

**Hillsdale Planning Board
MINUTES**

October 15, 2007

Present: Howard Henward, Chair; Richard Freiman, Patricia Rohrlich, Ellen Levy
Absent: Scott Cooper, Charles Gardner III, Ron Morales.

The meeting was called to order at 7:30 PM by Chairman Mr. Howard Henward

Minutes -The minutes of the September meeting were not voted on and comments will be considered by e-mail.

Report by the Chair of the Steering Committee of the Comprehensive Plan, Tom Carty.

Mr. Carty reported that the Steering Committee of the Comprehensive Plan Review Committee (CPRC) met on Sunday, October 14. All the committee chairs were present, except Ms. Caroline Stewart, Chair of Agriculture Committee and each reported on the work of the prior year and plans for the year to come. Mr. Carty will serve as the liaison with the Planning Board and the Town Board.

Historic Preservation chair Ms. Alexia Lalli reported that the group had received two grants - \$1500 from the Berkshire Taconic Community Foundation and \$7500 from the Preservation League to survey the Town's historic buildings. These will allow consultants to be hired and for the work to begin this fall, to last approximately one year. **Hamlet** Chair Mr. David Ruede set forth an extensive list of goals for the year, including obtaining funds for and hiring a planner to coordinate development of the hamlet.

Natural Resources chair Ms. Gretchen Stevens indicated that the committee was seeking grants to map the aquifers in the Town, which might guide development decisions in the Town. **Ridgeline Scenic Overlay** chair Ms. Deborah Bowen reported that the committee plans to move ahead updating the zoning to encompass a Rte 22 corridor overlay, a steep slope overlay and a scenic overlay district. **Affordable Housing** Chair Mrs. Ellen Levy is reconvening the committee to look into options for affordable housing for the Town. **Enforcement** committee, which had been chaired by Ms. Robina Ward, has disbanded, but the Town Board is addressing the issue.

Information – Dave Duffy - West End Road – (134.01-15.2 and 134.01-37) Lot line adjustment

Present: Mr. Andrew Vallas, authorized to speak on behalf of David and Pamela Duffy, and Frank Roche, Atty. Mr. and Mrs. Duffy are purchasing five acres from the Sihner property and wish to add it to their existing three acre property to become one eight acre lot. The plan does not indicate (with dotted lines) that the property is to be joined, but the notes do so.

Motion to authorize the lot line adjustment by Mr. Freiman, seconded by Mrs. Levy. The motion was carried by a vote of 4-0.

Information – Alfred Mattikow, representing Van Marter, Texas Hill Road, Lockwood Road (134-1-4) Four lot subdivision.

Present: Alfred Mattikow, contract vendee; Pat Prendergast, Engineer.

Mr. Prendergast said that the reports on the wetlands have been completed, but that the Army Corps of Engineers (ACE) has questions on the streams distributing to the Hudson River, so he is waiting to hear if the ACE wants to make another visit. If they do come, the Board is invited to join them. Asked what else the applicants are waiting for, Mr. Prendergast indicated that the Columbia County Dept. of Health has asked for minor revisions to the plans. Mr. Prendergast and his client are waiting for a response from the Town Highway Department, which would affect the permit for entry onto a Town road. Other approvals required before final subdivision approval include the fire department, which is responsible for approving the actual driveway design in order to accommodate emergency vehicles and the Planning Board, which must approve other zoning issues. The building department can then issue a permit once the approved engineered driveway is on file.

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Mr. Henward indicated that he will talk with Mr. Briggs to tell him where we are. It was requested that the wetland report be sent to Ms. Gretchen Stevens, as a representative of the CAC.

Lot 4- There was discussion about a new driveway with a shallower pitch. Hank questioned the slope and referred the applicants to provisions of the steep slope regulations in the zoning ordinance. Mr. Mattikow pointed out that slopes of 15% to 25% are not prohibited by our ordinance, but must be engineered and that driveway and utility access are excepted.

Lot 2 – This lot contains many wetlands. There is a distance of 900 feet from the house site to Lockwood Road and a buffer of trees is required.

Lot 3 – Mr. Henward indicated that since the lot is clear cut already, there would be no need for additional clearing. However we don't have a definition yet of the building envelope, citing Section 7.2.2, e, "building envelopes", "g", lighting and "l" landscaping, as required by the Zoning Regulations for Site Plan Review for Major subdivisions of the Town.

It was agreed to meet on the site with members of the board to take a look at the proposed driveways and building envelopes. Mr. Henward will talk with Mr. Briggs, the building inspector, once we get definitions on a map.

Mr. Henward asked about the letter to Mr. Alford about utilities, etc. and said that he would check with Mr. Alford about the driveway maintenance agreement and the notes on the map. *[not sure whether we were asking Mr. Alford for a review of already submitted letters, or whether Mr. Alford was to draft something first? -EGL]*

Information - Ben Adams- representing Harry Sverdllove, Steiner Properties, LLC, Two Town Road, Copake border, 144.00-01-54- six lot subdivision.

Present: Pat Prendergast, engineer. Mr. Prendergast reported that he had held a meeting with the Dept. of Transportation (DOT) re: the driveway on the property. The proposal to move the Darling Road entrance was not accepted by DOT, so the subdivision would have to make use of the Town road. Planning Board Chair, Mr. Henward, requested a written copy of the report from the DOT. He also suggested that the Developer meet with the highway superintendent from Taghanic. He also requested that the Federal wetlands be shown on the map of the subdivision next time the developers appear before the Board. Finally, Mr. Prendergast reported that test holes for septic systems had been made on the lots, and that details would be provided next month. He requested to be put on the November agenda.

Mr. Henward reminded Mr. Prendergast that the roads must be engineered and that the 15% slope restrictions apply.

ROD Site Plan Review- Little Deer Properties, School House Road, 135 Acres.

Present: Jim Cervone, Developer, Nick Demos, Engineer, Hudson River Valley PLLC., Frank Roche, Attorney; Michael Kornstein, attorney for buyer.

A check for \$1000 was received from Little Deer Development, Inc. which will be deposited in an escrow account.

A discussion ensued about the "cease and desist order" that The Town had issued until the site could be reviewed for compliance with the ROD restrictions. At issue was cutting the driveway without a permit, within 100 or 200 feet of a protected stream and at grades of more than 15%. Also, allegedly, clearing had occurred after the ROD law had passed, in violation of the law.

A discussion of the options ensued.

Mr. Cervone responded that the driveway had a 10% slope in most areas, with a slope of 12% in a few spots.

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Mr. Henward alleged that there were disturbances for purposes of road construction within 70' of the protected stream and the driveway itself was within 130 feet. Mrs. Rohrllich suggested that the CAC view the property to review conditions, and said that redoing the road would probably create more damage than if the road were to remain in its present location. Mr. Henward expressed concern about the potential for additional sediment being swept into the stream if additional cut and fill were to take place.

A question was raised about the visibility of the site from Route 21, particularly the house site.

As a result, it was requested that a balloon test be performed to determine if the proposed house site is visible from any public roads. It was pointed out that this would benefit the buyer, as any development must come before the Planning Board for site plan review, and this would prevent any surprises for the ultimate buyer.

A question was asked about the water source for the pond. Is it runoff?

Mr. Henward asked Mrs. Ruth Dufault (CAC) to report on the road's impact on the stream, asking her to follow the road all the way up.

Mr. Cervone was also asked if there would be a provision in the deed that no further subdivision would occur. There was no definitive response.

The CAC was asked to pursue the following issues:

- (1) The driveway's proximity to the stream, with engineering of drainage;
- (2) The tree cover and maturity of the trees at the house site;
- (3) The pond and its proximity to streams.

A question was raised about how to treat any violations by the developer. These would be reviewed by Mr. Ed Ferrato, Code Violations Inspector of the Town. Fines and withholding of a building permit could be imposed.

Information Frank MacGruer – Green River – 107.1-26. Request for subdivision as revised and update on bridge issue.

Present: Frank MacGruer, owner; Nick Demos, Engineer.

First, there was a question of whether Mr. MacGruer's application of last year is still valid, as his previous appearances before the board were on June, July, August and September of 2006.

The first problem is that one lot of his subdivision, as proposed, is less than three acres. The Board informed Mr. MacGruer that this would require a variance from the Zoning Board of Appeals.

The next issue discussed was the bridge. Mr. MacGruer reported that the deck of the bridge had been upgraded. Mr. Henward responded that the Fire department has to be satisfied and that Mr. MacGruer should contact the Austerlitz Fire Department, as the property is under their jurisdiction, and get their approval, with a copy of the letter of approval sent to the Planning Board.

If he does go to the ZBA for a variance, he can then come back to us for a consideration of the subdivision.

There was a question as to whether the application fee on the first application had been received.

Ms. Ward, Secretary to the Planning Board will be consulted. If no fee was received, an application fee from Mr. MacGruer will be required.

Mr. Freiman suggested that Mr. MacGruer might consider re-configuring his subdivision to allow the nonconforming lot to become a full three acres. Then he could avoid having to go for a variance.

Mrs. Rohrllich suggested that perhaps a piece of land equivalent to the balance required to make up the full three acres could be assigned to be forever green. Mr. Henward told Mr. MacGruer that he could apply to get on the agenda of the Zoning Board when he has two letters, one from the Fire Department and the other from the ZBA. Regarding the application fee, he will check with Mr. Alford, our attorney.

The meeting was adjourned at 10.00pm.

Respectfully submitted,

Ellen G. Levy

Corrected January 8, 2008 RW