



## Hillsdale Planning Board Minutes

November 12, 2012

**Present:** Hank Henward, Chairman; Patti Rohrlich; Richard Freiman; Ellen Levy; Bud Gardner; Deborah Bowen; Vivian deGeorges, Secretary

**Excused:** Mark Barbato

**Also present:** CAC Members Gretchen Stevens & Ruth Dufault; Jeff Paige, resident

Meeting called to order at 7:30PM by Chairman Henward.

- 1. Stewart Bohart Tax ID 105.-1-9.111 and 106.-1-1.111 Gingras Rd. 7 acres in Hillsdale, 50 in Austerlitz - timber harvesting plan; Ed Denham, New England Woodland Management, Inc.**

Mr. Denham described in detail the State requirements and all the papers he presented to the Board.

**Received:** map of forest type and boundaries for property in question; packet Mr. Denham presented to Austerlitz for the Bohart property work in that town; plan that has the information for the work to be done in both towns according to NYS DEC 480a Plan; the timber sale contract between Sylvan Timber Harvesting and Mr. Bohart; DEC permit; letter from Bohart naming Mr. Denham's company as contractor; notice of commercial harvest for the County.

Ms. Levy asked what the overall purpose of this work is. Mr. Denham said it is to follow the NYS DEC 480a plan, a tax law, so that they can get a reduced rate of about 85% on their tax liability if they agree to manage their land to produce a forest crop (grow trees). The recommended thinning is to enhance the forest and to encourage tree growth. Ms. Bowen asked Mr. Denham to describe where the house is, which he did on the map he presented.

Mr. Denham described the work to reduce the canopy to enhance the growing crop, to disturb the soil so as to mix the mineral content, and to leave some wood debris behind for nutrients. Ms. Levy asked how about wildlife? Mr. Denham said that the best thing for wildlife is openings for them, which encourage the presence of wildlife from small mice and voles to deer and coyote.

Ms. Rohrlich asked what happens to the wood. Mr. Denham said that it depends on the grade; it could be used for lumber, though most of this wood is poor quality, which would go into hardwood pulp or firewood. Ms. Levy asked what diameter trees are left uncut. Mr. Denham said that they don't decide by diameter but by what the use would be, like leaving a tree to seed.

Ms. Rohrlich asked if Mr. Bohart gets to sell the wood, to which Mr. Denham answered yes. She further asked if the whole reason is to reduce taxes, to which he also answered yes. She then

**Hillsdale Planning Board Minutes**  
**November 12, 2012**  
**continued**

suggested there might be a way to modify the cutting, for instance the chipping of cut trees.

Mr. Denham said they want to chip and broadcast the chips to make the area "neat". Ms. Bowen asked why it needs to be neat if it's not near the house and Mr. Denham said it's because they ride these trails.

Ms. Rohrlich said that she understood that more closely situated trees are better for wildlife than fewer trees. Mr. Denham answered that for different species you need different kinds of trees and you need to thin out to get some of the species that certain wildlife need.

Mr. Henward told Mr. Denham that he needs to get logging permit from Lee Heim, the building inspector, and that Lee would refer to us because it's in the ROD, and in the ROD, clear cutting is defined by 50% and is prohibited in any area that will disturb the ridgeline, if it's visible from a public road. Mr. Denham said it's probably not visible from any road. An exemption is if it's to enhance habitat and environment according to best practices as defined by the State. Mr. Henward further told him that the Board would have to visit and check the area to make sure it's not visible from roads, especially Gingras.

Ms. Rohrlich asked when this law was written, if perhaps it's old enough that it's about to be revisited and changed. Mr. Henward said it's been in effect a long time. Mr. Denham said that you will often see lands that are in the 480a program also in land conservancy areas. Mr. Freiman then asked Mr. Denham how he gets paid and was told it's a percentage of the sale of timber which is cut.

Mr. Freiman then asked if land in this program has to stay in it forever. Mr. Denham said the term is 10 years. You can get out before 10 years and pay your rollback taxes or sign on for the next 10 years and then get out at the regular tax rate. We monitor it and cut when necessary during the time it's in the 480a program.

Mr. Henward asked how do you determine the amount/type of clearing? Mr. Denham said we follow NYS best practices which are strongly determined by erosion potential. We do what needs to be done to enhance the growth, sometimes keeping them tight, sometimes clearing more.

Mr. Henward asked Mr. Denham if there is anywhere where he'd be cutting 100% of the trees. Mr. Denham described an area of dying red pine, a small stand that needs to be eliminated. They can't be thinned successfully as they blow over if they're too thinned out because they depend on each other for support.

Ms. Stevens asked about the roads that are shown on the map, if they are logging roads.

Mr. Denham said they are former logging roads that are now being maintained for recreation.

Ms. Stevens asked if the cutting has begun in Austerlitz. Mr. Denham said they started and then stopped because of rain that came in, so they're waiting. Ms. Stevens then spoke about the ecological impacts – it's true that clear cutting will invite in certain types of wildlife and discourage others. However, our most sensitive ones are the ones that do **not** do well in cut areas, like forest interior songbirds, where cutting will make them vulnerable to predators. Mice, voles and grouse,

**Hillsdale Planning Board Minutes**  
**November 12, 2012**  
**continued**

yes. But many of our most sensitive wildlife will not be using the cut areas. This kind of cutting does not enhance native wildlife. However, this kind of cutting is allowed by our ordinance.

Mr. Denham said that someone cut this before, not under 480a. Mr. Henward said that a subdivision was done on Mallory Road and a lot of cutting was done before it was sold to Bervy.

Ms. Stevens – you said the crowns are going to be chipped? Mr. Denham said that he'd have to check with Bervy. Ms. Stevens then asked if he thought there's any leeway there, not to chip but to leave slash. Mr. Denham said that he prefers scarification of the soil with a bulldozer rake to rake up all the cut witch hazel and leave it as wildlife piles, but the owner wants it chipped. We like to mix up the organic layers so that seeds can germinate.

Mr. Henward asked in NYS best practices, if chipping or leaving brush is recommended. No one knew the answer to that.

Mr. Henward recapped by saying that Mr. Denham needs to get a logging permit from Lee, and that for our part, we need to visit the site in order to give Lee our recommendations. We'd like to have an answer as to what is the largest area in this parcel that will be 100% cut, as in the red pine. He asked Mr. Denham if a permit was received from DEC to cross the stream on the property in Austerlitz. Mr. Denham said they were permitted for a culvert, so they're set with that, and showed Mr. Henward the DEC permit.

**2. Hillsdale Neighbors Inc. Lot line adjustment (145-.1-12) Paul Freeman representing**

Mr. Freeman showed the large map that was originally approved in 1973 for Hillsdale Neighbors, for 13 lots. There's a homeowner's association which maintains the road. The application is to move lot 10 from where it was approved to across the road. The original lot 10 returns to common area and the new lot 10 is currently common area, so it's a swap. Mr. Freeman said that when this was discussed last in November of 2011, the Board wanted me to bring bylaws, proof that everyone signed off on it, the survey, and CC DOH approval of septic. I now have all this.

**Shown:** old map of original subdivision

**Received:** Homeowner's Association bylaws; letter of representation; PB application with short SEQRA form; DEC septic approval letter; minutes of HA meeting, signed by members, agreeing to this lot line adjustment; 6 copies of the survey map; check for \$145.

Mr. Henward asked if the Board had any questions. They did not.

***Ms. Rohrlich made a motion to approve this lot line adjustment. Ms. Levy seconded the motion.  
The vote was all ayes.***

**Hillsdale Planning Board Minutes**

**November 12, 2012**

**continued**

- 3. Cecilia Humphrey & David Huerta Tax ID 134.1-33 (3.6 acres) & 134.1-34 (1 acre + house) at 41 Bucky Rd.; they want to dissolve the line between the two parcels to create one parcel. Lindsay LaBrecht from Copake Lake Realty will represent them.**

**Received:** letter of representation; small map of site, dated 2004, with the former owners' names.

There was discussion of the property, who owned it before, what structure was on it, what they were intending to do by removing the existing lot line. Mr. Henward told Ms. LaBrecht that she'll need to provide copies of deeds for each parcel to make sure both names are on them as well as a new survey map showing the current owners and providing a dotted line to show the lot line that will be dissolving. There were no comments or questions.

***This application will be continued next month.***

**CAC report** – Ms. Dufault said she'd like to talk about the Bohart logging application. She said there's a real difference between a harvested forest and a real forest. A place that's harvested is basically crop land, like a big corn field, and that it's managed land. It's no longer a forest, but a field growing a crop. A natural forest will have its own understory trees and shrubs as well as taller growth. The ordinance says we're preserving the view shed, but we're not preserving the ecological forest. Maybe at some point, we need to make a change in the ordinance.

There was further discussion about chipping. Mr. Henward asked the CAC to please give us some information so we can write a recommendation letter about this to Bervy.

Mr. Henward asked for a motion to adjourn. Mr. Freiman made the motion and Mr. Gardner seconded it. All ayes. Mr. Henward adjourned the meeting at 9:08 PM.

***The next Planning Board meeting will be held on Monday, December 10<sup>th</sup>.***