

Mr. Berman asked Mr. Dean to confirm his understanding that Mr. Dean is concerned that the stream is not currently covered and issues that arise can easily be seen and rectified but that with the proposed covering of the stream visibility and access would be limited.

Mr. Dean concurred. He further stated that some years ago there was a situation where the water dammed up and when it broke free the force of the water coming from the box culverts into the open stream caused damage to the existing stone wall. He stated that he is concerned about who will take responsibility to fix damage caused by these types of situations.

Mr. McManus stated that currently no one maintains the existing box culverts throughout the length of the stream. He stated that in working for the village on the Main Street sidewalk project he walled the box culverts and found them to be in good condition even though no regular maintenance has occurred. He explained that due to the dimensions of the box culverts the water velocity is increased as it exits into the open stream bed. Mr. McManus stated that DEC does not like to see box culverts installed as it not only disturbs the stream bed but also warms the water and increases the velocity of the water.

Dr. Sternberg asked why these things concern DEC.

Mr. McManus stated that they have an effect on wildlife. Mr. McManus stated that the proposed concrete slab will have grates which will allow access to the stream. He further stated that there will be a gap between the building and the slab which will also allow for inspection. He explained that they are not trying to bottleneck the stream.

Mr. Dean stated that he understands this but he wants to ensure that it is clear who is responsible for any event which may occur now or in the future.

Mr. Austin stated that the installation of the slab may protect the stone wall should an event similar to the past occur again as the slab would help keep the water directed in the steam bank.

Mr. McManus stated after another review of the site he determined that the Planning Board had been correct in their evaluation that there are three trees on the property which will need to be removed. He apologized and stated that he thought all the trees which required removal had been removed with the previous application. He continued to state that the property owner is willing to replant trees on this property or anywhere in the village and is open to suggestions as to where the placement should be.

Mr. Austin and Mr. Berman suggested that Mr. McManus should consult with the Tree Committee.

The board further discussed the capacity of the existing stream bed and any changes with the proposed work. The board reviewed the areas of Willow Brook currently routed through culverts, those locations and who would be responsible for each area, both private and public.

Dr. Sternberg stated that it is his understanding that each property owner would be responsible for whatever damage happened on their own property and should they feel it was caused by negligence of someone else they would have legal recourse against that person or property owner.

The board discussed the legal ramification of a property owner and if they could or should require a written agreement from a property owner.

Mr. Blabey stated that a great deal of case law probably covers these liability issues.

Dr. Sternberg stated that he does not feel that it is appropriate to require this type of legal agreement from one property owner. He stated that everyone should be subject to the same set of laws. He continued to state that the Trustees could amend the law if they believe that site plan review should include potential liability issues. Otherwise these issues should remain under the purview of existing case law.

Mr. Berman asked if there was any further public comment. There was no further comment/

Mr. Berman made a motion to close the public hearings for 1 Atwell Road and 124 Main Street at 5:02 PM. Dr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Regular Agenda

124 Main Street (McManus for BTP) – proposed parking plan requiring site plan review

Mr. Berman reviewed the site plan with the board and asked Mr. McManus if there was any lighting proposed.

Mr. McManus stated that the property owner has not made any decisions regarding lighting at this time. He explained that the original proposal included lighting under the portico. He continued to state that he does not propose any lighting at this time and would return to the board with a field change should lighting be added.

Mr. Austin pointed out that a decision on lighting would likely have to be made before the construction could proceed too far.

Mr. McManus stated that the driving force for the project at this time is to give NYSEG access to the transformer on the other side of Willow Brook.

Mr. Berman asked if any adjoining properties are located within a residential district.

Mr. Austin stated that there are properties which are zoned residential but are not currently residential in use. He stated that those include the Cooper Inn and Tillapaugh Funeral Home.

Mr. Berman stated that the law requires that properties zoned or legally used as residential need to be screened from a parking lot.

Mr. Austin reviewed the existing screening on the property. He stated that he is personally comfortable not requiring additional screening based on the proposed plan. He further stated that even if lights are added additional screening may not be necessary as long as the lighting is designed to not impede on the neighboring properties.

Mr. McManus asked if the lighting fixture design would need review by HPARB.

ability to complete the project, consultant fees, traffic studies, the required completion timeline, and, mobile homes. During their review the board revised various section of the draft.

Dr. Sternberg made a motion to recommend to the Board of Trustees the revised proposed PDD law with the understanding that the Planning Board takes no position on the inclusion of section 300-23 Mobile Homes. Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Meeting adjourned at 6:27 PM

Respectfully submitted,

Jennifer Truax
Deputy Clerk