

Mercy Flight Continued:

squeegee out his garage before this subdivision was put in and it is his opinion that the developer should be made to fix the drainage issue before the Board approves any more of the sections.

Mr. Wagner stated that it is affecting other neighbor's properties also, that there was no swale, as proposed and the drainage is not working the way it was proposed and that it needed to be fixed.

Mr. Wagner stated that he did meet with the Town Engineer back in December and they walked the property at that time, he has pictures showing the drainage issues on his property (which he has supplied the Board before, Mr. Wagner again passed out the photos to the Board for their review), there was an agreement at that time that there was a drainage issue, elevation shots were taken and now they want to start all over again and take elevation shots, it needs to be fixed his property is now being damaged from the flooding. Again Mr. Wagner stated that the new section should not be allowed to move forward until the drainage issues are fixed.

John Frillici - 587 Manitou Road

-stated that his property seems to get everyone's water, that his pond use to be 2 to 3 feet lower in the summer, he is losing the banks on his pond, the outlet from the pond on the subdivisions property is only 41 feet from his property, all the water comes onto his property, he can not cut the ditch on his property because it is full of water year round, he use to be able to cut the ditch, he does not feel that outlet on the subdivisions property needs to be that close to his property line, that it should have been placed on the other side of the pond, there is a foot of water in the ditch at all times, he has tried to put straw bales out to fix the problem and he doesn't feel that he should have to do this, the ditch on Manitou Road has been full of water for the past 3 years, he can not walk next to the fence on his property because the yard is full of water and he should not have these drainage issues.

Chairman Ed Fuierer asked Mr. Frillici if he had any drainage issues prior to the subdivision. Mr. Frillici stated that he had none it has only been in the last four years since they started the subdivision.

Jim Quick - 557 Manitou Road

-stated that lot 1 of the subdivision is behind his house and slightly to the west, showed pictures of the home on lot 1 and stated that the down spouts from the home are pointed directly towards his property, that the property of lot 1 is 33 inches higher then his concrete pad on his property, that the drainage was never like this before, the road for the subdivision is higher then his property and that makes his property in a bowl, there was a berm proposed on the original plans and there is no berm on the property, he believes the original plans showed lot 1 to be 15 inches higher then his property and it is actually 33 inches.

Mr. LaRue stated that he is aware of the flooding that is going on in the area and he is trying to isolate the problem. Mr. LaRue presented to the Board a plan showing the contours of the surrounding properties and stated the property to the north is in a 100 year flood zone and has federal wetlands on the property, there is a lot of drainage going to that property, that he has been looking at the problem to see what is going on, he presented to the Board historical satellite photos to show that there has always been an issue with drainage on these properties. Mr. LaRue had pictures from 2003, 2004, 2006 and 2009. Mr. LaRue stated that 557 has always had a

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flooding problem, that the property originally had a large barn with no gutters and the drainage from that flowed toward 557. Mr. LaRue then reviewed with the Board each satellite photo and explained to the Board what he felt that the photos showed and concluded that the photos show that there are pre-existing factors in regards to the drainage issues.

Mr. Wagner stated that the prior barn was basically behind his garage, not where the home is now and he never said that he didn't have water issues before just that the water issues were not as bad as they are now and that prior to this subdivision being built he never had to squeegee his garage out.

Mr. LaRue stated that perhaps there maybe something else that maybe effecting the drainage, maybe there is a ditch plugged somewhere.

A discussion was held on where everyone thought the water was coming from. Mr. LaRue stated that they really needed to wait for a rain storm so that he can get a crew out there to survey where the water is coming from.

A discussion was held on the design of the ponds on the subdivision.

Mr. Wagner felt that there was an issue of the ethics of the developer, he has gutters from the new homes pointed toward their homes and the properties are higher then proposed. He is just looking to get the issue of the drainage resolved, so that his property does not sustain any further damage.

A lengthy discussion was held on the issues of the drainage, why the neighbors felt the construction of the subdivision was the reason for the issues, that the engineer wanted to wait for a rain storm to survey the properties and get an idea of where the water was coming from and if there were other factors leading to the additional water.

Mr. Wagner stated that he just wants the problem fixed.

Chairman Ed Fuierer stated that he would like to be present at the site when the engineer was doing the survey during the rain storm so that he can observe the issues.

A discussion was held again on the issue that the road and lots were higher then the neighbor's properties. Mr. LaRue again got out the topo map and stated that water comes from the north and south towards these properties naturally. Mr. LaRue also stated that the road is at minimum grade and that there was no room to lower the road.

A discussion was held on the slope of the subdivision property and what it was originally before they started to build and what it was now.

A discussion was held on the gutters of the new homes and if they were on splash blocks or not.

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A discussion was held on where the engineer thinks the water maybe coming from.

Mr. Wagner stated that the flooding occurs when it rains for 2 or 3 days not just a one day rain event. A discussion was held on the fact that the weather was suppose to change in the next week and when would be the best time to visit the site with the melting of the snow and expected rain.

Jack Barton asked if the SWPPP had been forward to the Town Engineer. Mr. LaRue stated that it had.

The neighbors again voiced their concerns and the issues that they are having on their properties since the subdivision was started. Mr. Frillici stated that he did not feel that the problem with his property was addressed or resolved, wanted to know what the answer was going to be.

Chairman Ed Fuierer again stated that until we have a rain event, the answer to the drainage problems can not be solved.

The Board members all asked to be advised when the developer's engineer was going to go to the site to do the survey during the rain event so that they could be there.

Chairman Ed Fuierer closed the public hearing.

Tod Ferguson asked if there were any letters from Monroe County Water Authority or Pure Waters stating that they were ready to sign the plans. Mr. LaRue stated he did not have any.

Chairman Ed Fuierer reviewed with the engineer that the Board requires all signatures be on the plans before they will entertain a motion for Final approval and with this application it will be a conditional approval because the Town Board needs to approve the letter of credit.

A discussion was held on when would be the best time to get the survey of the drainage issue completed.

A motion to table the application until such time that the plans are signed by all the required agencies was made by Rick Holden and seconded by Tim Harner. Motion carried unanimously 5-0.

MISCELLANEOUS

4618 Ridge Road West

Conceptual

Jack Barton stated that the SEQR for this application appears to be a type one action and the Board will have to make a determination on this. It will be a coordinated review if the Board determines it to be a type one action. If the Board does determine this, Mr. Barton will then send out the necessary notifications to the other agencies that the Board intends to be the lead agency.

A discussion was held on the SEQR determination for this site.

Miscellaneous Continued:

A motion was made by Bob Pelkey and seconded by Tod Ferguson to determine this application as a type one under SEQR and that the Board intends to be the lead agency on this application. Motion carried unanimously 5-0.

Chairman Ed Fuierer asked Jack Barton if there had been any decision made on what course of action needed to be taken on the King Subdivision and the issue of setbacks. Chairman Ed Fuierer gave his opinion of how he felt the Town Code reads. A discussion followed.

A motion was made by Tim Harner and seconded by Tod Ferguson to approve the minutes of the February 15, 2010 meeting as presented. Motion carried unanimously 5-0.

There being no further business, **a motion was made by Tod Ferguson and seconded by Bob Pelkey to end the meeting at 8:22 pm. Motion carried unanimously 5-0.**

Respectively submitted,

Maureen L. Werner
Recording Secretary