

**Hillsdale Planning Board  
Minutes**

**Meeting of March 16, 2009**

**Present:** Rich Freiman, Deborah Bowen, Patti Rohrlich, Ellen Levy, Mark Barbato, Theresa Kisselbrack, Secretary; Hank Henward, Chair

**Excused:** Bud Gardner

**Planning Board Meeting**

**CAC Report:**

Ms. Stevens reported the CAC has embarked on an inventory of natural resources found in Hillsdale. An outline of the inventory was submitted to members of the Board for review. The future plan is to apply for grant money for the purpose of hiring a consultant to pull the collected data together for the Town.

The CAC will research available data of natural resources, using an early draft of Rhinebeck's as a reference. This data collection will not include an actual field study. Chairman Henward recommended that the CAC present the project to the Town Board, as it may be construed as an interpretive document. The Planning Board is concerned that some of the terms, i.e. "scenic areas", could be construed as interpretive, and would look to the Town for a decision on this. There may also need to be some clarification on available water resources.

It was suggested that Chairman Henward and Ms. Stevens cull the list before presentation to the Town Board, as to create a manageable list of topics. This could then be analyzed over several phases, and more easily managed by CAC members. It was also suggested that the Chairman and some members of the Board are scheduled to attend the next CAC meeting.

An aquifer study, by The NYS Rural Association, is being conducted to ascertain the use of wells by the town's homeowners. This may include information on the depth and type of the well, and the water flow rate. For the homeowner's who do not use a computer to report the survey data, the information may need to be obtained by direct mailing, but there are no funds for postage. The CAC may be asking for donations to cover this cost.

**Special Use Permit – David Duarte, 2750 Rte. 23, 146.3-1-20** – Mr. Duarte was not present for the meeting. Because of the location of the proposed business, which is within 500' to a county or town road, the applicant will need to attend the County Planning Board meeting first, then the Town Zoning Board. The Town Planning Board will need to review the proposed site plan.

The Secretary will contact the applicant in regard to his future plans, and report back to the Chairman.

**Construction of garage, revised plan (see attached) - James Wagman, Pumpkin Hill & Whippoorwill Road, 135.-2-5.200**

The previously proposed garage will be an addition to the home, rather than a separate structure. The structure is within the height requirements, and not any more visible from Whippoorwill or Pumpkin Hill Road than previously planned. Discussion ensued regarding the clarification of the use for the proposed room over the garage, although it is understood that it is not intended for bathroom, kitchen or apartment-like area. The previous use was intended for a playroom.

The owner was not present, and the Board does not want to set a precedent for making decisions in the owner's absence. Because of the history of the project, the Chairman did not feel it imperative that the owners attend for final approval.

Mr. Freiman made a motion that the Board approve the proposed construction of the garage, as revised by the owner and architect (Mr. Wagman), with the understanding that the garage and room above be used as intended, and that the Building Department determine if there are any building compliance issues. Ms. Levy seconded the motion and all Board members voted in favor.

A fee for \$125.00 was collected.

**ZBA variance – Surveyor Dan Russell for Alexander Peabody – 187 Taconic Creek Road, 124.-1-08**

A variance was obtained from the Zoning Board for set backs to the existing boundary, which is 10' for the accessory building. The setback is 25' off the center of the road, in addition to the 10', for a total of 35' from the center of the road. The Planning Board requests that there be no further subdivision. It is also defined by # 8 on the map that "from the center of the road, to truly about".

It was explained that Mr. Peabody wishes to sell all other property, totaling 270.04 acres under the conservation easement. He wishes to retain the accessory buildings and garage, to be included in one parcel with the house, for a total of 8.16 acres.

Mr. Alford, the Town Attorney, has stated that this is acceptable, rather than ask for a survey.

Ms. Rohrlisch proposed the Board grant approval for the lot line adjustment; second by Mr. Freiman. All Board members voted in favor.

**Carter Harned - Boundary adjustment of parcels # 124.00-01-07.12 and 7.20:**

Surveyor Russell and Chairman Henward discussed the proposed one-acre pond, which could be a DEC issue, as the pond will be proximate to the Taconic Creek. East of the ridge are wetlands extending to the Taconic Creek. Before the Public Hearing for the pond, a letter of notification will need to be sent to the neighbors. Approval for the septic will need to be obtained first.

Maps were submitted to the Board, four copies were stamped and returned.

**General discussion:**

*Clarification of continuing education credits:*

Continuing education credits cannot be carried over year to year. There is a course entitled "Land Use in NY" scheduled for May 14<sup>th</sup> and 15<sup>th</sup>. Mr. Freiman has also used an educational land use CD, which he has offered to other Planning Board members, if the credits are still valid. The members asked the Chairman collectively if a county-based training could be offered to satisfy the requirements for the CEs, as Planning Board members may be suspended for non-compliance.

*Road Construction:*

Ms. Levy asked if the Board had ever required monies to be held in escrow for the wear and tear on roads during high volumes of construction vehicles and equipment on the roads. Mr. Barbato commented that roads that are up to grade should be able to withstand this wear and tear. This led to discussion regarding the Planning Board setting new regulations for wind power, driveways and ponds. The Fire Departments have already proposed a 40,000-pound weight limit for the trucks. This could have legal implications if the roads are not passable (not maintained by the Town), in the event of a fire. The Planning Board has the option of negotiating with the construction companies, just as they do with the logging companies, for a limited period of time.

*Renovation:*

Ms. Levy asked if adding a small addition of approximately 500 square feet to her home, which is at 1160 feet (above the ridgeline overlay district) would require a review by the Planning Board. It was determined that this was exempt from the current law, but would require a standard building permit.

*Wood burning building:*

Board members noted an apparent increase in the wood burning buildings being used to supplement or replace conventional home heating by gas or oil. The Board would look at this from the perspective of their location rather than their compliance with EPA regulations. The CAC will check for sightings of these buildings; Ms. Stevens reported that other towns are putting together their own regulations for them.

*Raised bed septic proximate to a stream:*

A concern was raised regarding a small home west on Rte. 21 that it situated about 50 feet from the stream. A raised bed septic was recently completed and was this was pursuant to DOH approval.

## **Meeting minutes**

February minutes were approved with the following amendments:

**General discussion:** amend to change the following:

"A pool has been proposed for the property owned by Scot Cohen in the ridgeline overlay district on [Tory] Road."

"[Mr. Freiman's] term has expired and he has not been reappointed by the Town Board. He has submitted a letter to the [Town of Hillsdale] for consideration, requesting their endorsement to the [Planning Board] for reappointment."

"A motion was made by [Ms.] Levy to endorse Rich's appointment to the Town Board; second by [Ms.] Rohrlich. All were in favor." [The Town Board will be notified of the recommendation of the Planning Board.]

**Meeting minutes:** amend to change the following:

"A reminder was made to obtain the updated Planning Board fees for all members" should read [Members have requested an updated fee schedule for all Planning Board projects.]

A motion was made by Mr. Freiman to accept the minutes as amended, second by Ms. Rohrlich. All approved.

The updated Planning Board fees should be posted on the website.

The Planning Board secretary will be away for the April meeting; the Chairman will make a decision to move the date of the meeting or cancel it, based on his availability the following week.

## **Adjournment**

A motion was made by Mr. Freiman to adjourn at 9:24 pm, second by Mr. Barbato, and all were in favor.