



**Hillsdale Planning Board  
Minutes  
October 11, 2010**

**Present:** Hank Henward, Chairman; Patti Rohrlich; Ellen Levy; Deborah Bowen; Rich Freiman; Bud Gardner; Mark Barbato; Vivian deGeorges, Secretary; Dick Alford, Attorney; Gretchen Stevens and Ruth Dufault, CAC

Meeting called to order at 7:32 PM by Chairman Henward

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

Ms. Spurge showed the maps which now have the neighboring parcels identified, the deed transfer letter from her husband, and Paul Matteo's letter saying he's purchasing the property. Ms. Rohrlich moved to approve this application and Mr. Freiman seconded. Vote: all ayes. Three stamped maps were given to Ms. Spurge and two were kept for the files. Ms. Spurge was also told that she needs to register the maps with the County Clerk.

**Kimelman - a proposal for a remediation plan Tax ID 127.-1-11  
Jason Shaw, Attorney**

Mr. Henward gave a brief recap of the Kimelman issue. A stop-work order was served Dec. 2009 because of clear-cutting. Mr. Kimelman was at that time represented by Mr. Roche. Mr. Shaw is now representing Mr. Kimelman, and Ed Denham was hired by Mr. Kimelman and has come up with an analysis of the site and what is required. Mr. Shaw submitted: a copy of the document, a check for \$100 as an application fee for the site plan and Mr. Denham's resume.

Mr. Shaw is recommending starting at the beginning since work on this site was originally started without an application for a site plan review. He has visited the site and is reporting having seen a significant amount of regrowth happening this year. 0.2 acres of hemlock and 0.8 acres of oak were cut. He stated that the regrowth amounts to twice what the land can support and probably half the seedlings that are there now sprouting will

not survive to maturity. In his report, Mr. Denham says that believes that no human intervention will be needed to remediate the overcutting.

Mr. Freiman asked what is the average height of the seedlings which are now growing naturally. Ms. Rohrlich looked through the report and found "less than 36 inches". Mr. Freiman asked if we were to require restoration, what would be our recommendation as to the height/width of what's planted. No answer was given. Further, Mr. Freiman said that if we ask for restoration, he assumes we would ask for trees taller than 36" that would grow faster and taller than natural regrowth. Mr. Shaw said there are no standards in the law as to what has to be put in for restoration and that large trees being brought in to the site and planted on a 45 degree slope would do a lot of damage. Mr. Freiman asked the Board whether or not it is appropriate to require restoration. If we allow this to be naturally regrown, the next person to come along and clear cut will say, well, it will grow back.

Ms. Levy said that she'd like to know how many years it will take for the hardwood trees to generate back to 10-15 feet. Also, that she's not sure what our law requires or allows us to require, but maybe we should have something that specifically says you have to restore to a certain degree.

Mr. Barbato asked what a degree in forest management means. Also, what kind of work along these lines has Mr. Denham done before? Mr. Shaw said that Mr. Denham can be brought in to answer questions. He's been doing forestry management for 30 years.

Ms. Bowen asked has anyone been there to see the site recently? Is there any erosion because of all the recent heavy rain? Mr. Shaw said he didn't think so because of the regrowth that's already happened.

Mr. Henward explained that Ed Denham is in forestry management and consults with people who want to harvest wood on their property. He tells how long it would take to regenerate and when you could expect to harvest again. But now the question is restoration, not management. Someone who has been involved in restoration of clear-cut slopes or landslide areas might be more appropriate.

Ms. Levy asked if we could hire a consultant who would be able to answer on behalf of the Planning Board instead of on behalf of the client. Mr. Shaw said that Mr. Denham is qualified to give the opinion he's given, but if the Planning Board wants someone to review the findings, it certainly has the right to do that.

Mr. Henward asked if the CAC has any response. Ms. Stevens answered that they last saw it in the spring and it might be the site is doing fine, but that they definitely need to go out and see it again. The August photo is old enough that things could look quite different now, and it's worth seeing if there is erosion or if the regrowth has been able to contain it.

Ms. Default said that the photo in the document was taken when everything was very dry and the trees were dropping their leaves from drought. It's hard to tell from the pictures what that drought could have affected and agreed that it really needs to be revisited.

Mr. Henward suggested that we do both, go look at the site and also call in someone to review Mr. Denham's report.

Ms. Stevens said that there's a lot in the report about "stocking".

Mr. Denham says the adjacent land is "overstocked" and also the cut area is overstocked. That term is used in a commercial lumber site, and is not applicable or relevant in an area and situation like this.

Ms. Rohrlich stated that she thinks there's a significant difference between regeneration and restoration. In regeneration, we're counting on ideal climate conditions. In restoration, it needs to be more closely monitored and the conditions adjusted to be what the growth needs.

Discussion about whether natural regeneration is preferable to human-intervention restoration ensued.

Ms. Dufault also added that it's not just trees; it's also shrubs and the entire ecosystem. It starts with microorganisms in the ground, etc., all of which need to be monitored. Mr. Henward said that he saw a bear run across the property so we have to do this right.

Mr. Henward said we'll get on site and get a restoration specialist to look at the report. We need to come to a mutually-agreeable position on what needs to be done for restoration. We may need to put some undergrowth in where it's not coming in quickly enough.

Mr. Shaw said that since the Planning Board will be asking Mr. Kimelman to pay for its consultant, that he needs to know who they are before agreeing to pay for their services. Mr. Henward offered that perhaps our consultant can go to the site with Mr. Denham and some CAC/Planning Board personnel. Mr. Shaw said that we can call him to let him know that a visit is about to take place. Mr. Henward added that we need to do this quickly because of the weather changing.

Ms. Levy asked Mr. Alford if our law is strong enough on the ridgeline, that there's nothing that guides us in what we have to do in these cases.

Mr. Alford said you can't create specifics when you don't know what the problem you're addressing is going to be. Discussion continued about how we can define what needs to be done in these cases.

Mr. Barbato asked Ms. Stevens if there is a degree qualification for restoration specialists and Ms. Stevens said no. Mr. Henward gave Ms. Stevens the task of finding three prospects and to come back with resumes of the prospects to look at this report.

**Site Plan Review of the library conversion to the Town Hall** – Mr. Henward showed plans for the library building and the changes which will be made, for instance, for handicap access, a small park, the parking lot area, etc., and there was discussion about the plans.

### **Final Hamlet Plan presented by Tom Carty**

Mr. Carty had the final Plan with him, which had been sent electronically as well to the Board. What he's asking from the Planning Board is some shaping to the whole plan along with perhaps a two-page summary of suggestions to the Town Board as to how to handle the public hearings that will be needed to implement the plan. The Board discussed how we would

like to incorporate the plan into the Comprehensive Plan for the town, perhaps as an appendix.

Mr. Carty explained that in initial discussions with the DOT, they said that they would come up with 90% of funding for changes to roadways, sidewalks, streetlamps, benches along the roadway and trash receptacles. They then said that there was another State program that would assist with an additional 5% of the above items. The funding is strictly for road, sidewalk and related amenities on State roads (22 and 23). This plan will be many years in the implementing, with the various parts being worked on as money becomes available.

Our purpose is to set forth a series of recommendations to the Town Board regarding the Hamlet Plan and how to incorporate it into the Comprehensive Plan. Ultimately, the Planning Board will propose zoning changes which would lay the groundwork for the Hamlet Plan to be realized in the future. The Planning Board wants to be sure the Town Board knows that we feel this is a document we can work with.

Mr. Freiman made a motion to adjourn and Ms. Levy seconded the motion. Mr. Henward declared the meeting closed at 9:50PM.