north side and have signed maps. There are still issues to be clarified on the south side but they would like to move forward with preliminary approval on the north.

The board would like DEC to see the soil test in agricultural placement area and documentation.

Applicants have spoken with Superintendent Potts on pavement area of cul-de-sac and he wants 24 feet of pavement. They have checked on turn around area for fire apparatus and it requires a 100-foot radius. There will be a grass center in cul-de-sac and drainage for snow runoff. Road drainage is collected in swales. Under the erosion plan, water is

filtered as per requirements. There was discussion regarding water quantity and water quality. Garret O'Connor asked who maintains the sediment areas and the response was that one of the problems with mandates, it is left to the towns to maintain. The way Superintendent Potts requests the designs; almost nothing collects, therefore, there is less clearing of pipes. Dan Wheeler described erosion control plans and disturbance of land during construction and post construction.

The department of Health had the developers show grade lines on lots 5 and 6 in the event that a fill area had to be built outside the wetlands buffer.

The developers are asking for preliminary public hearing for the north side of property.

The SEQRA will be reviewed at public hearing.

Town Attorney Andy Howard stated that if our engineer has determined that it is appropriate to take input from the public, then a public hearing could be scheduled. If there is additional information or questions that are brought up at the hearing, which the board may want more input on, that can still be done. The hearing can be held open until questions are answered. The developers have done a traffic study on County Route 6, transferred property to the County, site walks and discussed the connection to Mr. Minkowitz' property.

Garret O'Connor asked if there is an issue of segmentation that board should be concerned about with regard to SEQRA. They have presented both sides of the property and Andy Howard does not believe there is a segmentation issue.

Mandy has concerns of water running north to the pond on O'Neal property.

Circulation was made to adjoining landowners on EAF.

Ken Casamento believes that everything has been addressed for preliminary.

Dan Wheeler thinks we can go forward, plans are in good shape, no segmentation issues, two applications.

A motion was made by Robert Queirolo, seconded by Dianne O'Neal to set the preliminary public hearing for October 10, 2007. All in favor. So carried.

Ken Casamento discussed summary of results of soil tests and DEC standards for cleanup on the south parcel. The tests showed low pesticides and no pesticides. All are below the DEC standards for cleanup. The question was asked if there had been higher levels, what would be the way it would get dealt with. There are several requirements for remediation, however, because this is in a wetlands buffer, they will probably not require remediation.

Dianne O'Neal – Former Hettling Store – Route 9 –Submitted plans for a farmers market, café, retail space and four apartments in the former store. The zoning regulations require two spaces for each apartment. There are twenty-six parking spaces in front of store. For every 100 square feet of building, one space must be allotted. DOT has been contacted but they will not do anything until there is a plan. The paving in front of the store will be grasscrete, which can be driven on but has to be mowed from time to time. It helps with runoff.

Dan Wheeler suggested looking at the mixed used layout and whether or not the board agrees with it. He suggested that Ms. O'Neal have a plan, which specifies the square footage of each use and delineates uses. Bob Desmond asked what would happen if you request two uses and one use doesn't go well, can it be changed. The applicant should come back before the board to change it.

Chairman Saulpaugh would like to see permits for the current home occupations registered in some way in the town. If a change of use or change of occupancy occurs, they must come before the board for a new permit. There is usually a sunset provision for a change in use or continuance of a use for a year.

Andy Howard will check our zoning to see if planning board has the right to revoke a site plan. The board might consider an application, with a nominal fee and the building inspector could check to see if site plan agrees with actual use.

A motion was made to adjourn at 9:50 P.M. by Mandy Fuchs, seconded by Garret O'Connor.

Respectfully submitted,

Mary Helen Shannon
Secretary