

**THE VILLAGE OF PAWLING PLANNING BOARD MINUTES**

<b>Date:</b>	February 21, 2007
<b>Present:</b>	Michael Grogan, Chairman Dr. George Coulter Michael Cerny Stan Mersand Taren Tanner
<b>Also Present:</b>	Gene Richards, Stantec, Village Engineer Ron Gainer, Stantec, Village Engineer Phil DeRosa, Village Inspector Bart Clark, Oakwood Environmental, Engineer

**APPROVED BY**  
**VILLAGE OF PAWLING**  
**PLANNING BOARD**

*2/28/07*

On Wednesday, February 21, 2007 at 7:00 PM, the Planning Board met for a special workshop meeting in the first floor meeting room in the Village Hall at 9 Memorial Avenue. The meeting was called to order by Mary Heubel and began with the roll call as above indicated and conducted by the Planning Board Secretary, Mary Heubel.

**WORKSHOP****MS4  
Municipal Separate Storm Sewer System**

Mr. Clark started the discussion by explaining the difference between sanitary sewers which carry sanitary industrial or household waste and storm water sewers which carry runoff from rain and snow. Dutchess County (DC) started a program meant to comply with the requirements from the EPA Phase 2 storm water program. The program started in 2003 and the Village applied for a permit as a small municipality. The general permit has a 5 year term ending in 2008.

The MS4 program has 6 minimum measures that the Village must comply with. These are as follows:

1. Public education
2. GPS mapping
3. Regulation of construction activities
4. Retrofitting stormwater treatment facilities
5. Installing new treatment facilities
6. Enhanced pollution control & housekeeping activities

The Village has enlisted the aid of the DC Soil & Water Conservation District. The District has pamphlets to aid the public education phase of the project. Mr. Clark used the example of "illicit discharge" which is diverting washing machine water etc. into the storm drains. To this end, the Village will be mapping all these illicit discharges. He explains how this will be done. The Planning Board will be a part of this process through the review process of Site Plans and the inspections of major construction sites. There will also be inspection of these sites after construction has been completed and the contractors are gone.

Mr. Clark went on to say the NYC watershed cuts the Village in half. Main Street and Coulter Avenue are the boundaries between NYC watershed & the Swamp watershed. The reason the Village got involved is because the Village is in the Croton watershed. Another reason for the heightened concern about the watershed is the fact that there is too much phosphorus in the water at this time. This must be addressed by the Village through education of the general public. There was a discussion of what stormwater treatments would entail. Mr. DeRosa said they could be as simple as a pond similar to the one at the A&P.

Mr. Clark said the Local Law essentially deals with the construction sites runoff and soil erosion. Mr. Mersand asked if the treated stormwater was usable. Mr. Clark said it was. Mr. Mersand, then, asked if it could be used for drinking. Mr. Clark said no. What the treatment does is remove any harmful impurities so when the water connects with water downstream, the districts there do not need to deal with the pollution.

Mr. DeRosa asked about fees for funding this regulation. Mr. Clark said there are grants much like the one just awarded where the Village spends \$9000 and is then awarded the \$9000 match.

Mr. Cerny inquired about the timing. Mr. Clark said the Village said they would have all the ordinances done this year. The Village will take its time studying the Modal regulations before adopting them. The Village will report to the DEC any and all progress made. The Village must get it done in the 5 years.

Mr. Clark said the heightened requirements outlined in his handouts are still in a draft form, however, he doesn't feel there will be any changes. Also in the handouts, was a sample of the revised Modal Law. Article 2 is the "meat" of the local law. Articles 3, 4 & 5 are ways to amend the subdivision law, the site plan law and erosion control law. Mr. Cerny said Article 5 contains exemptions and he noted agriculture property was on this list. He asked Mr. Clark about the Heinchon property. Mr. Clark said agricultural properties are exempt from MS4 regulation. Mr. Clark said the regulating activities for agricultural land are quite different from the land in the MS4 district.

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Mr. Clark suggested the Board take the time to review the Modal Law and then schedule another Meeting to discuss any questions or concerns. When the Board is in agreement on the Articles of the Modal Law and the Board's recommendations, these recommendations would be presented to the Village Board. The Village Board would incorporate the recommendations into the Modal Law. A public hearing would then be scheduled. If there is no opposition to the amended Modal Law, the Village Board would adopt the Modal Law as the Local Law. Mr. Clark, also, stated that he will be reviewing the Modal Law with Mr. Hayes, Village Attorney. Mr. Hayes will be drawing up the final version of the Modal Law.

Mr. Mersand asked if this workshop and our next meeting be used as training sessions to fulfill the training requirements for all Board Members. The Secretary said she would handle it.

Mr. DeRosa asked who would be doing the inspections. Mr. Clark said the Village would need to have a stormwater management officer and that officer must be an employee of the Village. The officer cannot be a consultant. The officer will have a lot to do both record keeping and with inspections. There was some discussion about the officer being an employee of the Village. Mr. Gainer said some villages have an officer employee who, in turn, asks the village engineer for assistance in doing the inspections. The Village Engineer does much of these inspections now. What this Modal Law does is give "teeth" to what the Engineers do already.

There was some discussion about what other villages and towns have done. Mr. Gainer said Patterson had adopted a stormwater management law even before the DEC Modal Law was presented. He said they may need to revisit their Local Law in light of the Modal Law. The Board could go on the Patterson website to review the Law. It is chapter # 133.

Mr. Cerny asked the Board to direct their attention to the definition of "Land Development Activity" when reviewing the Law.

Next, the Board took up the time and date for the next meeting. Mr. Grogan suggested March 21<sup>st</sup> as the date. Mr. Gainer said he thought the Board should focus on applicability and exemptions.

There was some discussion about the Allison Close project and the MS4 regulation. The project is a prime project for the regulation. Mr. Grogan asked about the proposed well at Allison Close. Mr. Gainer said all issues concerning water will have an impact on every project. Mr. Richards said the applicants for Allison Close will be doing their hard engineering and in this phase they will address the erosion control issues.

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Mr. Cerny said that going forward the Board needs to be very careful with the SEQRA review.

### **OTHER BUSINESS**

#### **Family Quick Stop**

Mr. DeRosa gave a review of the problem at the Quick Stop. The store has lost its cigarette and lotto licenses. The manager wants to put up a trailer or shed on a small parcel of land he owns on Charles Colman Blvd. to sell the cigarettes. Mr. DeRosa told the manager he must come before the Planning Board. Mr. Cerny said we cannot deny anyone from coming before the Board but he didn't know about the project.

#### **Heinchon Dairy**

Mr. DeRosa said he did extensive research into agricultural property. If Mr. Johnson wants to put an ice cream store in the barn, he can only put in a window. The public will not be allowed in the building. The public could only purchase the ice cream through the window.

### **Adjournment**

Mr. Mersand made a motion to adjourn the Meeting. Mr. Cerny seconded the motion and all Board members were in favor

Submitted by:

Mary Heubel,  
Planning Board Secretary