

**Planning Board Minutes
Town of Washington, New York
January 2, 2007**

The monthly meeting and public hearing of the Town of Washington Planning Board was held on January 2, 2007, the Town Hall, 10 Reservoir Drive, Millbrook, New York.

The meeting was called to order by Chairwoman West at 7:40 P.M.

Members Present: Chairwoman Michele West, Thomas Beaumont, Donald Hanson, Matthew Rochfort, James Shequine, Richard Steller, and Consultant Neil Wilson.

The application request of Millbrook Building Corporation Site Plan (Robert J. Campbell, Jr. and William Martini) 2612 Route 44, is to construct a 28'x54' addition on the east side of the existing "Williams Design Center" building. A area variance with conditions was granted by the Zoning Board of Appeals on November 15, 2005. The property is zoned RL 5.

Robert Campbell, Jr. appeared before the board and submitted a copy of the revised site plan. The board requested one additional copy of the revised plan for the files. Mr. Campbell related that the location of the sign has been moved on the revised site plan. Chairwoman West questioned Mr. Campbell if he has the square footage of the proposed signs? Mr. Campbell related that he was approved what Greer Toyota Sales originally had which was 7ft x 35ft. Mr. Campbell quoted The Millbrook Building Corporation proposed sign as 14ft x 20 ft, the Williams Design proposed sign will be 14ft x 35 ft. Consultant Wilson expressed that he was unable to find the details of the Greer sign in the files, so he scaled off one of the original Greer Toyota site plans. The sign is referenced on one of the site plans that includes the building elevation, from that, consultant Wilson scaled off and arrived at the original size of the Greer Toyota sign as being 36 ft. x 6 ft. Mr. Campbell said the sign letters will be the same cream color as the building trim; the board below it and above it will be the same cream color. Chairwoman West questioned Mr. Campbell if he proposes any additional signs? Mr. Campbell said that there will be no additional signage on the property.

A motion to open the Millbrook Building Corporation Site Plan public hearing was made by board member Hanson, and seconded by board member Beaumont. All ayes.

Chairwoman West questioned if anyone from the public would like to review the site plan or comment on the Millbrook Building Corporation addition to their existing facility? There were no comments from the public.

A motion to close the Millbrook Building Corporation Site Plan public hearing was made by board member Beaumont, and seconded by board member Rochfort. All ayes.

Chairwoman West requested consultant Wilson to document the size of the original Greer Toyota Sales sign and the proposed size of Millbrook Building Corporation and Williams Design signs on the Resolutions.

Board member Steller questioned Mr. Campbell about the parking arrangement of his equipment on the premises? Mr. Campbell said he is making the berm in the back bigger and remarked that he can place more of his equipment toward South Road. Chairwoman West said that this was the original agreement. Board member Steller remarked that this is what the berm was for, placement of the equipment was to be in the rear. Mr. Campbell said that he is still within the number of equipment being parked than was granted; there is more equipment parked there than there has been in the three years because, today, is the first day of the new corporation of Robert J. Campbell and Sons. The equipment had to be returned, all trucks had to come off the road, the license plates removed, re-insured, and the transfer of ownership. By the end of the week some of his equipment should be removed to job sites. Mr. Campbell expressed that he may plant more pines and another berm in the spring. Chairwoman West related that if anything major is to occur, to return to the board for a discussion. Board member Steller questioned if Mr. Campbell still owns the Stanfordville Diesel Garage? Mr. Campbell said that Mr. Martini took this over.

A motion to issue the Millbrook Building Corporation Site Plan a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Beaumont, and seconded by board member Hanson. All ayes.

A motion to grant the Millbrook Building Corporation Site Plan Approval with conditions on the signage, the maximum being 14'x20' for Millbrook Building Corporation, 14'x35' for Williams Design, was made by board member Shequine, and seconded by board member Beaumont. All ayes.

Fee Status: \$400.00 application fee paid
780.00 escrow fee paid
1,180.00 Total paid

The application request of Joand, Inc. (Andrew Schor) 174 Jamison Hill Road is to realign the boundary lines between two adjacent parcels Mr. Schor owns. The two parcels are 10.84 acres and 24.85 acres respectively. The 10.84 acres are presently landlocked but the new configuration will provide an access strip to Jamison Hill Road. The new changes will increase the 10.84 acre parcel to 17.56 acres and decrease the 24.85 acre parcel to 18.13 acres. The property is zoned RL 5.

Andrew Schor, owner, and Kevin Cunningham, L.S., appeared before the board.

Chairwoman West related that the board received the easement and maintenance agreement for the common driveway requested at the last meeting, also a letter from Town Highway

Superintendent, James Brownell stating that the addition of one unit will not be a problem with
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sight distance.

Chairwoman West questioned Mr. Cunningham if the proposed house, wells and septic are shown on the plan? Response by Mr. Cunningham was affirmative and said that this is based on the plan that Thomas Cummings P.E. drew up and obtained approval by the Department of Health. Board member Hanson questioned about the septic in the back being close to the lot line? Mr. Cunningham expressed that this is the approved location. Chairwoman West questioned the distance of the septic from the house? Mr. Cunningham said that probably the soil conditions are better. Mr. Schor said that there is a rock ledge.

Board member Steller questioned if a note was placed on the map about Thomas Cummings, P.E., who designed the septic system? Mr. Cunningham related that it is the last note shown on the map, and read that “the approved proposed well location and septic area are from a plan prepared by Thomas P. Cummings, P.E.”

Mr. Cunningham expressed that he also added a note to the plan about the existing common driveway easement and right-of-way maintenance agreement for the three parcels. Chairwoman West read from Town Highway Superintendent’s letter that “the brush is to be removed on the side of the driveway to ensure safe travel for two units.” Board member Steller questioned Mr. Cunningham if he is doing the deed from the roadway? Mr. Cunningham expressed that the deed goes to the center line of the road; “that pin is a corner of the adjoining subdivision.” Chairwoman West questioned Mr. Cunningham if he has talked with Superintendent Brownell? Response was negative. Mr. Schor said he talked with Mr. Brownell. Chairwoman West again referred to Superintendent Brownell’s letter recommending that “the brush from the side of the drive itself be removed to ensure safe travel for two units.” Chairwoman West expressed that this is going to be three units. Mr. Cunningham expressed that the right-of-way is for three parcels. Chairwoman West questioned if the easement addresses three parcels? Mr. Schor said that the common driveway addresses three parcels but that parcel also has other road frontage. Chairwoman West read from the Declaration of Common Drive that the “common driveway shall serve as access from Jamison Hill Road to the 23.3 acre parcel and the 10.99 acre parcel and as additional access to the 35.17 acre parcel.” Mr. Cunningham said that also has frontage out to Jamison Hill Road to the west. Chairwoman West continued to read from the Declaration of Common Drive no. 4. “The owners of the 23.2, 10.99 and 35.17 acre parcels shall each be responsible for one third of the cost of road maintenance commencing with the commencement of construction on each such parcel.” Chairwoman West remarked that this Declaration is really a driveway history of the parcels. Mr. Schor gave an explanation as shown on the map of the driveway proposal saying it is just the way the land lays, and is a much more sensible way to bring in those driveways to the parcel. Board member Hanson remarked that Mr. Schor is actually serving two parcels and questioned how he can have three on the plan? Mr. Schor said because it is crossing the third parcel. Board member Hanson expressed that this is not what the Board is approving; the board is approving two lots, not a driveway for three lots. Board member Steller remarked that he understands the reasoning as a practical matter but a right-of-way is needed. Mr. Schor said that he has the right-of-way. Chairwoman West expressed that the maintenance agreement does not match up with the map. The board thought that the

driveway was for two parcels, Town Highway Superintendent Brownell approved for two parcels; reading the Declaration of Common Drive it is referencing three parcels. Board member Hanson expressed that the Declaration of Common Drive needs to be amended/modified for two lots. Mr. Schor said that the Board asked him to get legal access for the parcel pointed out on the map to this road, this has been done. He is before the Board for this approval. At the last meeting, the board asked him to create a legal common drive, which was not part of the application. Board member Steller expressed that this is part of the Ordinance. The Town needs a guaranteed access if it ever changes hands, now it is into a third lot. Mr. Schor said this is just letting access to that third lot for the common driveway. Board member Hanson expressed that this is not what the board requested; what was asked, was for the agreement of two lots that were pointed out on the map. Board member Shequine questioned Mr. Schor if he is saying that the third lot is access to that road or just saying that he is going in there for the right-of-way? Mr. Schor said he is going in there for the right-of-way. Board member Shequine expressed that this is a different matter. Chairwoman West said the Declaration of Common Drive does not say this. Board member Hanson reiterated that the Declaration of Common Drive needs to be amended/modified for two lots. After some dispute by Mr. Schor, the board said that asked for was a common driveway agreement, did not say that it is stipulated for two lots, did not say that the third parcel could be included. Board member Steller questioned where the third lot is shown on the map? Chairwoman West said that Mr. Schor is before the board because the parcel does not have legal access to the Town Highway. The board talked about the two parcels, had no idea what Mr. Schor was doing with any of the other parcels and feels that this is a little unfair. Mr. Schor indicated that it is unfair when he has paid taxes on these parcels for thirty years, wants to build a house on it after paying for a two lot house lot site on that parcel for thirty years and is now told, you need to spend ten thousand dollars to create a piece of paper to show legal access. Mr. Schor said he did this, spent the monies, created legal access to get there. After Mr. Schor doing this, he said the board brought up that a common driveway agreement was needed, which was never stipulated in the beginning of the conversation. Chairwoman West remarked that Mr. Schor has only been here for one meeting; it is customary for the board to request a common driveway agreement. Chairwoman West expressed that in the Code there is a three lot limit for a common driveway. The Declaration of Common Drive does not match up with the map. Mr. Schor questioned if the board will grant him a stipulation that says the board wants the Declaration of Common Drive modified to show only two lots for use of the driveway? Board member Hanson and Chairwoman West acknowledged that the Declaration of Common Drive needs to be amended to say that it is for only two lots. Mr. Schor said he will be glad to have it modified.

Board member Steller pointed out that the legal access is for consumer protection as well, the board doesn't know what will be done with these lots in the future "or long after we are not here." Legal access is not only for public safety reasons, but also, so that the Town knows what the legal access is that needs to be maintained in better fashion for emergencies services, etc. for access to rear property or front property. The Town needs to know that, it is not an unfair situation.

Board member Steller questioned Mr. Cunningham if the first map showed the driveway going onto the parcel that he pointed out on the map? Response by Mr. Cunningham was affirmative. Chairwoman West expressed that if Mr. Schor wants to continue that, the frontage needs to have an easement saying that it is going over another piece of land. Mr. Schor expressed the board said he cannot do that, now is saying he can. Chairwoman West responded negatively, said that there are two issues, one is the easement issue; it is in the driveway maintenance agreement that it is allowed to serve three parcels. Mr. Schor questioned if the board wants the driveway maintenance agreement changed to say that he is allowed access over the third parcel, but the third parcel is not allowed to use it as a driveway? Chairwoman West said that she does not know what the alternatives are, is saying, that what has been presented in the driveway maintenance agreement does not match up with the map.

Discussion followed by the board and Mr. Schor about creating another easement, confirming what it is, and show the easement. Mr. Schor remarked that he spent ten thousand dollars creating the survey for this parcel. Suggested to Mr. Schor was to create an easement off this deed. Mr. Schor said that the easement has already been created by this Declaration of Common Drive. Board member Steller remarked that the board is not seeing any meets and bounds description for any easement; Mr. Schor will need to do a meets and bounds description to put this driveway on the property. Mr. Cunningham expressed that "it is easier to go straight." Board member Hanson supported Mr. Cunningham's recommendation to go straight and change the document. Chairwoman West related that it is up to Mr. Schor whether he wishes to have an easement across this property to allow access to the lot pointed out on the map, but not serving the property. Mr. Schor questioned if this currently gives the easement a common driveway agreement? All that is needed is to modify the agreement to say that the third parcel is not allowed to use it? Board member Shequine said that Mr. Schor will still need to define the boundary of the easement, not only for Mr. Schor but for the prospective owner on the other side, should the land be purchased, who would want to know who has the right to go through their property. Mr. Schor questioned if the board will accept a written description of that easement, define it by sixty feet? Mr. Schor commented that there is a buried conduit system on the land.

Chairwoman West remarked that the driveway easement has to be modified for two properties, or Mr. Schor will need to return to Town Highway Superintendent Brownell for discussion/approval. Mr. Schor expressed that he will talk to Mr. Brownell about changing the units to three; if he does object, Mr. Schor will change the common driveway declaration. Chairwoman West said if Mr. Schor is going to make it for three units, three lots need to be shown on the map, he will need to do a survey for three lots. Mr. Schor expressed that he will definitely just modify the common driveway declaration and say that it is only for across two lots.

Mr. Cunningham related that he will show a proposed easement on the thirty-five acre parcel for utilities and driveway access. Chairwoman West expressed that it needs to be made clear on the survey map that the driveway is not legal access to the lot that was pointed out on the map. It needs to be made clear on the map and made clear in the driveway maintenance agreement. Mr. Cunningham said that the note on the plan will be modified to eliminate the thirty-five acre

parcel and questioned if this notation is adequate? Chairwoman West reiterated that the map and driveway maintenance agreement need to match up. The driveway agreement is saying that there is access and the parties are going to share in the maintenance cost of this driveway. If there is not legal access, it does not make any sense.

Discussion followed between board members about postponing the public hearing to next month and re-publish a public notice. Consultant Wilson recommended that the board open the public hearing this evening so that anyone from the public attending for the purpose of this application be allowed to comment. **A motion to open the Joand, Inc. Boundary Line Change (Andrew Schor) public hearing was made by board member Beaumont, and seconded by board member Hanson. All ayes.** There were no comments from the public. **A motion to continue the Joand, Inc. Boundary Line Change (Andrew Schor) public hearing to February 6, 2007 was made by board member Beaumont and seconded by board member Hanson. All ayes.**

Fee Status: \$450.00 due

The application request of Bancroft Farm Subdivision (Ron Romeo) westerly side of Verbank Road, north of Milewood Road is for a proposed four (4) lot subdivision. The property is zoned RL 5.

Tim Race, L.S., the Chazen Companies, appeared before the board representing the applicant. Mr. Race presented a revised map of a four (4) lot subdivision plan, for one (1) common driveway to serve three lots, and crossing the wetland. Also submitted was a Flood Plain Map. Consultant Wilson confirmed that this subdivision map represents discussions from the last meeting, the reduction of one lot.

Mr. Race said that Chazen will start engineering for the driveway and submittal of Part I, Environmental Assessment Form. Chairwoman West emphasized that Part I, EAF needs to be submitted. Mr. Race expressed that Part I, EAF cannot be submitted until the engineering is completed, plan to submit this for the February or March meeting; Short Form EAF has been submitted. Chairwoman West remarked that the board requested the Long Form EAF at a previous meeting. Consultant Wilson expressed that the board has only thirty days for circulation for Lead Agency.

Mr. Race referred to a copy of the contract that has been requested by the board and said he has asked Mr. Romeo for a copy which has not been received. Chairwoman West emphasized that the request for a copy of the contract that has been requested by the board will not be forgotten. Mr. Race questioned the purpose of the contract? Chairwoman West said that the board wants to know who the principals are; this is the one way it could be found out. Also, to make sure that they legitimately filed this application.

Mr. Race presented the original Mitchell property map which was reviewed by the board, consultant Wilson and Mr. Race.

Chairwoman West related that she reviewed the Ecological Assessment that was submitted by Chazen last month and said that there is a fair amount of information that is lacking, enough that raises questions; the board wants to get professional help to review the Assessment from their prospective. There are several items that need to be updated and more copies need to be submitted to the board. There were no maps pointing to where the pictures were; it would be helpful if on the lists in the back of the scientific and common name of the habitat, to also include if these are protected species or are not protected species, and what level of protection they are afforded. Chairwoman West said that it would be valuable to take the latest Hudsonia Study and write an addendum to this that includes information specifically about the property, as part of the Ecological Assessment. The board would then have a complete package to distribute to anyone requesting the information. Chairwoman West expressed that it could be submitted as an addendum to the original assessment that was submitted.

Chairwoman West referred to the DEC information that was submitted that states DEC was contacted and further evaluation on the issue is not warranted, etc. and said there should be documentation that proves DEC actually said it.

Board member Steller remarked that with the wetlands it should be made clear that they have been flagged and questioned if anything else should be avoided on the habitat? Mr. Race expressed not to his knowledge, when they did the overlay with the Hudsonia maps they kept the building sites out of those critical areas, where there were vernal woodland pools.

Chairwoman West reiterated that a letter could be submitted as addendum to the original Ecological Assessment, to include the Hudsonia information, requested additional copies, and said that the board plans to have a professional review the Ecological Assessment so that it better assess where the lots and common driveway are going to be located.

Chairwoman West said that the board needs input from DEC on the wetland crossing which is one of the big issues.

Mr. Race is to return to the February 6th meeting.

The application request of Bos-Haven Farms, Inc. Subdivision (Timothy Marshall) Oak Summit Road, is to subdivide the 158.77 acre parcel into three (3) parcels. All the land on the west side of Oak Summit Road will be Lot 1 consisting of 33.7 acres. Lot 2, will be 10.00 acres and is located on the east side of the road and includes the existing house. Lot 3, the remaining vacant land on the east side of the road consists of 115.07 acres. The property is in the LC, RL5, and RR 10 zoning district.

Review of the map by the board, consultant Wilson, Mr. Cunningham, and Mr. Marshall followed. Mr. Cunningham expressed that based upon the information that Mead Wells, prospective buyer, said about the proposed location of the barn and house, he drew in those two locations and a proposed driveway leading to them on the subdivision map. Mr. Cunningham submitted a driveway profile of the two driveways, existing grades for the proposed driveways and a Town Road to the house sites. The maximum grade is seven percent average, which is based on the existing grades, without any particular engineering, clearing, or cutting. Mr. Cunningham said what might be deceiving is that the scale for the plan is 200 ft., contours two feet, which makes it a little steeper than it really is. The profile shows that it easily meets the Town requirements.

Chairwoman West said that a letter was received from the Conservation Advisory Committee (CAC) and questioned Messrs. Marshall and Cunningham if they received a copy. Since the response was negative a copy was presented to them. Chairman West related that the CAC's primary concern was the stretch of road of the existing farm lane/proposed driveway. Mr. Marshall pointed out the bedrock on the map. Chairwoman West related that the CAC has suggested rather than doing upgrades, culverts, etc. for that part of the driveway, to bring the proposed driveway along the edge of the wetland rather than using the existing road that is going through that. Chairwoman said that this suggestion makes more sense to do that even though a little more disturbance may be created. A review of the aerial map followed. Mr. Cunningham expressed that this is very accurate. Mr. Cunningham said that a culvert change is needed. Chairwoman West remarked that after the CAC's site visit, assessment, the Board would like to make a site visit to review the recommendation. Board member Hanson expressed that part of the CAC's reasoning is that according to the DEC letter this is a non disturbance area; to improve it, put in culverts, whatever would be needed is going to require a permit. CAC's logic was the costs associated with upgrading this last section of the existing laneway vs siting a new roadway to the proposed building site.

Mr. Marshall expressed that the cost of improving the laneway would be minimal compared to siting a new roadway. Mr. Cunningham was in agreement and commented that the laneway is good, there is 8-10 ft of travelway, Mr. Marshall is only using it for his tractors. Mr. Marshall said he has used a 30ft truck and has had no problem making the turn.

A brief discussion about ground surface water followed. Mr. Cunningham expressed that there is standing water around the bend on the right side. Board member Steller questioned if there is a little of an embankment or just something that has been floating there for years and is pretty much near water level? Mr. Cunningham said that it is below the surface. Board member Steller questioned if in spring it is ever underwater? Mr. Marshall related that it is not underwater, the culvert is not adequate in a heavy rainfall, the culvert acts as a dam because there is only one culvert. Mr. Marshall expressed that his neighbor has a aerial photo taken in the 60's that shows the area that was pasture, has a few wet areas. Mr. Cunningham expressed that beavers have contributed a lot to the wetland, they have dams all over the Sprout Creek side, the water along

the railroad has risen quite a bit.

Board member Beaumont questioned about widening the existing culvert, and adding another culvert? Mr. Cunningham expressed that a larger culvert than the existing size is needed. Board member Steller remarked that DEC would control this. Mr. Marshall said that he would like to replace the existing culvert and add one culvert. Mr. Cunningham said that he talked with Heather Gieroloff, DEC, on Friday, sent her a copy of the map that is being reviewed; DEC has no problem with the existing farm lane being used for the driveway for a residential house. If the farm lane is widened then it will require a DEC Permit, then the Permit would need to be processed. Chairwoman West remarked that if the culvert is replaced, a Permit would be required. Mr. Cunningham was in agreement and said that if the wetlands are crossed a Permit is required.

Chairwoman West remarked that the board needs to schedule a site visit.

Board member Steller questioned Mr. Marshall how far he needs to go with establishing a road network or can it be placed on the map as a design that his client can accept, will Mr. Marshall need to do the improvements? Mr. Marshall expressed that this was not the intention, his intention was to make the buyer aware of what he needs to do to build the driveway up to Town standards. This is the reason he talked with DEC, who gave the okay. Board member Steller questioned Mr. Marshall if there is the risk of losing the sale if this requires some very significant change in the driveway? Mr. Marshall said he has no knowledge other than the buyer is prepared to purchase the parcel but does not know about the driveway. The buyer has not put in a lot of time and effort into the design engineering until he knows that the board is going to grant subdivision approval.

Chairwoman West questioned Mr. Marshall if he knows of any plans that the buyer would ever further subdivide, use this driveway as a common driveway, servicing two or three houses, or lock in the land with Dutchess Land Conservancy? The board also needs to review this with that possibility. Mr. Marshall said that he asked Mr. Wells about subdividing into two parcels for the future; his response was negative. Mr. Cunningham expressed that Mr. Wells wants to build a horse barn, and later on build a residence. Mr. Marshall expressed that it has been his goal to find this type of buyer vs several different developers who would want to build six or seven houses.

Board member Steller remarked that short of actually designing the road, Mr. Cunningham has given the board existing contours, and profile. If he puts the proposed items on the map then the purchaser would be responsible for obtaining the appropriate permits. Mr. Marshall acknowledged that this was his intention. Mr. Cunningham expressed that he does not want to parallel this subdivision, map, with the buyers approvals because Mr. Wells is a long way away from that point; he needs to hire an architect, an engineer, have a plan drawn. Mr. Cunningham said he is talking about Mr. Wells proposed barn, house, and getting site plan approval for all of those things which is something that could be one year away.

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Chairwoman West remarked that the board has the DEC freshwater wetland boundaries to be validated but the board needs to make sure that whatever road improvements are to be made, that DEC is in concurrence with that before the board can grant approval for the subdivision.

Chairwoman West questioned consultant Wilson if DEC will be looking for an engineers drawing of the culverts? Consultant Wilson said that DEC will be looking for all of that. Board member Steller remarked that DEC will want to know the drainage area and everything else, hydraulic production, rainfall. Chairwoman West remarked that she doesn't see how the board can approve this subdivision unless it is known that this is going to work. Consultant Wilson said the board can put on a requirement that if, and when, Mr. Wells figures out what he is doing with regard to building, he has to return to the Planning Board for review of the driveway specifications. Consultant Wilson said that he is in agreement with Brad Roeller, CAC, that there is a cost benefit question about going around the wetland or going through the wetland. The board doesn't know exactly what the upgrades are; is it just replacing the culvert or is it putting another one in addition to replacing the original culvert. It is an engineering question.

Chairwoman West referred to putting a note/legend on the Plat that no building permit is to be issued until the owner returns to the Planning Board to get the access resolved/approved. Board member Steller added, and the appropriate permits for doing so. Board member Hanson expressed that he doesn't think that is the sellers responsibility to engineer the road. The seller is selling a piece of property, the buyer has to be aware of all these things. Chairwoman West remarked that there is this long driveway, as part of subdivision approval the board is always looking to make sure that the driveways meet certain safety standards. Board member Shequine remarked that an item such as this is negotiable in the contract about who is going to pay, and how much. Mr. Marshall expressed that he can accept this, but will the buyer's attorney accept that. Board member Shequine expressed that this item should be negotiable between the two attorneys.

Mr. Marshall expressed that he hopes that the board can approve the subdivision with some type of stipulation. If he knew what the stipulations are, he could go to the buyer and say the board can approve the subdivision with these stipulations, then he could negotiate from that point, if he will accept it or not. Board member Hanson questioned Mr. Marshall if Mr. Wells is insisting on a subdivision proposal or just buying that side of the road? Mr. Marshall said that Mr. Wells is just buying that section; he had to subdivide that section from the other two sections. Consultant Wilson referred to his original suggestion which was, if the board is willing to move forward and accept the condition that no building permit is issued until plans for construction of the driveway, and house sites are submitted. Chairwoman West questioned board members if they are okay with this condition? Board members expressed their acceptance.

Mr. Cunningham expressed that the road in is good shape, the only upgrading that needs to be done is the culverts in the location that has been discussed by the board Mr. Cunningham remarked that it is just about improving the existing road, no cuts or filling needs to be done compared to building a new driveway.

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Chairwoman West remarked that if the board is going forward with placing a note on the Plat that no building permit is to be issued until the road access is resolved, then the engineer's drawings for the driveway, the driveway permit, and fire company approval, goes with the driveway access issue. Consultant Wilson said that the board started to use Part I, EAF to begin

the review; if the board is not going to do that, and condition the subdivision approval, then, when buyer Wells, gets around to building, he will need to make application to DEC for the permit, it will become part of the review at that time.

Chairwoman West questioned Mr. Marshall if there are any plans to build on the other side of the road? Mr. Marshall said that "there are no immediate plans, no." Mr. Marshall pointed out the barn and the machine shop on the map, and envisions a residence someday in the future. Chairwoman West requested Mr. Cunningham to show the proposed house site for Lot #1 on the map. Mr. Marshall remarked that there could be two proposed house sites and questioned if both should be shown? Mr. Marshall next pointed out the two possible house sites. Chairwoman West said these could be shown as proposed house site #1, proposed house site #2.

Board member Steller questioned Mr. Marshall if he has a contract of sale with Mr. Wells? Mr. Marshall said that he has a deposit and a sales contract.

Chairwoman West remarked that this approval process can be expedited more quickly if Mr. Marshall and his client are willing to accept that no building permit will be issued for this lot until the access issue is resolved or if Mr. Marshall somehow agrees that this will be done prior to selling the parcel. Mr. Marshall expressed that if the board gives him the wording of the note that is to be placed on the Plat, then he can go to his client, his attorney, for negotiation. Chairwoman West remarked that it will matter to the board which direction is taken: if DEC permitting is taken for road upgrades, then the board will need Long Form EAF.

Consultant Wilson is to draft a note to be placed on the Plat to limit any building permit being issued until the driveway access is resolved. This should be done asap.

Mr. Marshall questioned Chairwoman West if the board wants to walk the property? Response was that once Mr. Marshall has decided what direction he is taking, if he and his client accept the no building permit condition for the lot, then no visit is necessary; if Mr. Marshall is going to go through the DEC permitting the board will need to make a site visit.

Mr. Cunningham called for a February public hearing. Chairwoman West remarked that Mr. Marshall needs to decide what he is going to do. Subsequent to this meeting, Mr. Marshall made his decision. The board scheduled a public hearing for February 6, 2007.

Fee Status: Amount paid \$1,900.00
Amount due 4,000.00 Recreation Fee per new lot (2)

The application request of Haven Hill Subdivision (Victor Paolo) 3997-4015 Route 82 is to construct six (6) new residential building lots on 15.75 contiguous acres of undeveloped land. An approximately 760 lf road is proposed to serve the lots with an intersection created at the entrance on NYS and Old Route 82. Individual wells, septic, are proposed for water and sewage and a network of stormwater drains and detention pond will be constructed for

stormwater management. The property is zoned RM 2.

Dutchess County Tax Map Grid No.s: 6764-00-148581, 175628

Mr. Victor Paolo, owner and Mr. Jonathan E. Vitolo, Gillespie and Associates, Consulting Engineering PLLC, Hopewell Junction, New York appeared before the board.

Mr. Vitolo presented the subdivision map for review and said it is the same, the only change that has been made is the name of the owner. A re-cap of the proposal was given: two existing parcels from the College Point Subdivision that will be combined, then subdivided into six (6) new residential parcels in the RM 2 zone. Individual wells, septic systems are proposed for water and sewage and a roadway with a maximum of ten percent, and a very large cut which ranges up to twenty-five feet.

Chairwoman West questioned Mr. Vitolo if he has spoken to Town Highway Superintendent Brownell? Mr. Vitolo said he prepared the roadway to Town Standards. Board member Steller questioned if Mr. Vitolo has the Town and County Road standards? Response was affirmative. Board member Steller questioned the date of the standards, if it is a blue book, loosely bound? Mr. Vitolo said he is unsure, he has paper copies that are kept in the file and updated. Mr. Vitolo was asked to submit this information to the board next month. Board member Steller questioned if the culdesac is in those standards? Mr. Vitolo said the culdesac is in those standards but was told that the Town Highway Superintendent has a policy of not accepting culdesacs for Town roads; the proposed road would have to be a private road maintained by the home owners.

Consultant Wilson remarked that he received an extra set of plans, gave a copy of the plans to Rodney Morrison, P.E. who will join the board for the scheduled site visit on Sunday, January 7, 2007 at 2:00 P.M. Consultant Wilson expressed that he did not prepare a detailed memorandum for the board tonight since a site visit is pending. Chairwoman West said there is not much that can be said until the site visit is made.

Board member Steller questioned what the rock cuts with the shale will be? Mr. Vitolo said it is a two on one cut. Board member Steller remarked that this is pretty flat for rock and questioned if the rock cuts are going to be incorporated in the property parcels? Mr. Vitolo said that they are going to be outside of the right-of-way of this road. Mr. Vitolo expressed that he is proposing a private road.

Consultant Wilson expressed that the board has a lot of work to do in going forward with this application. Chairwoman West remarked that the access, water and septic issues are huge. Consultant Wilson referred to the board conducting a coordinated review and questioned Mr.

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Vitolo if he has completed the long form Environmental Assessment Form Part I? Mr. Vitolo said he prepared the short form EAF but will prepare the Part I long form EAF as soon as the board requires it. Consultant Wilson expressed that the sooner Mr. Vitolo submits Part I, EAF the sooner the board can begin the circulation.

Board member Steller questioned about the radius on the culdesac? Mr. Vitolo said it would be

41 ½ foot radius. Board member Steller remarked that this is pretty tight; Mr. Vitolo expressed that this is a standard radius for a culdesac. Board member Steller said this is still pretty tight.

Mr. Vitolo expressed that the map presented is a 60 ft. scale map, 1"=60ft. which was reviewed by the board, consultant Wilson, Mr. Vitolo and Mr. Paolo.

Mr. Paolo addressed the board and referred to the comment made about the water being a huge issue. Chairwoman West said the water and septic is a huge issue. Mr. Paolo said that there are three pre-existing Department of Health water approved lots. Board member Hanson questioned the date of the approvals. Mr. Vitolo said the original plan was approved in 1986; the Department of Health extended the approvals to the end of 2007. Board member Steller questioned if Mr. Vitolo has a copy of the original subdivision plan. Mr. Vitolo said he has a copy of the filed map. Mr. Paolo expressed that there were three Department of Health approvals and Planning Board approval, there were no water problems then. Mr. Vitolo expressed that for the purposes of the Department of Health approval, a minimum of two test wells would have to be dug for the property subdivision for between five and ten lots. Chairwoman West remarked that the proposed acreage is seven and eight acres per lot. Mr. Vitolo said it is a lot line realignment and a subdivision. Chairwoman West remarked that there were two (2) original lots, the proposed subdivision is for six (6) lots; this was confirmed by Mr. Vitolo.

Chairwoman West stated that the board has schedule a site visit for Sunday, January 7, 2007 at 2:00 P.M. and will meet Mr. Vitolo at the site.

The applicant is to return to the February meeting.

Fee Status: \$500.00 application fee paid
1,000.00 escrow fee paid

The application request of Sloan Lot Line Alternation (David & Judith Sloan) 211 South Road, is for a line change to merge the 8.01 acre portion of Parcel C with the 14.32 acre residence parcel and separate the 15.63 acre portion of Parcel C. After the lot line alteration two (2) lots will still remain. The property is zoned RL 5.

Dutchess County Tax Map Grid No.: 6664-00-388710

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David Sloan appeared before the board.

After reviewing the subdivision map the board requested that the following changes be made: the asphalt area that is the basketball court is to be labeled on the map; a legend is also to be placed on the map stating that the 8.01 acre portion of Parcel C is being merged with the 14.32 acres residence parcel and that the combined lot is 22.33 acres. Consultant Wilson expressed that the word "proposed" should be removed from the "proposed house label" because it is existing.

Chairwoman West remarked that if these changes can be made by surveyor Robert L. Campbell, Rhinebeck and received for the workshop a public hearing will be scheduled for February 6th. Secretary Caul interjected that the public notice will need to be published January 25th, deadline for publishing is January 19th. Mr. Sloan will telephone secretary Caul if the map changes can be completed for the workshop and timely for the public notice publication.

Subsequent this meeting, materials were submitted in a timely fashion to schedule a public hearing for February 6, 2007.

Fee Status: \$750.00 application fee paid
500.00 escrow fee paid

A motion to adjourn the meeting was made by board member Hanson, and seconded by board member Shequine. All ayes. The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Nikki Caul, secretary

