



Planning Board Minutes 6/13/22 Public Hearing

Members Present:: Barbara Olsen Pascale, Chairperson, John Avenia, Mark Barbato, Richard Freiman, Bud Gardner, Brandon Lentine and Patti Rohrlich

This meeting was held both live and via Zoom

Elizabeth Sheer, Planning Board Secretary, recorded the minutes

Others attending: Pat Prendergast, Marc Goodman, Charlie Weber and Judith Waitz, Jamie Carano, Fred Knecht, and other members of the public.

The meeting was called to order at 7:16.

Purpose of the hearing is to hear public comment on the application of a subdivision at 67 Taconic Creek Road. 67 Taconic Creek Road LLC is Represented by Marc Goodman. The application is to divide a 19 acre parcel into three. The board has determined this to be a minor subdivision. The public hearing was duly noticed in the newspaper of record and to abutters via certified letter.

Charlie Weber made comments first. He is concerned with the density of housing, and the number of trees that would be cut down, He said that the previous owner, in order to increase slaeability of the property cut down many trees. He is also concerned with the placement of the septic system, wells and run-off, and requests an independent review..

Marc could not speak to engineering items, deferring those comments to Pat Prendergast. In terms of density this is three buildings on 19 acres, which is well within the zoning code. Nothing in the property is above the ridge line.

Pat Prendergast responded that there should not be any run-off. There has been had independent review by Columbia County Engineering, and are awaiting final approval. Storm water run-off from the site has been mitigated by appropriate erosion control on the plans. A state DEC storm water permit has been applied for, which has been approved. The highway superintendent and fire chief is happy with the reduction in grade of the driveway with a fire truck pull-off within 500 feet of the road.

Charlie Weber reiterated his request that he wanted an independent assessment and review and expressed concern about the construction of the driveway.

Pat Prendergast pointed out on the map the ways in which the driveway would change and reiterated that the Columbia County Engineer had made an independent review of the septic system.

Charlie Weber also expressed concern about having three houses on this lot and said that it might affect his privacy, since there is no restriction on the size of the houses that would be constructed.

Pat said that the houses would not be seen from Taconic Creek Road, and there would be no view from Mr. Weber's house because of the woods.

John Avenia said that there is no code in our laws that speak to preserving a neighbor's view shed.

Richard added that in terms of density, according to the zoning code, the applicant is in compliance.

Jamie Carano said that she represented some of the neighbors and wanted to speak to some of the points made.

Richard asked her whether she had submitted letters of representation to the board. She stated that she had them.

She said that none of the abutters had received certified letters.

She insisted that the highway superintendent had not given highway clearance, and that according to town code he needs to give written approval.

Pat Prendergast replied that he had done so.

Jamie said that elevations in the plan had not been verified by an independent surveyor.

Barbara said that the elevations have been prepared by Dan Russell and he certifies it as accurate.

Jamie had additional comments:

- Final plans should be submitted and stamped before a public hearing.
- Hillsdale town code section 202-20 requires that the town engineer and highway superintendent provide written comments for Planning Board approval of private road subdivisions
- Final plans must be reviewed by engineer, town attorney, superintendents of highways and fire chief prior to public hearing.
- Town code discourages the building of new roads and code stresses best practices for private roads.
- The engineer has not submitted detailed drawings of a private road subdivision. It has been labeled a driveway.
- Stormwater runoff cannot be mitigated; it will drain into wetlands. Existing driveway was repaved, and it still washes out.
- Potential density and visual impact would alter the appearance of the area.
- Septic fields built into this terrain would require an excessive amount of excavation.

She asks that the public hearing be adjourned until complete plans for a private road have been submitted and stamped.

Barbara stated that she did not believe that a private road subdivision applies in this case. It is a shared driveway. The Planning Board can require that it be a private road, but is not required to do so. It would be appropriate for the board to get a formal statement from the Town Attorney as to whether the Board is required to create a private road, rather than a driveway.

John pointed out that the town code states that a private road is held in common ownership by a homeowner's Association. There is no homeowner's association.

Jamie said that these lots would not be accessible from a public road, and therefore should be considered a private road.

Barbara said again that the Town Attorney should be consulted on existing laws.

Fred Knecht reinforced the idea that the Town Attorney should weigh in on whether this is a private road subdivision. There is a suggestion that this is a shared driveway, but the attorney can speak to whether it is that, or a private road.

Brandon said that both Charlie Weber and Jamie Carrano referred to getting an independent review of plans. All buildings are reviewed by a licensed engineer.

Pat Prendergast said that he would submit stamped plans. Her added that he did not stamp electronic plans.

Fred Knecht added that it sounded as though no abutters had received certified letters.

We will find out about this from Dan Russell, Barbara said.

Fred Knecht asked what the distance would be between houses on parcels 2 and 3.

The estimated distance, according to Pat Prendergast is about 200 feet. Fred then asked whether there is anything that affects house sites after subdivision approval.

John said that the home builders would go through the proper process according to the building inspector. The Board establishes septic requirements and driveways.

Richard added that thought a small distance of house sites might affect the salability of parcels but has no relevance to a subdivision hearing.

There are two factors that we need to look into, John said. The first is whether or not certified letters went out. The other, Brandon said, is whether the driveway is considered a public road, which should be determined by the Town Attorney.

Barbara said that the public hearing is being held over until the next meeting or when issues have been settled.