

## **Hillsdale Planning Board Minutes**

**Meeting of March 15, 2010**

**Present:** Hank Henward, Chair; Deborah Bowen; Rich Freiman; Bud Gardner; Mark Barbato; Ellen Levy; Vivian deGeorges, Secretary; Dick Alford, counsel; Gretchen Stevens, CAC

**Excused:** Patti Rohrlich

**Meeting called to order at 7:30 by Chairman Henward**

**Public Hearing regarding Dan Haldeman – 9 Fern Hill Road and County Rt. 21 corner, subdivision, Tax ID 104.-1-27.200  
3.3 acres divided into 2 parts allowed because it's in the Hamlet.**

Mr. and Mrs. Haldeman presented a map and other documents including receipts for certified mailings to their neighbors, a SEQR form and a Highway Dept. letter regarding their subdivision. Mr. Henward said that there is nothing requiring a full environmental study and read and answered aloud all questions asked by the SEQR form. He then signed the form and had Mr. Haldeman sign it as well. The application will require coordination with the County Planning Board. The Hillsdale PB will take this application to the County PB and Mr. Haldeman can appear if he wants to but isn't required.

Mr. Henward explained that the County PB can make comments which they may refer back to us and we can then approve and stamp the maps once all concerns have been addressed. The County meeting is a week from tomorrow (being March 23<sup>rd</sup>).

**At 7:40 the Public Hearing was declared closed and the PB meeting opened.**

Mr. Henward asked for a motion to approve Mr. Haldeman's application. Mr. Barbato made the motion and Mr. Freiman seconded. All ayes.

**Jon Furay West End Rd., 3-lot subdivision Tax ID 134.-1-15.2  
Nick Demos, PE; Frank Roach, attorney**

Mr. Demos presented maps of the project. Mr. Demos met Michael DeRuzzio, the DOH rep, at the site and was told they need a sand filter for the septic. Parcel 3 has the septic planned for less than 200' (about 130') from Taconic Creek which necessitated going to the ZBA for a special permit to be closer than the regulated 200'. Mr. Henward asked for a copy of the special permit. Mr. Demos said he would get one and hand it in to the PB. Mr. Freiman asked if the ZBA had requested any conditions for the special permit and Mr. Demos said no. Mr. Roach

handed Mr. Henward the subdivision application and short SEQR form along with the Agricultural Data Form. There was discussion over the maps in which Mr. Demos described and showed where the septic system would go. Mr. Demos showed the DOH letter from 2003 for lot 1, and a letter from 2009 for lots 2 and 3. Mr. Henward asked for a more recent letter for lot 1.

Mr. Demos told the Board that Mr. Furay plans to build on lot 3 and may, in the future, sell lots 1 and 2.

Mr. Henward asked for wells, driveways, curb cuts, septic, etc., to be shown on the map. He told Mr. Demos to contact Richard Briggs regarding the curb cuts for lots 1 and 2, as lot 3 will use the current driveway. He also asked for the maps to show an envelope where future houses on all three lots could be placed. Mr. Henward then asked

Ms. Stevens if she had any comments on the plan. She said that the entire property seems to be on farmland soil and that Hillsdale doesn't currently have any requirements for protecting farmland soil but hopes it would soon have a plan so that contiguous fields of good farmland would be protected.

Jeff, a member of the public, told the Board that he lives nearby and was required to have his septic 200' from the Taconic Creek and fears that this ZBA special permit would be a precedent for others to put their septic systems closer than 200' to the creek.

Mr. Henward asked Mr. Demos if there were wetlands on the property and Mr. Demos said that he didn't see any wetland species. Ms. Stevens commented that the aquifer is probably within 700' of the proposed septic and that it could affect the aquifer because it's vulnerable to contamination.

Mr. Henward also asked Mr. Demos to calculate the area of disturbance on the next copy of the map. Mr. Demos and Mr. Roach agreed that they would have the new maps ready for the May PB meeting.

There was a discussion about whether the adjacent land was in agriculture.

Mr. Barbato said that the neighboring land is being rented out for cattle and other land was possibly rented out for hay.

**Steve Bluestone – Spring Brook Lane property – regarding placement of septic system. Tax ID 116.-2-36.111**

Mr. and Mrs. Bluestone showed a map of their property. Mr. Henward reviewed what he knew which was that after the property was purchased, some clearing had been done. Mr. Bluestone said that when they bought the property, it was partially because of the view and showed a

photograph of what it looked like when they bought it. He said that he had subsequently removed some of the growth that had happened since the picture was taken, in order to bring it back to what the property originally looked like when they purchased it. He then handed out a package which included a DOH letter from 2004 approving the septic location. He's asking approval for putting the septic in that same location. There was discussion over the map, including neighboring landowners, etc.

Mr. Bluestone explained that sand and other material was brought onto the property for the septic to be constructed and then he, Mr. Bluestone, realized he needed approval from the PB before construction could begin. Mr. Henward asked for a letter from

Mr. DeRuzzio saying that his 2004 DOH approval letter is still valid. Mr. Henward said that the shared road and driveway had to be approved for fire equipment access by Mr. Briggs.

Mr. Henward said that this property is in the Ridgeline Overlay District. He said that permits for anything within the ROD are mandatory. There will be a site plan review. He explained that even if someone has building approval, if it's from before the ROD was established, they now have to have the site plan review done. He also asked for the building envelope to be shown on the map as well as elevation contours.

Mr. Barbato asked when the sand was brought in. Mr. Bluestone said it was last fall.

Mr. Henward described the process of obtaining a building permit for any structure to be built on the parcel and that roads will have to be improved even for construction.

Ms. Levy asked that when the next map was presented, it also include the locations of trees shown.

**Subdivision Application – Kinney 4 lot subdivision on Oxbow Road, Tax ID 137.-1-8.1 Patrick Prendergast PE; Frank Roche attorney; Kathleen McCormack, attorney**

Mr. Prendergast said that since they were last before the Board, the DOH had comments, and appropriate revisions were made. They were asked to add a curtain drain around the septic field on Lot 4 and asked for the newest soil data on lot 3.

He expects an OK in the next week or so. Also, the house for lot 4 is close to the stream and revised erosion control has been completed and is now shown on the map. Access to lot 4 from Millard Road was discussed regarding the road going into that lot.

Mr. Henward said that the abandoned road that will be used as access is divided down the middle between the Kinneys and the Schindlers and it can't be used without the Schindler's approval. Mr. Roach proposed either widening the Kinney's part of the road or moving it to the west. Mr. Roach handed out mutual easement information for the road. The turnaround for fire equipment was discussed and found adequate.

Mr. Henward asked for either a full-form SEQR review or a Public Hearing. It was decided that there would be a Public Hearing at 7:30 on April 12<sup>th</sup>. The Egremont PB will be notified of the hearing.

There was then discussion over the covenants, changes being suggested by Board members and appropriate ones adopted.

### **General Discussion:**

Mr. Alford asked for approval to send the suggestions for the local law regarding sidewalks in the Hamlet to the Town Board in time for their public hearing which is tomorrow evening at 7:15 (being March 16<sup>th</sup>). Mr. Henward asked for a motion to approve sending them to the Town Board. Ms. Levy made the motion and Ms. Bowen seconded. All ayes.

Regarding the Kimmelman property, Ms. Bowen described what she saw when she visited the property. She estimated the area clear cut as being about 200' by 150' and on a very steep slope, perhaps 45 degrees. Ms. Stevens had also visited the site and said that it may be as much as 20,000 square feet, about a half an acre. She also said most of the trees were white pine. Ms. Levy said that it's visible from Whippoorwill Road. Mr. Henward suggested banning the logger for 5 years in Hillsdale, as he hadn't obtained a permit for logging, and asked Mr. Alford to look into the regulations about banning him. He also said that restoration is called for but not actually defined in the Comprehensive Plan. He asked Ms. Stevens for some names of consultants, fees for whom the Kimmelmans would pay. The consultant would be asked to put together a restoration plan for the damaged area. He further said that the Kimmelmans would have to contract the recommended work under PB supervision, or post money with the town and the town would contract the work out. He said that we need good photographs of the affected area. This matter will be on April's agenda.

Ms. Bowen asked if the Board has to go look at the Bluestone property and Mr. Henward said no.

Mr. Henward asked for a motion to close the meeting at 9:50PM. Ms. Bowen made the motion and Mr. Gardner seconded. All ayes.

### **Amendments:**

In paragraph 4 under the Furay discussion, Ms. Stevens remarks should read:

"Ms Stevens commented that the unconsolidated aquifer as mapped in the Hillsdale groundwater report extends into the Furay property at least to the 700 ft. elevation contour, and the soils and bedrock geology make the groundwater particularly vulnerable to contamination."

In paragraph 2 under the Kinney discussion, Mr. Henward's request should read:

"Mr. Henward asked for both a full-form SEQR review and a Public Hearing. He was handed a copy of the SEQR draft for review."