



**Hillsdale Planning Board  
Minutes  
January 10, 2011**

**Present:** Hank Henward, Chairman; Patti Rohrlich; Ellen Levy; Rich Freiman; Bud Gardner; Vivian deGeorges, Secretary; CAC members Gretchen Stevens, Ruth Dufault and Ed Frederick

**Excused:** Deborah Bowen; Mark Barbato

The meeting was called to order at 7:30PM by Chairman Henward

**Scott Cooper lot line adjustment 145.02-01-08.1**

Mr. Cooper is asking for a lot line adjustment in order to merge Parcel 2 of the lands of the Stuart Cooper Trust, which is 9.349 acres, with the property owned by him and his wife, Regina. Submitted were: maps; the page from Stuart Cooper's will appointing Scott Cooper and his siblings as successor co-trustees of the estate; a check for \$145.

Mr. Henward asked if there were any questions and there were none. He then asked for a motion to approve this application. Mr. Freiman made the motion and Ms. Levy seconded it. All ayes. The maps were stamped and signed.

**Ilya Bykov 2-lot subdivision of his property on Mitchell Street  
Tax Parcel ID 136.-02-93 Frank Roche, Attorney, representing Mr. Bykov;  
Dan Russell, Surveyor**

Mr. Roche brought the redone maps with the building envelope shown, as requested at the last meeting. Ms. Levy asked about the heights of the house site and asked about the trees which Mr. Russell pointed out on the

map. He explained that the shading is slopes over 15%. Mr. Henward said he saw that there are no wetlands and asked if anyone on the Board had any comments and if anyone had walked the site. No one had walked it recently. He then asked for comments from the CAC and Ms. Dufault said they had walked the site. Ms. Stevens said they didn't see anything of real concern there except that the soil is farmland soil of importance and that Hillsdale has no rules regarding farmland soil and the preservation of it.

Ms. Rohrlich asked if the whole parcel is BE soil and Mr. Russell said no, it is in the knoll which contains the building envelope, as well as in the woodlands. Ms. Rohrlich said that Mr. Bykov may want to know that as it might encourage his planting a field. Ms. Dufault added that one of the problems is there's a wonderful hedgerow and that it's overgrown with bittersweet and other invasives. Ms. Rohrlich added that maybe Mr. Bykov needs to be told about that as well, as many people don't understand about invasives.

Mr. Henward asked if there were any further questions and there were none. He told Mr. Roche that the Board needs the shared driveway agreement and that this needs to go to a public hearing which will be set up for next month's meeting on February 14th.

**Wesley Coon – White Hill Estates Tax Parcel IDs 127.-1-7, 127.-1-19, and 127.-7-21 Application to merge three parcels into one and establish an acceptable building site Frank Roche, Attorney; Dan Russell, Surveyor**

Mr. Henward started the discussion by stating that the Town attorney, Dick Alford, and the Board are not attempting to regulate land outside the town with our Ridgeline rules, referring to the possibility that the house site proposed may be visible from Massachusetts, as was discussed at last month's meeting. He then asked if the new building site is on the old foundation and Mr. Russell said yes. It was discussed that the White Hill Estates Association has covenants as to what can and cannot be built there,

and that the association would have to be consulted. Ms. Rohrlich noted that this area drops off severely so we can't allow going outside the building envelope. There was discussion about other sites he could build on instead. Mr. Henward offered that one of the reasons Mr. Coon wants to keep it there is he has the land below this site cleared. He then asked Mr. Russell if he has stakes in the ground where the old foundation was and was told that there were no stakes. Mr. Henward said that the Board has to make arrangements to get up there because they need to see it first, before this could be approved. He asked for any other questions and there were none.

This application will be continued next month.

### **Informational meeting - Peter Greer driveway placement**

#### **TAX ID 106.-1-23.1**

Survey maps were submitted with the whole subdivision and the area in which Mr. Greer is asking to place the driveway, near LaBranche Road. What Mr. Greer hopes to do is use an old abandoned farm road, not a logging trail, that went all the way through to Dugway Road. It seems that it's the natural way into the property. Besides one 10' stretch and a 10 yard section, the road seems free of any runoff problem areas. What he would like to do is get permission to have a single driveway and one large lot. The Columbia Land Conservancy is interested in taking the parcel into conservation. He envisions it with one house site set far back on the property. It goes back about a mile and there are no roads at all and it's very quiet. Mr. Freiman asked Mr. Greer if he's going to restrict it against subdivision and Mr. Greer said that he'd be willing to do that, but that it would affect the new owners receiving tax abatements. Mr. Roche clarified that if a restriction is imposed by the Board, it's not voluntary so the owner wouldn't get a conservation tax break. Mr. Roche suggested finding out what types of restrictions the Conservancy would put on the land and that might solve the problem.

Mr. Freiman asked what was wrong with the original place Mr. Greer had proposed for the driveway on the corner of Dawson Road and LaBranche which is the property now owned by Mr. Malette and Mr. Greer said that it turned out to be too steep. There was discussion about involving adjoining neighbors in conservation planning, that they may want to put some of their land into conservation as well.

Ms. Levy asked about the proximity of the stream and Mr. Greer said that this road was abandoned 100 years ago and has been there for a very long time, and hasn't washed out in all that time.

Ms. Rohrlich said that it feels conceptually that it's a nice idea to use the existing road and that we would respect the advice of the CAC after they walked the area and take suggestions from them as to calling in an engineer or other expert to see how their recommendations could be implemented. Ms. Stevens asked Mr. Greer if the building site is marked and Mr. Greer said that it's at the back of a cleared field and easy to see. Mr. Henward asked if this had anything to do with the Knox Trail and Mr. Greer said no.

This application will be continued next month.

**Informational meeting – Ellen and Mark Levy, tree removal. Ron Yapple, Arborist; Mary King, public**

Submitted were: letter describing what the plans are, maps and Mr. Yapple's CV. This is about a half-acre of selective but extensive cutting to restore the view to the south but is taking place below the 1100' elevation.

Mr. Yapple described how he measured the elevations and Mr. Henward asked what proportion of the trees in the area shown on the map were going to be removed. Mr. Yapple said that they are planning to take about 80% of the over-storied trees but in a very small area. Ms. Levy described

that some trees will be left, selectively, instead of the wall of trees that's there now. Mr. Henward said that if there's any part of the property that is within the Ridgeline, the whole property is subject to Ridgeline restrictions.

Mr. Henward asked Ms. Dufault if she and Ms. Stevens would like to look at the property and she said they would. Then Ms. Stevens said that if this cutting is below 1100' but is exposing a house that's above 1100', she isn't sure if that's an issue with the Ridgeline rule. Mr. Yapple showed on the map the line of exposure of the sightline.

Mr. Henward said that we're going to refer this to our attorney to interpret the Ridgeline aspect of this because the property belongs to a Board member. There was discussion about its being visible from a public place. Mr. Yapple said that 15 years ago, this house was visible as those trees were smaller. Mr. Henward explained that we don't want to make this a precedent that someone can clear cut their property and then use the excuse that "it will all grow back" and refer to this decision. So the Board will consult the Town attorney and Glenn Smith. Mr. Henward asked for any further questions.

Ms. King asked if the Ridgeline laws are strictly visual or for erosion control. Mr. Henward answered that it's both for the esthetic ridgeline appearance and restricting development on steep slopes regarding erosion.

Ms. Levy asked if, after the legal interpretation, we can come up with a workable plan that doesn't violate the law. Mr. Henward answered that if Mr. Alford says the law doesn't apply in this case, we can say the site plan approval doesn't apply. However, if it does apply, we have to work out a reasonable approach that doesn't expose the house to view from a public road.

Ms. Stevens addressed Mr. Yapple saying one other thing; there's a stream near where the cutting would start and it's quite steep, so erosion could be started depending on what kind of equipment they using. She and Ms. Dufault showed Mr. Yapple on the map how you can tell it's a permanent stream. Mr. Henward consulted the Comprehensive guide and saw that it's a protected stream and needs ZBA approval because the clearing is within 200' of the stream. It is a State-classified stream. Mr. Gardner said that it looks like it feeds into the Roe Jan Kill.

### **CAC Report**

Ms. Dufault said that the check that was sent to Project Native, as per Mr. Fitzgerald, hasn't been received, regarding the Kimelman site and the effort to get resumes and references for experts to give their advice on the restoration there. Mr. Henward said he would get in touch with Mr. Baer and have him speak to the accountant.

Ms. Stevens said that when they were walking the Bykov site, as they were leaving the site they looked up towards the ridge behind Ms. Rohrlich's house and saw a line of what looked like dead pines along the ridge. It looked due east of Mr. Bykov's driveway. They looked like someone had purposely killed them. At first they looked like larches that had lost their needles, but it was too early for that and larches don't grow on a ridge like that. Mr. Henward said that the person to get involved in this is Glenn Smith.

Ms. Stevens said she was informed that the CAC is supposed to produce an annual report so they did and submitted it to the Board. Mr. Henward asked if their charter has expired and Ms. Stevens said she wasn't sure, but that the Town Board had appointed Guy Winig in November 2010, and the other four members in December 2010, all for two-year terms. She then told the Board that the Hudson River Estuary program has produced a summary with maps of Hillsdale, streams and wetlands, biodiversity areas,

plants and animals of conservation concern that are in the town. Karen Strong put them together and offered to come to the PB to talk about all these things. Mr. Henward said we'd like to memorialize these things in law since we don't have any State laws to enforce these findings. There was discussion about where to have a meeting that could include perhaps the Town Board, Zoning Board, landowners' associations and the public. The library was suggested as a possible place.

Mr. Henward said that the discussion about the Hamlet Plan will be held at Executive Session at 7PM on the night of the next meeting, February 14<sup>th</sup>.

Ms. Levy said that the affordable housing committee would like to present to the Planning Board in March.

Ms. King asked if the town has to plow a private driveway or private road. Mr. Henward said no, and that it has to be a minimum of 16' including shoulders, meet certain standards of curvature, grades and steepness to meet minimum requirements for emergency access. If the town approves the drive it's saying it can get there with emergency vehicles. Discussion about what the town does with roads, private and private drives.

Mr. Henward asked for a motion to close the meeting. Mr. Freiman made the motion and Mr. Gardner seconded. All ayes. The meeting was declared closed at 9:25 PM by Mr. Henward.