

Zoning Board of Appeals
Town of Claverack
91 Church Street
Mellenville, NY 12544

Minutes of the December 14, 2005 meeting of the Zoning Board of Appeals

Meeting called to order by chairman, Michael Brandon at 7:30 pm. Present were board members Frank Clegg, Norma Barnard, Jock Winch, and Steve Harder, chairman Michael Brandon; secretary, Caren Mahar,; Town Engineer Joe Romano, Town Attorney Rob Fitzsimmons were also in attendance. For the Planning board, Judy Vita(?), Martha Pizza,.... were present. Board members: Steve Hook and Chairman Jay Brousseau from Planning Board were absent.

Chairman Michael Brandon asked everyone to stand for the Pledge of Allegiance. Mr. Brandon introduced himself and board members of Zoning and Planning to audience. Michael mentioned it was the secretary's last day of service and introduced/opened up the meeting of the joint boards for the Public Hearing of the DEIS for the Stewardship of Millbrook Rd.

Stewardship at Millbrook Rd

Two letters were read to public that had been submitted in lieu of attendance: Louis Lamont, Highway Dept. and E. Thomas and Elsie Kimball of 162 Schoolhouse Road. Mr. Lamont brought up the issues of the historic bridge within the planned project and the width, sight distance and functional obsolescence of the bridge in the plans. The bridge can not be adapted to fit the traffic. Cost approximately \$500-750,000 to build a suitable bridge for that capacity. Kimballs: concern over number of accidents already at the four corners. The increased number of homes will increase that already high number as well as have an impact on the water table for the area.

The applicant presented a formal plan in a comprehensive attempt to improve land and nature as well as building responsible citizens. He discussed installing a 100- year plan to rebuild the forests, an arboretum to attract native birds, organic farming, common gardens, an observatory and activity area. Intending this development to be a model for the northeast as well as the nation, applicant turned vision over to attorney Andy Gilchrist for the legal details. Mr. Gilchrist stated the steps already taken in this process: applications to ZBA and Planning Boards, Identifying agencies to be contacted, ZBA set itself as lead agency and no other agency objected. ZBA issued positive declaration calling for the Scoping. Applicant submitted scoping documents that were reviewed by the board. Applicant did field work and analysis. To this point, DEIS was complete and ready for Public Hearing. Comments are to be listed and taped. A written comment period is open until Dec 28. He mentioned to remind the public that this project was of lower density than could be done under current zoning law, municipal waste is minimal, road would be to town specs but maintained privately by the Homeowners association. Mention made of wetlands, sightline analysis, etc. Chairman opened to Public Comment:

Frank Clegg was concerned with the low water yields and supply. Jeff Baker of Albany, attorney, discussed wetlands and wildlife habitat, took exception to the comment about "lower density". Felt plans were not detailed out enough yet. Mentioned concern of the traffic again for 48 homes having a definite impact and concern over the narrow bridge. The level of service was noted with a delay at the intersection of the four corners, there would definitely be an impact on the level of safety and sense of community. He saw deficiencies in the fiscal analysis? Where is the impact on schools, fire, police, ambulance, etc? General concept can be acceptable if properly designed. Requires substantial supplementation.

Gretchen Stearns: 125 Millbrook Rd: Appreciated the presentation, terrific concept. Brought up concern over the 30-40 rusted oil drums that "Old Man Arnold" had previously on the property. Where did they go? What was in them? Concerned about the prospect of mining on the property.....no indication or detail about dust, noise, reclamation. Did not want another "pit" left behind. Serious need to impose restrictions that can be enforced through a zoning officer. Agreed with Mr. Baker that just by increasing number of homes, you increase the number of trips on the road by each houses 1-3 vehicles. There are no posted speed limits on the road and Mr. Lamont's letter about the obsolescence of the bridge is to the point. Cluster housing is a great idea, an improvement in the old way of developing, but is supposed to address the traffic. This plan

would have the same kinds of problems as a random sprawl. What happens when the HOA takes over? Need to make sure that the details and obligations are wound up tightly. The vision is great. Make sure you know who is going to do what.

Deidre Carson 366 Millbrook Rd:

Second most of what Mr. Baker and Ms. Stearns said. Deficiencies to reiterate in the DEIS: lack of scientific data. Using the gravel from the pit...reads more like a marketing brochure than a study. The habitats and # of animals and who needs to be identified and protected needs to be specific. Ambient noise level. "45 decibels is a "normal" rural level of noise " Ms Carson takes issue with that comment as 45 d is what a NYC apartment with double-pane glass and insulation can establish a background. 62 decibels at 400 feet is unacceptable for noise levels in NYC. Need to have the ability to enforce the homeowner's assoc. restrictions. On the deeds themselves, give people and towns the power to enforce. Mr. Baker's comments about the traffic were on point, the entrances will generate 36-48 additional trips within peak hours each weekday, not addressing at all the weekends. The level of density of traffic will completely change the setting from rural to suburban. Glad to hear Mr. Lamont's comments about the bridge- have noticed bridges are being well taken care of. The amount of traffic, level of use will cause serious damage to bridge that will result in it closing causing difficulty in gaining access. Rapidly escalating rate of development, we need to think about the future of Claverack. Less dense with large lots, large houses, it is poetic sprawl with no support systems.

Michael Brandon asked board for comments. Frank asked about the old orchards on the property. Historically orchards were treated with DDT. Owner said there were orchards some 40-50 years ago back by the power lines, abandoned. Charles Hoover spoke out that there were indeed large orchards behind the barn where apple and cherry trees were in the wetlands. Mr. Hoover is a resident of Schoolhouse Rd. Rob thanked the public for coming out and speaking. Steve H motioned to close Public Hearing. Norma seconded. All in agreement.
Joint meeting of ZBA and Planning ended.

Morningstar Communities/ Bill First and Tommy Scharf: ((101.00.02.25 and 101-2-23-110)

Senior gated community to extend and build a country club living environment for active senior citizens 55+ with full amenities. Beautifully appointed clubhouse, pool room, exercise room, party room, library, tennis courts, basketball, housekeeping if desired. Plenty of water to build community, even discussing helping out town with surplus. Coverage of land with buildings is under 10%. Road to be done to town specs, need to develop 200-250 homes over 5-6 years. Questions from board: are these homes prefab/modular? Traffic? Applicant says the community will be retired persons with no children one car and options to build a garage if desired. Many restrictions. Property is currently in HWC and RR zones. HWC does not permit residential use, but because both zones exist on same development plan parcel, ZBA can decide how to designate the parcels permitted uses. Board decided to continue this case at the January meeting.

Frank motioned to end meeting. Steve H. seconded. Motion unanimous. Meeting ended at 8:55pm.

Next meeting January 25, 2006