

**PLANNING BOARD MEETING
FEBRUARY 3, 2004**

Present

Chairman Robert Garlick
Carol Nellis Ewell
Denny Marra
Ronald Muraco
Joseph Slominski
Jackie Sullivan

Absent

Others Present

Trustee Theodore Rauber
Donna Stassen, Secretary Planning Board
Attorney Keith O'Toole
Building Inspector Jack Crooks

Michelle Jenco
Chris Peer

8 Canalside Drive
19 Canalside Drive

New Business

Public Hearing

The application of William Puffer of 12 Canalside Drive, Spencerport, NY for the subdivision of lots 9 & 10 of the John C. Ballard Subdivision and site plan approval to construct a single family home on the vacant lot complete with water, gas, electric and sewer facilities.

Such area zoned R-2 Residential.

Chairman Garlick asked Mr. Puffer to briefly walk the board through his project.

Mr. Puffer: We have designed it to leave 20 feet between the new house and the existing house. The house is set back far enough to keep four cars off the street. That is the basic footprint. It will probably be a six (6) over (12) twelve roof, which is what the house across the street is also. It compares to other houses in the neighborhood.

Mr. Puffer pointed out that a swale will be placed between the two houses. There isn't any puddling like other houses across the street; it pitches enough toward the back. With the existing house I dug the gutters and put underground pipe in, I will probably do the same here. I don't believe this will create any problems for Judy (neighbor to east).

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Mr. Puffer: There are not any windows on that side of Judy's house so I will not be infringing on her.

Michelle Jenco: I live at 8 Canalside Drive, I moved in while they were building the four new houses so I didn't attend any of the meetings. I do not know if the construction of the new homes has helped or not. I do know that my side yard is saturated, and drainage is a big concern to us.

Chris Peer: I was told that the builder was never required to get a bond; therefore, the Village was left holding the pot, which has had a lot to do with the swale between lots 19 & 21 the village has come in and done some work on that, but more work still needs to be done.

I have no objections to the Puffers's building the house but what I am concerned about is that the village goes through the proper procedures. If the road needs repair etc. I don't want to have to go through the village and the builder to get things done. Somewhere along the line, the process was not followed through either by the village or the builder.

My understanding is that the village cannot clean out the swale behind Pelletier's house because NYS owns it this issue needs to be addressed.

Chris Peer: Are you familiar with what I am talking about, has the Planning Board done a walk through?

Chairman Garlick: At the time of our review we recommended that the Village Board should address the drainage issues in this area. My recollection was that Tom West would be contacting the Canal Corp.

Trustee Rauber: Trustee Steve Russell and Superintendent of Highways Tom West did a walk through back there and they did have some dialogue with the Canal Corp. It became a stalemate. There is some legality involved.

Denny Marra: This board has addressed this problem 3 or 4 times and nothing has been done. I feel like a fool in front of these 2 people because we have addressed this and still nothing has been done.

Chris Peer: Is this between 19 & 21?

Denny Marra: No, not between 19 & 21, this was because of the public hearing and the amount of people who came rightfully so to complain about the drainage. The property

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between 19 & 21 that was between the developer and the village. As far as I know, the builder built according to the plans that we approved.

Chairman Garlick: We have drifted away from what this meeting is about today, we are here to look at Mr. Puffer's lot. We have recommended to the Village Board to address the drainage issue, and apparently, this hasn't been done or it has been addressed with no satisfactory resolution. This board fully realizes that there is a drainage problem related to this area

Chris Peer: I don't want to get his water on my lot, Mr. Puffer came in front of the board and complained about the four houses going up, and the impact that would have on drainage. Now the four houses are up and we are throwing our hands up in the air and saying, there is a problem with drainage and now we want to add a fifth house.

Mr. Puffer: There is major construction work that needs to be done between 19 & 21 , Mr. Pelletier's back is a swamp. It puddles from Miss Schaller's to the underpass. In a heavy rain the water just rushes down the back. You need to drop the whole thing down 2 feet right from Pelletier's and the next house and clean the underpass to do it right, this would be major digging. There is enough pitch to cover those 3 houses.

Denny Marra: I don't have any objections to the house; I think it would fit the character of the neighborhood. Should the elevation in the back right hand corner be changed from 508 to 509? This would require a little fill that would ensure that all the water go to the back.

Jack Crooks: There is enough pitch. When I checked the grades out, there is enough room to cut a swale, because they can work with the existing property because Mr. Puffer owns both lots.

Jack Crooks: I don't want to go down this road any further, but I was out there with Tom West looking at the drainage in the back. I can't speak for Steve Russell, but there is tremendous resistance to go anywhere on state property, we don't have any jurisdiction there but that is where the problem is. If you could get in there and work, that goes away. It runs well to Schaller's property and than when you get down to the others, it is pretty flat.

Jack Crooks: In regards to the letter of credit on the road, that is not an issue on a single lot subdivision, this was a much different problem. I was asked to get involved by Tom West and see if I couldn't rectify the situation and I did. I was able to coax some money

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out of the developer that would handle the bids secured to black top the road, and the catch basin work between the two homes. If in fact that work doesn't stand up it will be our responsibility to make it right. We signed off on the project we took the money and took over control of finishing the project. I don't think that is an issue as far as Mr. Puffer is concerned but it may be an issue for the street in general.

Denny Marra: If the homeowners were to give a 10ft easement to the village to relocate the swale would that work?

Jack Crooks: If the homeowners were to give an easement to the village, we could move the swale to the south. However if you notice there is not a lot of room to work with. Would that cure the problem? Sure, it would than we would have control over it. The Puffer proposal will not impact it one way or the other.

Chairman Garlick asked Trustee Rauber to revisit the drainage issue and bring satisfaction to the homeowners.

Trustee Rauber: If I could put on my Village Board hat for a minute, you don't want to hear this but Kirkgate has drainage problems, Hawthorne has drainage problems, Ballard Ave has drainage problems, and if we go around and try to fix all the drainage problems in the village that is about all we are going to be doing. I will get together with the board tomorrow night and discuss the drainage issue.

Ronald Muraco: Is the builder free and clear of all liability for this project?

Jack Crooks: That is my understanding, the developer paid a certain dollar amount, to take care of the remaining grading issue, final top coating of the road, and catch basins.

Ronald Muraco: Did someone go back and check elevations to make sure they are what they are supposed to be.

Jack Crooks: Absolutely, that would be required for a C of O. The appropriate job was done getting water as far as they could go with the area that was within their control, once it gets on to state property, they no longer have control.

Ronald Muraco: As far as Mr. Puffers house, I am all in favor of it. I visited the property and Mr. Puffer showed me around, it is a fit with the neighborhood.

Joseph Slominski: I echo Ron's feelings in favor of project, we have gotten off track with the drainage issues here, but those issues still need addressing.

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Chairman Garlick reviewed the comments from the Village Engineer and Village Attorney. (file)

Chairman Garlick read into the record Superintendent Tom West's comments.

Tom West has requested nothing be placed in the right of way, including trees, bushes etc.

Furthermore, Tom West has asked for specifics of sump pump discharge to be shown on the drawings, where will the discharge go.

Superintendent Jack Linder has reviewed the plans he notes that the electric is ok as designed, this is an underground service location.

Jack Crooks also stated that he is looking for sump pump discharge shown on the drawings and if there is going to be a walkout basement the grading/elevations must be shown on the drawings.

Jack Crooks also stated that he is not in favor of a walkout basement.

Jack Crooks: For the record, I would like to comment that I am very much against an engineer submitting plans the night of a meeting, regardless of his intention. It is not fair to the board to view the plans and properly address any changes. I would suggest at the very least that the board table this application to give themselves ample time to review the new plans and the comments from the engineer and attorney.

Trustee Rauber questioned where Schultz Associate's came up with flow test data, it is not consistent with the numbers he is getting for pressure from the gauges he has. He questioned if the data is accurate.

Mr. Puffer stated that he has adequate water pressure.

At 7:55, the public hearing was closed.

After board discussion, the following resolution was offered.

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Resolution 2/4/04

Introduced by Chairman Garlick
Seconded by Ronald Muraco

Resolved that the application of William Puffer of 12 Canalside Drive, Spencerport, NY for the subdivision of lots 9 & 10 of the John C. Ballard Subdivision and site plan approval to construct a single family home on the vacant lot complete with water, gas, electric and sewer facilities be tabled until 3/2/2004.

The board has tabled such application to allow ample time to review all submitted correspondence and new drawings dated 2/3/04.

Ayes: Garlick, Nellis-Ewell, Marra, Slominski, Muraco
Nays: none

Denny Marra stated that he attended the Monroe County Planning Land Use 2 seminar. Denny commented that the speaker put on a great presentation and that he had learned a lot.

Approval of Minutes:

Motion made by Ronald Muraco seconded by Chairman Garlick and carried unanimously to accept the meeting minutes as read.

Correspondence:

Attorney Keith O'Toole has submitted the final draft of the proposed "Sign Law" to the Village Board, and the Planning Board for their review and comments.

Unfinished Business:

So noted, the Planning Board is still awaiting drawings for signage from Kravetz Realty for Village Woods Plaza as discussed at the January 6, 2004 board meeting.

Adjournment:

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously that the meeting be adjourned at 8:10 pm to enter into a workshop meeting.

