



## **Planning Board Minutes 7/11/22 Draft**

Members Present:: Barbara Olsen Pascale, Chairperson, John Avenia, Mark Barbato, Richard Freiman  
Absent: Bud Gardner

Elizabeth Sheer, Planning Board Secretary, recorded the minutes

Others attending: Marc Goodman, Pat Pendergast, Dustin James, Matt Cabral, Bill Stratton, Gretchen Stevens, Jamie Carrano, Charlie Weber, Judy Waitz, and other members of the public.

### **Public Hearing on potential subdivision at 67 Taconic Creek Road Applicant Marc Goodman**

Opened at 6:37 PM

This is a continuation of the hearing that began on June 13, 2022. Pat Pendergast addressed some of the issue that were not resolved at that time. He said that there was an agreement to cut the driveway grade to an average of 10%, and that it would include a fire truck pull-off.

He added that the septic systems had been approved by the Columbia County Department of Health. The Town Engineer had reviewed the plans at the request of the Board, and suggested several changes to be incorporated into the plans to mitigate the run-off from the existing driveway into Taconic Creek Road. The applicant has agreed to absorb the cost .

He suggested that attendees note the placement of the culvert on the plan.

Richard Freiman noted that while it is not the responsibility of the applicant to construct this culvert, he is doing it anyway.

Charlie Weber expressed concerns about the woods between his house and a potential dwelling on one of the subdivided lots. Discussion with Pat Pendergast about these concerns ensued.

Barbara said that the Board had received an email from Highway Superintendent Briggs approving the driveway.

Town Attorney Matt Cabral commented about the concerns of the public that the driveway needed to conform to the standards of a private road subdivision instead of a shared driveway. He said that the proposal is for a shared driveway as defined in several locations in the Town Code. The Town wants to discourage

the construction of new Town Roads, so it allows small subdivisions to be served by a common driveway. An easement agreement was prepared and reviewed by Town Counsel. He said that the idea of it being a private driveway was acceptable, because Town Code allows it for a small subdivision of up to 4 lots. A private road serves up to 10 lots and would require the approval of a Home Owners' Association.

Jamie Carano asked why the private road rules did not apply, and Matt reiterated that the lots in this application are served by a common driveway, and that it doesn't need to be a private road.

Ms. Carano stated that this driveway is non-conforming. Barbara asked her to be more specific. Ms. Carano added that in Hillsdale a resident cannot apply for a driveway permit without a building permit. She also said that a resident cannot discharge storm water onto a private road. She additionally objected to the responses on SEQR part 1 statements #4, #13 and #17.

This will be addressed, Barbara stated, during the actual meeting, as the Board considers the impact of the plans in the SEQR Part 2.

A motion was made by Brandon to close the public hearing. This was seconded by Richard.

**Aye: 4 No: 0**

**Decision: The public hearing is closed**

The public hearing closed at 7:11

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### **Public Hearing on potential subdivision at 131 Schoolhouse Road**

**Applicant: Roberta Davis represented by Dustin James**

Opened at 7:12 PM

Dustin James presented the plans showing that this subdivision would occur along Austerlitz-Hillsdale Town line. As was discussed at the meeting of June 21, 2022, notes were made on the plans to the effect that the new subdivision would need permitting in order to be built upon.

A motion was made by Mark to close the public hearing. This was seconded by Richard

**Aye: 4 No: 0**

**Decision: The public hearing is closed**

The public hearing closed at 7:14

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**The meeting of the Planning Board was opened at 7:16**

Barbara asked that the acceptance of the draft minutes be held over until the August Planning Board meeting, as she had not had a chance to peruse them.

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**Minor Subdivision**

**Property: 131 Schoolhouse Road**

**Applicant: Roberta Davis represented by Dustin James**

It was noted again by Dustin that the notes requested by the board to be put on the final plats had been done. These notes state that the subdivided lot is a potential building site, but it cannot currently be considered a buildable lot. Barbara asked Twon Counsel Cabral if the notes were acceptable, and he affirmed.

Barbara went through the SEQR part 2.

A motion was made by John to issue a negative SEQR declaration. It was seconded by Richard

**Aye: 4 Nay: 0**

**Decision: A negative SEQR declaration is issued**

A motion was made by Mark to approve the subdivision as a non-buildable lot. It was seconded by Richard

**Decision: The subdivision is approved**

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**Minor Subdivision**

**Property: 67 Taconic Creek Road**

**Applicant Marc Goodman**

Barbara brought up the issue of the private road vs a shared driveway.

Brandon said that it seemed very clear.

Barbara asked if there was a precedent for the Planning Board to approve a shared driveway for a minor subdivision vs. requiring a private road.

Rich said that in his 14 years on the Planning Board, the Board has never required a private road when the standard for a shared driveway was met.

Mark asked what the difference was between these two standards.

Brandon answered that the difference lay in the width and the substrate among other things that would accommodate the type and quantity of vehicles likely to be used on it.

Barbara went on to address the allegation that this driveway has run-off. She said that she wanted clarification as to how much run-off is involved.

Pat Prendergast explained that the current undersized and partially crushed culvert cases run-off that creates a rivulet in the street. However, with the addition of drainage swales alongside the improved driveway, with stone check dams, erosion would be reduced. The driveway will be 16' wide, he said, wide enough for two cars to pass each other. The two houses that will be built there will not increase run-off over Taconic Creek Road. The highway culvert will be replaced and that will help mitigate this run-off.

Brandon asked whether work done on this property would increase run-off. Pat responded that it would not.

Brandon then asked whether creating a private road rather than a driveway would hurt or help the situation.

Pat responded that his plans show new cross culverts at a couple of places along the driveway, which will throw water back into the woods. Currently, there are no cross-culverts.

Barbara asked whether the driveway as proposed would mitigate the current situation. Pat responded that it absolutely would.

Rich had a question about r the Tagkhanic Creek Old Road Society, which Ms. Carano has stated that she represents. The Board has received no letter confirming that this Society has appointed her their representative. Precedent from past meetings has been that there should be a letter authorizing Ms. Carano to act as representative, to be placed in the files of this application. This should be done.

Brandon asked whether the board could be shown where houses were going to be built on the new subdivisions so that the privacy issues could be addressed. Marc Goodman pointed out the locations on the map. He also said that except to build a house, no trees would be coming down.

Matt Cabral referred to the letter from the Town's Engineering firm, that itself referred to part I of the SEQR for this property.

Pat Prendergast said that he had filled it out and reviewed the reasons for his answers.

As regards wetlands, the property is dry; there is no DEC check zone wetland on the property.

Barbara asked once again about discharge and run-off.

Pat responded that it will be cleared up and there will be no overtopping of the road.

Brandon asked whether the improvements to the culvert, creation of swales, etc. would, in fact, be beneficial, rather than harmful.

Pat responded that it would.

At this point, he addressed the SEQR Part 1 questions that were asked by Ms. Carano.

#4 refers to farms. While the property abuts what is called a farm, it is not, in fact, currently farmed.

#13 refers to wetlands. The property does not contain wetlands; it adjoins wetlands.

#17 refers to stormwater discharge. These plans will not create stormwater discharge; they will mitigate it.

A motion was made by John to classify this as an unlisted action. It was seconded by Richard.

Aye: 4 No: 0

**Decision: This is an unlisted action**

Barbara went through SEQR Part 2

Richard made a motion to issue a negative SEQR declaration. It was seconded by Brandon.

Aye: 4 Nay: 0

**Decision: A negative SEQR declaration is issued.**

A motion was made by Brandon to approve this subdivision, and was seconded by John.

Aye: 4 Nay: 0

**Decision: the subdivision is approved.**

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### **Site Plan Review**

**Property: 171 White Hill Lane**

**Applicant: Robert and Jill Bernstein represented by builder, Bill Stratton**

Mr. Stratton addressed the issues that were presented at the Planning Board meeting of 6/21/22.

The first issue was reflectivity. Mr Stratton brought in information from the glass supplier.

The reflectivity with the glass from this supplier is 11% whereas the industry standard is 20%. He said that it was still double paned.

The second issue was exterior lighting. Lighting will be recessed in the deck, even with the main living level.

The third issue was the cutting of trees. It was decided that no more trees would be cut.

Barbara asked whether there were any other concerns. There were none.

made a motion for an unlisted action, seconded by Brandon.

**Decision: this is an unlisted action**

Barbara went through SEQR Part 2

Richard made a motion to issue a negative SEQR declaration. It was seconded by John.

Aye: 4 Nay: 0

**Decision: A negative SEQR declaration is issued.**

Barbara noted that site plan approval was contingent on the applicants using the glass presented, the down lighting shown, approved colors of paint, and no trees being cut, and that these will be noted on the site plan when it is presented for signature and referral back to the Building Inspector.

A motion was made by Brandon to approve this site plan, and was seconded by John.

Aye: 4 Nay: 0

**Decision: the site plan is approved.**

### **Lot Line Adjustment**

**Property: 35 and 350 Tory Hill Farm Road**

**Applicant: Wilson/Sporkeys represented by Dustin James**

With the two lots involved, there is a small encroachment from a proposed driveway from the lands of Wilson into the lands of Sporkeys. They are suggesting an even swap of about .05 acre.

Barbara asked whether the driveway will be non-conforming, and Dustin responded that it will be less so than it was.

John made a motion to classify this a lot-line adjustment. This was seconded by Brandon

Aye: 4 Nay: 0

**Decision: This application is classified as a lot line adjustment**

Brandon made a motion to approve the lot line adjustment, seconded by Richard

Aye: 4 Nay: 0

**Decision: Lot Line Adjustment approved.**

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### **Site Plan Review**

**Property: 79 Rockview Road**

**Applicant: Joannis and Maria Kosmidis represented by Andrea and Frank Falino**

It was determined that this house and any additions made would not be able to be seen from any road.

**Decision: This site is exempt from the ridgeline overlay rules**

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The Board has received a copy of a proposed Local Law that would make it mandatory for the Planning Board to consult the NRI before making any land use decisions. Matt Cabral and Gretchen discussed the law. Gretchen pointed out that if the Town adopts the NRI as law, the town will be eligible for certain grants. Before the Town Board adopts the law, they would like a report from the Planning Board. Planning Board members objected; some to the law in its entirety, some to the language making consideration of the NRI mandatory. The Board agreed that every property in the town, outside of the hamlet, would be impacted in some way by the NRI.

A lengthy discussion ensued.

Ultimately, it was decided that a report to the Town Board would express the Planning Board's objections; suggesting that the language be changed from "the Board shall consult the NRI" to "the Board may" consult it.

Brandon made a motion to adjourn, which was seconded by Richard

The meeting adjourned at 9:44

7/11/22