

Hillsdale Planning Board Minutes
April 9, 2012

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

Excused: Deborah Bowen

Also present: Gretchen Stevens, Ruth Dufault, Guy Winig, CAC

The meeting was called to order at 7:31 PM by Mr. Henward.

Danally Ferrusi Tax ID 126.-1-25 10125 Rt. 22 – Informational meeting for possible 2-lot subdivision

Ms. Ferrusi owns a property which shows, on the survey, as two separate tax ids, both 126.-1-25 and 126.-1-26, for one contiguous parcel. However, on the Tax Rolls, only the -25 id is shown with one tax bill for the entire property of 1.25 acres. Ms. Ferrusi wants to sell one of the parcels shown on the map, the -26 parcel, but thought it might require a subdivision, if this was really one parcel. Dan Russell was in the audience for another matter and remembers this parcel and that when he surveyed it, he was told by the realtor to show it as one piece, and that he retained the division between the parcels on the survey map he created. At that point, apparently, it was put on the tax rolls as one parcel with one tax bill, even though the survey still shows the two separate tax ids.

Mr. Russell will be contacting Real Property in Hudson to inquire about separating this property into its original two parcels, each with its own tax id. Doing this will eliminate the need for any subdividing of the property in order to sell one piece. Ms. Ferrusi further told the Board that there was one mortgage on the entire 1.25 acre property, and Mr. Henward advised her to speak with her attorney as that will have to be addressed before she can sell the piece in question.

Edward Thyberg Tax ID 137.-1-1-.112; Dan Russell, Surveyor; Frank Roche, Attorney; Nikki Carchedi, Realtor, Stonehouse Properties Shun Toll and McCartney Rds. – Informational meeting for Lot Line Adjustment and Subdivision

Lot Line Adjustment – Received: check for \$145; application for lot line adjustment; map

Mr. Thyberg is applying for a lot line adjustment to straighten out a boundary line which presently curves to go around the top of a pond. The new line will go through the pond so that if he subdivides his property into two parcels, each parcel will own part of the pond and be able to have access to it.

The Board discussed the advisability of sharing the pond between two owners. There was further discussion over the map and then Mr. Henward suggested to Mr. Thyberg that he should have his attorney draw up a document declaring the pond as common property and also have a maintenance agreement for care of the pond, with which Mr. Thyberg agreed and said he would have done. Mr. Henward asked for a motion to approve this application.

***Mr. Freiman made the motion, Ms. Rohrlich seconded. The vote was all ayes.
to approve this lot line adjustment.***

The maps were stamped and signed. Mr. Thyberg received three copies and the Board retained three copies for its files.

Subdivision – Received: application; needed: fee

Mr. Russell showed a map superimposed on an aerial photo of the property. The property is 82.7 acres in Hillsdale, to be subdivided into 68.2 and 14.5 acres, and another contiguous parcel in Massachusetts of 11.5 acres, with the State line being the dividing line between the Hillsdale and the Massachusetts parcels. Mr. Russell has an appointment with Richard Briggs to look at the driveway and there is an existing trail that can be used as the driveway.

Mr. Henward asked Mr. Russell if he'd had any contact with Egremont regarding the driveway and Mr. Russell said he hadn't as yet. There was some discussion about the property in Massachusetts being landlocked, and that Mr. Thyberg bought all of this property probably 50 years ago, the fact that the Massachusetts part of it being landlocked apparently not having been a problem at that time. Mr. Henward then asked Mr. Russell what has been done so far. Mr. Russell said that the perc tests have happened but he wasn't sure where yet. He said that when he does the boundary survey, he will also locate and mark the perc sites on the map. He further said that since the site is at 1300', it is in the Ridgeline District, and that he'd checked and there are no DEC wetlands on this parcel.

Mr. Henward said that we'll have the CAC go up there to look at the piece. Ms. Rohrlich said that the area needs to be treated sensitively regarding clearing, and that the land needs to be described on the map as far as wetlands, slopes, etc. Mr. Henward said that the CAC will contact Ms. Carchedi. Balloon tests may be required.

This application will be continued next month.

Scott Kilmer Tax ID 146.-3-1-2 – Elizabeth Newman, owner of property – Informational meeting regarding auto garage on Rt. 22 opposite Stewart's.

Received: business certificate as S&T Auto Repair; certificate of authority; application.

Mr. Henward recapped the history of this property saying that it was formerly used as a garage but that the special permit has elapsed as in the interim, the building was used by someone storing (and selling) furniture. He said that Mr. Kilmer will need to go to the ZBA for the use permit. The building will be rented by Mr. Kilmer from Ms. Newman. The Planning Board will need to send a letter to the ZBA saying that it endorses the site for the requested use.

Ms. Rohrlich said that car storage was a consideration when the auto garage across the road had come to the Board for permission for his business. The Board at that time required limitation and screening of stored cars/trucks. Mr. Kilmer said his lease doesn't allow junk cars, storage of cars or unregistered cars to be on the property. Mr. Henward asked about disposal of oil or other pollutants, and Mr. Kilmer described having a 55 gallon drum to store pollutants and that once it's filled, it will be removed and properly disposed of by a disposal company.

Ms. Stevens said that the property is above unconsolidated aquifer and a sensitive hydrogeological site. Ms. Levy asked about the surface, what should it be made of in order to make sure nothing permeates it into the aquifer. Mr. Henward said that concrete would be the proper surface. He further said that the building inspector will okay it only after DEC approval of the application and plan is received.

So the order of the necessary steps is 1) a letter from the Planning Board to the ZBA 2) a ZBA appearance 3) seeing the building inspector for inspection and the application to the DEC.

Mr. Henward said that since this site was used for a garage for many years, he doesn't anticipate a problem with this application.

Wesley Coon Tax ID 127.-1-7 127.-1-19 127.-1-21 Frank Roche, Attorney – White Hill Lane site plan review

Maps were distributed and looked at by all. The Supreme Court of NY issued a judgment that the ridgeline protection doesn't apply here as it started before the law was in effect. The court took exception to the law. There was discussion about the current site being outside the building envelope originally described by the Planning Board.

Mr. Henward said that the issue of the new house site being outside the building envelope is the Homeowner's Association's issue and the agreement on the setback was not necessarily imposed by the resident's association but was dictated by the relationships of the neighbors, that there would be no building within 200' of the property line. He continued by saying that the Planning Board doesn't enforce that, that we don't have any jurisdiction over it, so it needs to have a public hearing so the neighbors can voice their opinions.

Ms. Rohrlich said that the sliver piece of this property was cleared BEFORE Mr. & Mrs. Coon owned it. She further said that the wind on top of a ridge like this is relentless and the proposed owner should speak to the owner of the house on White Hill and learn about what life will be like in that position when, by coming down 15 or 20 feet, it would be protected from the wind and still have the view. Discussion about our ridgeline law and that it needs to be fixed. Mr. Roche added that the Planning Board has no authority to second guess what's been approved by the homeowner's association, that since it's not in the ridgeline it doesn't require a site plan review. He said that the owner wants his house there and there are no grounds on which we can object.

Mr. Henward said that Mr. Coon built the foundation that's there without a permit and then bought the land extending his property. The present site meets zoning regulations, and the envelope was mostly to keep within the regulations of the Homeowner's Association. This site is not that far off the original envelope, but it still violates the original site plan. Abutting neighbors as well as the Homeowner's Association need to be informed.

Mr. Henward continued to say that we could hand this off to the ZBA, saying that since the plan is stamped and signed and the request is outside the building envelope, that it needs ZBA variance, and then they would have to have the public hearing. After discussion, it was decided that the Planning Board would call the public hearing.

The public hearing on this application will be next month before the PB meeting, at 7PM May 14th

There was then discussion about revising the ridgeline law, what needs to be put in it that will be defensible in court, that the ecological protection aspect is more important and more defensible than the aesthetic aspect of it being visible from a road. With local laws, the courts interpret them in the strictest possible terms. If it's not explicit in the law, the court finds for the plaintiff. Lots of discussion about enforcing the building envelope.

Ms. Stevens suggested that the Planning Board retain an environmental lawyer who knows what other towns are doing regarding this issue and that he or she should be involved in redrafting the ridgeline law. She also addressed the Thyberg application by informing the Board that the Thyberg land is very steep and Army Corps wetland.

Mr. Henward asked for a motion to adjourn. Mr. Freiman made the motion and Mr. Gardner seconded. Vote was all ayes.

Mr. Henward adjourned the meeting at 10:25 PM.