

**Planning Board Meeting
November 4, 2003**

Present

Chairman Robert Garlick
Carol Nellis-Ewell
Denny Marra
Ronald Muraco

Trustee Theodore Rauber
Donna Stassen, Secretary Planning Board
Building Inspector Jack Crooks

Others Present

Bernard Schmieder

Approval of Minutes:

Motion was made by Ronald Muraco seconded by Denny Marra and carried unanimously that the meeting minutes of October 7, 2003 be approved as read.

New Business:

Chairman Garlick stated that in front of the board this evening is the conceptual review for a single family dwelling on Prospect Street in the village.

Bernard Schmieder, P.E., L.S. will be representing Mr. Richard Tallman the owner of the property on Prospect Street this evening.

Mr. Schmieder: I am representing Mr. Tallman, the owner of this property who would like to develop and build his own house on this site.

This parcel was cut out of the Noble Drive subdivision, and the Deerborne Lane Estates was developed below, this land was a low creek area it was in a flood plain and flood way so it didn't get developed into lots. Actually it was entitled to the village at one point and then the village sold it, when they sold it they accepted the four little pieces off the north and added it to those lots.

Mr. Tallman recognizes the attractive lot and wants to build his house in the village. The only way this can be accomplished is to have a filing with FEMA to move the flood plain. On this site there is a flood plain and a flood way, you can not modify the flood way with a letter of map amendment but you can modify or fill in the flood plain with what is called a conditional letter of map amendment –F for fill. There is a procedure

that you have to follow to do that and part of that procedure is to have the municipality's Flood Plain Administrator sign a report stating that he has reviewed the documentation and agrees with the study. We have hired a consultant FRA Associates, which specializes in this kind of study to do this study and report in compliance with FEMA regulations to allow the applicant to fill in the north end of the lot and make it a buildable lot. Of course, it would have to be built up significantly because we want the basement floor to be built above the previous level.

Sewer and water would be accessed through the existing facilities in the right of way of Prospect Street; the rest of the facilities would not be a significant problem. Normally I would say this would be a fairly difficult site for an individual to take on, however Mr. Tallman's family is in that business they own Reddy Construction and have an excellent reputation. I have pointed this out to him that this would be a tough site, but he is confident that it can be done.

The deal here is to submit that paperwork to FEMA for the conditional letter of map amendment.

Chairman Garlick: Will this report be subject to review by the Village Engineer and FEMA?

Mr. Schmieder: The way I understand how the procedure will work is the Village of Spencerport will have to look at this report and also have their engineer review this report. After the engineers review Jack Crooks must be confident that it is correct, that the calculations are correct, then the paperwork is filled out and sent to FEMA. They actually do not do a review, they are going to rely on the municipality, and be confident that their findings are correct. That is the way I understand it to work. The reason we are going this way is because if we filed directly for a letter of map amendment, the review costs are just too exorbitant to do that. This route is much more reasonable.

Denny Marra: Is it just a calculation?

Mr. Schmieder: Yes, what it is doing is asking are you changing the water level, pre-development, post-development, there is a certain amount you are allowed to do I think it is a ½ foot. You can change the flood plain but the flood way can not be modified. The question becomes are we changing the elevation of the water either upstream or downstream with this project? The calculations show that we do not it is actually pretty well obstructed now. With the development the channel gets improved.

Chairman Garlick: I just did some rough measurements and it looks like a little over a ½ acre of actual fill will be within the flood zone

Denny Marra: I don't know about the logistics behind it but I do know a little about water. I do have a problem with it, if it is going to be filled in to that extent. Northrup Creek typically floods we have a problem with it now, the flow is from east to west when we have high water that water is going to have a quicker and more rapid flow towards the village if that is filled in. Without it being filled in it has sprawl to take care of itself, it won't really create any type of erosion flow except within the channel, but if that is filled in you are increasing the flow of that water because of the closeness now with the flood plain, not the flood way. All due respect to Mr. Tallman I don't think that it will be feasible.

If you increase the flow rate you are now going to have more erosion.

Jack Crooks: One of the questions that I would raise, is the existing gateway that exists on the western boundary that acts as a check damn; that will remain the same?

Mr. Schmeider: That is correct.

Jack Crooks: Than going back to your question Denny, with that control valve in place no matter how much water we back up to the east of this there is only so much water that will be able to precede into the village, so the rate that you are talking about is going to be the same. That really is your control mechanism right there, it acts like a faucet if you will if it is wide open no matter what you do the rate is going to be the same.

Chairman Garlick: Is the area that is going to be filled upstream of that structure?

Jack Crooks: Yes.

Chairman Garlick: OK, so basically you are taking some of the additional storage capacity from upstream of that structure and filling it in.

Mr. Schmieder: That is correct.

Jack Crooks: If there is an area of concern than probably it is going to be upstream because some of that bladder that currently existed will be taken up with fill. I am not as much concerned as I am with downstream because whatever amount of water you get if you fill it up in that flood plain area that was there originally you are still going to be above that control valve and go down. What I would be more concerned about is what is going to happen above this because we have taken away this expansion area and that was a concern that I expressed to the applicant early on.

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Chairman Garlick: After the engineers review of the report they may find that there is sufficient capacity upstream to take care of that.

Jack Crooks: That is correct primarily what this area did is help protect some of the upstream area. I have been told by the applicant that there is absolute minimal problem upstream; in fact the fall rate below this control level is so drastic, that we don't have the need for storage area upstream. What Denny points out is that the real problem is in the village and that is not impacted by this. That is improper sizing of piping and some of the other things that are going on in the village that hopefully someday will be corrected.

Ronald Muraco: Does this area in question generally fill up with water?

Mr. Schmieder: It used to be a mill pond, before it washed out years ago so as more of it is washed out it fills up less, you can walk right across it now.

Ronald Muraco: When we get a decent size rain does it fill up?

Mr. Schmieder: I think it takes a significant event, maybe a quick spring melt. The creek does have a significant capacity.

Trustee Rauber: When we had the last flooding in the village, the firm that we hired to do the study now has a pretty good handle on it. I think they would be able to look at that report, comprehend it and issue back to the board their thoughts.

Chairman Garlick: It sounds like the only way that FEMA is going to buy off on it is if it has been reviewed by our engineer.

Jack Crooks: They won't even look at it without doing so.

Jack Crooks: I would like to be able to get a ball-park figure to give to the applicant up front.

Discussion ensued in regards to changing the engineering fee policy now in place.

Chairman Garlick: This application is going to hinge on the review process of the Hydraulic Analysis Report, I think approached appropriately this could be a real nice looking lot.

Chairman Garlick: Is there anything of historical significance to the village on this lot?

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Trustee Rauber: No, it is just an old mill pond.

Mr. Schmeider: I think at one time the stone structure was probably an interesting thing but it is pretty well washed out now. There were some stone gates and spillways, but nothing much of that remains.

Chairman Garlick: There is nothing on the lot that is of a flood control apparatus.

Mr. Schmeider: The old berm that made the original mill pond, that's all.

Carol Nellis-Ewell: Will the resident be able to get insurance in a flood plain.

Mr. Schmeider: What you are actually getting from FEMA is a letter of map amendment, which means they changed the map than you are no longer in the flood plain. An insurance company may require flood insurance but under FEMA rules it wouldn't be a requirement.

Mr. Schmeider stated that his client would appreciate it if he could get a figure from MRB before going ahead and authorizing the review.

Secretary Donna Stassen will call Tom Pavone at MRB Engineering to make those arrangements and get back to Mr. Schmeider as soon as possible with a quote.

Unfinished Business

There is nothing requiring board action.

Correspondence Received

Copy of Business Owner/Operator Survey was distributed to the board.

Copy of Town of Henrietta Planning Board Application

A letter of recommendation from Thomas West was read aloud into the record stating that all drainage and final top coat of black top for the Ballard Ave Subdivision has been completed to the Village of Spencerport's satisfaction and recommends that the village take dedication of Canal Side Drive.

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Jack Crooks has asked that in the future the Planning Board at the time of approval place a condition on any application requesting a letter of credit. Such letter of credit must be posted with the Village Clerk prior to the signing of any sub-division maps.

Adjournment

Motion was made by Chairman Garlick seconded by Denny Marra and carried unanimously that the meeting be adjourned at 8:30 p.m.