

**TOWN OF SWEDEN
Planning Board Minutes
December 8, 2014**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 8, 2014, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Matthew Minor, Craig McAllister, Wayne Rickman, David Strabel.

Absent: Arnie Monno.

Also present: James Oberst, MRB, Nat O. Lester, III, Planning Board Counsel, Brian Ingraham, Highway Superintendent, David Matt, Schultz Associates, Erin Holzschuh, Bob Roblaskas, Jack Demchock, Aimee Volpe.

The meeting was called to order at 7 p.m. by Chairman McAllister.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Rickman, that the minutes of November 24, 2014, be approved.

Mr. Hale asked about the reasoning behind adding the date of accept for review to resolutions. It was explained that for historical purposes, it puts the project in chronological order and the date the clock would start for projects. The wording can be revised, simplified.

Ayes – 4
Abstain - Mr. Hale
Abstain – Chairman McAllister

Moved by Mr. Strabel, seconded by Mr. Monno, that the regular meeting be adjourned to the public hearing.

Ayes – 6

Chairman McAllister read the notice of public hearing and affidavit of publication.

Holzschuh Subdivision and Site Plan. Covell Road. 114.01-1-25.112.

Mr. Dave Matt addressed the Board. He explained the applicant is proposing to build a house on just under 10 acres. The perc tests indicated an in ground septic system would work, but the soil was packed and the neighbor properties have modified raised septic systems so that was the better choice. The well is the required 100 ft. away from the septic system. The house will be located on the southeast side of the property. The applicant would like to retain as many of the beautiful trees possible. Twenty years ago, the land was farmed.

Mr. Matt has received the Town comments pertaining to drainage. In response, Mr. Matt modified the plans to show the proposed drainage pushed west, way in the back, where there is a pond, intercepting the drainage to the neighbor to the east by one third.

Jack Demchock, 1370 Covell Road – Mr. Demchock owns the property to the east and has drainage concerns due to existing basement flooding, and flooding on the neighbor's property, Aimee Volpe, 1352 Covell Road. He asked what the Town's requirements are from the slope to the house; it looks like one to six.

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Mr. Strabel stated it appears the proposed house is raised to get gravity drainage from the house to the septic system. Also, a swale is shown to push the drainage off the slope, part toward the road and part toward the back.

Mr. Demchock's comments were from the original drawing, not the revised one, which is what he saw first. The revised drainage goes all around the house and back out to the road, but there is flooding across the street where the water doesn't pass through. From his culvert on his driveway, the drainage backs up east to west, and the sump pump exits to the road ditch.

Mr. Strabel confirmed with the Town Engineer that his comments were from the original plan as well, not the revised one. Mr. Oberst noted the drainage has been modified a lot so that the water is not dumping onto Mr. Demchock's property. Mr. Demchock stated water still exits at the front of the property where it ponds up. Mr. Strabel wondered if the culvert was blocked. Mr. Demchock stated it is a higher elevation across the road so the water ponds up in his front yard, the lowest point. Also, he is concerned about the snow removal from the proposed driveway causing additional flooding.

Mr. Matt explained that currently the natural drainage flows from the east to the west. The plan design takes the drainage from the west and pushes it back, leaving only from the driveway over as additional drainage. Mr. Demchock doesn't agree.

Mr. Strabel asked if the property has been farmed. Mr. Demchock stated no. Mr. Strabel asked how substantial the existing stone wall is. Mr. Demchock stated not very, it doesn't go all the way to the road.

Mr. Demchock asked if there was a retention pond proposed. Mr. Matt stated not a retention pond, but a fill pond way in the back to help bring fill in around the house, similar to when Mr. Demchock built his house. Mr. Demchock's pond is bone dry until the spring, and then it is overflows into the yard. Mr. Matt added the land by itself is so flat, that it would be hard to push additional water to the back. The proposed design reduces the drainage by one-third.

Chairman McAllister stated that the Town does not allow any more drainage than currently exists with a proposed development.

Aimee Volpe, 1352 Covell Road – Mrs. Volpe explained that over the past 14 years, she has had two crocs and three sump pumps, which during the spring they run nonstop. The water overflows the first croc into the other one. Her yard and Mr. Demchock's yard become one in the spring with all the water that backs up onto their properties. She had four insurance claims for a flooded basement and Allstate Insurance dropped her.

Mr. Demchock asked where the proposed sump pump will drain to. Mr. Matt stated the design map shows it draining to the road. There's no culvert under the driveway at 1390 Covell Road, Mr. Hazen's property.

Mr. Demchock asked if the Town would install larger culverts to help with the additional drainage. The Highway Superintendent stated no. Mr. Ingraham stated from the driveway (breaking point), the drainage heads west to a cross-culvert by 1390 Covell Road. From there it crosses the road to the south and meanders south. From the driveway to the east, it goes through the front yard of 1070 Covell Road, crosses the road and heads south, under the road to a cross-culvert where the land is much higher than the cross-culvert.

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Mr. Demchock asked if an easement could be obtained to clean out the ditch from the neighbor across the road where the elevation is much higher. Would the easement be done prior to this project's approval? Mr. Strabel added that first a map needs to be done showing what the existing grades are taken from the GIS System. Chairman McAllister added that offsite work aside from this development wouldn't need to be done prior to approval of the proposed development.

Mr. Demchock and Mrs. Volpe asked what recourse is there if the development is approved and the flooding is worse. Chairman McAllister stated the design of the proposed development is not going to have more impact to the nearby properties.

Mr. Strabel stated there are two issues on the table: if the proposed development will negatively impact the neighbor, and how, if any, can the Town help with the current flooding in that area. Would an easement help to move drainage away from this area? Maybe Mr. Demchock could approach the neighbor? Mrs. Volpe asked if the Town could do a study for one season. Chairman McAllister stated a study could be done, but not at the expense of the Town. Mr. Strabel stated before a study is done, the GIS maps/grading should be looked at to see if, just in case, there may be some lower spots or a natural ditch that would help without impacting another property owner down the road.

The Town Engineer recommended that mapping be looked at first before a study is done and take some survey shots of the area. Planning Board Counsel stated that the neighbors are free to hire their own engineer to do a study at any time. Chairman McAllister added let's wait and see what the Town Engineer and others can find out first.

Mr. Demchock asked if there was any chance of putting a culvert pipe under the road in front of the proposed development. Mr. Ingraham stated no.

Mr. Matt revised the plan with a berm at the end of the rock wall to the road to prevent water from draining to Mr. Demchock's property. It was asked if the elevation of the house could be reduced. Mr. Matt stated no, the elevation of the house is tied to the leachfield, which can't be put in the ground.

Mr. Demchock asked if most of the trees, which soak up water, are being taken out for the development. Mr. Matt stated only the trees needed to construct the house/driveway. The site was picked because of all the trees.

Mrs. Volpe asked why the house is so close to the road when their houses are 200 ft. back. Mr. Matt stated because that's how far back, 120 ft., the applicants wanted the house.

What if the Town Engineer finds there's nothing the Town can do to help. Chairman McAllister stated during the review of the project, all issues will be addressed.

The Clerk stated all comments have been received based on the original design. The County comments are standard ones.

Mrs. Volpe stated that she isn't opposed to the development of the property, but doesn't want it to impact her property.

Mr. Matt stated there is no intention to take down the trees along the hedgerow.

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Mr. Strabel asked who the current owner of the property is. The Clerk stated she contacted Mr. Holzschuh and he stated Ms. Elia Dallicardillo. The offer is contingent upon getting approval. Planning Board Counsel asked that a letter be submitted from Ms. Dallicardillo granting permission to Mr. Holzschuh to seek approval from the Planning Board. Mr. Matt will provide a letter or copy of contract.

Chairman McAllister asked if there were any more questions, comments or concerns. Mr. Demchock stated that he would wait to hear from the Town Engineer and others, however, he wondered if the plan would be approved prior to a study being done. Chairman McAllister stated a study could be done now since there currently is an existing drainage problem. Planning Board Counsel stated that the Chairman's advice to hold off has nothing to do with the Holzschuh application pending before the Board right now. It is more the Board's attempt to give Mr. Demchock some advice on how to handle his flooding concerns.

Mr. Strabel stated the Town Engineer needs to look at the updated drawing and GIS maps before the Board grants final approval. Mr. Hale stated the Board may not make current conditions any better, but the Board won't make them worse. Mr. Demchock asked if all the water could be pushed to the back. Mr. Matt stated it would still push water to the back of Mr. Demchock's property unless a dam was built, which would leave water sitting along the property line. The amount coming off is minimal when the calculations are done. Mr. Demchock stated the back of his property does not get wet. Mr. Matt stated because when you are at the top of the hill, the water drains to the front.

There were no further questions.

Moved by Mr. Strabel, seconded by Mr. Dollard, to adjourn the public hearing to the regular meeting.

Ayes – 6

Galvano Subdivision & Site Plan. 6150 Lake Road. 114.01-1-48.

Mr. David Matt addressed the Board. He stated a letter proving the ownership of the property was submitted. Mr. Hale stated he doesn't believe it is a letter regarding the ownership of the property, but a letter granting approval for the construction of the house.

Per the Planning Board Counsel, the deed is in the name of Rochester Christian Church Inc. and the Rochester Church Ministries is granting permission to the Planning Board to review the plan. The corporate owner should be on the right letterhead identifying the applicant, Jeremy Galvano, as having permission to seek Planning Board approval.

Mr. Dollard requested that the applicant should be the same as the deed, Rochester Christian Church Inc. Also, the executive secretary's name should be printed on the letter so that it is clear who is signing the letter.

Mr. Matt submitted the SWPPP to the Town Engineer for review at the meeting. He added that both applications have been submitted to DOH. The DOH is ready to sign off on the plans.

Discussion of the Galvano application will continue at the January 2015 meeting.

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Holzschuh Subdivision and Site Plan. Covell Road. 114.01-1-25.112.

Chairman McAllister continued review of this application. The Town Engineer and Mr. Windus, Storm Water Manager, should review the updated drawing again and submit comments.

Mr. Oberst requested the calculations for drainage be provided to him for review based on the public's interest. Mr. Matt will submit them tomorrow.

The Board continued to look at the revised plans. Mr. Minor asked which direction the water goes at the road. Mr. Matt clarified that the driveway is at a break in the road and the water drains both to the east and the west and goes under the road through a culvert and heads south. The drainage that goes to the east travels 2,100 ft. south to the nearest tributary on a private land owner's property. In 1994, there was a defined swale that went from Covell Road to the base of Root Road, where wetlands are located.

Chairman McAllister stated all comments have been reviewed to date, waiting on DOH's approval and the final review of the SWPPP by the Town Engineer. Drainage concerns were reviewed and a revised plan submitted. Additional comments are forthcoming for the next meeting.

The meeting was adjourned on motion at 8:20 p.m.

Planning Board Clerk