

Hillsdale Planning Board Minutes

January 7, 2008

Present: Howard Henward (Chairman), Scott Cooper (Vice Chairman), Richard Freiman, Charles Gardner III, Ellen Levy, Patricia Rohrlich, Douglas Clark, (Consultant Engineer), Richard Alford (Town Attorney).

7.35 pm Public Hearing opened by Chairman Howard Henward

Public Hearing – Alfred Mattikow – Hillsdale Ventures- VanMarter property - Old Highway, Texas Hill Road, 134-1-4, 4 lot subdivision.

Present Alfred Mattikow – Contract Vendee, Pat Prendergast – Engineer, 24 members of the public.

Mr. Henward gave a summary of the subdivision application and introduced the applicant and his engineer.

Mr. Henward opened the meeting for public comment.

Ms Cheryl Jones, abutting neighbor, made a verbal statement and presented a written copy for the record.

Ms. Jones stated that, "for the record, she did not think that every piece of land should be developed, it should be left for wildlife and this piece was one of them".

Ms. Jones was concerned about safety, and that Old Highway would not provide safe access for the proposed subdivision and believes that it will be precedent setting. Ms. Jones stated that the John Collins Traffic Study conclusions were incorrect and it was unclear what subdivisions were included in their calculations. Ms. Jones pointed out that the Creighton Manning Traffic Report did not address the safety issues. The report acknowledged the 10 feet width of the road and recommended the removing a large double oak tree and increasing the road width to 16 feet.

Ms. Jones stated that there was tree damage already although the Highway Department does a good job. There are difficult conditions on the road and that she has been unable to get garbage pick up.

Ms. Jones said that Town Law states that the road should be increased to 15 feet – 18 feet in width, with a 1 foot gravel bed and 5 feet of shoulder, the road is the Towns responsibility, it is dangerous. Anyone using the road could file a claim against the Town stating the road is not up to code, given that the town has engineers' reports on record, the Town would be liable. Ms. Jones said that the use of the road for a rear lot subdivision was a concern and the Board should check the Comprehensive Plan.

Mr. Jeff Paige, a neighbor on Texas Hill, asked if the Town had received the ACOE report. Mr. Prendergast answered that there was 15.4 acres of federal wetlands on the property and .22 acres of wetlands would be disturbed and mitigated and there were no comments received from the posting of notification for the DEC.

Mr. Paul Solovay, a neighbor from Texas Hill, stated he was concerned about the blind curves on Texas Hill and that the road was notorious for deterioration during mud season.

Mr. Paige said that he was concerned about the road and size of the common driveway, the wetlands and run off to his well.

Mr. Henward explained that Old Highway ends at the Kersten Property, it is then a private road defined as a shared driveway. There is a proposed maintenance agreement which is being reviewed by the Town Attorney. The driveway crosses wetlands.

Mr. MacDonald, abutting neighbor, asked if the town had any responsibility for the road after Old Highway.

Mr. Henward answered that it was a cul de sac and that it was within the law and designed to take into account maximum lots for its 1500 feet in length.

Mr. Atwood, Town Highway Committee member, stated that Caso Lane, Orchard Lane, Shed Lane and Henich Lane as an example were in a similar condition to Old Highway and Texas Hill Road and people just had to be careful and slow down. He also stated that there wasn't a road in Hillsdale that does not get muddy.

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Mr. Solovay stated that Mr. Atwood's comments on the roads did not mitigate the fact that the roads are dangerous. Mr. Solovay said that he had asked the Town to replace signs. He was concerned about traffic volume. Texas Hill Road had seen a great deal of new building, there are now 15 houses on the lower part of the road. Cars get stuck, the conditions are unsafe. He is concerned about the increase in traffic volume at the top of Texas Hill Road. Mr. Solovay stated that "the more we impact the roads the more unsafe they are", the condition of other Town roads is a manifestation of the problem and not a solution. "The Town has to step up and take responsibility".

Ms. Stevens, CAC member, asked if the Planning Board had seen the correspondence between the applicant and the DEC.

Mr. Prendergast said that there was no correspondence since the November 15 letter.

Mr. Solovay asked about water run off. Mr. Prendergast answered that there were two 25 year storm water culverts planned. Mr. Clark stated that the applicant's engineers had supplied a storm water plan.

Mr. Prendergast reviewed the storm water plan for Mr. Solovay.

Mr. Henward asked if there were any further comments from the public.

Ms. Jones said that the people were concerned about public safety and that it had not been addressed, that the role of the Planning Board was to protect the citizens that live here. Mr. Paige stated that this common driveway set a precedent.

Mr. Henward closed the Public Hearing at 8:40pm.

Planning Board Meeting called to order 8:41 PM by Chairman Mr. Henward

Public Hearing Review – Alfred Mattikow – Hillsdale Ventures- VanMarter property - Old Highway, Texas Hill Road, 134-1-4, 4 lot subdivision.

Present Alfred Mattikow – Contract Vendee, Pat Prendergast – Engineer.

Mr. Henward asked for questions from the board.

Mrs. Levy asked whether all the requirements had been met.

Mr. Clark said that he had received the comments from ACOE, Parks and NYS Parks Dept and the DEC.

Mr. Freiman asked if trees had been selected for removal for the view sheds.

Mr. Henward answered it was in the covenants, every lot is subject to site plan review.

Mr. Freiman asked if Mr. Mattikow was doing any clearing, Mr. Henward answered that he would not.

Mr. Freiman asked about past conversations with reference to moving the building envelopes.

Mr. Henward answered it was partially taken care of with a grading plan and drainage plan.

Mr. Clark added the actual "footprints" are subject to further review.

Mr. Henward reviewed the application for the board, driveways were engineered, envelopes specified, clearing subject to further review by the Planning Board, proposed locations of the septic systems and driveways indicated.

Mr. Freiman said that his biggest concern is and remains the locating of three additional homes off Old Highway, but that he cannot figure out another access road. Mr. Freiman said he was not comfortable with the safety factor, talking as a resident and as litigator. He has a concern about the traffic during and after construction and service traffic. The Town cutting down trees is not supported in the Comprehensive Plan. Common sense will tell you the road is limited and the Town has the responsibility, this will change the nature of the road.

Mr. Henward said that the traffic report suggested signage and speed limits.

Mr. Alford said that the Town Roads are a problem, there could be another law suit if the trees come down.

Mr. Freiman stated that the Board was being asked to approve the subdivision but he does not see the Town improving the road and in reviewing the Comprehensive Plan he finds unanswered questions, maybe this land should not be developed.

Mrs. Rohrlich said that the board had done its best.

Mr. Mattikow stated that if the application is turned down by the board the Town has to buy it.

Mrs. Levy said that she sees the two opposing problems, the developer versus the roads but she can't see turning down the developer who has made all this effort.

Mrs. Rohrlich stated that we liked the narrow dirt roads and that it is a terrible conflict, there are safety concerns, although the land is now restricted to 4 parcels with less disturbance to the land.

Mr. Freiman agreed that it was wonderful to have the land tied up but is concerned that this road provided limited access.

A resolution was made by Mrs. Levy and seconded by Mr. Gardner to accept the recommendation made by the Town Engineer Mr. Clark to accept a negative declaration from the completed long form SEQR supplied by the applicant.

The resolution was

Adopted – Ayes 5, Nays 1

Mr. Clark stated that the DEC will write a letter giving a permit and instructions or they are against this in which case the approval would be subject to getting the wetlands permit.

Mr. Henward stated that the expectation was that the DEC would not change their mind.

He also said that no contractor can deviate from the engineering requirements.

Ms. Stevens, said that everything in the wetlands report, in her opinion as a Wetlands Biologist, makes these wetlands meet all the requirements for DEC jurisdiction, and that she would very much like to see what was sent by the applicant to the DEC for them to make their determination. Mr. Mattikow stated that the DEC was sent an enclosure letter.

Mr. Henward said the DEC had the entire report.

A motion to conditionally approve the subdivision application subject to the receipt of the letters from the New York State Department of Environmental Conservation and the Army Corps of Engineers was made by Mr. Cooper and seconded by Mr. Gardner.

This motion was:

Adopted – Ayes 5, Nays 1

No fees were collected, engineers drawings were not stamped.

Lot Line Adjustment – Joyce and James Lapenn - Schmeichel Road, 105.-1-44, 105.-1-45, 105.-1-46. Joyce and James Lapenn present.

Mr. and Mrs. Lapenn presented revised maps indicating the lot line adjustment.

A motion to approve the lot line adjustment was made by Mr. Freiman and seconded by Mr. Cooper.

This motion was:

Adopted – Ayes 6, Nays 0

A fee of \$100.00 was collected. Maps were stamped.

Lot Line Adjustment – Phil Gellert - County Route 21, 115.-1-7, 115.-1-8. Phil Gellert present.

Mr. Gellert presented revised maps indicating the lot line adjustment.

A motion to approve the lot line adjustment was made by Mrs. Rohrlich and seconded by Mr. Freiman.

This motion was:

Adopted – Ayes 6, Nays 0

A fee of \$100.00 was collected. Maps were stamped.

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Lot Line Adjustment – Phil Gellert - Sir William Farm Road, 135.-2- 43.111, 135.-2- 43.112. Phil Gellert present.

Mr. Gellert presented a sketch map and explained that there was now no pond or tennis court, the helicopter pad was no longer in use. Mr. Gellert said that there was a concrete culvert pipe across the stream on parcel B.

Mr. Henward asked that the maps show the rights of way as they are written in the deeds. A fee of \$100.00 was collected. The application will be added to next months agenda.

Information – Lee Armstrong & Curtiss Butler – Harlemlville Road, 114.-01-16.100, subdivision of 11 acres into 2 lots.

Lee Armstrong present.

Ms. Armstrong presented a sketch map, she plans to divide the property into two parcels, and has the DOH approvals and preliminary approvals for the driveway. The parcel is wooded and the view shed is of Wolf Hill. Mr. Cooper asked if the elevation was of any concern. Ms Armstrong stated that the elevation was 880 feet. The slope for the driveway was 5.71 percent.

Mr. Henward said that lot 2 would require an engineered driveway.

Ms. Armstrong believed the lot was cleared about 40 years ago. Lot 1 will be 6.10 acres and lot 2 would be 4.83 acres.

Ms. Armstrong is to prepare new maps to show the building envelopes, no cut areas, set backs, note on the map the structure should not be more than 5000 square feet, a guest house no more than 3,000 square feet.

The applicant will return with revised maps.

A motion to adjourn the meeting was made by Mrs. Rohrlich and seconded by Mrs. Levy
This motion was:

Adopted – Ayes 6, Nays 0

Meeting adjourned at 10:30 pm.

