



**Hillsdale Planning Board Minutes
November 11, 2013**

Present: Hank Henward, Chairman; Richard Freiman; Bud Gardner; Deborah Bowen;
Vivian deGeorges, Secretary; Mark Barbato

Excused: Patti Rohrllich; Ellen Levy

Also Present: Jeff Paige; Ruth Dufault; Gretchen Stevens; Mr. & Mrs. Bud Atwood

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

**1. Kathleen Williams Tax parcel ID 117.-2-42.11 12.6 acres planned two-parcel subdivision
State Rt. 71**

Ms. Williams came to show her map for a driveway and house site on her parcel. The Board reviewed the short SEQRA form line by line. This application has a plan for leaving undisturbed space and cluster housing on the other side of the parcel. Mr. Henward asked if there were any questions. He said that the only action proposed tonight is to sign the SEQRA (EAF) form and agree to the assessments filled in on the form. She has to have a curb cut and a perc test done. The DOT told her she had to have a commercial driveway cut for the cluster of 4 houses. Mr. Henward asked if anyone has a problem signing this form. He explained that she needs it for the DOT and the engineer in order to have a proper site plan and perc test done. Ms. Williams asked why an engineer has to design a driveway and Mr. Henward said we have to have a sketch as to where the driveway will go and the location of the house in order to approve the subdivision, and that the driveway needs to meet specifications. He added that the DOT may require the driveway and apron to be paved to avoid sediments running off.

Mr. Henward asked if there were any CAC comments. Ms. Stevens asked if this is to look at a subdivision for a single house, and Mr. Henward answered yes. She then said that on part C3 on the assessment form, there is a question as to whether there is a disturbance to threatened species or habitats. She continued saying that usually people sign it "no" not having done any studies about species or habitat. This is the only chance the Board has to review whether or not there is anything endangered, and it's a perfunctory "no" with nothing to back it up.

Mr. Henward said that's why we tried to have a large area left undisturbed, but the cluster housing isn't happening, so now it has to be subdivided in the area of no disturbance. We'll have more time to study this when it comes back to us.

Mr. Prendergast said that the NYS DEC has new EAF forms on its website, and that this one is obsolete. The new form requires looking on the Internet to see if there are any wetlands, protected

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habitat/species, etc. before filling in the form. [The Planning Board secretary has sent the proper form to the Webmaster for posting on the Hillsdale Town Website].

Mr. Henward asked for a motion to approve the Chairman's signing the short form EAF, the sole purpose being for the preparation of an application for a curb cut. Mr. Freiman made the motion and Mr. Barbato seconded it. The vote was all ayes.

2. Otto Maier to present sign designs for his diner

Mr. Maier showed pictures of proposed signs. He's decided not to erect a road sign, just the roof sign. He prefers the white background with red lettering. It will be lit up only during hours of operation. It doesn't go above the roof line. Mr. Henward said that the maximum size is 20 sq'. Mr. Freiman asked if the Board is okay with the sign being illuminated from within rather than light shining on it. Mr. Maier described how the part of the sign that says "O's Diner" will be a box sign lit from inside and the part that spells out "DINER" will be individual lights, letter by letter. There was discussion about how the sign will be lit because fluorescent lighting isn't allowed. Perhaps LED would work, and Mr. Henward said Mr. Maier could go to the ZBA for approval for fluorescent lighting if necessary.

Mr. Henward asked for a motion and Mr. Freiman made the motion to approve the design on the basis of it being no more than 20 sq.' to be in compliance with Section 8.13-2 of the Comprehensive Plan. Mr. Barbato seconded the motion. The vote was all ayes.

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

Mr. Prendergast handed out maps based on suggestions from the October meeting. The Real Estate Broker, the owner, his partner, the surveyor, Mr. Prendergast, Fred Miller from the FD and the Board all went to the site since the last meeting. Mr. Prendergast said that he adjusted the alignment of the driveway to make it easier and because the FD required a 40' apron. We all walked up there and it was suggested we go out a little further because it's an easier grade even though it adds about 100' to the driveway. It goes from a 3% to an 8.6% slope, so there's not as much cutting as before, and it finishes up about 12%. The average slope is 10% between the property line at the front and the property setback line which is what's in the requirements.

Mr. Henward said that it's his view that this is probably the best you could do to put in a driveway from White Hill Lane to the top of the site. Mr. Prendergast said that they're not anywhere near the top of the hill. It's at the plateau of the site, not where it slopes up.

Mr. Henward said that the story is that Ms. Stine bought this land from David Easton's heirs and she went to get a mortgage and the bank said they couldn't finance it because it's bisected by a public road. So she and her attorneys were able to create, with Real Property in Hudson, a separate tax parcel across the street. She then went and financed the parcel with the house so the lien for the mortgage is just for that property. Mr. Alford can't figure out how it was done. We're trying to

figure out if the second lot, the one she just created a new tax id for, is buildable. This part of the property was probably never intended to be built on and a broker listed it, which is illegal because it's not a buildable lot as of right now. Mr. Henward suggested that Ms. Stine tell the broker to take it off the listings and to remove the for sale sign on the property.

Ms. Dufault asked why the driveway was so long, and Mr. Prendergast said that it's a 10-scale map so it's not as big as it looks. There's another 10 acres of this parcel.

Mr. Henward said that this lot has to have a perc test and a driveway and it's in the Ridgeline. The driveway will be clearly visible. We have to decide whether the impact of this driveway is consistent with our regulations. Maybe we can't create a buildable lot according to our regulations. It's the best design that can be done, but is the impact beyond what we consider acceptable?

Mr. Prendergast said we did a perc test but the soil depth isn't great. We'll design a sand filter system. Mr. Henward said that we're going to have the town engineer look at this, Doug Clark's office. The reason is the interpretation of the Ridgeline, and the fact that a lot of trees will have to be cut to construct the driveway, as well as the drainage issue. You may have underestimated the amount needed to be cleared and the disturbance that will be created by the driveway and house site. There has to be work done to prevent any water whatsoever getting onto the town road. The huge driveway apron and all the cutting of trees may make an impact and that's why we have to have the town engineer look at this.

Mr. Gardner suggested that perhaps since there are some trees being left in place because of the switchback nature of the driveway, it might not be as visible as if it were a straight driveway going up the hill. Mr. Henward said that this is in an area of steep slope 15-25% and then some 25% and above. There followed a discussion about what parts of this parcel have the steepest slope.

Mr. Prendergast asked if the Board will be able to have it reviewed in time for the next meeting, and did we need a public hearing? Mr. Henward said we might. Based on what they have now, they can't sell it for building. When they bought the property across the road, they should have come to us to see if this was buildable. Mr. Barbato asked if there are markings so we can see where things are if we go up there and Mr. Prendergast said yes, there are ribbons marking everything.

Ms. Stevens asked why this is not a subdivision and Mr. Henward replied that it's because the parcel is separated by the road and FNMA regulations say that if there's a road, it's not mortgageable as one piece so that's why the lien is only on one part and this other parcel is free and clear. It's a separate lot but not buildable without a designed \$50,000 septic system and the road driveway which will probably be about \$30,000. Ms. Stevens asked if the Board is obliged to allow building and Mr. Henward said no. So the things needed are permission for a curb cut, a solution to the septic design, a site plan review under the Ridgeline regulations, and assuring that drainage towards the road is addressed. He also asked Mr. Prendergast to email the map to Doug Clark's office and that we need a check for \$500 for escrow for the engineer.

This application will continue next month.

Mr. Henward asked for a motion to adjourn. Mr. Gardner made the motion and Mr. Frelman seconded it. The vote was all ayes and Mr. Henward adjourned the meeting at 8:44PM