

MINUTES OF THE FEBRUARY 5, 2019 REGULAR MEETING

**Approved April 2, 2019**

A regular meeting of the Town of Taghkanic Planning was held on Tuesday, February 5, 2019 at the Town Hall.

**Those present were:**

Planning Board:

Katherine Bainer – Chair, John Roberts, James Alvarez, Josh Plass, Kent Sammons, Stephen Kling

**Those absent were:**

Raymond Keyser, Anna Kadish – Alternate

**Also present:**

Andy Howard, Counsel to the Planning Board

ARM/JPM- Minor sub-divisions

Barbara Hermance

Ms. Hermance starts by giving the Board 2 checks for escrow on the 2 applications. Then she moves on to the escrow billing for the applications. They would like some changes to be made in future billing. See attached correspondence.

At this time Mr. Prendergast the applicants engineer talks about the applications. They have Health Dept. approval on the septic systems. Will be doing a storm water management for the applications. Need to do a driveway design for all 7 lots. Would like to have a common driveway or private road with pull offs and a maintenance agreement with 3 lots.

Mr. Kling voices his opinion on his take of the two applications being a minor vs a major sub-division. He believes it should be a major not a minor. Mr. Kling wonders if the applicant is not under handily trying to get away with not filing for a major.

The Board is treating the 2 applications as 2 separate applications.

Ms. Hermance would like it in the minutes that she resents Mr. Klings comments and is offended by them.

Mr. Prendergast asks about the common driveway vs private road. The Town Engineer informs him that a private road can only be 500' long. They ask what the possibility of getting a variance for the private road. The Zoning Board would have jurisdiction due to it being in the sub-division ordinance not the zoning laws. Because of the location of some of the septic systems the applicant feels they cannot move the location of the road. They also don't have the space to meet frontage. Ms. Hermance asks does the Board have the discretion to consider because of the restraint of the terrain, a longer private road. Mr. Prendergast reads from the Boards code, Article 7 Administration Enforcements, Section 28 - Variations and Waivers. Which reads the Board may vary or waive due to special circumstances that the land owner has no doing or knowledge of.

Mr. Howard informs the Board of what is expected of them. The Board can use discretion when looking at these issues, however when the Board is considering a waiver of requirements the burden is on the applicant demonstrate what special circumstances actually exist which would justify the Planning Board varying or waiving a requirement. The Planning Board would have to scrutinize whether the really are special circumstances that exist which would justify a waiver. The fact that the cul-de-sac would be expensive to design and construct is not a special circumstance.

Ms. Hermance wants the Board to keep in mind that these parcels have existed for more than 10 years in their present configuration.

Crow Hill Road has an emergency vehicle access issue. Ms. Hermance mentions a reconfiguration in the road to make it easier for the emergency vehicles. The Board doesn't believe it is the Town's responsibility to upgrade the road. They believe it is the applicant's responsibility. Mr. Howard advised that because the proposed subdivision abuts the roadway, it is the applicant's responsibility to address any improvements necessary to make the road safe for the public and emergency vehicles.

Recap-

As for ARM it would be 4 lots with individual driveways. However Crow Hill Road is still an issue that the applicant must address. They need a cul-de-sac for emergency vehicles. Also need driveway detail.

As for JPM it would be 3 lots with a common driveway/private road. The private road can only be 500' and then individual driveways to each lot.

New Business –  
Rosenstrach – Sub-division  
Frederick Haley-Surveyor

The applicant has 68 acres that they would like to make into 3 lots as follows:

- Lot 1 54 acres - with existing house
- Lot 2 10 acres - vacant to sell
- Lot 3 3 acres - with existing house.

There are no wetlands on the property. They have right of way to Timber Lane.

The Board reviews all the material at this time.

Mr. Alvarez makes a motion to accept the completed application, seconded by Mr. Plass and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**1 Absent (Keyser)**

Mr. Sammons makes a motion for a Public Hearing on March 5<sup>th</sup> at 7:05, seconded by Mr. Alvarez and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**1 Absent (Keyser)**

Simeral & Reilly – Lot Line Adjustment.  
Barbara Hermance

The applicant wants to move a piece of parcel B-1 to parcel A. They have driveway permits. The Board take the time to review the material.

Mr. Alvarez makes a motion to accept the completed application, seconded by Mr. Sammons and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**

**0 Nays**  
**1 Absent (Keyser)**

Mr. Plass makes a motion for a Public Hearing on March 5<sup>th</sup> at 7:10, seconded by Mr. Kling and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**1 Absent (Keyser)**

**Callahan/Monska –**  
Dan Russell –Surveyor

Callahan is looking to inquire ownership from Monska vs having right of way. After review the Board believes they can approve it as a lot line adjustment.

**Minutes –**

June 5, 2018 –

Mr. Alvarez makes a motion to approve the June 5, 2018 minutes, seconded by Mr. Sammons and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**2 Absent (Keyser, Kadish)**

September 4, 2018 –

Mr. Sammons makes a motion to approve the September 4, 2018 minutes, seconded by Mr. Kling and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**2 Absent (Keyser, Kadish)**

October 2, 2018 –

Mr. Sammons makes a motion to approve the October 2, 2018 minutes, seconded by Mr. Plass and approved by those present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**2 Absent (Keyser, Kadish)**

Mr. Plass moved to adjourn the meeting at 9 p.m., seconded by Ms. Alvarez and approved by all present.

**Approved 6 Aye (Bainer, Roberts, Sammons, Kling, Alvarez, Plass)**  
**0 Nays**  
**1 Absent (Keyser)**

Respectfully submitted,

Jean-Adele Howard  
Secretary, Town of Taghkanic Planning Board  
Next Meeting Scheduled: March 5, 2019

Accepted by: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_