

Hillsdale Planning Board Minutes

Meeting of September 14, 2009

Present: Mark Barbato; Bud Gardner; Patti Rohrlich; Ellen Levy; Rich Freiman; Deborah Bowen; Vivian deGeorges, Acting Secretary; Hank Henward, Chair

Planning Board Meeting 7:30

CAC Report

Gretchen Stevens CAC Aquifer study is complete – groundwater resources, what parts of town they are most abundant in, well yields, areas most vulnerable to groundwater contamination due to geology, and recommendations about housing densities to protect ground and well water. No surprises in the report. She submitted the report for copying. Patti Rohrlich asked if there was a further goal of the Natural Resources Committee, and Ms. Stevens said not at this time. This will allow the town to include this in the aquifer overlay district. Chairman Henward said a presentation of this may be good to do at Mt. Washington house with the public invited. Laws then will be needed to enforce these regulations.

Ellen Levy asked what kinds of things will the town need to enforce. Ms. Stevens said things such as contamination overflow (garage oil spills, etc.) as well as cemeteries. Deborah Bowen asked if it was the streams that cause the problems and Ms. Stevens said it was more the ground material (geology).

Duarte Special Permit – Guy Winig, neighbor- complaint

Mr. Winig doesn't have an issue with the building but with the driveway. The site plan never showed a new driveway. He's waiting for the FOIL report. The plan is for a 5-bay garage. He asked how much traffic that could generate, suggesting not enough to warrant the new driveway. The driveway has apparently been changed from the original plan.

The Chairman said Mr. Duarte came to the Board and showed where the building and drive were going to be and they were approved pending the ZBA showing it to the County because it's within 500' of the State Rt. 23. It was recommended by the County Planning Board that he check with the NYS DOT to make sure the proposed entrance was on the permit, and the DOT told him he had to have a commercial permit. Commercial drives have to have larger turning radii and need to be wider. Chairman Henward recommended that Mr. Winig take this up with the ZBA but isn't sure what they'll do – look at it again or have a public hearing. It should be on next month's agenda. If wetlands are being filled, the Zoning Enforcement Officer should be told. Mr. Winig said it is a Federal wetland. Mr. Winig will take it up with DOT and ZBA.

Subdivision and barn conversion – Phil Forman, Mitchell Street/Holm Road

Mr. Forman is asking is to formalize the "dotted line" which designates about 9.5 acres of a no-build zone which was established for the entire 22 acre parcel, in order to create a separate parcel division. He will then be going ahead with a barn conversion. The idea of no-build is that there cannot be any new foundation construction, but using the original barn foundation and footprint is allowable.

The Chairman asked if there have been septic tests done. Mr. Forman said he didn't think so. Bud Gardner suggested having an excavator dig test pits to see what's possible and that after

that, the BOH will determine where the septic system should go. Mr. Forman said he would have all three parcels perked and then come back to the Board.

Lot Line Adjustment – Mike Tutsky

Mr. Tutsky is requesting changing the lot line on his deceased parents' property so the adjoining neighbor can have access to her leach fields entirely on her own property. The property is off CR 11. The leach field goes a little over the existing property line (approximately .092 acres) and he wants to sell the property and wants to make sure the leach field stays intact for the neighbor (Anna Paterno).

Rich Freiman said that since this is changing a non-confirming lot line, it will need a variance. He then added that if someone makes an offer on the property, Mr. Tutsky needs to show them the map showing the change in the property line. Mr. Tutsky said that the realtor already knows to tell anyone who is shown the property. The Chairman advised Mr. Tutsky to call Ruth Dodds to get on the agenda of the ZBA for next month.

ROD Site Plan Review – Thomas Schumacher represented by Josh Bown- barn construction in ROD Tax Parcel #1362-8412

Mr. Bown showed the drawings for building a garage shed just below the septic area (which is a raised bed) at 342 Mitchell St., opposite Holm Road. Chairman Henward said that several of the Board have been to the site. Mr. Barbato said he's spoken to the BOH which has recommendations which are not to disturb any soil 50' down from the septic and not to cut into the berm. These are recommendations but not enforceable. Ms. Rohrlich made a motion to approve the building location as shown on the map. Ms. Levy seconded. The motion was carried.

Mr. Bown then gave the Chairman a check for \$942.50 (\$350 for site plan review + \$7.50/acre). The property is 46 acres, but the check is made for 79 for the extra 33 acres attached to the property which is actually a separate parcel. Since it's a contiguous parcel, the cost is \$942.50 for the entire 79 acres.

Subdivision Application – Kinney – 4 lot subdivision on Oxbow Road Patrick Pendergast – Project Engineer Frank Roach

Mr. Pendergast handed out plans with design and details. The plan remains the same, but details are now being shown. Richard Briggs, the Highway Superintendent, has been out there, seeing where the new drive will be and where the common drive is. He said they would be okay, to fill out the application form, and have the plans finalized. Mr. Pendergast also met with BOH and they viewed all test holes and reviewed the systems which are gravel-filled beds. Mr. Barbato asked how wide the cut is for the common driveway and Mr. Pendergast said 80 feet. Under the clay is shale, about 8-10 feet, of a strange consistency. The largest cut is 10-11 feet deep. It's not hard shale so it's easy to dig up. On the map, all lots show the road bordered by wiggly lines showing the tree-clearing envelope, mostly 35-40 feet wide, but up to 80. Mr. Freiman said that the Chairman had sent a letter about the tree cutting and questioning why the shared driveway in MA could not be used for these lots. Mrs. Kinney said that it was an issue with the power company who won't bring power across state lines. A discussion was held to see if perhaps the driveway grades could be made steeper for short sections in order to reduce the cut. Mr. Pendergast agreed to try again with steeper grades to see if the cut can be reduced and fewer trees cut down.

Ms. Rohrlich asked what happens when these lots get sold, eg, if restrictions on further tree cutting are possible. The chairman responded by saying that building envelopes and no-cut areas are enforceable by the Town Court.

Ms. Stevens asked if this plan will create some storm water runoff problems. Mr. Pendergast responded by saying that drainage ditches will funnel water to culvert pipes designed as a level spreaders to provide an area for the storm water to slow down its velocity, lose its sediment and spread the water back out again to help distribute it. Ms. Stevens said that the rule is that no more water can leave the site after construction than before. Mr. Roach also said that they would be using rain gardens to capture run off from rooftops because they are better than detention ponds.

There was a further discussion about the use of Millard Road because it extends from NY into Massachusetts and Massachusetts doesn't want it to be a through road.

Ms. Stevens then pointed out that one of the houses is about 20' from the stream (it was, on examining the map, shown to be closer to 50'), close from an ecological viewpoint. She said that the disturbance is going to be quite severe to the stream which is a nice rocky stream. If the house were moved over a bit it would be less destructive to the stream. She also said that the driveway off Millard Road cuts off the stream which creates a dam so that any fauna can't get through (salamanders, etc.). Mr. Pendergast agreed to look into this subject.

Minutes of last month's meeting were reviewed with no amendments.

Meeting adjourned at 9:40PM.