



**Hillsdale Planning Board Minutes
December 9, 2013**

Present: Hank Henward, Chairman; Bud Gardner; Deborah Bowen; Patti Rohrlich; Ellen Levy;
Mark Barbato; Vivian deGeorges, Secretary

Excused: Richard Freiman

Also Present: Ruth Dufault; Jeff Paige

Mr. Henward opened the Planning Board meeting at 7:32 PM.

1. Peter Yates 127.-1-15.2 site plan review for house

Received by mail prior to the meeting: check for \$100; application; short SEQRA statement; house plans; DOH letter for septic solution; driveway cut approval.

Received at meeting: check for \$422.65; revised maps.

Mr. Yates brought revised maps showing everything asked for at the previous meeting. Discussion about the septic system being put in the spot that had formerly been a foundation hole which was never used. Cleared areas, driveway, building envelope, existing large trees are all now shown on the map. Everything shown cleared has been done and there's no more clearing to be done except for a little corner needed for placing the house.

Ms. Levy - is this the time we have to know about the height of the building and the design?

Mr. Yates - I have preliminary plans for the house - shows them to the Board. Mr. Henward asked about the colors Mr. Yates intends to use and he answered that he'll be using a bark grey to blend in with the bare trees in the winter. He also said he'll probably be doing a flat roof which will keep it lower, but that if he doesn't do a flat roof, it will be a slate one.

Ms. Levy - should we have a visual assessment form filled out for this project and to set the precedent for it for future projects? Mr. Henward - I don't think we need to. Ms. Levy asked about a balloon test and Mr. Henward said that at 19', which is what's on the plan, we won't need it. He further added that it's below the trees and the land goes up behind this site and there are other houses above this planned one, so it won't be projecting at the top of the existing view of the site. Mr. Yates also said he plans to plant more evergreens around the house and down the driveway.

Discussion about driveways needing an emergency vehicle turnaround every 500' but that this is shorter than that, and they'd need a turnaround at the top.

Mr. Henward asked for a motion to approve this site plan subject to conformity with Ridgeline regulations. Ms. Rohrlich made the motion and Ms. Bowen seconded it. The vote was all ayes.

The maps were stamped and signed.

2. Pat Prendergast representing Mary Stine site plan review White Hill Rd. Tax Id 127.00-01-10.22

Mr. Henward reviewed this application and told the Board that that morning, Mr. Prendergast was in to discuss this. Mr. Prendergast and the others involved in this application are trying to do as good an engineering job as possible for this site, taking into consideration the consequences of the driveway, storm drainage, etc., without deciding if it's buildable or not. What needs to be decided is whether or not there is impact on the town and whether it's in conformity with the Ridgeline regulations, without making any judgments of whether or not we're going to approve it. The owner's engineer is making improvements on the plan, especially the storm drainage. Tom Field, the engineer from Doug Clark's office, said that the plan needs more work concerning directing the flow of rainwater off the road into the woods and into a ditch, in order for it to be discharged without doing any damage to the road. Mr. Prendergast is going to make these changes which hopefully will be consistent with what our engineer recommends. However, the other issue is whether the horizontal and vertical curves of the driveway are acceptable to the fire department. When we made the last changes to the driveway, a curve got sharper and is probably now too sharp for a fire truck to navigate. The owner would like to have a public hearing for January.

Ms. Levy said that we get a lot of water off that road now, even before any further disturbance. Mr. Barbato said that what is important is to regulate the speed at which it comes off the property. Ms. Levy said that when the water comes off a driveway like that, each year the Town remakes ditches along the edge. If they were to put a pipe underneath instead, would that help? Mr. Barbato said that if that were the case, there should probably be a culvert between Stine and Yates.

Mr. Henward explained that the plan at the moment is that, at the property owner's expense, to put a ditch on the Town road in the shale which will bring the water down to a culvert which runs across under the road, probably a 12-15" culvert. We won't allow the water to run to the property below (Mr. Yates). There would be various check dams for the water to go off to the sides into riprap, etc. Mr. Barbato asked who would maintain the check dams and keep them cleared of sediment.

Ms. Rohrlach - why are we looking at this unbuildable lot at all? Buying this property and making it into a separate tax parcel doesn't make it buildable. It requires a very expensive engineering project for drainage, emergency vehicles, etc. It doesn't feel appropriate to consider if it is buildable.

Ms. Dufault gave the CAC assessment and said they don't understand why this person went to the county about the tax ID. Why didn't they go through the regular procedures? She said that she and Ms. Bowen, Guy Winig and Gretchen Stevens were on the site and it seemed that it was very steep, that they had questions about the engineering, and also that it's in a DEC protected area (she handed out a printout of their notes on visiting the site).

Mr. Henward explained that what actually happened was that the whole parcel of 15 acres was bisected by the road. When the new owner wanted to buy the property after Mr. Eaton died and his daughters inherited it, she couldn't get a mortgage on the whole piece because it was divided by a public road and FNMA won't allow a mortgage on a parcel divided by a road. The buyer's attorney, Mr. Freeman, knew our regulations and our regulations state that if a parcel is divided by a public road, it can be two tax parcels. So they went to Real Property and told them about our regulation and Real Property assigned it a separate ID.

Ms. Levy asked in what way could we be libel under Article 78, which prohibits arbitrary and capricious decisions, and could we be sued? Can we consult an attorney about that? Mr. Henward said, yes, we can consult an attorney.

Ms. Dufault said that while up there, it looked as if the driveway cuts aren't adequate, that the banks were steep, and that there will be a lot of clearing needed. It's a lot of surface to create for runoff during a bad storm.

Mr. Henward said that we do need to look at how much clear cutting there needs to be done. The driveway goes very close to the lot line but the setback is only 10'.

Mr. Barbato said that when you excavate as much as this, that there's a lot of dirt moved around. Where is the dirt going to go? There's no place on site for it to be placed. What if they take it off and then need to bring it back to raise the turn on the driveway? He also explained that the amount of shale, say 10 cubic yards, comes out as 20 cubic yards, as it's broken into pieces. All of it has to get moved around and I can't imagine all those trees staying, with all that disturbance. Mr. Henward said that it all has to go offsite. More discussion about excavating for the house itself.

Ms. Rohrlich asked if we can have Dick Alford advise us if we have a defensible right to refuse this. She further said that she would recommend that we not have a public hearing next month, that we postpone this till February when Mr. Henward, Ms. Bowen and Ms. Levy are back. Also, maybe we can have Doug Clark and Pat Prendergast here at that time.

Mr. Barbato asked if there is a minimum amount of trees that are allowed to be cleared.

Mr. Henward said that any more than 50% of trees of 8" or more in diameter at breast height constitutes clear cutting in the Ridgeline. Ms. Levy said that the more points we have showing disturbance, the better for our making the decision. Here are some of the points to discuss and evaluate:

- Clear cutting issue-more than 50% of trees with 8" diameter will be cleared based on current plan. Violation of Ridgeline Overlay regulations.

- Not only will the trees to be cleared, as indicated on the plan, be destroyed, but collateral damage to trees from the creation of the driveway will occur as a result of root damage and probable storage and movement of earth required for driveway clearance.

- Large ratio of disturbed area to total area.

- Damage to the soil will also kill some trees besides the ones being cut. Most roots go out to the edge of the canopy so any disturbance that far away from the trunk will destroy the tree.

Ms. Levy asked that if you spend enough money, can you do less damage to the surroundings by carting away the earth and then returning it. Mr. Barbato said yes, and the shale won't run off, but mostly pack and stay in place. Ms. Dufault said that we've been having shorter, more violent storms and the streams are being scoured out more than before. Mr. Henward said that Mr. Prendergast has engineered this to 100-year storm specifications in short, heavy bursts.

Mr. Yates asked if the culvert to which storm water is going to be diverted is on his property.

Mr. Henward said no, I think it's above the property. Mr. Yates said there's one below my property as well, and there's another driveway near mine and the water will run down his driveway into my

housing site. Mr. Henward said that in that case, the Highway Department will require that the owner put in a larger culvert near their driveway.

Ms. Rohrlich asked if we can go back and say to Mr. Prendergast that the major concern we have is clear cutting. She further suggested that we not have a Public Hearing in January because we're not finished with our study and, in addition, three of the Board members will not be here for that meeting and this is too important to discuss without a full Board.

Mr. Henward asked for a motion for a Public Hearing. The motion made by Ms. Rohrlich is that we have the Public Hearing in February, and continue the discussion in February after the hearing with Mr. Prendergast and Mr. Field present. Ms. Levy seconded the motion. The vote was all ayes.

A Public Hearing will be held on Monday, February 10, 2014 at 7:00PM.

Mr. Barbato asked if all neighbors or just abutters get letters about the Public Hearing. Mr. Henward said that abutters only get the certified letters, but as a courtesy, we can inform the White Hill Homeowners Association about this, and Mr. Yates might want to attend. For the January meeting we could have Mr. Prendergast and Mr. Field as well.

Mr. Henward asked for a motion to adjourn the meeting. Mr. Gardner made the motion and Mr. Henward approved. The vote was all ayes. Mr. Henward adjourned the meeting at 9:10PM.

The next meeting is January 13th, 2014