



## Hillsdale Planning Board Minutes

November 19, 2007

**Present: Howard Henward (Chairman), Scott Cooper (Vice Chairman), Richard Freiman, Charles Gardner III, Ellen Levy, Ron Morales, Patricia Rohrlich.**

**Meeting called to order 7:40 PM by Chairman Mr. Henward**

October 15, 2007 minutes were not available and will be approved at the next meeting.

**ROD Information – Constance Herron - Dugway Road, 106.-1-11, site plan review. Present Constance Herron, owner, Tery Cozzolino, Real Estate Broker.**

Applicant's maps were not available for this meeting, Applicant is rescheduled for December 10 meeting.

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

The applicants own all three parcels, and are making renovations to the house located on the middle parcel. The new extension to the house is within the 50 foot setback. The applicants are requesting a lot line adjustment to add approximately 1.2 acres from Parcel 1 to Parcel 2.

Parcel 2 will be approximately 8.8 acres.

Mr. Freiman stated that the revised maps show the existing driveway, and define and indicate the acreage that would remain as Parcels 1, 2 and 3.

The maps will be revised and the application will be added to the December meeting agenda.

**Lot Line Adjustment – Phil Gellert – County Route 21 and Gellert Lane, 115.-1-7, 115.-1-8. Present Phil Gellert.**

The applicant purchased the property in 1946 and the land was subsequently subdivided. The applicant is requesting a lot line adjustment to combine the two parcels, 18 acres and 69 acres. The maps will be redrawn to show the new single parcel containing 87 acres. The maps will be revised and the application will be added to the December meeting agenda.

**Information – Alfred Mattikow – Hillsdale Ventures, VanMarter property - Texas Hill Road, Lockwood Road, 134-1-4, 4 lot subdivision. Present Alfred Mattikow – Contract Vendee, Pat Prendergast – Engineer.**

Mr. Prendergast stated that he had given the Army Corps of Engineers the information that they had requested. The remaining question they had was in reference to clarification of water quality which has to be reviewed with the DEC. The DEC is requesting maps with different symbols and colors which will be supplied by the applicant.

Mr. Henward said that he wants to see the written response from the DEC. Mr. Mattikow stated that the DEC was "well into the 45 days", (time frame in which to respond).

Hank requested copies of all the correspondence to and from the applicant and the ACE and DEC.

Mr. Prendergast, referring to Mr. Doug Clarks review, (Town Engineer), said that the common driveway is not a private road. Mr. Henward responded that a driveway can be deemed a street or road and that he will check for clarification.

**Page 2, November 19, 2007**

Mr. Henward referred to the maps and the location of the driveways, he stated that he wants to see the driveways indicated to the Building Envelope sites.

Mr. Clarks review raised issues with lot 4 where the terrain is over a 25% grade. Mr. Henward stated that the maximum that could be cleared in that area would be 20,000 square feet.

Mr. Henward suggested that an easy solution would be to move the house site down slope. Mr. Henward referred back to lot 1 and the site plan review, he stated that there had to be some agreement about what can be cleared and that the Crestline had to be retained. There was a general discussion about clear cutting and the application of the Ridgeline Overlay District and steep slope regulations.

Mr. Henward stated that the driveways had to be engineered and where they join the Building Envelope they have to be to acceptable grade.

Mr. Henward suggested that the Board may request a Performance Bond for clearing, grading and road works.

Mr. Mattikow asked if the board had ever asked for Performance Bonds on any prior applications.

Mr. Henward said that the Planning Board would review the possibility and whether there had been prior applications.

Mr. Henward stated that he would like a Forester accompanied by Mrs. Ruth Dufault and Ms Gretchen Stevens from the CAC to look at the lots and select trees that are to remain and trees for removal and limbing. The results can be specific enough to be memorialized in the covenants. The Planning Board will give the Forester the guidelines within which to operate.

Ms Stevens, suggested that the Planning Board could consider an Arborculturist for the selective choice of trees.

The applicant will present new maps at the December meeting.

**ROD Site Plan review – Jim Cervone, Frank Roche - Little Deer Properties, School House Road, 105.-1-4.111, 135 acres bordering Austerlitz. Present Jim Cervone, (Property Owner & Applicant), Frank Roche( Attorney), Nick Demos, (Engineer), Michael Kornstein (Attorney for the purchaser).**

Mr. Henward stated that there were plenty of questions and started with the questions in reference to the driveway. The Zoning Board of Appeals had granted a Special Permit for the road within the 200 foot setback, subject to erosion control and driveway design. The driveway is incomplete because of the cease and desist order currently in force.

Mr. Demos stated that they were working on the engineering plans for the run off and would have the full SWEPP filed with the DEC.

Mr. Henward said that there was some issue with drainage and some debate about the stream being designated as a Trout Stream and that he would defer to the DEC as this was under their administration.

Mr. Cervone stated that he thought it was punitive to wait for a response from the DEC, there was a cost involved.

Mr. Henward stated that the Planning board needed to defer to the DEC and that the applicant's obligation was to the DEC.

Mr. Demos referred to the gradients at the beginning and end of the driveway as being 12%.

Mr. Henward stated that the statute allows for 10% grade with short stretches of greater grades and that it was the purview of the Fire Department, in this case possibly Austerlitz or Philmont.

**Page 3, November 19, 2007**

Mr. Henward said that he would ask Mr. Richard Briggs, Hillsdale Highway Superintendent, if Austerlitz would respond to the request for a review. Ms Stevens said that in there was a 12% grade on a sharp curve. Nick agreed that this was the case. Mr. Henward stated that the final approval for the driveway would be based on approvals by Doug Clark, the Highway Superintendent, the Planning Board and the Fire chief.

Mr. Henward referred to the clearing and the Pond area reviewed by Mr. Clark. Mr. Demos said that Mr. Clark had indicated the incorrect location for the pond.

Mr. Henward will check with Mr. Clark.

There followed a general discussion on soil types, and because of the excavation work already carried out that the only way to determine if there were wetlands in the pond location was by reviewing Stereoscopic 3D photographs.

Mr. Henward requested that Mr. Demos send Mr. Clark his information in reference to the correct pond location. Also that the SWIPP report was going to have to determine the depth of the pond and dam. The pond needs to be measured and the volume of water calculated.

Mr. Henward stated that he had forwarded the covenants to Mr. Alford, (Town Attorney).

The covenants basically refer to no cut zones and specific trees and the planning board would like to better define the zones. The Building Envelope is very large but the majority of it is not visible from public roads. The Planning Board would like to see a line drawn around an area on the map called a no cut zone.

Mr. Henward said that the purchaser of the property would have to come back to the Planning Board for a site plan review and that it was a two stage process. Mr. Henward suggested that the Planning Board would want to review the site with a Forester. Mr. Cervone was not in agreement with this suggestion.

Mr. Roche asked what the procedure would be if the pond was built over a wetland, Mr. Henward responded that the matter would be referred to the ACE. Mr. Henward stated that the Town does not regulate ponds but was concerned with dam safety and wetland protection which would be referred to the DEC.

Mr. Demos will contact Mr. Clark to look at the pond dam. Mr. Cervone asked if Mr. Ferrato, Hillsdale Zoning Enforcement Officer, had sent the photographs and information to the DEC. The Planning Board secretary will find out if this has been done.

The application will be added to the December meeting agenda.

Meeting adjourned.