



**Hillsdale Planning Board Minutes
July 14, 2014**

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

Excused: Richard Freiman

Also Present: Gretchen Stevens; Ruth Dufault; Jeffrey Paige, resident

Mr. Henward opened the public hearing at 7:08 PM

- 1. Public Hearing for Kathleen Doolan 2-lot subdivision Tax parcel ID Tax parcel ID 144.-1-72.111 creating a new parcel of 9.587 acres from a parcel with a total of 52.65 acres on West End Rd. Jeff Plass from Plass, Rockefeller & Nucci surveyors**

Received: DOH letter for septic; receipts from abutting neighbors regarding the Public Hearing.

Mr. Henward asked Mr. Plass to show him the wetlands marked on the survey map. Ms. Stevens also looked at the map and showed where she saw the wetlands. She said there were no markers at the site so she wasn't sure where the dividing line between the parcels was when she got up to the site. Mr. Henward described that whether the wetlands are DEC or ACE or not, we'd like to be able to control where people build ponds. There is also a concern about the back 2/3 of the property having wet areas and are of concern with the CAC. (CAC notes attached to these minutes.) If anyone ever wants to build there, they would have to come before the Planning Board for a site plan review. Mr. Plass said they are waiting for the Highway Superintendent to get back to them about the curb cut. Mr. Henward asked if there were any questions from the board. There were none.

Mr. Henward closed the Public Hearing at 7:18 and opened the Planning Board meeting at that time.

Mr. Henward asked if there were any further questions. Ms. Levy - how can a buyer know about the existence of the wetlands if it's not on the map? Mr. Plass said that no

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one would build on a wet site. Discussion about how a wetland is found/described/noted on a map. Ms. Levy suggested that we just flag it on the map, not requiring anything further to be done, but just to show where the wetland is.

Mr. Plass said he could put a note saying that there may be ACE wetlands on the property. Mr. Henward said that this is one of those situations where someone can say they don't want to be near the road and want to build a long driveway through the wetlands to build further back on the lot.

Ms. Rohrlich made a motion to approve this subdivision with the provision that the maps be changed to include a note about the wetlands, as well as receiving the curb cut permit from the Highway Department. Mr. Gardner seconded the motion.
The vote was all ayes.

2. Frank Pinto on Tory Hill Tax Parcel ID 135.-2-52 Terry Porter, Architect. Site plan review for building an addition in the ridgeline. 917-653-0776 TBP@PorterClapp.com

Mr. Porter said that Mr. Pinto wants to add a couple of bedrooms to his home and since it's in the ridgeline, we knew we have to create a plan that is sensitive to the area. He then showed the map with the home which is already there, as well as the planned extension, showing trees around the site. He also showed cross-cut diagrams showing the way it goes into the slope. The house is already set down from the crest of the hill and there is a lot of foliage around it. You can see it from Whippoorwill and Mitchell. He showed what's already there, and how the addition will be set back further so there won't be a wider face to the building showing. Ms. Levy asked how wide the face is and Mr. Porter said 18'. There will be no clearing as the house is already in a cleared space.

Mr. Henward asked Ms. Dufault if all the plantings that Jamie Purinton had suggested have been put in place and she said yes, that it was recovered and lush and green now. Discussion about where you can see the house from. Ms. Levy asked what the color of the house is and Mr. Pinto answered dark gray. Mr. Porter showed photos of the house. Mr. Henward asked Ms. Dufault if she and Ms. Stevens would want to take a look at it. Ms. Dufault said she knows the spot and doesn't think she needs to see it again.

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Mr. Henward asked about the septic, if it would accommodate two more bedrooms and Mr. Pinto said that Mr. Prendergast said that the septic was designed for an addition.

Ms. Levy made a motion to approve this site plan and Ms. Rohrlich seconded the motion. The vote was all ayes.

Mr. Henward told Mr. Porter that we need 6 copies of the site plan survey to be recorded and that we would attach the rest of the drawings to that. The secretary will check with Real Property if a surveyor needs to do the map and will email Mr. Porter when she finds out.

Received: check for \$641.50; drawings of site; photos of house from surrounding roads.

3. Board Discussion of Yates site and Board relationship with Building Inspector

Mr. Henward said that Mr. Barbato is recused from this discussion.

Mr. Henward said that the problem with the Yates and Stine properties stem from the building inspector not issuing a two-stage building permit. Under the ridgeline rules, permits must be given in two stages: one is given for the preparation of the site, such as roughing in the driveway, excavating, clearing, etc. and one is given for the building itself. Once the preparation has been done in compliance with the Planning Board site plan, then the second permit is given for the building itself. The things that have happened on the Yates site are a major issue and can possibly result in raising significant legal issues.

The Stine property is being cleared, trees are being cut and there's an excavator up there. They're supposed to have a permit and Mr. Prendergast is supposed to be monitoring the site as he said he would and then sign off that the work done was what was permitted by the site plan review. In the meantime, Mr. Henward has asked that stop work orders are given to Yates and Stine and also the property above Yates which has widened the driveway to a much greater extent than we approved. It was noted that the building inspector is also the code enforcement officer and thus responsible for compliance with PB findings and restrictions. Craig Norton, ZBA chair, views any earth moving or clearing as a form of construction.

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From minutes of March 10, 2014 Stine Public Hearing regarding replanting plans for Stine property:

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. Dufault said that there should be someplace for people to see what needs to be done step by step when someone buys property and wants to build something.

Mr. Henward said that he promised Mr. Yates he'd get back to him with the issues. The project has progressed to where he has the frame of the building up. There are many more issues than just the initial permit. I'd like to get a list of things that we think need to be addressed on this:

Ms. Levy - the fact that there's an additional 10-12' of height added is of great concern. We approved a 19' structure and it's now about 30'. Also, the structure seems to be placed outside of the building envelope and is now closer to a tree that is important to save. It's been done without the building inspector saying anything and also done without coming back for a revision to the plan we approved.

Mr. Henward to Gretchen - we did try to get Mr. Yates to address the tree and that we have a choice to save the tree.

Mr. Henward said that the other thing that's inconsistent is that we didn't address the shale that was excavated for the foundation. We didn't anticipate that this house would require this much excavation and the material has been spread around the site. With Stine, we said anything produced by excavation had to be removed from the site, and we didn't do that here. When you put a foot or two of shale on top of the ground, nothing is going to grow for a long time. It needs to be removed after using what can be used for the driveway.

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Mr. Yates has 34' of width on the house plus another 8' of the deck which is pressing up against the tree. The BI should have seen that what Yates was doing was not in compliance with what we approved. We should have been more diligent as to how this house is tucked into the hillside. The house is now 3 stories and the basement is a living space.

Additional material from Mr. Yates was looked at. Discussion about the tree and if it can be saved if the shale is taken away from it. Ms. Levy asked whether it is the shale or the piers for the deck that are hurting the roots and Ms. Dufault said it was both.

Ms. Rohrlich said that the house seems to be the main thing, that rules were broken, that it's not what was agreed upon. Ms. Levy added that letting this go by would be a precedent of allowing others in the future to change what was agreed upon. Then others would say, you let him change the plans, why can't we?

Mr. Henward said that if there was a departure from the site plan, it should have been picked up at the first stage of a two-stage permit. It was approved for a length of 57' 10" and now is 64'; was 30' deep and now is 34'; was 19' high and now is 30'.

Ms. Bowen asked how would he fix it? Get a variance? Ms. Stevens said that he could change the shape of the footprint.

Discussion about how the measurement is done to determine the height of the house, whether it was done from the bottom or the upper slope? Mr. Henward said that the Building Inspector is going to look at the code and see how it's measured. A lot of people involved knew better - the designer, the contractor. We share some of the responsibility. Saying that there should be no deck with piers going into the tree roots would save the tree but if it's too hard to save it, then we can require plantings.

Ms. Rohrlich suggested that the Board have a meeting with him and see what he's prepared to do to make it better. Ms. Levy suggested that we should ask our attorney what we can require and what the repercussions would be. Ms. Dufault asked why didn't he come back to the Board and say what he wanted to do?

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When were these changes made? The new drawings are from after what the Building Inspector has. Mr. Gardner added that he's never seen a building inspector measure a foundation, just inspect that the steel is in and all.

Mr. Barbato said that no changes were made onsite. The building envelope was so close to the property line and septic and the slope, it has to be where it is. When the plans get to us, we get copies, not stamped plans.

Mr. Henward said that there is one other issue in these sites that were cleared a long time ago: there's now new growth and people may be tempted to prune or cut down trees. Maybe we should put some regulation on what they can do with new growth.

Mr. Henward asked for a motion to adjourn. Mr. Gardner made the motion and Ms. Rohrlich seconded. The vote was all ayes. Mr. Henward adjourned the meeting at 9:15 PM.

The next Planning Board meeting is scheduled for August 11 at 7:30 PM.

Notes on the Proposed Doolan Subdivision, Rockledge Road

Hillsdale Conservation Advisory Council

8 July 2014

Gretchen Stevens

On the evening of 15 May 2014, accompanied by landowner Kathi Doolan and planning board member Deborah Bowen, I toured the proposed subdivision lot on property owned by Kathi on Rockledge Road, Hillsdale.

The evening was cool with an overcast sky; intermittent light rain had fallen through the afternoon. The land sloped upward from the road from an elevation of ca 690 ft asl to ca 800 ft asl near the hill summit at the back of the lot (elevations approximated from the USGS 7.5 minute topographic map). Most of the lot was forested, with overstory trees in the range of 8-18 inches diameter-at-breast-height. Red maple, sugar maple, white oak, red oak, and shagbark hickory were common. A ca 3-acre plantation of Scotch pine (and perhaps other species—I did not explore it) was in a U-shaped configuration in the western half of the proposed lot, some of it lapping onto the neighboring Kupperstein/Brenner property.

On a hillside bench in the western half of the proposed lot were two hardwood swamps. One was small, ca 35 ft x 100 ft, with red maple and green ash in the overstory, bluebeech, winterberry holly, northern arrowwood, multiflora rose, meadowsweet, and black chokeberry in the shrub layer, and a diverse ground layer with such plants as sensitive fern, skunk cabbage, Pennsylvania bittercress, spotted jewelweed, kidney-leaved buttercup, purple trillium, and unidentified (sterile) sedges. Standing water was ca 2 inches deep between moss-covered woody hummocks and rocks at survey time.

Just to the southeast was a much larger swamp with red maple and a few white pine in the overstory, gray dogwood, northern arrowwood, and Bell's honeysuckle in the shrub layer, and large patches of cinnamon fern in the ground layer. There was little standing water at survey time, but the surface soil layer was saturated.

I noticed two other wet areas on the lot--a small seepage area (sensitive fern, skunk cabbage, gray dogwood, garlic-mustard) on a steep slope near the back end of the lot, and a small wet meadow (sensitive fern, skunk cabbage, spotted jewelweed) in a clearing near the northeast property boundary.

Near the hill summit at the back (southeast) edge of the proposed lot was an exposed ledge that I saw only from a distance.

The smaller of the two swamps may support some of the vertebrates and invertebrates of intermittent woodland pools, but is probably not ideal for pool-breeding amphibians of conservation concern due to the short spring hydroperiod--possibly drying up in May).

The proposed lot is within a 90+ acre forest, and is part of a much larger contiguous habitat area of forest and meadow. Large forests have particular value for plants and animals that require the habitat conditions of deep forest interiors, and area-sensitive wildlife that have large territories or home ranges.

Approximately 170 ft south of this lot (on an adjacent part of the Doolan property) is an apparent intermittent woodland pool—not seen in the field but identified on aerial photos. This is the critical breeding habitat type for pool-breeding amphibians (wood frog, spotted salamander, Jefferson salamander, marbled salamander) that would use the pool for breeding and nursery habitat, and then move into the neighboring forest to spend the rest of the year. Several other small swamps or woodland pools are within 1500 ft of that pool—well within the travel distance of those amphibians. Travel through developed areas is hazardous to these animals, so preserving substantial habitat connectivity between pools and between the pool and large areas of forest is important for maintaining local populations. Jefferson and marbled salamanders are listed as NYS Species of Special Concern.

The proposed lot appears to have adequate non-wetland space for a house, driveway, and septic system. Locating those features in the western half of the lot would help to preserve the contiguity of the large forest, and the woodland pool/forest connectivity.