



**Hillsdale Planning Board Minutes  
Special Meeting  
September 30, 2014**

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

**Excused:** Richard Freiman

**Recused:** Ellen Levy; Mark Barbato

**Also Present:** Ruth Dufault; Carmen Barbato; Jeff Paige

Mr. Henward opened the meeting at 7:33 PM

**Peter Yates and Ashok Sinha, property owners; Paul Freeman, attorney Tax ID 127.-1-15.2  
site plan review for house**

*Received: landscape plan*

Mr. Freeman started the meeting by saying that he'll try to answer the issues one by one in an effort to solve these problems amicably. First the footprint - Mr. Freeman handed out the plans, one of which has the original footprint which the Planning Board approved and one showing the current footprint of the house. He explained that when the preliminary plan was drawn, it was the approximate place and size that they believed the building would be. Once the architect designed the final plan, they went to the Building Inspector with it and got the permit for it.

Mr. Henward said, about the tree - when we went on site, we wondered how the house could be so close to the tree. We thought that the measurement of 30X57'10" that was given to us was the precise building size so we approved that size but when we saw how close it was to the tree, we knew that the size had changed. Even if it had been outside the ridgeline, if it had gone to the BI and he saw it was different from what we approved, he would have told you that you had to come back before the PB. So we apologize for the BI not using the two-stage permit and not telling you to come back to us with the new design. There were mistakes, errors and omissions all the way around.

Mr. Freeman said we ask that the Board accept the Aug 11, 2014 final permit.

Mr. Henward replied we would have asked you to push the building back onto a little flatter area, getting a variance for being closer to the lot line, if we had seen this at the same time the BI saw it, but that's water over the dam.

Mr. Freeman said that the second issue is the tree. There was a belief that it was closer to the building than it was supposed to be and that the building would affect the root system. We've had the arborist come out

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and they've addressed two things minimize impact on construction and keep vitality of tree with further treatment.

Mr. Henward said that the trees on both sides of this lot seemed to indicate that you wouldn't have to do any further screening. We're aware of what your proposal is for the trees but there are some concerns by the CAC that what you're proposing may not be enough for the health of the trees

The Board then read the letter from the arborist, Tapler, which was submitted at the last meeting.

Mr. Freeman said that the idea is not to build the house to impact the tree so I guess we'd amend the letter to include the limb of the tree that's going over the space of the house.

Mr. Henward said that we'd like a condition of approval be that the tree care plan is vetted by our CAC. All the shale has been moved back about 2 feet around the tree but should be away from the whole area.

Mr. Yates said that the contractor had he stripped back any shale that was put there by construction but Mr. Henward said that it looked like it was just near the trees, not the whole area. We're trying to give the tree the best shot for survival. We thought you should strip all the stuff piled on the downside of the foundation walls off the site and use it as surface on the driveway and bring in soil so that you can plant or replant ground cover on that side, to prevent erosion, or all you'll wind up with is a rock outcrop which will have runoff. Have you had a landscaper involved?

Mr. Yates answered that they do have a landscape plan and submitted it. The Board looked at the planting plan and asked Mr. Yates who the landscaper was and he said it was Dale Schafer in Ghent (1124 State Route 66 Ghent, NY 12075 518-929-4330). We talked about putting in 8' conifers. We have no intention of living in a gravel pit. We intend to put plantings all around the house. We don't know about the branch of that tree until we start building to see exactly how close it will be.

Ms. Bowen asked is that the one that's 17' from the house? Mr. Gardner said I think where the deck will be is closer. Mr. Freeman said it's 9' from the deck and the width of the deck is 8' so it's 17' from the tree to the actual house.

Mr. Gardner asked if the basement is a walk-out and Mr. Yates said, yes, but the garage is not.

Mr. Sinha asked are we clear about the trees now and Mr. Henward said that before you do any work on the trees, we'd like one of our CAC people to talk with Tapler.

Mr. Yates further described the planting plans. Ms. Dufault asked if Mr. Yates knew the name of the conifers they were going to plant and Mr. Yates said no. Mr. Henward said to Mr. Yates that he should put Ms. Dufault in touch with the landscaper.

Ms. Bowen said you'll be able to see the house 6 months a year, but if you're planting conifers, that will shield it.

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Mr. Henward said we need to talk about building height and visibility. You had said there would be glass surfaces but that they would be tinted and non-reflective. Mr. Yates said that they're proposing to go with Cardinal Glass, and we're suggesting this because they have glass that is only 15% reflective of the light. It's a really good product. He then passed around a brochure from Cardinal so the Board could see it.

Mr. Henward said we also talked about exterior colors. What are the exterior colors? Mr. Yates showed samples of the colors, a tree-bark-colored grey. One was a wood siding plank and one a concrete for the foundation. The window frames will be black and the roof will be a black membrane roof. The samples were: HardiePlank siding in iron gray & Russin Lumber BM concrete in semi-solid black.

Mr. Henward asked about external lighting. Normally that's something a BI checks but we're going back to do this. Mr. Yates said that the only lights would be low lights lighting the deck, down-facing lights about 3' off the ground, shaded to push the light down to avoid tripping, and they'll be low wattage. The railings will be black, too.

Mr. Henward said what about the concrete exposed on the walk-out basement and Mr. Yates said it would be the grey concrete as show by the sample. The back bit behind the garage is exposed concrete, grey just a small bit, and there will be landscaping in front of it. Then we're doing the trees down from that.

Mr. Yates said we'll have French drains to direct the water around so it won't erode and Mr. Henward said that we have these issues with every property in that area on both sides of that road. The Highway Department complains about something being done and the neighbors at the top also complain they can't get up the road.

Mr. Henward asked if there were any further questions from the Board.

There was some discussion about the visibility of the house, and Mr. Gardner said it can be seen from Tory Hill but it's very, very hard to see, even with binoculars. Mr. Henward said that the piece of the house that sticks up from the other side of the valley is just a piece of the frame. He then asked if they have any intention of doing any other clearing, and Mr. Sinha said no, we want a house in the woods. Mr. Henward continued saying that from Bridlewood and Orchard Lane there's some visibility and from Mitchell St., there are trees near the viewing site which block it. He then said you're not exceeding the 35' Town limit, right? And Mr. Yates answered no.

Ms. Rohrlich this is not an issue but, there's a lot of trouble being taken for this tree but of course other things can kill it, a lightning strike or a borer or something, so maybe you might want to plant a sapling of this hardwood tree to grow later, something to replace it. Mr. Yates said that was a good idea, and you can get saplings for free [from the Arbor Day Foundation].

Ms. Rohrlich said to the applicants that she hopes they realize this Board wasn't being adversarial it's important to us to have this law work so when you see egregious houses jumping out on the ridgeline you'll say, that doesn't work, and we're trying to do good work for the town, for the beauty of what you want to live in. As the house goes up, you'll see little things you want to tweak.

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Mr. Sinha said we've lived here for 13 years and we totally respect that and appreciate it. We don't think it's been adversarial but it's been frustrating. Mr. Henward said we're trying to straighten out the relationship between the BI and PB so that this doesn't happen again.

Mr. Henward asked for further questions. When there were none, he asked if the Board wants to propose a conditional approval.

Mr. Freeman suggested the wording below.

***Ms. Rohrlich made a motion to approve this site plan with the provision that: The applicants adopt the landscaping plan and accept Tapler's proposal with the understanding that Tapler will coordinate with CAC to preserve the existing oak tree which is 17' from the house; the applicants clean up the shale that is on the site and return the site to preconstruction condition; and install plantings using efforts to provide the greatest chance for plantings to survive. The CAC coordination with the landscaper should occur as the construction is ongoing. Mr. Gardener seconded the motion. The vote was all ayes.***

Further discussion about the site: Ms. Dufault said that she's never heard of the landscape person but would look into it, and that it's how you treat the soil around the trees that matters. Mr. Barbato asked - as far as the shale, it'll be put back into the driveway. When you excavate a foundation, you have to take dirt out to dig the foundation, so do you have to take it off the site each time? It's only going to be put back for landscaping later anyway. Mr. Henward said no, not ordinarily. We told Stine to take it off site because we knew a lot of stuff would be generated from the driveway.

***Mr. Henward asked for a motion to adjourn. Mr. Gardner made the motion and Mr. Henward seconded. The vote was all ayes. Mr. Henward adjourned the meeting at 8:33 PM.***