

Chairman Larry Ruth called the Planning Board Worksession to order at 7:35 P.M. Members present were Gene Bavis, Elaine Leasure, Deborah Amsler, Karel Ambroz and Larry Ruth. Also present was Phil Williamson, Code Enforcement Officer.

Gene Bavis made a motion, seconded by Karel Ambroz, to approve the minutes of May 12, 2008 with one correction: (page 692. Next to last paragraph) "Amy" Chandler should be corrected to read "Francine" Chandler.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

1. Discussion of Shawn Haak of Boynton Road regarding plan to construct a pond on property located on Boynton Road. Property is zoned: RR-1.

Shawn Haak, owner of the property was present to discuss the pond project. Phil Williamson explained that originally Mr. Haak was planning on constructing the pond closer to the property line than the 100 feet setback required by Town Code. Mr. Haak has since decided to locate the pond beyond the 100 feet that complies with Town Code. Mr. Williamson explained that the next step would be to have the pond designed by a civil engineer and approved by our Town Engineer.

Shawn Haak stated that he had spoken with the DEC and they don't have any problems with the concept. Phil Williamson added that the pond could be approved administratively.

Karel Ambroz read from Town Code 180.44 E. Pond permit process:

"A residential, commercial or industrial property owner who wishes to construct any kind or type of pond on his, her or its property shall make application to the Planning Board for a special pond use permit on an application form to be provided by the Town and the Planning Board shall not grant a special pond use permit unless there is full compliance with this chapter."

Phil Williamson clarified, "There is nothing the Planning Board can do right now. Once the applicant's engineer and the Town Engineer have designed a pond that meets all the criteria, the applicant can at that time come before the Board and request their approval. Until then it is between the two engineers." Karel Ambroz responded, "What you are telling us is that once the town engineer approves it, it is a formality?" Phil Williamson responded, "yes".

Gene Bavis questioned, "Is this one of the items you are looking to clean up in the town ordinances? It seems to me, if all we need to do is rubber stamp the engineer, there isn't any point of coming before the Planning Board?"

Chairman Ruth questioned whether the pond permit process required advertising for a public hearing. Phil Williamson stated that there is not any specific reference in the Town Code regarding a public hearing for ponds, but said he would check with Town Attorney as to whether or not a public hearing is necessary. Chairman Ruth concurred that legal opinion should be sought.

Deb Amsler stated, "Are we taking this a bit too far? As long as we meet engineering standards and the pond is approved by the DEC it doesn't seem like we should hold up the applicant by making him go through the process of a public hearing". Chairman Ruth stated, "I think the Town Attorney will be able to clear up some of these concerns."

Phil Williamson stated that one of the main concerns would be what happens to the material that comes out of pond? How is that going to be taken care of? Mr. Williamson explained that these concerns are addressed as part of the engineering process. All ponds must conform to the requirements of the Department of Environmental Conservation.

Chairman Ruth stated that another concern is safety of the ponds. "We hear of young children wandering into ponds and drowning and then the questions arise. Who supervised this? Who checked to see what protection was around the pond? I think it is worth the effort to ask our attorney where we stand."

Chairman Ruth adjourned the meeting at 7:55 P.M.

