

Richard Messmer – Commons Road  
William Phillips – County Route 6  
Mountain View Farms – County Route 6

Christine Kosior – County Route 6  
Trigo-Ricardo – County Route 6  
Renner/Platti – County Route 6

## CLERMONT PLANNING BOARD

DECEMBER 12, 2007

The Clermont Planning Board held its regular meeting on Wednesday, December 12, 2007. Those members present were Chairman Laurence Saulpaugh, Clayton Andrus, Robert Queirolo, Dianne O'Neal, Aldo Dusman and Garret O'Connor. Amandus Fuchs was absent.

Others present were Dan Wheeler, Engineer for the Town, Andrew Howard, Attorney for the Town, Richard Messmer, William Phillips, Anthony Trigo, Jose Ricardo, Irving Minkowitz, Christine Kosior, Rodney Morrison and Kenneth Casamento of LRC Group and Robert Desmond.

Chairman Laurence Saulpaugh opened the meeting. The minutes were read and a motion was made to approve by Garret O'Connor, seconded by Clayton Andrus. All in favor. So carried.

Robert Queirolo did ask about a statement on Page 3 regarding building a road or posting bond. In this case the applicants are not building the road, they will be bonding it.

Richard Messmer – Commons Road is proposing a subdivision of seven acres into two parcels, Lot A – 2 acres, Lot B- 5 acres. He has the survey maps completed, as well as, health department approval and driveway permit. According to health department must have a built up system on the southern most lot. Called National Grid and asked for a proposal but they will not come out until the lots are approved. If power is run underground, across Lot A, make arrangements for an easement prior to selling parcel. Do not have to require it be on the map but if there is a concern about guide wires it might be best to show it on the map. Andy Howard requested the deed with the utility easement. Lot owner has the right to say where the power will run through, but knows that he must let it go through the property somewhere. Produce the deed showing that the easement is included.

A public hearing will be scheduled for January 9, 2008 at 7:30 PM.

William Phillips – County Route 6 – Proposing a three lot subdivision of 5.50 acres on County Route 6. Utilities currently run from Route 6 to Lot 2. Will be rerouting utilities from the power pole to the east on Nancy Sperry's property to Lots 2 and 3 with an easement in deed.

- Need board of health approval for septic on Lot #3.
- Will need description of each parcel.

- Restrictions by the Zoning Board of Appeals should be in the deed. His surveyor says that unless you are selling the parcel you don't need descriptions. The planning board would like the descriptions.
- Will need a shared driveway agreement. The applicant has been approved by Columbia County Highway for driveway entrances. The board an require that a turnaround is approved
- Garret O'Connor noted that the ZBA required any new structures will have to adhere to the required setbacks. In subdivision restrictions note that any new structures on Lots 1,2, 3 need to meet minimum setbacks. Adding this note to map would be the easiest way to accomplish this.

Anthony Trigo/ Jose Ricardo – County Route 6 – Proposing a subdivision of twenty-five and one half acres into two parcels. There is a deed restrictions of no more than three residences on the property. One parcel will be 15 acres with a restriction of one residence and the other parcel will be 10.50 with a restriction of two residences.

- The board raised concerns of whether required setbacks could be accomplished for two residences. The applicants believe so, stating that the parcel is deep.
- There is an existing driveway for the proposed 15-acre parcel and a permit from Columbia County Highway will be needed for the other parcel. There is one hundred thirteen feet of road frontage for the 10.50-acre parcel, but it must be shown on the map that there is 50 feet for each driveway, as required.
- Electric is on the same side of the road.
- Need health department approval on both parcels.
- The 15-acre lot will need a restriction of no further subdivision noted on the map and deed.
- Two-lot subdivision limit on 10.50-acre parcel will be in deed.

A motion was made by Dianne O'Neal, seconded by Garret O'Connor to approve the sketch plan as presented. All in favor. So carried.

Christine Kosior – County Route 6 – Proposing a subdivision and boundary line change of 6.16 acres and 1.50 acres. The existing lots are 6.16 acres with a residence and 1.50 vacant land with access to County Route 6 east of the existing residence. The proposal would subdivide the house and two acres, parcel 1 and merge the remaining 4.16 acres with 1.50 acres. There is a septic system on the 1.50-acre parcel, but because it has not been used it may not be viable. Ms. Kosior believes the former owner of the 6.16 acres and residence had started to subdivide and did apply for a septic system approval. Suggested checking with the Department of Health for an approval. Mr. Kosior may not be present for the January public hearing but can have a representative. We will need a letter that someone will represent Ms. Kosior at the hearing. A motion was made by Dianne O'Neal, seconded by Clayton Andrus to approve the sketch plan. All in favor. So carried.

A public hearing will be scheduled for January 9, 2008 at 7:30 P.M.

## LRC – Mountain View Farms subdivision on County Route 6

The surveyor changed map scales because easements were added to them. Based on the last meeting comments the following was discussed:

1. DEC comment for each of lots with DEC wetland buffers have been delineated.
2. Added a note on Lot #11 that berm and trees have to be added and maintained before building a home.
3. Their attorney and Andy Howard, our attorney, drafted common driveway easement and maintenance agreement.
4. Bond estimate – Dan Wheeler prepared a bond estimate and the total cost for completing the road will be \$283,928.90.

Dan has been investigating the issue of bonding in the Subdivision regulations and Highway ordinance. Traditionally other towns have always allowed bonding. Town can allow the road to be built. Andy Howard suggested bonding with duration, not a year or two-year bond but open ended.

In order to sell any lots, the final plat has to be signed by the planning board and filed with the County. The conditions on final plat approval must be completed before any houses can be sold. By bonding, the financial security is there. If a developer walks away, the town has the bond to be able to go out get bids, and complete the road.

The applicants requested the board to consider waiving the requirement for a public hearing on final and grant final contingent on conditions.

Dan and Andy agree that a final public hearing is not necessary. There hasn't been anything new since we held the public hearing. Suggested that the board spends time reviewing conditions of approval, this is the board's job.

Robert asked about insurance liabilities. Andy Howard suggested that the applicants proof of insurance would be sent to the town insurance agent and attorney to review.

The following are conditions:

- Deed restrictions – proposed covenants concerning berm placement and when it has to be built and preservation. Trees also will be placed and that they will not be cut down. These have to be maintained by owner of lot #11.
- Note DEC stream crossing on common driveway.
- Common driveway and maintenance easement.
- No future subdivision to increase the number of lots but can change configuration of lots can be written on map.

Robert Queirolo asked if the area left for continuation of the town road would be built to town specs. The applicants responded that it would be built the same.

The board should focus in on the final resolution to make sure that they have everything that is required.

A motion was made by Robert Queirolo, seconded by Dianne O'Neal to dispense with final public hearing on Mountain View Subdivision and accept as a contingent final, noting that all questions have been answered completely. All in favor. So carried.

Andy Howard can prepare a proposed resolution and board can think about the bond.

Renner's Creative Celebrations, owned and operated by Lisa Platti and Brad Renner, have applied to the Zoning Board of Appeals for a special use permit for a take out food service on County Route 6. They currently have an approved commercial kitchen for a catering service. The Department of Health has reviewed their proposal and made stipulations for the approval. Chairman of the ZBA, Charles Larsen is concerned about a turnaround area for truck unloading. The Planning Board will schedule a site visit for December 22<sup>nd</sup> at 10:00 A.M. A letter will be written to the ZBA that the Planning Board does not see a problem with the approval of the special permit as long as there is adequate parking and room for trucks to turnaround.

William Phillips – Send a letter to ZBA that zoning allows (Page 50) a mobile home be placed on the property for a period of 180 days during construction of the house. Once the CO is issued, mobile home has to be removed within ten (10) days from the property.

Dianne O'Neal is leaving the Planning Board for the Town Board. Everyone thanked her for her time on the Planning Board.

A motion was made to adjourn by Clayton Andrus, seconded by Robert Queirolo.

Respectfully submitted,

Mary Helen Shannon  
Secretary