

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES  **DRAFT**

APPROVED BY

Date:	March 21, 2007
Present:	Michael Grogan, Chairman Dr. George Coulter Stan Mersand Taren Tanner
Also Present:	Phil DeRosa, Building Inspector Bart Clark, Engineer, Oakwood Environmental

**VILLAGE OF PAWLING
PLANNING BOARD**

4/11/07

On Wednesday, March 21, 2007 at 7:00 PM, the Planning Board met in the Village Hall at 9 Memorial Avenue. The Workshop was started without roll call. Mr. Cerny was absent.

MS4 Regulations Workshop

Mr. Clark explained that the goal, currently, is to look through the Modal Ordinance and make recommendations to the Village Board. The Village Board will incorporate the recommendations into what will become a Local Law. There will be a public hearing and a vote by the Village Board. This Local Law will be sent to the Secretary of State for certification.

Article 1, Sections 1, 2 & 3 are a boilerplate as to why the law was enacted.

Section 4 – Applicability – is where the questions arise and where the Planning Board is asked to supply input. All these questions and concerns are coming about because there is a section on the Village which is in the Croton watershed. One of the questions before the Board is – should the regulations be applies to just the part of the Village located in the Croton watershed or should the regulations be applied to the entire Village? Some of these regulations are arduous in nature and some are just good regulations which we should all follow. Should we apply the arduous regulations just to the Croton watershed section of the Village and the less arduous regulations to the section of the Village not in the Croton watershed section?

There was some discussion as to where the Croton watershed is in relation to the properties in the Village. For all concerned, a map needs to be constructed showing exactly what areas come under the Croton watershed. Mr. Grogan said he thought the AG project, Pawling Commons, Ken Johnson’s 110 acres including the agricultural barn and Mizzentop soccer fields are all in the watershed area.

Mr. Clark suggested there be two standards:

Zone 1 – Croton watershed area with tight controls for 5000 square feet and under disturbance.

Zone 2 – Swamp River area with less control for 20,000 square feet of disturbance.

The DEC has not indicated when these regulations go into effect. Until that time, the Village does not need to comply with the 5000 sq.ft. disturbance for Zone 1. The 20,000 sq.ft. disturbance could apply for now.

There was a discussion about how this regulation would impact different projects.

All Members were in agreement that there should be Zones 1 & 2, that both zones use the 20,000 sq.ft. disturbance factor until the DEC regulations are adopted and at that time, Zone 1 will adopt the smaller disturbance factor.

Mr. Clark said the Stormwater Mgmt. Officer could be the Code Enforcement Officer while the project is underway. Upon completion of the project, maintenance of the regulations could be handled by the highway department.

The Village Board is working with the Dutchess County Personnel Department to come up with a job description for the Stormwater Mgmt. Officer position.

Mr. Mersand would like to eliminate Section 5.1 under the exemption heading altogether. He believes there should not be any more exemptions for agricultural activities. Mr. Clark said all agricultural activities cannot be eliminated but the Board could change the definitions of some of the activities to do away with some of the abuses the Board has seen. The Definitions are located in Article 2, Section 1 of the new regulations. All construction activities, ie, buildings etc. could be taken out of the definition. Mr. Clark suggested the Board check with Mr. Hayes on the legality of the proposed changes.

Going back to the Exemption Section, Mr. Clark suggested the Board should strike any exemptions that would not apply to the Village. Mr. Grogan stated that it probably would be easier to take the exemptions out at a later date than to add them back in once they have been deleted.

Mr. Mersand asked about Section 5.11 in the Exemption Section. He said Horticulture and Landscaping activities could exempt an existing structure such as a green house from the regulation. After some discussion, Mr. Tanner suggested the wording should say – “an existing structure not associated with for-profit activities”.

Next, Mr. Clark took up Section 6 – Storm Mgmt. Practices. The Planning Board and the Village Board must work out how the inspections will be handled. The Planning Board should state its opinions as to how they think the inspections should be handled. There was some discussion on this subject. Mr. Clark suggested the Planning Board

recommend the Stormwater Mgmt. Officer needs to be available more hours during the week to handle the requests for inspections.

Section 6.13 states that once the stormwater management is in place at a project, there must be continued inspections to make sure the project is still in compliance.

Section 6.14 states there must be inspections after the project is completed. Mr. Tanner asked if these regulations should be a part of the Site Plan approvals. Mr. Clark said they would. He, also, said there are a number of issues in these regulations that would need legal input. Most of the sections in Article 6 would need this input. There was some discussion about performance bonds and the interest accrued on these bonds.

The property owners, under MS4 regulations, are required to keep records. The inspector must check these records as part of the MS4 inspections. Failure to keep records will result in legal action against the property owner. The Stormwater Mgmt. Officer will need to keep track of all the reports submitted under the MS4 regulations. The Village will also need to keep records on this reporting.

Mr. Clark suggested a form be generated to indicate to the property owner the violations connected with the MS4 reporting. Mr. Grogan said we should have a form with some sort of a check list on the form.

The Board, next, discussed the fines. Dr. Coulter suggested the fine should be a percentage of the assessed valuation of the project. A flat fee of \$350 may mean a lot to a single home builder but it would mean nothing to a developer like Toll Brothers.

Mr. Clark said that if the DEC comes and upon inspection finds the stormwater polluted in any way, the Village will be fined. Mr. Clark suggested the Board explore the issue of transferring the fine to the property owner causing the pollution. This issue would need to be discussed with Mr. Hayes. Mr. Clark believes the DEC does not want to issue fines because the project, then, has failed. The DEC wants the Village to get out there and make sure no pollution occurs. Then, the project will be a success.

Mr. Mersand said there is the construction of the project which the Building Dept. monitors and once the project is completed and C/Os issued then the maintenance stage starts. The DEC should also sign off on the completion of the project and if something happens down the road that would be a different issue.

The Meeting closed with the Secretary stating she will work on a date for the next meeting

Submitted by Mary Heubel, Planning Board Secretary.