

## **Town of Washington Planning Board**

December 4, 2007

The monthly meeting and public hearing of the Town of Washington Planning Board was held on December 4, 2007, at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Thomas Beaumont, Robert Alley, Donald Hanson, Matthew Rochfort, James Shequine and Consultant, Neil Wilson. Absent: Richard Steller.

Chairman Beaumont called the meeting to order at 7:32 P.M. and announced that the January monthly meeting will be held on January 8, '08; the planning board workshop will be held at 6:30 P.M.

Chairman Beaumont expressed that the '07 year did not start off on a very positive note with the loss of former chairwoman, Michele West; he assumed chairmanship of the board with some reluctance and trepidation, and thanked the planning board for their support over these months. Gave thanks to Frank Genova for his continued help with the CAC, Town Board Councilman, and liaison, Michael Murphy, secretary Caul, consultant Wilson, the Town Board, and attorney's John Gifford and Rebecca Valk for their support. "Their support has made a tough job a little easier." Chairman Beaumont read the meeting's agenda.

The Woods Site Plan (Schuyler Woods), 86 Stanford Road application request is to allow construction of a 30'deep,40' wide single story, three car garage/pole barn. The property is zoned RM 2. Area variances were granted by the ZBA on November 20, 2007.

Mark Graminski, P.E. & L.S., appeared before the board representing the applicant.

Chairman Beaumont spoke to two concerns regarding this application; the lot line adjustment on the encroachment between Woods and McMillan, also, because the proposed pole barn is more than a 25% increase in the nonconformity, another variance needs to be obtained from the zoning board. Chairman Beaumont said that the zoning indicates that a nonconforming use can be enlarged up to 25% in the gross aggregate area. Mr. Graminski expressed that a garage is being proposed. Consultant Wilson expressed that the lot is not conforming, next referred to the expansion rule, zoning law Section 391 (7); the provision allows for expansion up to 25%, the garage itself exceeds the square footage of the house and the garage. Consultant Wilson questioned Mr. Graminski if the use is a conforming use? Mr. Graminski said it is a residential use. Consultant Wilson expressed that he understood it was a business. Mr. Graminski said the garage is not a business, is just a three car garage. It is stipulated in the variance grant that the garage cannot be used for Mr. Woods business. Chairman Beaumont questioned Mr. Graminski if Mr. Woods retains a secretary who is living in the house? Mr. Graminski said he does not have that knowledge; the variance was granted for a residential garage, four variances were granted, relief from front yard setback, relief from side yard setback,

relief from rear yard setback; the accessory structure approval is conditioned that the use of the proposed garage be strictly residential in nature to support vehicle, equipment, storage.

Chairman Beaumont questioned Mr. Graminski if the lot line adjustment between Mr. Woods and Mr. and Mrs. McMillan can be resolved? Mr. Graminski expressed that at the zoning board meeting, the adjoining neighbors expressed their concern. Mr. Woods spoke to them indicating his intention of doing a lot line alteration. Mr. Graminski said that he is preparing an estimate to do that work.

Consultant Wilson related that he misunderstood about the use of the garage when talked about at the workshop. If there is an issue with the expansion, it is something that should be picked up at the time that an application is made for a building permit; an administrative decision made by the building inspector to deny the permit if he thinks there is a problem before going forward. At present, this application is only a site plan referral from the zoning board after their approval. Consultant Wilson expressed that he is somewhat unclear about the split use, how that affects the 25% Rule. Mr. Graminski referred to the fourth item of the Resolution that he could not recollect.

Consultant Wilson said, since this application is before the board for site plan review, the next step is to apply for a building permit; the building inspector will need to make a determination if there is a problem and will have the applicant return to the zoning board.

Mr. Graminski remarked that an application for a lot line change will be submitted, both lots are sub standard, nonconforming, and will require the determination of both the planning and zoning boards.

Chairman Beaumont suggested sending a letter to the building inspector that before any building permit is issued the lot line alteration needs to be completed. Consultant Wilson will compose a letter to the building inspector.

Mr. Graminski expressed that based upon conversation and review at the workshop, he has completed application documents, EAF, fees, plans, etc. and next gave a review of the site plan application. Mr. Graminski said the applicant is SJW Development LLC, property owner on the north side of Stanford Road. The application began with the zoning board of appeals. The proposal is to construct a three car garage/pole barn located on the westerly side of the property. The total footprint is approximately 1,200 sq. ft., the positioning on the lot required area variances from the zoning board; the lot is a nonconforming lot, with area size currently being 0.71 acres in the RM 2 zone. The application was made to the zoning board and area variances were granted for construction of the garage with stipulations. There was also discussion on the placement of the garage and other locations on the parcel; due to site constraints, drainage and topography, the location shown on the plan is the best location to place the structure on the lot.

Chairman Beaumont asked if anyone from the public has a question regarding this application.

Catherine McMillan, adjoining encroachment neighbor, addressed the board, said that Mr. Woods has not approached them about a lot line adjustment and feels that he is not acting in good faith to resolve the lot line issue. Mrs. McMillan questioned what mechanism is in place ensuring that only noncommercial vehicles and equipment are stored in the proposed garage? At what point in the process of applying for a building permit should Mr. Woods be granted a building permit? Consultant Wilson and Chairman Beaumont feel that a formal letter should be sent to building inspector, Tyger/zoning administrator, Newbauer saying that before a building permit is issued, the lot line alteration needs to be completed by this board.

An unidentified gentleman from the public sector questioned the location of the proposed garage, said that 1,200 sq. ft. is very large for a three car garage; he drives by the property twice daily, doesn't see why placement of the structure has to be in the location sited, it is a convenient location because it is close to the driveway, but should not necessarily be the precise location. Mr. Graminski explained that he looked at the property at various times; Mr. Woods mentioned that there is runoff from the hill, a wet area, the septic system for the existing house was considered, also a tree that is not shown on the site plan that the owner does not want to remove, was the rationale in placing the proposed garage in the selected location.

**There being no other comments, a motion to grant Site Plan approval to the Woods application with the stipulation that a letter be sent to the building inspector/zoning administrator requesting that the lot line alteration issue be resolved prior to issuing a building permit for construction of the garage, was made by board member Rochfort, and seconded by board member Hanson. 5 ayes, 1 absent.**

The application of Meyer-Borsch Lot Line Revision (Barbara S. Meyer), 211 Hammond Hill Road, Dover Plains, Town of Washington is for transfer of 10.13 acres owned by Barbara Meyer to an existing 1.07 acre parcel of land owned by Matthew Borsch, resulting in a single parcel containing 11.20 acres for Borsch, and 149.4+/- acres for Meyer. The property is zoned RR 10.

**Dutchess County Tax Map Grid Nos.: Meyer- 6964-00-384042, Borsch - 6964-00-068945**

Harry Bly, L.S., Bly and Houston, LLP appeared before the board representing the applicant.

Review of the subdivision and area map followed by the board, consultant Wilson, and Mr. Bly. Mr. Bly said that nothing has changed since his last appearance before the board. The area map shows the remaining lands Meyer has; the western tip of that parcel is being combined with an existing nonconforming lot, resulting with a single parcel containing 11.20 acres for Borsch. Mr. Bly stated that there is a Dutchess Land Conservancy easement on the property; there are provisions for a building envelope to occur on either side of the existing Meyer parcel if a garage is needed.

Page 3

**A motion to open the Meyer-Borsch public hearing was made by board member Shequine, and seconded by board member Rochfort. 5 ayes, 1 absent.**

There were no public comments.

**A motion to close the Meyer-Borsch public hearing was made by board member Alley, and seconded by board member Hanson. 5 ayes, 1 absent.**

**A motion to declare the Meyer-Borsch lot line revision a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Rochfort, and seconded by board member Alley. 5 ayes, 1 absent.**

**A motion to grant the Meyer-Borsch lot line revision Preliminary Approval was made by board member Shequine, and seconded by board member Hanson. 5 ayes, 1 absent.**

**A motion to grant the Meyer-Borsch lot line revision Final Approval was made by board member Shequine, and seconded by board member Alley. 5 ayes, 1 absent.**

Chairman Beaumont signed the maps and Mylar.

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

The application request of Foxe Special Permit (Thomas Timothy Foxe) 702 Route 343, is for special permit approval for the two-car garage and one-room apartment as an accessory residence. The property is zoned RR 10. This application is a continued public hearing from October 2nd.

Jeffrey A. Giardina, Esq., Millerton Square, Millerton, NY appeared before the board representing the applicant, presented a revised map prepared by Kirk Horton, L.S., showing changes in the driveway made to bring the grade to 12% grade, to Town of Washington Standards, was reviewed by the board, consultant Wilson and Mr. Giardina. Mr. Giardina said the next step will be to have an engineer review and engineer the driveway and complete the plan.

Board member Hanson suggested that once the driveway is engineered to have at least two members of the CAC review the driveway to help analyze what trees need to be saved and monitor the construction. The CAC will need a plan set of the engineered driveway.

Chairman Beaumont remarked that the board is dealing with the driveway at present however runoff is still an issue.

Page 4

Consultant Wilson expressed that the plan that has been presented to the board is not the final engineered plan, the grading, amount of disturbance, needs to be shown, when the fully engineered plan is submitted, a copy will be forwarded to the CAC. The plan presented is just a

surveyor's rendition of what a 12% grade might look like; the engineer may have a different thought. Consultant Wilson's recommendation is to wait for the engineered plan, see what the disturbance is going to be, then submit a copy to the CAC.

A continued public hearing is scheduled for January 8, 2008.

Fee Status: \$1,500.00 additional escrow monies 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, one (1) common driveway, and wetland crossing. The property is zoned RL 5.

Chairman Beaumont stated that the public hearing will be opened this evening, although the planning board has not completed the environmental or engineering evaluation of the property, the board feels that it is important of get input from concerned neighbors.

Tim Race, L.S., The Chazen Companies, Ron and Dolores Romeo, appeared before the board. Mr. Race submitted revised plans, introduced himself to the public and gave an overview of the proposed plan with the presentation of a large color poster of the subdivision plan, and common driveway approved by Town of Washington Highway Superintendent Brownell.

Mr. Race explained that Mr. and Mrs. Romeo purchased the former Bancroft Farm on Verbank Road that is approximately 138 acres. The property will be subdivided into four (4) lots; Lot #1 consists of 11.6 acres, and encompass the existing house, existing barn, cottage, and several out buildings, Lot #2 consists of 16.7 acres, Lot #3 consists of 46.7 acres, and Lot #4 consists of 46.7 acres, the pond. Mr. Race next pointed out the location of each of the four lots on the subdivision poster. Lots 2,3 and 4 would be accessed by a common driveway off Verbank Road. The driveway would be traversed through the open meadow, down between the pond and a wetland, but not disturbing the wetland or the pond. The driveway would come across the open meadow and tie back into an existing farm lane that runs down to the pond.

Mr. Race expressed that Chazen met with the DEC who analyzed that the proposed location is the best place to cross the wetland, that starts at the pond and continues north to the Eberhard property, crosses the wetland and continues up through the meadow to service the two houses along the way. There has been no DEC written acceptance, only verbal. Mr. Race said that the impacts will be minimal, there has been no response from the DEC. The plan is to design a culvert crossing that was pointed out on the presentation poster that is capable of handling a one hundred year stormwater.

Page 5

Board member Hanson questioned if there is a stipulation that there can be no further subdivision of these parcels? Mr. Race said that Mr. Romeo has agreed that there would be no further subdivision of these lots. The shaded dark green area shown on the subdivision poster is land that would be subject to Dutchess Land Conservancy easement. The yellow shaded areas

are meadows where the proposed houses will be placed that are not disturbing any forested land. The approximate 2,300 ft common driveway will service these houses.

Consultant Wilson questioned if Mr. Race can update the board on any conversations with either the DLC or other qualified entity to hold the preservation of land? Mr. Race said that Mr. Romeo has talked with DLC but did not want to become involved until he receives approval from the planning board.

Mr. Race related that since the last planning board meeting he analyzed the driveway between the pond and the wetlands; there was originally a 15 ft. wide traveled road with a 4 ft. shoulder, that has been narrowed down that is approximately 3-4ft away from the pond and the wetland. A box arch culvert is to be placed in the location pointed out on the subdivision poster, in the event of a large storm the pond seems to overflow north of the wetland, by placing the culvert, pitching into the wetland, they would prevent any flooding in that area. There would be an approximate 2 ft. high retaining wall along the pond and wetland. Mr. Race next pointed out the location on crossing the narrow strip of wetland with the same/similar arch culvert with a cobblestone bottom to it.

Mr. Race said that was some erosion to the stream corridor; the plan calls for cobbles to be grouted in place of the bank to prevent any scouring of the bank in that location. All stormwater would be discharged through grass line swales along the driveway. None of the swales discharge into the wetland, they discharge before the adjacent land.

No GO technical work has been done with regard to the dam; some notes have been placed on the plan that were submitted to secretary Caul this evening. A construction note that said, "test pits shall be performed prior to construction of the culvert in the event any conflicts occur with the footing of the dam, the culvert shall be re-designed so that it is not disturbing the footing or the dam." Mr. Race said it is realized that it is an old dam, noone knows what kind of footings or foundation there is for the base of the dam. The culvert is designed to be 5 ft. away to the north of the dam, assuming that it is not a 5 ft footing underneath the dam. Judging by the Chazen site visit, it looks like the dam is just poured in place on bedrock.

Chazen met with the DEC who looked at the wetland and has chosen the best area to cross the wetland; there is a verbal conversation with DEC but nothing in writing, or any comments from the DEC. A permit has been secured with DEC.

Board member Hanson referred to the wetlands specialist engaged by the board for a property site inspection. Consultant Wilson remarked that Bruce Barber, Cornerstone Associates, visited the site; his latest comment letter was handed out at the planning board workshop. There were a few comments on the plan. It appears that Mr. Race has made some modifications in response to

Page 6

the comments presented by Mr. Barber. There were other questions that Mr. Barber had relative to hydrology and maintaining hydrology, on the three wetland crossings. Consultant Wilson suggests continuing the dialogue between himself, Bruce Barber, Rodney Morrison, Mr. Race and his group, to iron out any remaining engineering and environmental issues. Mr. Race expressed that Chazen has addressed the latest Bruce Barber, Cornerstone Associates,

comment letter, in letter form and has revised the plan accordingly.

Chairman Beaumont expressed that the planning board reserves further comments until the final engineering and environmental results are known.

**A motion to open the Bancroft subdivision public hearing was made by board member Rochfort, and seconded by board member Alley. 5 ayes, 1 absent.**

Bob Perkins, adjoining neighbor, property owner to the south of the proposed subdivision, addressed the board and referred to the Cornerstone Associates, Bruce Barber, June 23, 2007 letter regarding the dam. Mr. Perkins read paragraph **Area D: Discussion:** “The condition of the dam as well as the area in which the berm is eroding was found to be of substantial concern. The origin of the introduction of the sediment bar into the pond could not be fully determined but it is possibly caused by substantial existing farm road erosion. It was felt that the location of the proposed crossing and abutments could not be fully analyzed until issues with the pond, proposed driveway and dam were reviewed.”

Mr. Perkins next read from the Chazen Companies, October 26, 2007 letter to Thomas Beaumont, Planning Board Chairman. “This letter has been prepared to inform you that the proposed stream crossing at the Bancroft Farm Subdivision has been designed with considerations made for the existing concrete dam located immediately upstream. Although the original construction drawings for the dam were not available for review and a detailed structural analysis was not performed, it is our opinion that the structural integrity of the concrete dam appears to be sound. Our opinion is based upon several site visits and visual inspections of the existing concrete dam performed by The Chazen Companies (TCC). As such, no plans have been made to alter or modify this existing dam as part of this project.” Mr. Perkins remarked that these letters are in conflict. Mr. Race expressed that he does not understand what the conflict is.

Mr. Perkins said that one letter states that there is erosion, the other letter states that there is no erosion, is not a problem.. Mr. Race said it is not a problem with the structure of the dam; Chazen is aware of the erosion, the engineering plan is designed to take that into account.

Mr. Perkins said he walked the west side of the dam, there is erosion. “The dam is in very poor condition.” Mr. Romeo interjected that this is a valid point, it is his intention that what is currently existing, the road washing away, there is all kinds of erosion, if he allowed it to continue it would be some mess; he is looking to correct the problem, and do whatever it takes to satisfy everyone in this room, including himself to make this work in the proper way. There is nothing here that is intended to keep hidden or not completed to everyone’s satisfaction.

Mr. Race commented that in the design of the road it is not the intention to disturb the dam; the dam is presently working fine. The cracks have been seen; the plan is to correct the cracks. Their has been no structural analysis done on the dam itself. Chazen is aware of the erosion

Page 7

on the west side of the dam; the plan takes into account that erosion and calls to correct that erosion. There is no call in the plan to rebuild the dam or to do any work or modifications to the dam. Mr. Romeo interjected that if the dam has a problem it absolutely needs to be corrected. Board member Hanson questioned Mr. Race if Chazen has the staff to look at the dam for analysis from an engineering standpoint? Mr. Race felt that someone from Chazen is capable

of performing an analysis on the dam. Mr. Romeo questioned about the analysis on the dam that was read in the letter by Mr. Perkins? Mr. Race said the analysis was made by the wetlands specialist. Consultant Wilson remarked that the letters are asking two different questions; the first by Bruce Barber, Cornerstone Associates, engaged by the planning board, called out the fact that there has been heavy erosion down the existing farm lane, probably as a result of the rain in April, '07, based on the site visit in May or June. Mr. Perkins stated that the Cornerstone Associates letter is dated June 23rd. The second Chazen letter is about the structural integrity of the dam in response to the planning board question. Mr. Perkins said that Chazen did not respond to the letter. Consultant Wilson said that Chazen was responding to a different question. Mr. Perkins remarked that the proposed roadway is parallel to the dam and questioned the length of the road being at 2,300 ft.' the scale of the map is 1"=100ft? Mr. Race said that the common portion of the road is 2,300 ft. Consultant Wilson suggested that Mr. Race explain what he means by the common portion of the road. Mr. Perkins questioned if the road is being built to Town specifications? Mr. Race responded affirmatively to Mr. Perkins question. Karen Crane, adjoining neighbor, questioned if there is a ridge next to the dam? Mr. Race said it is a precast concrete box culvert.

Karen Crane expressed her concern about the water from the pond that goes into the swamp and submitted photos to the board showing same that was reviewed by the board and consultant Wilson.. Ms. Crane questioned how this would affect her well? Ms. Crane questioned if they will use salt on the road? Consultant Wilson directed Ms. Crane to point out the location of her well on the poster subdivision map. Ms. Crane expressed that she thinks that the water overwhelms the culvert, a big pipe is under the road. Mr. Race said that Bruce Barber, wetlands specialist walked the pasture and did not determine that there were any wetlands there. Consultant Wilson said that Mr. Barber took soil samples from there. Board member Shequine questioned Mr. Race what Chazen would be doing that would make Ms. Crane's problem worse? Mr. Race said they are not doing anything to worsen the condition; the water runoff would be coming down the grass line swale and would capture the water that is coming down the hill, it would be discharging before it reaches the pond. Ms. Crane questioned Mr. Race of what material the road will be made? Mr. Race said the road will be gravel. Ms. Crane questioned if salt will be used? Consultant Wilson remarked that there will be stipulations as part of the conditions of the approval on how the road is to be maintained, what will be applied to the road. Chairman Beaumont questioned Ms. Crane about the depth of her well? Ms. Crane said she has no knowledge.

Board member Shequine suggested to show in outline form on the plan where the pond is located on the property. A whole design is not necessary, a line showing where it is would be helpful.

Page 8

Ms. Crane referred to having an arborist look at the Sycamore trees. Chairman Beaumont said Brad Roeller is to visit the site to analyze the condition of the Sycamore trees. Ms. Crane said there are two giant White Pine trees on the hill and hopes that no one will cut them down to construct the road. Mr. Race said that the road is designed to go between the White Pines and the Sycamore trees; the White Pines are not shown on the drawing, the Sycamore trees are shown.

Ms. Crane questioned how the electricity will serve the proposed houses? Mr. Race expressed that the electricity will run underground; the houses will not be seen from the road and continued to point out the proposed house locations on the plan. One house will be placed up on the hill but over the crest of the hill, another house is on the open meadow, one house is up on the wood line.

Mr. Perkins asked Mr. Race to explain about the road that is being built to the Town specifications. Mr. Race said that the road is being built to Town of Washington specifications, is 16 ft wide, a 4 ft shoulder, 2 ft. shoulders on each side, will have wooden guide rails along the culvert cropping and any slopes. Mr. Race pointed out the common portion of the road, said that the road to the house that was pointed out on the poster plan is 3,200 ft. Board member Hanson questioned Mr. Perkins if he would like to review the road profiles? Mr. Perkins responded negatively, said he just wanted to know if the road is being built to Town specifications and can handle fire trucks.

Ms. Rebecca Thornton, Director, Dutchess Land Conservancy, addressed the board, said that she would like to clarify for the planning board that she did meet with Mr. Romeo in March, '07; her recollection of the discussion was that what was talked about was about the benefits of conservation easements, at that point Mr. Romeo decided that was not something he wanted to consider then, but was open minded about it, said he might consider doing something in the future. Ms. Thornton expressed that this is all new to her and has not heard anything more, she is totally unaware of what is being proposed. Ms. Thornton said that the property is environmentally sensitive, there are a lot of vernal pools, and was wondering if any consideration was given to the building envelope to protect those vernal pools and other areas. Ms. Thornton said that she would like to see some engineering studies on the dam itself because she feels that any type of change of hydrology in the general area would definitely have an impact to the dam.

If the dam were to deteriorate further it would be a concern to the neighboring land owners. Ms. Thornton remarked about the planning board in terms of DEC approval. Chairman Beaumont indicated that the planning board has not heard from DEC. Consultant Wilson expressed that DEC has been very silent on the wetland crossing, it is a one way conversation between the Town planning board and the applicant, and has not heard anything back from DEC. Ms. Thornton expressed that she understands that DEC is understaffed.

Mr. Perkins questioned about the applicant file being incomplete, what is missing in the file? Chairman Beaumont said that he wouldn't say that the file is incomplete, he would say that the board has not completely studied the file. At this time the file appears to be complete, but the board has to evaluate some of the material, and may judge that more information is needed.

Page 9

Ms. Thornton referred to Mr. Romeo's commitment to not further subdivide the property and questioned what type of method might be used to ensure that the property will not be further subdivided? Consultant Wilson expressed that there will be formal covenant restrictions. There has not been a detailed conversation with the applicant at this point, but, if he chooses to go the conservation easement route that is something entirely voluntary on his part. The representation has been that the areas that have been blocked out for disturbance around the houses are the

areas in which a house could be placed, allowing some latitude, the green areas around those lots would remain as non build able areas. In order to give full legal affect of that, there will be notes on the plans, plus separate filed covenants that go along with that. Mr. Romeo expressed that he wants to get subdivision approval first, then he will return to Dutchess Land Conservancy; it would be premature to commit to DLC until subdivision approval. Mr. Romeo said that he is open to agreement with DLC and referred to the 40 acre parcel with one (1) dwelling, whatever he needs to concede to as far as restriction on it, he will agree to it. It is not his intention to subdivide the property to twenty or thirty lots. Mr. Romeo apologized to the board, public, that initially he came before the planning board to develop the property into eight or nine parcels on the instruction of taking the wrong advice. Mr. Romeo expressed that he hates the thought of cutting a tree down; understands what it is all about environmentally, it is not his intention to cut down trees on his property.

Frank Genova, CAC liaison, addressed Mr. Race and questioned about the Chazen hydrologist, expressed that the dam is an issue. Mr. Genova questioned if the base level of the stream was studied prior to construction of the dam which is very important? If anything should happen to the dam, it reverts back to a stream, and reverts back to a benign stream. Mr. Race said the design of the culvert crossing is designed to take into account if the dam fails, it would revert back to a stream. Mr. Genova referred to cobbles on the outflow end of the culvert, he suggests using large enough, not just crushed stone. The outflow from any culvert, whatever size it is, is increased by the seasonal waters; he recommends that Chazen have the biggest, largest, stones there. Mr. Race expressed that they are actually called for to be grouted. Mr. Genova said it is very important to have the right size stone. Consultant Wilson expressed that the planning board did a site visit in October, '06 and returned to the site in May or June '07, it is obvious that there is a tremendous amount of scouring and loose dirt along the existing farm path. Consultant Wilson is in agreement that no matter how large, if you do not anchor the stones in place, they are going to move. The recommendation for Bruce Barber. wetlands specialist that the board engaged, was to list the strategic locations where you have water that is moving parallel to or underneath the road through the culverts; it is needed to find a way to armor to keep the banks in place, that is the idea of iron boarding.

Karen Crane referred to the vernal pools on the property. Mr. Race said that there is one vernal pool on the property and pointed out the location in the wetland area on the poster subdivision plan. Mr. Race said that the Hudsonia Report recommends that there be a 750 ft. buffer around the vernal pool, this is just a recommendation. Ms. Crane questioned if the vernal pool is near the top house on the hill. Mr. Race said that the only vernal pool that showed up on the Hudsonia Report was the vernal pool that he pointed out on the edge of the 750 ft. buffer. Consultant Wilson remarked that the house is also located along the edge of the field.

Page 10

Howard Schumann questioned if Mr. Barber is a wildlife biologist? Consultant Wilson responded affirmatively.

Mr. Race expressed that Chazen has done a habitat study on the property.

Chairman Beaumont remarked that there have been some very good comments made; the planning board needs to study this plan further, all comments made this evening will be

addressed.

Consultant Wilson said that the board needs to review the new plan set submitted this evening; the planning board consultants need to review the materials and through a meeting or telephone conference with Chazen representatives, will work out any additional comments and prepare a memo for the board for the next meeting.

Board member Hanson commented that there are three concerns about the condition of the dam, and recommends that Chazen look at the dam from an engineering standpoint, and spoke to the commendable work Chazen has done on the Hudsonia map analysis, habitat, etc.

Mr. Race remarked that one thought that the Chazen engineer had was about the concrete box culvert with an open bottom to it, and came up with the idea of putting a dam inside the box culvert so there will be a secondary dam in place if the existing dam fails.

A continued public hearing is scheduled for January 8, 2008.

Mark Graminski, P.E., & L.S., appeared before the board, submitted plans and a cover letter that summarizes the changes made to the Assael Site Plan that was granted approval on September 4, 2007. Listed are seven (7) items that are outlined on the modified plan. The original Environmental Assessment Form has also been modified.

Consultant Wilson expressed that the Town will get an as-built drawing.

**A motion to approve the Assael Site Plan changes in accordance with the plan dated November 15, 2007 was made by board member Alley, and seconded by board member Rochfort. 5 ayes, 1 absent.**

A motion to adjourn the meeting was made by board member Rochfort, and seconded by board member Hanson. The meeting was adjourned at 10:06 P.M.

Respectfully submitted,

Nikki Caul, secretary

