



Hillsdale Planning Board Minutes September 12, 2016

Present: Hank Henward, Chairman, Bud Gardner, Ellen Levy, Patti Rohrlich, Deborah Bowen, and Mark Barbato.

Richard Freiman was excused.

Secretary Veronique Fabio was excused.

Jeff Paige recorded the meeting.

Also Present: Nelson Alford, attorney for the town, Gretchen Stevens: Conservation Advisory Council,

~ Mr. Henward opened the meeting with a discussion to consider a recommendation to support the Town Board on a 6 months' moratorium on solar farms and solar installations.

Nelson Alford read the Town Board resolution;

Resolution – Local Law #3 – to establish a moratorium on certain solar energy installations in the town of Hillsdale for a six-month time period.

The town has a sub- committee that consists of Hank Henward, Robina Ward, Tom Carty and Peter Cipkowsky. They are revising the zoning code to make sure that solar installations are properly located and screened. The moratorium will give the committee time to work until the new regulations are in place. A typical solar installation on a house is not subject to the moratorium. The solar farms are the main concern however regulations will also include residential installations. Exempted from the moratorium are installations that are not for profit, only for energy consumption on location.

It is subject to a referral to the Planning Board and the County Planning as well.

~ Patti Rohrlich asked if there were any requests for solar farms in Hillsdale recently.

~ Jeff Paige answered that the solar installation near Taconic Hills school would have been partially on a lot located in Hillsdale but the project was moved to avoid a request for a permit to the town of Hillsdale.

Hank Henward asked for a motion to recommend support to the Town Board on the moratorium, Patty Rohrlich made the motion, Ellen Levy seconded, all agreed.

Open Applications:

Colquhoun, Mitchell Street, Tax Map 126.-2-20

John and Linda Colquhoun were present as well as Pat Predergast Engineer.

~ Pat Prendergast distributed new plans for the driveway. He showed some older subdivision maps from 2011 with driveways that were all approved by the Planning Board according to regulations that were enforce at the time.

He commented that all the driveways were steep with grades ranging from 12 to 18 %. In 2012 the town board passed new regulations with new specifications and now the Colquhouns have to deal with this. He continued and said that New York State Building Code requires turn outs for fire trucks every 500 feet. A portion of the common driveway is now at 18%; in Pat Prendergast's proposal, it will be cut down to a maximum of 11.5%.

~ Ellen Levy asked about the grade of the last part of the driveway.

~ Mr. Prendergast responded it was at 11.5%. Five truck turn outs were added, the house building site was moved; however, the septic system location is in place.

~ Mr. Prendergast said that the plan for the road grade assumes that there will not be rock outcroppings, he was confident that there should not be any surprises. There are no plans at this time to develop Lot #3. Prendergast went on and noted that all of the lots in that subdivision have very steep driveways to existing homes.

~ The Fire Commissioner, Bud Atwood commented that all is going in the right direction.

~ Doug Clark said that the new driveway was worked on and downgraded to 12% in some areas, however it still does not comply with the town code which is 10%. A 12% gravel road is usable by fire trucks, some paved roads in town are steeper than that. Drainage would have to be properly controlled by the owner however he does not have the resources of the town as far as equipment is concerned.

~ Fire Commissioner Atwood wondered if they would be putting residents and fire personnel at risk if the driveway was allowed?

~ Mr. Prendergast noted that the subdivision map was created; the lots were sold and 12% and more grade driveway were acceptable at one time.

According to Mr. Prendergast, the cost for the new 3400 feet driveway was estimated at \$80,000 but this figure was disputed by Mark Barbato and Doug Clark. Both thinking the cost would be considerably higher.

~ Mr. Colquhoun argued that he bought the land with a driveway. He questioned why he had to go through expenses, improvements and cutting on the side of the mountain? The road is passable now even in the winter with 4" of snow. There are pull outs for trucks. They were prepared to improve the driveway but they are at a standstill. He noted that he understands the safety issues but he feels that the code is being arbitrarily applied.

~ Fire Commissioner Atwood, made a presentation of the responsibility of the fire department and how important all the details of the driveway and the drainage are. He would love to see a home up there but want everyone to be safe.

~ Hank Henward noted that grade is critical, requirements are in place for the safety of residents, fire personnel and equipment. There have been law suits in other towns.

~ Mr. Colquhoun noted that he is willing to do whatever is necessary, they will install a sprinkler system if necessary but all the running around is a waste of time. It has been two years since this process started.

~ Attorney Nelson Alford suggested a letter could be drafted releasing the fire department in case the trucks cannot make it up there.

~ Fire Commissioner Atwood said he would be okay with a letter releasing the Fire Department from liability.

~ Mr. Colquhoun said he would agree to something like that and asked if the fire department would be satisfied with the shorter road with 18 and 12% grade if more truck turn outs were added.

~ Gretchen Stevens noted that the shorter driveway proposal might be a better option with a lower impact on the environment.

~ Hank Henward indicated that he had been on the project site a while back and had suggested to the Colquhouns not to spend any more money in that project other than the driveway.

~ Linda Colquhoun asked how other Planning Board members felt about the driveway proposal.

~ Deborah Bowen stated that she was well aware of the negative effects of poor maintenance on some driveways in town.

~ Mr. Colquhoun noted that the owner at the bottom of the driveway has to replace the gravel periodically because it gets washed away, if he can modify the road it will not happen anymore. He wants to improve not impact the environment.

~ Bud Gardner indicated that it seemed that the new road will be an improvement compared to what is existing now.

~ The Fire Department would agree to a letter signed by the owners relieving them of liability in case the trucks cannot make it up the driveway.

~ Hank Henward noted that the site plan review approval for the driveway approval has to take place before the building of the house can commence. The project should be brought to a public hearing.

~ Patty Rohrlich stated that she does not want to approve a driveway with a contingency and that the quote for the cost of the driveway seems inadequate.

~ Doug Clark town engineer stated that the drainage and other issues can be addressed.

~ Mr. Prendergast said he needed to know as well as the owner of the property if an 11% grade will do it or not?

~ Ellen Levy is concerned with environmental disturbance the construction of the driveway would cause on the hill and hopes that lot Number 2 would not be developed.

~ Mr. Colquhoun clarified that the lot is cleared already.

~ Bud Gardner stated that he is in support of the project.

~ Mark Barbato also supports the new driveway project however he has concerns regarding the legality of the letter releasing the responsibility of the Fire Department.

~ Hank Henward stated that the board is not ready to make a decision that would set a precedent and he is worried that it could trigger a chain reaction and other owners in the ridge line would want to do the same thing.

~ Town Attorney, Nelson Alford indicated that it would not create a precedent just a clear understanding between both parties.

~ Patti Rohrlich asked why can't the road just be built to Fire department standards and why change the bottom of the driveway? She wants to make sure that the Fire Department agrees on the design of the driveway as it is proposed.

~ Mr. Prendergast explained that changes are necessary to lower the grade.

~ Hank Henward asked if there were any objections to the 12% grade aside from the other details?

~ Mark Barbato questioned the idea of a public hearing, only one neighbor will be impacted.

Review by the Planning Board of easements and drainage plans will take place before a public hearing will be set up.

~ Mr. Prendergast asked if a public hearing could be set up for next month? He will notify the abutters as well as the neighbors across the road.

Meeting was adjourned at 8:59.

Respectfully submitted

Veronique Fabio