



**Hillsdale Planning Board Minutes
February 10, 2014**

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

Excused: Patti Rohrlich

Also Present: Gretchen Stevens, CAC; Mr. Alford, attorney for the Town

Mr. Henward opened the Stine Public Hearing at 7:00 PM. Ms. Levy recused herself from the Board during the Public Hearing and subsequent discussion of the Stine application as she is a neighbor of the Stine property.

**1. Public Hearing - Pat Prendergast representing Mary Stine site plan review White Hill Rd.
Tax Id 127.00-01-10.22 Public Hearing; Paul Freeman, attorney**

Mr. Henward opened the Public Hearing and said that we had arranged it for this date subject to all the necessary information being received. He said that we will open and then close the hearing and postpone it until March 10th as we haven't heard from the Town engineer and until he presents his findings after getting all the information he requested, we're also not able to have an informational meeting at this time. Normally we listen to the public at a hearing and do the review and make a decision afterward. It would be prejudicial to do it now without benefit of the advice of the Town engineer.

Mr. Henward asked to adjourn the public hearing. The vote was 3 to 2 in favor of adjourning. The Public Hearing was adjourned at 7:10 PM. It will continue on March 10th at 7:00 PM.

Mr. Freeman asked if they could present what they've done since the last meeting in December. They've made changes such as the drainage calculations going from a 25-year event to a 100-year event. He said they'd like to review with the Board where they're at and see if any issues can be resolved now.

Mr. Henward said that the Board is aware of where the project is and what issues are being discussed. They've been copied on the draft letter from the Town engineer. He further said that the public has been advised that the Public Hearing was going to be adjourned so not to appear. Mr. Freeman asked why Mr. Fields (the Town engineer) was told not to come to the meeting and Mr. Henward said that it was because he doesn't have the information needed to advise us. He then said that the 25- vs 100-year event is about the runoff to neighbors at the bottom of the site. The neighbor needs to agree to the runoff as does the Town Engineer. The neighbor involved is Mr. Yates.

Mr. Freeman asked whether at the last meeting, when Mr. Yates came before the Board about his driveway, if he was asked about the impact of runoff from his driveway. Mr. Henward said no,

because the Yates property slopes away from the road so that there is no drainage problem. We want to hear about the drainage issue from the Town engineer.

There was discussion as to why the Town engineer hadn't gotten his information back to Mr. Prendergast when it was asked for on December 9th. Mr. Henward said he didn't know the answer to that, but that until Mr. Fields is ready, there was nothing to discuss at this Board meeting.

Mr. Henward opened the Planning Board meeting at 7:15 PM.

Mr. Henward said that the Public Hearing for the Stine application will not have to be re-advertised in the newspaper. Any documents produced in the next month will be sent to the Board and when we meet on March 10th, we'll have everything we need to decide.

Mr. Alford asked Mr. Prendergast if there was anything he'd like to present to the Board and he said he'd like to present letters and plans for the driveway, which he did.

Mr. Freeman then said that Mr. Henward had said that the Board would agree or disagree before the next meeting. Mr. Henward and Mr. Alford said that was not what Mr. Henward said. Mr. Henward said that the Board will get documents produced and will have what they need for the next meeting. Mr. Freeman then said that he doesn't believe that having meetings by email is lawful and Mr. Henward said we're not having meetings by email and that we are not going to base our decision on emails we receive from the public, but will get Mr. Fields' recommendations when he gives us a revised letter based on documents he received over this past weekend.

The Board needs to see the proof that runoff water won't be going onto the neighbor's property and that the increased storm water going into the Town's culvert won't discharge onto the property.

Discussion about when Mr. Fields had the information from Mr. Prendergast that he needs in order to give us his recommendations. Mr. Prendergast said he had it by Dec. 9th; Mr. Henward said he got it Feb. 4th.

Ms. Levy rejoined the Board for the remainder of the meeting.

2. Herron/Marangine Tax ID 106.-1-11 Property located at Rt. 22, 850' South of Dugway Rd. 62 acres; subdivision of land on the south side of 22 - 130 acres. Michael Rosen, attorney.

Michael Rosen submitted maps of the property. The issue was if he could proceed with just a survey of the lot on the east side of Rt. 22, and not have to survey the entire parcel, which straddles the road. Real Property said that if it's acceptable by the Town that the road is the natural border, they will accept the survey of just the east side. Mr. Henward said that if they want this to be a separate tax parcel, the map would need to show in outline the other part of the property owned by them. By creating a separate tax parcel, it doesn't create a parcel able to be subdivided. That would have to come back before the Board for subdivision permission. Mr. Rosen said we're not proposing a building site. It may be bought by an abutting neighbor and never built on. We just want at this point to find out that the Board has no objection to forming a separate tax parcel ID.

Ms. Levy asked who gives permission for a separate parcel, the Town or the County. Mr. Henward said that County does it. Mr. Alford said that they need to modify the wording on the map that says "for subdivision purposes only", changing it to "for the purpose of establishing a separate tax map

number only for the property on the east side of Rt. 22" and a reworking of the location sketch to show the other pieces, those west of 22 and the little piece on Dugway.

Mr. Freiman said that we're approving the creation of a separate tax parcel and that's the purpose of doing this. The seller would have to come back to us at a later date to see if it could be built on. Discussion on how the broker is presenting the property, as buildable or not. Ms. Levy asked if allowing a separate tax parcel would imply that they can do a subdivision. Mr. Henward said that this was submitted as a hardship case as they didn't have the money to do any further applications for driveway or subdivision or anything. Also, the other problem with creating a subdivision first is that they'll get taxed as a buildable lot.

Ms. Levy made a motion to approve this map going to the County to receive a separate parcel number for the 62 acre piece on the east of Rt. 22, on the condition that the proposed wording changes be made on the map. Mr. Freiman seconded the motion. The vote was all ayes.

3. David Rheingold 106.-1-10.2 Rt. 22 wants to build a two-car garage with apartment upstairs - in the ridgeline district. 646-321-5852 Contractor Paul Halstead will be attending 518-965-3368

Mr. Halstead distributed maps showing the property in question. It is on Shepherd Hill off Rt. 22. It is a previously-approved lot, in Conservation. The owner wants to put in a septic system, garage with apartment and shed. Underground electric has already been installed on this site. He showed another map, more detailed, showing what's proposed inside the building envelope. Mr. Rheingold plans to build on a contiguous parcel in the future. Mr. Henward said that the driveway isn't steep, about 10-12% and then flattens and you can't see it from Rt. 22. It's below the crest of the hill, in a hollow.

Ms. Stevens asked about the CLC easement and Mr. Halstead showed the envelope inside which you can build and cut trees; trees are marked by the CLC as being dead before they're cut. The area being cleared is 145'X119', about a half-acre. Ms. Levy asked what protects cutting outside the building envelope and Mr. Henward said it's protected outside the envelope by the conservation easement. The envelope itself is 385'X190', about an acre and a half. Mr. Henward asked Mr. Halstead to get a letter from the CLC that says what's been proposed is in conformity with their regulations. Mr. Barbato asked what the CLC control on this is, and Mr. Henward described that the CLC created a building envelope saying you can build or clear within the designated area only.

Mr. Henward then said that while it's in the ridgeline, it's virtually invisible. We have to decide if it's exempt from Ridgeline rules because it's not visible from the road. If it's not visible, it's not subject to our regulations. Mr. Henward asked if some members of the Board want to check out the visibility and Ms. Bowen said she would as she lives near there. Then there was discussion about the type of building is being proposed, and Mr. Halstead said that it's a pre-fab in panels from the Amish. Mr. Henward asked what are the dimensions of the building and Mr. Halstead answered 24'X36'. Ms. Levy asked the square footage of the living area and Mr. Halstead said it was 1200 square feet.

Mr. Halstead further explained that they haven't placed an order yet and won't till they get approval from the Board. There's plenty of room for fire vehicles. Ms. Levy asked if the driveway is in there and was told that it was, that it's blacktopped, and had been in there for years.

Ms. Stevens said that it would be good to get in writing the amount of clearing that's going to be happening and have these notes on the map. Mr. Halstead said that the clearing will be of trees that are dead and those interfering with the leach field or garage.

Mr. Henward said that what's needed is a map with the buildings drawn in by the surveyor, and that the map show where trees are that will be cleared, the location of the septic, along with electric lines, and any other structures.

The Board will visit the site and determine if it's exempt from the Ridgeline and then the official survey map can be done.

Mr. Freiman made a motion to approve this map on the condition that the Board determines that it isn't visible from any road; that we receive the CLC letter saying this plan is consistent with CLC regulations; that notes are included on a formal survey map regarding areas to be cleared; that the surveyor draw on the map the buildings, septic system, electric lines and any other structures; and that approval is subject to possible further questions from the Board. Mr. Gardner seconded the motion. The vote was all ayes.

Mr. Henward asked for a motion to adjourn. Ms. Levy made the motion and Mr. Henward seconded it. The vote was all ayes and Mr. Henward adjourned the meeting at 8:30 PM.

The next Planning Board meeting will be on March 10th and will begin with the Stine Public Hearing at 7:00 PM.