

**Hillsdale Planning Board
Minutes**

Meeting of February 8, 2010

Present: Hank Henward, Chair; Patti Rohrlich; Deborah Bowen; Rich Freiman; Bud Gardner; Vivian deGeorges, Secretary; Dick Alford, Counsel

Excused: Mark Barbato; Ellen Levy

Meeting called to order at 7:30 by Chairman Henward

CAC Report Ruth Dufault; Gretchen Stevens

Ms. Stephens reported that a talk by Steven Winkley of NY Rural Water Assoc., about the aquifer study, will be held on March 1 at 7PM at the United Methodist Church. Press releases have gone out.

Ms. Dufault has spent time with Jamie Purinton at the Pinto site and reported on what has transpired.

Test borings have been made and a report will be ready for the next Planning Board meeting. Ideas for remediating the slope of the bank were discussed and the big questions are how stable is the bank, how stable is the riprap, how much can be moved, etc. Ms. Purinton interviewed about 8 people who do hydroseeding and soil blowing. She'll get different ideas from these people to discuss solutions to the problem, such as what kind of plantings can be used, including trees and vines. Ms. Dufault also reported that Ms. Purinton created some drawings involving removing the riprap and replacing it with large stones.

Ms. Rohrlich said that Ms. Purinton is aware of native plants and has a good sense of them and had inherited a difficult site with which to deal. Mr. Henward suggested Ms. Dufault ask Ms. Purinton to get in touch with him and let him know if the soil engineer will have a report ready before the next meeting, and suggested they hand it in to Doug Clark as well so it can be discussed at the next meeting.

**Dan Haldeman – 9 Fern Hill Road and Ct Rd. 21 corner, subdivision,
Tax ID 104.-1-27.200**

Mr. Haldeman brought the 6 copies of the site requested of him at the previous meeting he attended, regarding his subdivision. Mr. Henward asked him if he had spoken to the building department and Zoning Board about his subdivision and Mr. Haldeman said that he had. There was discussion between Mr. Henward and Mr. Freiman over the map to describe where the property is regarding a stream. Mr. Freiman asked if Mr. Haldeman spoke to his neighbor and Mr. Haldeman said that the neighbor's property is quite a way up from his. Mr. Freiman asked what the orange flags in the field are, and Mr. Haldeman said that they were the septic sites. Mr. Henward then asked for the driveway permit from the County and it was given to him by

Mr. Haldeman. Mr. Henward asked for any comments from the Board, received none, and said that a public hearing would be called regarding this, and then the Planning Board would

submit it to the County. A public hearing will be scheduled on the evening of the next Planning Board meeting, March 8, and Mr. Haldeman is responsible for informing his neighbors about the meeting via certified letter. Mr. Haldeman explained that he plans to build a home on the newly-divided parcel and live in that new home.

Steven Kimelman re: stop work order for White Hill Lane - Frank Roach, Attorney; Richard Howes, logger

Mr. Roach started the discussion by explaining that there was an agreement with Mr. Howes, from Spencertown, for cutting trees on this site but that it went a little too far. Mr. Henward asked who had met Mr. Howes at the site to stop the work that was going on and Mr. Howes said it was Glen Smith. Mr. Henward said that the Kimelmans bought the property recently and that they were fully aware of the restrictions regarding the clearing, and the Board was quite surprised to find that they took the actions they did without prior approval. Mr. Roach said that about 50 trees were cut, some diseased but very few dead, and that some of them might be in violation of the 6" or over in diameter rule within a 2000' area. Ms. Bowen asked where the trees were that were cut, and was told they were on a knoll up above the house. Mr. Howes said the goal was to thin the trees so that sun could come through and dry out the area behind the house, that it was about a 50' area, and that the stumps were left to hold the slope and that these stumps would resprout.

Mr. Henward asked if Mr. Howes was aware that Hillsdale requires a logging permit. Mr. Howes said no and that he wasn't a logger, but a tree service. Mr. Henward said that in the Ridgeline area, the amount of cutting that was done is considered clear cutting. He went on to say that it's a very sensitive topic in the Ridgeline Protection Area. He said that Planning Board members will go up to that site before the next meeting and they will try to come to an agreement about what restoration needs to take place. Then Mr. Kimelman can come to the Board with a proposal for what he'll do towards that restoration. Also, the CAC will be involved, looking at the site. Mr. Roach asked if he would get some guidance as to the restoration plan for Mr. Kimelman to follow, and Mr. Henward said that he would. Mr. Henward also said Mr. Howes could go in and get the wood off the driveway.

Mr. Henward asked for anyone on the Board who could to please go look at the Kimelman property.

Subdivision Application – Kinney 4 lot subdivision on Oxbow Road Tax ID 137.-1-8.1

Kathleen McCormack, Attorney; Patrick Prendergast PE; Frank Roach, Attorney; Owners Del and Georgette Kinney

Mr. Prendergast said that since November, the biggest thing worked on was trying to get an agreement with the Schindlers, the Kinney's neighbors to the north of Lot 4, to allow the Kinneys to fix up both sides of the road because the property line goes through the middle of the road. It was thought that was the best place to have the driveway, on the existing road, but the neighbors wouldn't comply. He then showed new site maps to show that the house would be moved so that they could use the existing driveway and come off it with the new drive. Also, the Health Department asked to have a sand filter and gravel filled bed added to

the septic area, which is now shown on the new map. Ms. Bowen asked how far the house would be from the stream and Mr. Prendergast said about 65 feet. There was discussion about the fact that Mr. Schindler wouldn't have access to some of his property near and over the Massachusetts border and Ms. McCormack said he may have right-of-way for foot traffic only, and that that piece of property definitely has a restriction saying a home cannot be built on it.

Mr. Prendergast said that he had gotten a letter from the DEC saying that there was no record of rare or state-listed species or any significant natural communities on the site, and he gave out the letter to the Board. He said he contacted Karen Strong from the DEC who said they identified the areas but have not put any restrictions on them, and also handed out her reply. The recommendations to keep the area unfragmented have been taken into account with the current plan. He then gave out a letter from Roger Case from Diversified Soil Services that said that he didn't see any wildlife that would be impacted in its migration. Mr. Prendergast also said that he looked into the fact that there is no archeological or historic items ever noted in the area and produced a letter from the NY State Office of Parks to that effect.

Ms. Stevens said that the continuity of the stream, not only species protection, is of issue here.

Mr. Henward asked the Board if this area is of enough significance to declare it a major subdivision which would require the Kinneys to comply with the restrictions put in place for major subdivisions, which includes a Conservation analysis. This would help guide the covenants which would protect this area. He said that the DEC puts the responsibility of protection on the Planning Board.

Ms. Stevens said that this is in a significant biodiversity area and the CAC work could include a habitat analysis which would show what actually goes on on this site. Walking through the site doesn't constitute a biological assessment. A biologist needs to do that kind of study.

General discussion followed about the definitions and requirements of a major subdivision, while members looked in the Hamlet book for these definitions. Mr. Roach asked which part of the code allows the Board to declare it a major subdivision. Mr. Freiman read the part of the code which included wording that gives the Board permission to declare a major subdivision if it can have a major impact. Mr. Roach asked what impact it would have, and Ms. Rohrlich said that the Board doesn't know at this point, but said that it could have impact since it's a sensitive biodiversity area defined by the DEC. Mr. Henward said that none of us around the table are qualified to answer whether this plan would impact the biodiversity and that's precisely why a study by a qualified biologist has to be done, in order to inform the Board about what possible impacts could be caused by the subdivision plan, and once the Board is informed, it can determine what needs to be done.

Ms. Stevens said that habitat assessment would show possible conservation problems for species like bobcat, fisher and songbirds.

Mr. Henward listed some covenants that could be included such as prohibition of ATVs, widths of trails, etc., that could address these issues.

Mr. Roach asked if he could have a list of what the Board is looking for and Mr. Henward said yes, the Board could provide a request of what's needed, within a week.

Ms. Rohrlich said that these conserved areas, once developed, can be value-added to the developer as special and unique land which is valuable by virtue of having been protected and preserved.

Further discussion among the Board and Ms. Stevens and Ms. Dufault continued about who would be qualified to do the biological study and how to find that person. Mr. Henward said that he doesn't want a huge study but a focused one regarding habitat and biodiversity, showing what animals this area supports, as well as recommendations of whom to call in to do the study. Ms. Rohrlich asked if it could be determined from the DEC exactly what caused this to be named an area of sensitive biodiversity, but Ms. Stevens said that might not be possible as this area might go as far as from Dutchess County to north of this site.

Mr. Henward called for a motion to close the meeting. Mr. Freiman made the motion, Mr. Gardner seconded the motion and the meeting was adjourned at 9:22PM

As amendments:

In paragraph one under Dan Haldeman, line numbers 6-7 should read:

Mr. Freiman asked what the orange flags in the field are, and Mr. Haldeman said that they were the septic and new house sites.

In paragraph two under Dan Haldeman, line numbers 5-6 should read:

plans to build a home on the newly-divided parcel, live in that new home and sell the old one when the market turns around.

Under the Kinney discussion, paragraph seven should read:

Ms. Stevens said that habitat assessment would show possible conservation problems for species like bobcats, fisher cats, bears and songbirds.

Also in the Kinney subdivision discussion, the code read at the meeting pertaining to major subdivisions was found on page 79 under the Ridgeline Overlay District Regulations, Conservation Analysis, of the Comprehensive Plan.