



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

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

**Also Present:** Gretchen Stevens, Ruth Dufault, Guy Winig, CAC; Dick Alford, attorney for the Town; Jeffrey Paige, resident; Tom Field, Town engineer; Bob Kessler, resident; Tony Meola, resident; Janet Lincoln, resident

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.

Mr. Henward opened the Stine Public Hearing at 7:05 PM.

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

Mr. Henward opened the public hearing saying that since last month, significant work has been done by the applicant's engineer and the Town's engineer. He invited members of the public to ask any questions relevant to the application.

Mr. Prendergast made a summarizing presentation to explain the proposal. He showed the maps and engineering drawings of the driveway and described what was proposed in order to construct the driveway. He said that they have done a bunch of drainage studies, from 1 to 100 year events. This is above what Hillsdale code requires. In the 100-year storm, it assumes 7" of rain in a 24 hr. period. There is a detention pond which will hold 3300 cubic feet of water. DOH has approved the septic, and the Highway Department has approved the curb cut.

Mr. Freiman asked Mr. Prendergast if he said that Richard Briggs, the Hillsdale Highway Superintendent, asked them to create a ditch and replace a culvert. Mr. Prendergast said yes and we'll be doing what he requested.

Mr. Henward asked the public if there were any questions or comments. Tony Meola introduced himself as the president of the White Hill Lane Homeowners Association but that he was speaking for himself. He said that he's a runner and that he runs up and

down the mountain a lot. Snow is covering the entire mountain and the water from the melting snow is flowing down the road now. Why does a driveway change that? Mr. Prendergast answered that it will be an improvement as once the driveway and drainage ditches are constructed, the water will be running in a ditch instead of down the mountain.

Janet Lincoln, of 63 White Hill Lane, introduced herself saying she lives downhill from this proposed driveway. She said her main concern is what the amount of acreage is which needs to be cleared for the driveway. Mr. Prendergast said that his estimates are based on not hitting rock, and having to take the sides of the driveway back, and we come up with an estimate of about .8 acre. Code in the ridgeline allows about ½ acre to be clear cut. What's probably going to happen is we hit rock so we won't have to clear even as much as described. Ninety percent of the property will remain unchanged.

Mr. Barbato asked if it will remain uncleared, and Mr. Prendergast said he doesn't know, but that there are no plans for any clearing at this time.

Ms. Lincoln said that since there has been construction on the top of White Hill, our pond has filled and we've had to do drainage work on the back of our house because of water threatening our basement. Will this proposal make a different drainage pattern so that we will have more water than we have now? There are two creeks that come off the side of the hill and drain into my property and pond and it's become silted in, in the last 10-12 years. What's going on up there that's creating something different? It's very shaley so water just comes down and moves horizontally. We want to make sure the water gets carried away. I want to be reassured that the design will prevent the problem we already have from getting worse.

Mr. Prendergast described again how the water will come down the drainage ditches and go into the retention pond.

Mr. Henward asked Mr. Field if he wanted to make any comments. Mr. Field answered no, not at this time.

Mr. Henward informed the public that the reasoning behind the diligence being applied to this driveway is that for the last 10 years or so we have had new laws in the town regarding development on steep slopes, new ridgeline, clear cutting, logging, as well as driveway regulations. In this case, the FD wanted a 40' entrance to this driveway to navigate into this property. The Planning Board says that to the extent the FD Chief will sign off, we have no regulations about that. The project is on an important vertical and horizontal curve on White Hill. It's not the highest standard of dirt road. It has a lot of wet areas above and below and culverts and lots of wear and tear. There is a property just above this, outside of the White Hill subdivision, where there is a renovation going on, and they put a couple of stone pillars and a gate up and now the FD can't get a truck in there. If they were expanding that house by more than 500' they'd have had to come

before us and we may have caught that. So we try to catch these things to the extent the laws allow us, to prevent adverse problems from these developments.

The culvert to which the water is being discharged is a Town culvert and discharges onto private property. So this may discharge more water onto this property. Volume, velocity, etc. have been investigated by our Town engineer. This driveway must be built according to the design and calculations approved by our Town engineer. If there is a problem later on, it's Mr. Prendergast's ownership and we've done the best we can to see that there will be no adverse effects.

Mr. Henward asked Ms. Stine if she would care to comment, and she said no. He next asked Mr. Freeman if he had any comments and he answered no.

Mr. Henward declared the Public Hearing closed 7:25 PM.

The Planning Board Meeting was opened by Mr. Henward at 7:25 PM.

Mr. Henward asked if there were any comments from the Board.

Mr. Barbato asked Mr. Prendergast if he is going to police this project while it's going on. Mr. Prendergast said that if Ms. Stine can afford it, we'll get someone out there, a local contractor, to work and I'd work on it with them and I'd give them some oversight and visit them and make sure they'll do it right.

Mr. Alford asked is this going to be built or are you just looking for approval?

Mr. Prendergast said he'd have to ask Ms. Stine about that.

Mr. Barbato asked what about the storm water pond - if it fills with sediment, will that be the owner's responsibility? Mr. Prendergast said yes. Mr. Barbato further asked if too much water goes in the road and fills the culvert is that the owner's responsibility? And if the Town has to do something to the road, is that the Town's responsibility or the owner's? Mr. Freeman said it's designed to the satisfaction of your engineer; it's not going to do that, but the Town is obligated to maintain the road. Mr. Barbato said that if something happens to the Town road, I don't want to pay for it.

Mr. Alford said I think the Board would want a note on the site plan map explaining the owner's responsibility for the sediment pond on the site. The Town doesn't have the right to go on the property and do anything, so the owner has to do it. Mr. Henward said that the building inspector has the right to go on the property and notify the owner of a condition that needs attention. Mr. Prendergast agreed that the owner needs to take care of the sediment pond. Ms. Rohrlich asked if we can add that to our approval conditions and Mr. Henward said yes.

Ms. Bowen asked are we going to hear about a restoration plan from the CAC?

Mr. Henward said yes; I asked the CAC to give a proposed replanting plan for the slope

after the trees are taken or undermined by the excavation. The Board hasn't had a chance to review it yet. This is below the threshold of clear cutting and is below the ridgeline so it's not something we can insist on but we can recommend it, to stabilize the area. It can't be finalized until the construction of the driveway begins and they see how much rock they run into.

Ms. Rohrlich asked have we gone into the aspect of clearing behind the property. Is it protected in that area? It seems that's protecting visibility from other areas. Mr. Alford said that this isn't a house site approval, just the driveway approval, so they'd have to come before us for that at a future date.

Mr. Barbato asked if a buyer ask to relocate the house site. Mr. Alford said that's why there's a stage 2 permit; if anyone wants to go up there and build, the Board will have another look at that. It's important that what we're doing tonight is defined as just a stage 1 permit for the driveway only, not for a building site.

Mr. Barbato said that earlier on there was a concern for cut and fill and removal from the premises. Is that provided for? Mr. Prendergast said yes. Discussion about fill being removed. Mr. Prendergast said I think the number proposed for removal is high for what we'll wind up needing to move. Mr. Henward said a lot of trucks will be needed for moving the stuff out. Mr. Barbato said shale is a very good base so it shouldn't be a problem for trucks. It's just a lot of dirt going out. Mr. Henward said the question was raised about outside impact on White Hill Road of a lot of truck traffic. Mr. Barbato said that a Town road should be able to take it.

Mr. Alford read the entire short SEQRA making changes as below:

Part 1.

Name of action: changed to driveway site plan and house site approval only.

Brief description of proposed action: change 365' to 467' and .5 acres to .8 acres

3b: change .5 to .8 acres

Mr. Paige said that on Part 1, about runoff onto someone else's property, you said No but in the runoff description you said it would run off onto someone else's property. Mr. Alford said it's not increasing what's there in its natural state and Mr. Henward said that the retention pond goes above and beyond the Town requirements, as the plan will accommodate a 100-year event.

***Mr. Henward asked for a motion to agree that this site plan propo salwill not have a significant environmental impact. Ms. Rohrlich made the motion and Mr. Freiman seconded the motion. The vote was all ayes.***

Ms. Stevens had some remarks regarding the SEQRA form. She suggested that Part 2 #2, change in use should be “yes” because putting a house on the land is a change of use from forest to residential.

She asked whether the site is visible and if it will affect esthetic resources. Mr. Alford said that that’s why there’s a stage 2 approval process for any building proposals.

Ms. Stevens continued that the question of rare species can’t be answered no as it’s unanswerable because no one has done any surveys, not the DEC, no biologists, so there may or may not be. So Part 2 #9 should be answered “unknown”.

The slope on part of this is 25% - 26%, the hillside itself. The way the regulations are written, it sounds like the section 8.5/2 of the zoning ordinance says “no disturbance including cutting of vegetation or construction of driveways shall be permitted on any slope over 25% or greater except for walking trails or power lines....” Mr. Prendergast countered that the following section, 8.5/3, specifies “only areas of 5,000 contiguous square feet of 25% or greater slope should be considered.”

Discussion of topo lines of distance of lines measured. Ms. Stevens said these are 10’ contours and the site-specific measurements use 2’ lines. Discussion over finer-detailed topo map. Calculations being done.

Mr. Henward then asked Ms. Stevens to please make a short presentation of the CAC replanting proposal.

Ms. Stevens said that our main concerns are the bare soil areas after the driveway is constructed, the verge, and the area around the retention pond. Because the soils are very shallow there, we don’t think planting trees will be successful or possible unless you’re planting little plugs. We suggest native species of grasses and shrubs, with the same plantings around the sides of the retention pond. The purpose of planting is not beautification but to stabilize the soils as quickly as possible, to get a good vegetation cover so we don’t lose soil to erosion and so that we hold rainwater and snowmelt in the soil. We suggest some native species and we advise they should be real native species, not variants sold in some nurseries. Mr. Freiman asked why they recommend native species. Ms. Stevens explained that native species have developed over thousands of years and the ecosystem including pollinators, soil, microbes, and wildlife all adapted to those species together. Mr. Meola asked do we know what was on White Hill before farming? Was it white pine? Ms. Stevens said I don’t know. What I mean by native is what appears in this region, not necessarily specifically on that site. Mr. Meola asked how do you know what genetic makeup you’re buying? Ms. Stevens said that you would have to go to nurseries that gather genetic material within a region of 150 miles.

Ms. Rohrlich asked if the suggestions you’re making specifically answer to growing quickly and hold the soil well. Ms. Stevens said yes.

Mr. Prendergast asked Ms. Stevens if there are any of these suggested plants there now that can be transplanted and Ms. Stevens said yes, there are.

Mr. Henward asked if the Board wants to approve this project tonight. Are there any further questions?

Ms. Rohrlich asked if it is reasonable to have a note that protects the trees on the other part of the property. Mr. Prendergast said I do have area to be cleared indicated on the map. Mr. Freeman your regulations already say that clearing is prohibited unless specifically approved by you.

Ms. Rohrlich said that this has been a challenging project and we're relying on professional resources/engineers. I'm a little insecure about putting a driveway on a steep slope and I need to be convinced by our engineers. Are we about to approve a driveway in an area that shouldn't be built on? Mr. Field answered saying what I hear is your concern is there's a picture on paper, and then there's the reality of what is actually built. The best design of an engineer can be messed up by a contractor. My biggest concern is erosion. We spent a lot of time trying to address that. In the final analysis, it's who does what in the field, the use of hay bales, silt fences, erosion blankets, as well as the construction. Maybe Pat (Mr. Prendergast) needs to overlook the process. I picture ongoing site inspections. I suggest somebody be in charge.

Mr. Prendergast suggested putting a condition that the design engineer or an engineer of the owner's choice inspects the construction. Mr. Henward said once this driveway gets built, a permit cannot be issued for a house until this work is done and certified by the building inspector as being built correctly to the plans. Mr. Freiman said that if it's not built properly, we won't even consider approving a house being built.

Discussion on agreeing to plant quickly to avoid erosion and what wording to use in order to get an approval

Mr. Henward asked for any further questions.

Ms. Stevens said that one more thing that came out of our meeting is that this seems like a site that was not meant to be built on because of steepness, shallow soils, and location in the Taconic Ridge forested area. This plan fragments the forest, which is recognized by the DEC. The best place to put a house is really in the flat area within the driveway curve nearest the road, near the retention pond. We said it would be a costly planting plan is because it's very erodible soil, very shallow and steep so you can't plant trees and the plantings in the other exposed soil areas will need to be fairly dense, many plants. It's also important to bring in topsoil to the exposed soil areas, so that may be expensive. Ms. Dufault added that to get everything done properly and make sure the plants grow to full size and are protected from deer and other animals, mulch will have to be put down first, and then plants protected from deer. You don't just plant and then

consider the job finished. There will have to be maintenance for at least a year to make sure the plants have taken hold.

Mr. Alford enumerated the conditions for approval.

Conditions:

On the map: Note that this is a Stage 1 permit only in the ridgeline for approval of driveway grading, drainage and erosion control and location of proposed house site.

On the map: Note that future maintenance of the drainage ditches and storm water retention pond are the responsibility of the property owner.

That oversight of construction of the driveway and drainage improvements is to be by periodic inspections of the design engineer.

That the applicant agrees to pursue a plan of soil stabilization plantings to avoid erosion taking into consideration the recommendations of the CAC.

***Mr. Henward asked for a motion to approve this site plan proposal. Mr. Gardner made the motion and Mr. Barbato seconded it. The motion was approved by a vote of 5 ayes and 1 nay.***

Mr. Henward said the Board would let Mr. Prendergast know the amount needed to clear up the final escrow payments.

## **2. Kathleen Williams subdivision 12.6 acres Tax ID 117-2-42.11**

Ms. Williams submitted the DOH letter and test results and said that the first perc test was done but the deep test was not done yet. Mr. Henward told the Board that the DOT will only approve a curb cut once we approve a subdivision. Mr. Barbato asked if we have a guarantee. Mr. Henward said that he spoke with DOH and he said he'd do it. We can give her a conditional approval. We usually have our highway superintendent give us an approval for a curb cut before we do a subdivision. But the State doesn't do it that way. We have to take a leap of faith. So does everyone remember this project? Yes. Ms. Bowen asked we're not approving a building envelope now, right? Mr. Henward said we have to decide.

Discussion over map as to where building envelope and driveway curb cut should be.

Mr. Henward said we can put a housing site on the map but a buyer can come and ask for us to move it. It's not in the ROD so we have no requirements as to where it is. We can agree where the house site and driveway should be and approve that, then a buyer would have to come before us to change either one.

Ms. Rohrlich asked if the curb cut can be anywhere, and Mr. Henward said no, because there are a couple of streams and a swale. He then asked Ms. Williams if she's shown it to a broker, and Ms. Williams said that brokers won't come look at it until I have the curb cut approved. Ms. Levy asked what's the least we can approve, just a curb cut? Mr. Freiman asked how many acres there are and Ms. Williams said 6.

Mr. Henward said we'll approve it when you get a final approval for the septic and have the house site and curb cut on the full survey map. Discussion on the process of digging the hole and then having it perced and inspected. Have the house site put closer to the stream, the drive moved, and the septic all put on the map and then you can bring it back for approval.

***Mr. Henward asked for a motion to adjourn. Mr. Gardner made the motion and Mr. Freiman seconded it. The vote was all ayes. Mr. Henward adjourned the meeting at 9:40 PM.***

*The next PB meeting will be Monday, April 14<sup>th</sup> at 7:30 PM.*