



Hillsdale Planning Board Minutes January 23,2017

Special meeting; Continuation of the public hearing previously opened on January 9, 2017 for application from Mr. and Mrs. Colquhoun.

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

Site Plan Review for construction of a driveway to access a future home building site.

Present: Chairman Hank Henward, Richard Freiman, Deborah Bowen, Patti Rohrlich, Mark Barbato, Bud Gardner and Town Attorney Nelson Alford. Ellen Levy was excused.

Secretary Veronique Fabio was present to record the minutes.

Also Present in the audience, Mr. & Mrs. Colquhoun, Town Supervisor Peter Cipkowski, Engineer for the town Doug Clark, Engineer for the applicant Pat Prendergast, and James and Lisa Smith abutters to the applicant.

~ Hank Henward opened the meeting at 7:00. He asked if there were any questions, comments or further submissions from the audience.

~ Attorney Nelson Alford noted that Part 1 of the SEQRA had been completed by the applicant. He proceeded to go through Part 2 of the SEQRA.

See attached document

Planning Board members made comments following the reading.

~ Deborah Bowen commented on the part referring to critical environmental area identified by the state not designated by DEC and the impact on flora and fauna.

~ Attorney Nelson Alford noted that the option for the answers are “No to Small impact” or “Moderate to Large”. He moved on to Part 3 of the SEQRA.

A list of potential impacts is established based on Part 2.

The potential impacts have been mitigated as much as possible.

Part 2 of the full environmental Assessment Form has identified the following areas of potential moderate environmental impacts as follow;

1b- Construction on slopes greater than 15%

1c- Construction where bed rock is exposed

1d- Excavation of more than 1,000 tons of natural material

1e- Construction in multiple phases

1f- Increased erosion

3e- increased turbidity from run off

3l- Soil erosion and storm water discharge that may lead to siltation

All of the potentially identified impacts relate to the construction of a 2,900+/- foot driveway extending through the applicant’s existing real property to a proposed residential site.

After thorough application of the design plans by the applicant’s engineer, and extensive review of the plans by the town’s engineer, and further review by the town’s Conservation Advisory Committee, it is determined that these potential impacts have been mitigated to the maximum extent possible, and so long as the driveway is constructed in accordance with the approved plans and specifications, there should be no significant long term environmental impacts caused by the project.

There were no questions from the public on Part 3.

A SEQRA resolution should be passed on what was drafted.

An application having been filed by John Colauhoun and Linda Colauhoun for a site plan review and approval for the construction of a private driveway located on Mitchell Street in the Town of Hillsdale, Columbia County, New York; and

The application process having commenced in 2015 and continued through the present date, which application has involved several different design plans and specifications designed to comply with the applicable regulations under the Town's Zoning Law, and to also minimize the potential adverse environmental impacts associated with the construction of the proposed driveway; and

The project site and plans having been reviewed by the members of the Planning Board, as well as by the Town's engineer, and by the Town's Conservation Advisory Committee; and

Based upon all of the findings and recommendations with respect to the proposed driveway construction project;

The Board finds that so long as the driveway is constructed in accordance with the design plans and drawings, last dated January 17, 2017, the potential adverse environmental impacts associated with the project will be minimized to the maximum extent possible, and should have no long term significant environmental impacts.

Therefore, the issuance of a negative declaration for the project is hereby authorized.

Upon the question of the foregoing Resolution, the following Board members voted "aye" in favor of the Resolution:

Mark Barbato, Bud Gardner

Deborah Bowen, Patti Rorhlich

Richard Freiman, Hank Henward

Following the vote, Hank Henward closed the Public hearing.

~ Nelson Alford read the Proposed Findings.

1. The application which is pending before the Town of Hillsdale Planning Board is an application for a Stage I Permit under the Ridgeline Overlay District Regulations of the Town of Hillsdale's Zoning Ordinance to permit the construction of a driveway having a length of approximately 2,900 feet extending from the Mitchell Street in a northeasterly direction to a proposed house site to be located on Parcel 2 of the hereinafter referenced subdivision survey map.
2. The applicants are the owners of Parcel 2 (26.029 acres) and Parcel 3 (20.065) acres as

shown on a subdivision map of the Lands of CTM Von Jaeger dated March 14, 1989 approved by the Town of Hillsdale Planning Board on December 2, 1989 and filed in the Columbia County Clerk's Office as filed Map #11242. A re-survey map of the Von Jaeger property was prepared under the date of June 18, 2001 and filed in the Columbia County Clerk's Office on October 19, 2001 as Map #01-236. A further survey entitled "Definition of Existing Roadways CTM Von Jaeger Subdivision" dated October 8, 2001 was approved by the Planning Board on July 11, 2002 and filed in the Columbia County Clerk's Office as Map #02-175. The original subdivision map was approved by the Planning Board without the benefit of topographical elevations being shown on the same.

3. On January 31, 2014, the applicants purchased Lot 2 and 3 as shown on the Von Jaeger subdivision map, which lots are contiguous and the legal access to each lot is by means of a series of shared driveway easements and logging roads existing at the time of the subdivision approval and involving all four of the Von Jaeger parcels as shown on the aforesaid subdivision maps.
4. On June 1, 2007 the Town of Hillsdale adopted a Ridgeline Overlay District which requires Stage I and Stage II Site Plan Permits from the Town of Hillsdale Planning Board for any and all construction occurring at elevations above 1,100 feet above sea level Both parcels owned by the applicants are located in the Ridgeline Overlay District of the Town of Hillsdale Zoning Law.
5. The Town of Hillsdale Zoning Law also has driveway grade requirements which are found under Section 8.12-5-C of the Zoning Law and also Section 8.12-5-H. Both of these sections call for new driveways providing access to single family dwellings to have a maximum grade of 10, except where it can be demonstrated to the satisfaction of the reviewing board that because of practical difficulty and unreasonable hardship affecting a particular property, the construction of such a driveway is unfeasible. Under such circumstances a steeper grade may be approved provided that the increase in the driveway grade is a minimum necessary to provide access and it can be demonstrated that emergency services to the site will not be adversely compromised. The access driveway proposed by the applicants for a driveway extending from Mitchell Street to a proposed house site on Parcel 2 will involve portions which are in excess of the 10 driveway grade limitations as set forth in the Town's Zoning Law.
6. The applicants have presented several different preliminary design plans and engineering studies for the proposed driveway located, in attempts to comply with the driveway grade regulations and the Ridgeline Overlay District Regulations. The earlier design plans involved the proposed construction of a 3,500± foot serpentine driveway which would have required extensive rock cutting and fill areas in order to achieve a design plan which was close to the maximum grade limitations contained in the Town regulations. The current application involves a driveway having an approximate length of 2,900 feet which would primarily follow an existing logging road. This plan will also involve significant cutting and fill work, but far less than those proposed in the previous design plans. Additionally, the length of the new proposed driveway will be significantly shorter than the prior proposals, and will therefore lessen the impact to the environmental terrain which must be crossed and disturbed in connection with the construction of the driveway.

- 7 _ Each of the design plans presented by the applicants have been prepared by a professional engineer, have been reviewed by the Town's engineer, and have also been reviewed by the Town's Conservation Advisory Council.
8. The driveway proposal has also been presented to the Board of Fire Commissioners for the Hillsdale-Copake Fire District, which has indicated its support for the driveway proposal, as long as proper turnouts are provided in the design plans, and that there is an understanding on the part of the applicants that there may be times when due to weather and driveway conditions, it may not be possible for fire and emergency services providers to be able to reach the applicants house site. The applicants have indicated their understanding of this fact, and have agreed to install a fire sprinkler system as part of the construction of their planned residential structure.
9. The Conservation Advisory Committee, in its review of the applicant's proposals has indicated its preference for the shorter driveway proposal as the same involves little or no cutting above the shared portion of the common driveway, and requires only one stream crossing, and while the proposal creates a significant intrusion into the forest, it is far less than that which would be associated with the longer driveway. The Conservation Advisory Committee has also urged that storm water management plans to be carefully designed and installed, and also provided its recommendation with respect to the type of the stream crossing to be installed as part of the driveway proposal.
10. While the 12% grade components of portions of the proposed driveway do not comply with the 10% grade limitations set forth in the Town's regulations, such grades should be acceptable under the circumstances, and are probably as good as can be achieved in the opinion of the Town's engineer. HUD standards for driveways have a 14% grade limitation.
11. The proposed driveway as set forth on the final design plans, will also improve the common driveway portion of the Von Jaeger subdivision by reducing the grade of this area, which will in turn benefit all of the other subdivision parcels having access rights over the shared portion of the common driveway.
12. The applicants have demonstrated to the Board that there are practical difficulties and unreasonable hardships affecting the applicants' particular property making the construction of a driveway on the property within the 10 maximum grade requirements under the Town's Zoning provisions infeasible, and the proposed driveway grades as shown on the final design plans dated January 17,2017 represent the minimum increase necessary to provide access (including access by emergency services providers) to the proposed residential site to be located on the applicants' property.

~ Patti Rohrlach commented on #8, she was concerned with the agreement of releasing the fire department if they were not able to make it to house.

~ Nelson Alford indicated that he had an email from the Colquhoun's attorney stating the applicants understood that in some cases the fire department might not be able to make it up the driveway.

~ Hank Henward noted that a sprinkler system will be installed. Turnouts as required by the fire department are planned.

~ Nelson Alford indicated that if the Planning Board approves the plan for the driveway the Proposed Conditions of Approval would be as follow.

1. Approval is for a Stage I permit only for the construction of the driveway and all components thereof. A separate Stage II site plan application is required, and must be approved for the proposed residential structure and/or its appurtenant systems.
2. There shall be no construction of the proposed residential structure and/or its appurtenant systems until such time as the Stage I construction of the driveway has been completed and approved by the Town Engineer, and a Stage II site plan having been approved by the Planning Board. No Stage II permit for the construction of the proposed residence and residential site shall be issued prior to the completion of the construction of the driveway in accordance with the approved design plans and specifications.
3. A new survey site plan shall be prepared, and if after approval by the Planning Board, shall be filed in the Columbia County Clerk's Office. The new survey shall also show the location of all access easements (either existing or required) for the proposed driveway extending from Mitchell Street to the proposed residential site.
4. The new survey map shall include the following notes:
 - a. Parcel 3 shown on this survey map is not approved as a building lot under the applicable regulations of the Town of Hillsdale without further approval from the Town of Hillsdale Planning Board, including Stage I and Stage II site plan permits under the Ridgeline Overlay District Regulations, and approval of the proposed access driveway from Mitchell Street to a proposed building site.
 - b. Existing logging roads and traveled ways shown on this survey map shall not constitute the required legal access to a proposed building site on Parcel 3.
5. The applicants are required to obtain a driveway access easement from the adjoining property owner of Parcel 1 on the subdivision map (Unwrath), along with driveway access easements from any other contiguous parcel owners over which the new access driveway will cross, unless otherwise authorized under the provisions of the existing driveway easement documents for the subdivision.
6. Near the north end of the driveway project site, the location of the fill site is to be shown on the engineering design plans, along with the anticipated fill amount.

7. All driveway construction shall be completed in accordance with the approved plans dated July 2016, last revised January 17, 2017 and identified as Project #15880 prepared by Hudson River Valley Engineers PLLC and Patrick J. Prendergast, P.E.
8. Storm Water Pollution Prevention Plan (erosion control only) shall be prepared and filed prior to the commencement of any construction, and a Notice of Intent for a NYS DEC SPDES General Permit for storm water discharges from construction activities (GP-0-15-002).
9. Request the applicant covers the driveway with 1" asphalt to control erosion. Measures shall be utilized during all phases of construction to control erosion.

~ Mark Barbato questioned the excess fill mentioned on the plan located near the future house site.

~ Doug Clark Engineer for the town noted that it was best to keep the extra fill on location instead of transporting it out and a spot close to the future house was designated.

There was a concern on the draft version of the conditions, regarding the suggestion by Doug Clark to have the driveway finished with asphalt. In his opinion it would reduce erosion on the long term. He noted that an oil and stone finish could be a happy medium.

Mr. Colquhoun felt that the road could become very slippery in the winter if covered with asphalt. He stated that a rough finish might be more appropriate for the location. To reduce the cost, he suggested that the request for asphalt be limited to the areas of the driveway that are over 12% grade.

~ Mark Barbato discussed the pros and cons of asphalt and the need for it.

~ Nelson Alford suggested to let the applicant chose the finish on the driveway.

~ Hank Henward agreed with N. Alford and felt that request would impose too much of a burden on the applicant.

The board agreed that on the draft, condition #9 on the asphalt requirement could be deleted.

After discussion, #3 of the conditions will be amended at Mr. Colquhoun's request on the issue of combining the two lots.

On the plan, a note by the surveyor will be added to that effect and clearly state that there is no driveway leading to the second lot in question. That note and the plan will have to be recorded.

It was clarified to the applicant that a building permit (stage 2) for the house will not be issued until the construction of the driveway (stage 1) is completed and approved by the building inspector.

~ Nelson Alford read on;

Based on the findings annexed hereto as Exhibit "A" to this Resolution. and subject to the conditions annexed to this Resolution as Exhibit "B". the Board finds that there are circumstances which are unique to the applicants' property, and the history of its prior approval as part of a subdivision in 1989. Therefore, the application for a Stage I permit under the Town of Hillsdale's Ridgeline Overlay District Regulation, including the driveway grades as shown on the plans last revised January 17, 2017, should, and hereby is, approved.

Hank Henward asked for a motion on the Proposed Conditions including the changes.

Upon the question of the Proposed Conditions of Approval. Mark Barbato made the motion to accept with the discussed amendment on #3 and #9 deleted. Bud Gardner seconded. all members voted "aye" in favor of the Resolution: Deborah Bowen, Patti Rorhlich, Richard Freiman, Hank Henward.

The meeting was adjourned at 8:45

Next regular meeting February 13, 2017

Respectfully submitted

Veronique Fabio