

August 20, 2020

The regularly scheduled meeting of the Hartland Planning Board was held on the above date at the Hartland Town Hall 6:30 PM

Members of the Board present:

Beverly Snell, Merle Snell, Robert Spencer, Margaret Darroch, Robert Harris, Chairman, Attorney David Haylett

Others present: Donald & Lynn Cook

Public Meeting

Owner/Applicant: Donald Cook

Property Location: 2907 Carmen Road, Town of Hartland

Application: Special Use Permit and Site Plan Approval to allow for construction of a 62X116 foot pond on said property.

Chairman Robert Harris opened the meeting and read the public notice, as advertised.

Chairman Harris has received the information from Niagara County Soil and Water and was given the map with the area outlined where the pond is requested. A piece of that area falls within the DEC wetlands area. He inquired if Mr. Cook had contacted the DEC?

Mr. Cook has not contacted the DEC.

Chairman Harris explained that the DEC must give the ok to put the pond in that area. There are certain requirements to build a pond and the Army Corps of Engineers will need to be contacted, they will make the final decision for placement of the pond.

The Planning Board will hear the information tonight and then take a vote on the basis that the applicants obtain permission from the Army Corps of Engineers to dig.

The proposed pond is for fish and wildlife. Chairman Harris asked where the fill will go if permission is granted from the ACE? Since the property runs through the NYS wetlands, fill cannot be taken within 500' of the wetland boundary, otherwise it will need to be trucked away.

Mr. Cook stated that he will use a lot of the fill for his yard.

Chairman Harris noted that the request does not state wanting to use the fill for the yard. The Army Corps of Engineers will need to know about the fill and that the request should be updated to include this use.

Planning board member, Robert Spencer stated that the law states that the fill can be taken to another property in the Town of Hartland, however, the owner cannot charge for the fill.

With no one wishing to be heard, a **MOTION** was made by Robert Spencer, seconded by Margaret Darroch to close the Public Hearing at 6:40 p.m. Carried

Chairman Harris stated that the permit can be granted, contingent on getting permission from the DEC and that must be brought to the Zoning Officer, because of the wetlands.

The Planning Board determined that the proposed action will not result in any significant adverse environmental impacts, based on the supporting documentation, for SEQR purposes.

A **MOTION** was made by Robert Spencer, seconded by Margaret Darroch to approve the application for construction of a 62x116 pond, provided the Town receives the necessary permission from the Army Corps of Engineers. All in favor, Carried.

Granted approval for a Special Use Permit and Site Plan Approval, with the above provisions.

Motion to adjourn by Bob Spencer, **seconded** by Margaret Darroch, the meeting adjourned at 7:00 PM

Respectfully submitted,

Cynthia S. Boyler

Secretary