

PLANNING BOARD MEETING  
CANAAN, NY 12029

APRIL 16, 2018

The meeting was called to order at 7:03pm. Chad Lindberg was absent. He was excused since the only applications on the agenda were represented by his company- Taconic Engineering.

Revised Site Plan for HJB Holdings for reconfiguration of the self storage facility at 30 Flints Crossing Road

Tonight this application is being represented by Samantha Cummings of Taconic Engineering.

Pierre said County Planning had reviewed this and sent a letter back. The County said there is no impact from this site plan so the Canaan Planning Board can go ahead and review/approve it. The letter has been added to the file.

MOTION TO APPROVE THE SITE PLAN SINCE THE COUNTY SAID THERE IS NO IMPACT AND THE SETBACK WAS SET AT 80 FEET AT OUR LAST MEETING- Pierre Gontier Second- Jens Braun

Roll call Chairman Pierre Gontier-yes

Marlene Tuczinski-yes

Jens Braun-yes

David Birch-yes

Jeff Sotek-yes

Mark DeSanctis-yes

adopted

A fee of \$75.00 was collected.

Site Plan for the Ortner pond at 47 Schillings Crossing Road

This is being represented by Samantha Cummings of Taconic Engineering.

Pierre advised the Board that this is a very small non flatland pond. Pierre said according to DEC regulations, it does not need to be regulated by them. Ms. Cummings said the plan is to construct a pond on the NW side of the property. There will be a spillway on the south end of the pond which will end in the current drainage ditch. The pond will release some of the storm water from the property and will disperse it into the ditch.

Pierre said he has no issues with this. He thinks if the DEC does not need to regulate it then the Planning Board has no involvement. Pierre stated this will need a Special Permit ( thru the ZBA) so therefore it will need an approved Site Plan. Since it will need a Site Plan, Pierre feels it should have 2 conditions:

1. No tree plantings on the berm ( roots could weaken the berm).
2. Due to the spillway, it must be kept free of debris.

Mark asked why this is not considered a dam and Pierre said it does not meet the criteria. Mark said the pond will raise the water level. Jeff said they are cutting into the earth to create a berm. The berm could be considered a dam.

Jeff said a flatland pond is like when you dig a hole for cattle to water. Mark said this has a berm and Pierre replied that it is not considered a dam because the water is not raised 15 feet and does not disperse 3 million gallons of water.

Jens asked if there is water running now and Ms. Cummings said no. She said this is meant to take away storm water. David said there were no Planning Board issues so the ZBA should handle it.

Mark said creating a berm means it is a dam. Pierre said DEC does not have to regulate this due to its size. Jeff and Mark are concerned about consistency; if others have to go thru the process then so does this( reference to a previous site plan for a pond in Red Rock).

According to the map and map notes-the berm is 11.7 feet, the top of the water level to the top of the berm is 1.5 feet and 116,000 gallons of water will be retained by the berm. Mark said the definition of a pond keeps the existing level as is and this pond does not. Pierre repeated there is no classification level by the DEC for this, so it is exempt from their regulations. Jeff said even if the DEC exempts is, it still should be designed properly.

Ms. Cummings said the majority of the pond is below existing grade. She also said what is being dug out is being used to make the berm. Pierre asked if the fill ( the berm) will be to specs. Ms. Cummings read aloud the notes on the map pertaining to berm/dam. These were newly submitted pages of the map ( now the cover page). She gave the Board 2 copies of this.

Pierre said the property is not in the wetlands. He also said no trees can be cut down due to bats unless it is during certain times of the year.

Pierre repeated the 2 conditions required for approval and will be written in the approval letter:

1. No plantings of trees on the berm
2. The spillway must be kept clear of debris

Pierre said he was concerned that the ZBA will want to add trees to the approved site plan. He said it is illegal for the ZBA to make **any** changes to an approved Site Plan. He said they have done that in the past and that is **not** allowed. He asked Ms. Cummings to tell the ZBA they cannot change any site plan. Pierre said trees can compromise the integrity of the berm. Ms. Cummings said the ZBA is to look at the file next week at their meeting for acceptance.

Pierre asked the Board if they were okay to approve this tonight. The front pages of the map with the dam notes has not been signed by the engineer. The Board, particularly Jeff and Mark said those notes are essential. The Board wants those front pages signed by the engineer. The Board could table this until next month to have those pages submitted or approval could be given tonight with the stipulation that Taconic Engineering submit new front pages with the dam notes ( details) and the Board approve tonight awaiting those new pages. The Board decided to approve tonight with the 2 conditions (previously stated) and await submission of those pages. The Board okayed Pierre to stamp and sign the maps outside the meeting to not hold up the approval process.

Ms. Cummings will bring those pages (maps) and a check for \$75.00 to the Town Hall. After receiving the pages, the Chairman will sign/stamp the maps and Ms. Cummings will receive her copies.

MOTION TO APPROVE THE MAPS WITH THE 2 CONDITIONS -David Birch  
Second- Marlene Tuczinski All in Favor

Roll call Chairman Pierre Gontier-yes  
Marlene Tuczinski-yes  
Jens Braun-yes

adopted  
David Birch-yes  
Jeff Sotek-yes  
Mark DeSanctis-yes

Review and approval of the January 15<sup>th</sup> minutes

These had to be tabled again since the vote needs Chad Lindberg to be present for a Planning Board Meeting April 16, 2018

voting quorum of those present at that meeting.

Review and approval of the February 19<sup>th</sup> minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier      Second-Jens Braun

Roll call Chairman Pierre Gontier-yes

Marlene Tuczinski- abstain	absent on 2/19/18
Jens Braun-yes	
David Birch-yes	
Jeff Sotek- abstain	absent on 2/19/18
Mark DeSanctis-yes	

adopted

Additional business

1. Pierre said the zoning law is now on the Town website.
2. Pierre said some language in the zoning law on ponds and other items needs to be worked on. He asked the Board members for input. Pierre said other Towns require an outside engineering firm to look at it which would be at the applicants expense.

Pierre thinks there will be more people wanting ponds. He would like to take non flatland ponds out of the definitions. The zoning on several issues needs to be clearer,

There was no more business before the Board.

MOTION TO ADJOURN-Pierre Gontier      Second- David Birch      All in Favor.

The meeting adjourned at 8:00pm.

Respectfully submitted,

Tammy C. Flaherty  
Planning Board Clerk

