

**Hillsdale Planning Board
Minutes
September 13, 2010**

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

Public Hearing Sunny Mead Farm – Clapp subdivision **Tax ID 144.-1-70/71**
Dan Russell, surveyor; Carl Whitbeck, attorney; Lynda Brenner, neighbor;
Jason Swanson, neighbor

Called to order at 7:35 by Chairman Henward

Mr. Russell described the difference in what was proposed last time and the changes made regarding the subdivision. The Clapps want the parcel with their house and approximately 42 acres to be carved out of their land so that they can have that land to farm and sell the remainder, approximately 66 acres. The application is for just the current building lot because the rest is to be kept in agriculture. Ms. Brenner asked to be shown on the map what is being kept by the Clapps. Ms. Rohrllich asked if there was any restriction on the 42 acre lot. Mr. Whitbeck said no, it can be further subdivided at a future time but that is not what is before the Board at this time. Mr. Henward described that lot 2 is not a buildable lot, as per Mr. Alford, the Town attorney. Nothing can be built on the lot without a perc test and another application to the Planning Board. It can't be sold as a buildable lot. It can only be sold for agricultural purposes. That restriction is written on the map as follows: "This subdivision approves building lot 1 on this map only. It does not approve lot 2 as a building lot. Said lot remains in agricultural use." Mr. Swanson said he was opposed to any building as they're downhill from the property and didn't want the water affected. He was told by Mr. Henward that any development to that parcel must go before the Planning Board as well as the County.

Ms. Brenner asked how many homes can be built on parcel 2 and was told one per 3 acres. Mr. Henward said there is a lot of wetland area and a 200' setback from the stream so that doesn't leave a lot that can be developed. The intention is to carve out the homestead. Ms. Brenner asked if there is any indication of wetlands on the map and Mr. Henward said that there was an aerial photo done which shows them but it's not an official wetlands

survey map. An official wetlands map isn't being as there is no development planned on this parcel.

Mr. Henward said he wants to be sure everyone understands what is being proposed. He said there are no rights for any subdivision. Any changes on either lot require another full application, hearing, etc. Mr. Whitbeck said that the whole purpose of this hearing is for the Clapps to keep as much of their land as possible, the 42 acres, and to sell the rest.

Mr. Henward asked if there were any further questions or remarks from the public. There were none. The Public Hearing was declared closed at 7:50PM and the Planning Board meeting opened.

Mr. Henward asked if there were any further questions from the Board. Ms. Rohrlich asked if the other lot needs to be a buildable lot with a perc test, etc. Why isn't this part of this process? Mr. Freiman said he agrees with Ms. Rohrlich because he doesn't understand how it is being done without the newly created lot not being a buildable lot. Mr. Whitbeck said that if the health department requires a perc test, with 66 acres there would be sure to be at least one spot that percs. Mr. Freiman asked if this counts as one subdivision. Ms. Levy said that maybe we should note that this is a waiver of the requirement that all lots within a subdivision must be buildable lots.

Mr. Freiman said he understands this is a hardship case, but that the Board is creating an exception and that he was not comfortable with that. Mr. Whitbeck said Hillsdale is in the minority of towns which require a perc test for every subdivision.

Motion: Mr. Freiman moved that the Board allow this subdivision with the provision: "This subdivision approves building lot 1 on this map only. It does not approve lot 2 as a building lot. Said lot remains in agricultural use" and that we do this as a one-time occurrence without a perc test because it is being done on a hardship basis. The motion was seconded by Ms. Rohrlich. Vote: all ayes.

Three maps were stamped for the Planning Board file and 5 were stamped and given to Mr. Russell.

The Planning Board meeting was suspended at 8:05PM and **the Public Hearing for 2-lot subdivision for John Livingston on Harlemville Rd. Tax ID**

114.-1-15, with corrected maps and notification of additional neighbors, was continued from the last Planning Board meeting in August.

Mr. Haley, the surveyor, reminded the Board that they had mistaken a neighbor as it was incorrect on the tax map. The map has been corrected. The neighbors who were not on the incorrect map are Nancy Kircorian and James Schamis, who have since been notified.

Mr. Henward closed the Public Hearing at 8:09PM and declared the Planning Board meeting restarted.

Ms. Levy asked what is the size of the lot that Mr. Livingston is keeping? Mr. Haley answered 24.27 acres. Submitted were: new maps, letter to neighbor, signed receipt from neighbor, original easement for the septic that's on the neighboring land. There was discussion about setbacks, etc., around the barn that's being kept.

Mr. Henward asked if there are any other questions, and when there were none, asked for a motion to approve the subdivision.

Motion: Ms. Levy made the motion to approve and Mr. Gardner seconded the motion. Vote: all ayes.

Three stamped maps were submitted to the Planning Board file and 3 were stamped and given to Mr. Haley.

Sal Vergopia lot line adjustment with neighbor Rt. 23 Copake/Hillsdale Tax ID 146.-2-24.1 John Campetti, surveyor; Barry Carson, attorney; Mr. Vergopia

New maps were submitted with driveways and elevation indicated. Mr. Carson described that the town attorney, Mr. Alford, was not happy with the newly written road maintenance agreement and had suggested changes. At the last minute, Mr. Vergopia, while having the newly written maintenance agreement signed by one of the parties to the agreement, was told that she had a copy of the original agreement and gave it to Mr. Vergopia. He submitted it to the Board, along with the easement agreement which states that the easement indeed starts at Route 23. Mr. Carson also submitted a supplement to the easement, which clarifies this further, and it was reviewed by Mr. Alford.

Ms. Rohrlich asked if the definition of the degree to which the road must be maintained, which was written in 1987, should be changed to be up to date with today's standards. Mr. Henward said no as the original agreement was still in force as is. Another question asked was if the neighbor who will be adding to his property with this lot line adjustment was one of the original 5 members of the road maintenance agreement. The answer is yes and that neighbor's name is Mr. Tuomenoksa.

Motion: Ms. Rohrlich moved to approve the lot line adjustment.

Mr. Freiman seconded the motion. Vote: all ayes

Three stamped maps were given to Mr. Campetti and 3 were stamped for the Planning Board files.

Rose Spurge – lot line adjustment 420 Hunt Rd Tax ID 125-1-39

Ms. Spurge wants to sell neighbor Paul Matteo 4 acres of her parcel.

Mr. Henward showed Ms. Spurge what needed to be shown on her survey map, and recommended her calling Dan Russell for the preparation of the map, and that it has to show the adjoining boundaries with neighbors. Submitted was a check for \$95 which was the balance needed for the lot line adjustment fee of \$145.

CAC Gretchen Stevens; Ruth Dufault

Mr. Henward reported that a plan was supposed to be submitted for Mr. Kimelman by Ed Denham. He has photographed the land recently, and the rumor is that Mr. Kimelman is looking for reparations from Mr. Howes, the tree person who did the cutting. But since then, we haven't heard anything. Perhaps we need to give him an appearance ticket to have him appear before this Board.

Mr. Henward asked Ms. Dufault if Jamie Purinton has done any work on the Pinto property. She said yes, they planted on the steepest part of the hill, pines and poplars, and the growth along there is also taking place. She's not allowed to put any soil on the riprap which would compromise the drainage, but she's planted native shrubs on the section south of that as well. A lot has recovered since last spring. There are also small tree seedlings growing along the edge of the riprap. The bank above the pool is also completely planted. There is now a fence at the base of the hill to

protect the pool area. Ms. Dufault described more of what's been done including describing species of trees, ground cover and other plants.

Mr. Henward said to find out when that work will be done because they can't get a c of o to use the pool from the building department until the planting is done.

Mr. Henward described that if the riprap is filled in, runoff can be trapped in it and shift the ground. If the riprap is left alone, the water will soak in.

The CAC has a draft review of the wind tower proposal. Tom Carty and Janis Smythe have looked at it also and will use the findings if they need them. Theirs is very long and complicated so the Board is asking it to be pared down.

The Hamlet plan will be turned over by the consultants to the Town Board soon and it needs the public hearing and review process. But first it comes to us and we need recommendations by the Planning Board. It will then be turned over to Dick Alford. The same will happen with affordable housing.

Motion to adjourn made by Mr. Gardner. Seconded by Mr. Barbato. Mr. Henward declared the meeting closed at 9:17PM.