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HILLSDALE TOWN CLERK

**Hillsdale Planning Board
Minutes
August 9, 2010**

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

Robina Ward; Ruth Dufault, Gretchen Stevens, CAC;

Planning Board meeting called to order at 6:40 PM as Executive Session with Glenn Smith, Building Inspector

Mr. Smith described the details of his duties and how the computerization of the records of the Zoning, Building and Planning Boards will result in more efficient information sharing among the various Boards. He also discussed the division of his time among the towns for which he is responsible.

Executive Session closed at 7:20PM

Public Hearing - John Livingston for 2-lot subdivision on Harlemville Road Tax ID 114.-1-15 was called to order at 7:25 PM by Chairman Henward Present : Fred Haley, surveyor, representing Mr. Livingston

Mr. Haley showed all the forms asked for at the last meeting, including a perc test, the easement for the septic system being on the adjoining land and a letter from the DOH explaining that the septic system needed the easement and right-of-way for repairs, as well as a new map indicating the existing septic location. Also submitted were: the return receipts from the mailing notifying neighbors of this hearing; the subdivision application; the Agricultural Statement; the short SEQRA form; the list of neighbors notified.

There was discussion about incorrect neighbors being listed on the map Mr. Haley submitted, and, because of this, some of the actual abutting neighbors were not notified of this Public Hearing. It appears that the map that Mr. Haley was using had incorrect tax id numbers and names for some of the abutting landowners. James Schamus and Nancy Kricorian are the neighbors who weren't advised, as well as the Rudolf Steiner School. Since there was a Public Notice in the newspaper regarding this hearing, those

neighbors may have seen it and they have 30 days to answer that notice. Mr. Haley said he would, in the meantime, send notifying letters, by certified mail, to all the neighbors who weren't included in the first notice mailing.

The Public hearing was declared closed by Mr. Henward and the Planning Board meeting open at 7:45.

There was a motion by Mr. Freiman that the Planning Board approve this subdivision application **on condition that**, since not all contiguous landowners have been notified, these additional parties are notified and that the Board then wait 30 days before stamping the maps, giving these neighbors an opportunity to come to the Board with any concerns. After 30 days, the Board will stamp the maps if we don't hear from anyone who was notified. Mr. Haley will also bring new maps, showing the corrected names and tax ids of abutting neighbors, for stamping. The Public Hearing will be continued next month. Ms. Rohrlich seconded Mr. Freiman's motion. All ayes.

Steve Winkley – NY Rural Water Association to discuss the establishment of an aquifer overlay district.

Mr. Henward told Mr. Winkley that we are in the process of mapping the aquifer district together with defining the requirements, but that laws to enforce the district are not drafted yet. He said that Tom Carty has sent a letter explaining that the Housing Committee is working with consultants and that their work raises the question as to whether we should do a mini aquifer study for the Hamlet itself because of the density of the housing and commerce in the Hamlet. There are deep wells and some shallow ones and some of the deep ones are going dry; additionally, some of the shallow ones are being affected by the sewer effluent. Mr. Winkley said there is existing language with 6 approval criteria or standards for defining and describing an aquifer district. He also said we could either use what we have already composed and/or additional recommendations by him. Adding his recommendations would give the Planning Board more guidance and be more detailed when it is trying to approve applications for growth in the town.

He then described the various definitions of "aquifer", the main ones being a body of rock or sediment that yields a **significant** amount of ground water and is very vulnerable to contamination. There are two main ones in the town, the sand and gravel one extending across the valley, and a limestone

(marble) aquifer, carbonate, which runs up to the north of town, and sometimes they combine to form sand and gravel overlying the marble. There is not one contiguous aquifer in town; there are many. The map he displayed shows these aquifers. Some other things he suggested to be added to the aquifer document would be high-risk uses which would be discouraged, lot size recommendations if they are on septic systems rather than sewers, and that impervious surfaces should be limited over aquifers. Mr. Henward said yes, some high-risk things should be kept away, but risky ones can be sited if handled properly, and those regulations need to be defined for the future.

Mr. Henward asked again if we should do a mini survey with detailed maps. Mr. Winkley said that in order to do that, there would need to be surveys regarding wells, etc. Mr. Henward asked Mr. Winkley if he would write a letter to the Planning Board describing what type of data we need to collect, and how long it might take for him to do a study once he has the data. He also asked what kind of regulations an applicant would have to adhere to.

Ms. Levy asked if it is true that Mr. Winkley was recommending larger parcel size in the Hamlet rather than smaller, which is what's being proposed for affordable housing construction. He said yes, and there is also the possibility of using a central septic that serves a number of units of housing instead of many close together on multiple small lots. He described that many close-together systems could result in contamination and insufficient drainage. Also the water quality needs to be taken into consideration. He said he can make more detailed maps, collect all the DOH information, e.g. water quality information that's publicly available, talk to well diggers regarding water quality, and perhaps design a mailing survey for us to use. He could then collect and analyze the data which would result in a focused study of the Hamlet. Ms. Ward said she would email a sewer map, outlined by lot along with its proposed expansion, to Mr. Winkley. Ms. Stevens then asked if there was any way Hillsdale could accumulate data that would be helpful for long-range studies. Mr. Winkley said that part of an application to the Planning or Zoning Boards could be a required well completion report.

**Salvatore Vergopia - Informational Meeting - Rt. 23 Copake/Hillsdale
Tax ID 146.-2-24.1 Present: John Campetti, surveyor; Mr. Vergopia**

Mr. Vergopia has 70 acres and wishes to divide out 10 acres. This is a lot line adjustment, rather than a subdivision, so no public hearing is necessary. Mr. Vergopia's property is opposite Suisse Hutte, facing Catamount Mountain. There was discussion around the map, including a lot of discussion about the elevation of the parcel. Mr. Henward said that we need to see the house and driveway indicated on the map. The private road will be on the new section, and the right-of-way needs to be adjusted so the private road is completely inside the ROW. There also has to be a road maintenance agreement on the private road, Gilbert Road, as there isn't one currently. Check with Dick Alford as to whether we can require a road maintenance agreement since this is not a subdivision. Mr. Henward said Mr. Campetti has to put topographical information on the map, putting USGS numbers on it for our next meeting.

Dennis Derwin – Old Town Road, road signs for hot dog stand on Garrett Farms Property.

Mr. Derwin brought a sketch of his property and photos along with an example of the signs he wishes to display, two of which are directional, with arrows pointing from Rt. 22 towards Mr. Derwin's stand. Mr. Henward said that there is currently a moratorium on signs on Town Roads and Ms. Rohrlich said that there are no directional signs for other businesses. Mr. Henward asked if Mr. Derwin knew the setback off Route 22, because the sign would have to be outside the ROW of Rt. 22.

Mr. Derwin asked at Town Hall in April what he needed for his stand and was told only about a health permit which he got, but that no one said anything about signs and a special use permit for the shed on the property. Mr. Henward, Ms. Rohrlich and Ms. Bowen all said that a large sign on the back of the hut would be more effective and less "temporary" looking than the directional signs now on the road. Mr. Freiman made a motion to approve a 6' x 6' sign on the back of the shed, visible from Rt. 22, and that Mr. Derwin could keep the smaller signs up until the large one was made and mounted. Ms. Rohrlich seconded the motion. All ayes.

**Sunny Mead Farm – Informational Meeting - James Clapp subdivision
Tax ID 144.-1-63 153 acres divided into 4 lots - Present: Dan Russell,
surveyor**

Mr. Russell handed out maps and there was discussion regarding house sites and driveways and the importance of their not impacting on the wetlands. The proposal is for 3 new houses on 150 acres. Mr. Henward said we can declare any subdivision a major one, not only 5 lots as specified in the Comprehensive Plan. Perc tests, etc., would be needed. Ms. Levy asked about elevation and Mr. Russell said about 700'. Mr. Henward said the houses should be outside the fields because this is good farmland. The placing of the house sites being discussed is not consistent with keeping it in farming and Mr. Clapp leasing from the new owners.

Mr. Henward asked Ms. Stevens and Ms. Dufault if they had any concerns. Ms. Stevens said that a shorter drive with a house in the field would have less impact than a long one up to the forest. Mr. Freiman asked if there were “no further subdivisions” stipulations on these lots. Mr. Russell said they could be put on them. There was discussion about the wetlands as well, to sketch them onto the subdivision map. Mr. Henward asked for any other questions from the Board. Mr. Gardner said that maybe other ways to subdivide this parcel should be looked at and there was discussion about house siting. Mr. Henward asked what the attorney’s thoughts were on leasing the land back and having it in writing. He suggested Mr. Russell bring it up with the attorney about trying to have it as part of a promotion to buy land that will be kept in farming and that the buyer will get agricultural tax exemptions, etc. Ms. Stevens said she would go out and look at the property to see where house sites are best put.

Mr. Henward asked for a motion to adjourn. Mr. Freiman made the motion and Mr. Henward seconded it. All ayes. The meeting was adjourned at 9:30 PM by Mr. Henward.