

Special meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, July 27, 2017 at 7:00pm.

PRESENT: Chair Charles Switzer, Vice Chair Kevin McCarthy, Member Patricia Baker, Member Ronald Staub, Member Lyle Stirk, CEO David Miller, Clerk Katie Brown

EXCUSED:

ABSENT:

ALSO PRESENT: JP Schepp, Scott Harter, Adam Tellier, Joan Hamlin, Chris Hamlin, Annie Crane, Josh Stirk, Bob Muesebeck

CALL TO ORDER: Chair Switzer called the meeting to order and led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve minutes.

➔ Member Staub moved, Member Baker seconded, unanimously carried to approve the minutes of July 10, 2017 as written.

OLD BUSINESS APPLICATIONS:

1. Name: Adam Tellier/Scott Harter
Address: McCormick Lane, Rear aka Havenwood Phase 3
Tax Map#: 069.10-5-8.211
Zoning: Residential
Parcel Size: 700 x 600
Prop. Class: 311- residential vacant land
Purpose: Extension of previous approval for site plan

Presentation/discussion:

Scott Harter, project engineer, advised the Board that since the last meeting the site plans have been updated to address the requests of the Village Engineer and more detail was added to submit to Monroe County and other agencies. In 2006/2007 during implementation of Phase 2, the stormwater agreement was updated to reflect the current regulations at that time. The notice of intent for such is still open and regulations have not changed since that time.

Chair Switzer mentioned the referral response letter from Monroe County DRC dated July 7, 2017 which discusses potential floodplain boundary and national wetland concerns. Mr. Harter said that those issues were mentioned during the original referral to Monroe County (early 2000s) which resulted in a wetland delineation that is outlined in the engineer's report (prepared July 2001, revised February 2002). All the items were addressed and permitted. The project is not proposing to impact any wetlands in Phase 3 or Phase 4. Phase 3 comes within 10-15' of the pond outlet. During original project planning, the developers elected to conduct their own floodplain study of the area, as FEMA had not conducted a study of the village at that time. FEMA has since released a floodplain study, which coincides with the Havenwood study with the exception of one small area, which they wish to reconcile before starting Phase 4. Mr. Harter believes the study conducted for Havenwood is more in depth than FEMA's study.

Member Staub commented on a letter from the Army Corp of Engineers dated January 9, 2002 that is contained within the engineer's report. The letter mentions that approximately .09 acres are federal wetlands and grants permission for the subdivision's development. However, the letter states that the approval is good for 5 years, after which a new wetland delineation will be required if the work is not completed. Mr. Harter advised that the work that pertained to the wetlands in the original delineation has been completed. Member Staub reiterated that the letter states a new delineation is required if the project is not completed. Mr. Harter offered to contact the Army Corp of Engineers to find out if new approvals are required. CEO Miller and the Board felt it would be wise to do so. John Paul Schepp agreed, though he would be surprised if anything changed.

Member Staub noted that monuments are not shown on the plans, despite the plans calling for them. He added that monumentation was also recommended by Monroe County and they should be set by a licensed surveyor, not the contractor. The plans should be signed by Monroe County Land Surveyor, Gregory Bly.

Member Staub asked where the downspouts are to drain. CEO Miller said they drain into the yards, as that is Monroe County's preference for stormwater. Sump pumps drain to the storm sewer. Member Staub discussed the pad grade of Lots 36, 37, 38 with Mr. Harter to ensure proper drainage. Member Staub, Mr. Harter, and Mr. Schepp discussed the contours around the retention pond and the way the water will discharge into the pond.

Member Staub inquired about an earthwork balance. Mr. Harter said an earthwork balance could not be achieved and there will be a surplus of earth because of the ponds. Member Staub noted that the plans state a minimum of 4" of topsoil with an estimated 8" on site prior to development. Member Staub thinks more topsoil should be left onsite, as he doesn't agree with developers removing it and selling it.

MINUTES OF PLANNING BOARD MEETING OF July 10, 2017

Mr. Harter explained that the surplus is too great to agree with planned street elevations, homes on the west, and the canal that abuts to the south.

Member Staub noted, according to Village Code, there should be a pond maintenance agreement to determine who maintains the pond after the developer has completed the project. Such an agreement needs to be filed with Monroe County Clerk's Office. Mr. Harter said the project was originally approved with planned dedication of drainage easements that encompass the pond to the Village of Brockport.

Mr. Schepp advised that normal practice in residential developments is for the village to maintain drainage facilities, as residential neighborhoods are not equipped to maintain drainage and retention ponds. In commercial developments or in cases where there is a homeowners association (HOA), it is commonplace to sign a maintenance agreement.

CEO Miller noted that the Brockport Department of Public Works has no agreement on record to maintain the retention ponds. A similar matter was just addressed with Sunflower Landing which showed the dedication of drainage easements to the Village specifically did not include the retention pond. Mr. Schepp stated that Sunflower Landing has an HOA to handle the pond maintenance.

Mr. Harter noted the original plans, approved and signed by village representatives, identify a stormwater drainage easement dedicated to the village.

Member Baker stated that, in reviewing documentation from the original approval, it seemed an HOA was planned and inquired if that is still the case. Bob Muesebeck discussed how the lots in Phase 1 and Phase 2 have been converted to "condo status" with an HOA. Mr. Schepp and the Board questioned the status of Phase 3, as the plat map shows lots, not condo units. After discussion, it was concluded that at this time Phase 3 is being developed as single lots and does not currently have an HOA because it has not yet been granted condo status. Mr. Staub reiterated that a maintenance agreement is needed regardless.

There was discussion regarding drainage easements and the retention ponds. CEO Miller believes that drainage easement dedication does not include retention ponds unless specified. AJ Tellier noted that the pond is not part of the land Chromium Development purchased. The Board also questioned who will own and maintain the planned open space, which was used as the reasoning to keep the lot sizes smaller.

Member Staub questioned if certain phases of the project will be condos and others single family homes. He asked how the maintenance of the developments would be differentiated. Mr. Muesebeck said it is possible to have an HOA in a development of single family homes, however the plan is to have the entire development converted to condo status. Mr. Harter believes the plan is to complete Phase 3 & 4 and then bring them into the HOA the same way Phase 1 & 2 were done. Mr. Muesebeck added that a company called Evergreen is maintaining the open space currently and they are funded by the Phase 1 & 2 HOA.

Chair Switzer asked about canal access within the development. Mr. Harter said the original plan showed a walkway around the last pond that connects to the canal trail. Chair Switzer noted the hill to the canal bank is steep and would prefer a gradual incline be installed over stairs. Mr. Tellier noted that the area that accesses the canal is owned by NYS Canal Corporation, so their approval is required. He added that the project has excess earth they can use to reduce the severity of the incline to the canal bank. Canal access is planned in Phase 4.

Mr. Schepp said that the engineering issues are in good shape aside from the issues brought up this evening. CEO Miller mentioned that he spoke with the fire department about the connection sizes on the fire hydrants. The fire department is requesting 4" storz connections on the hydrants instead of hex caps. 2.5" connections on the sides are ok.

Chair Switzer summarized that the expectation of the Board is that the applicants will contact the Army Corp of Engineers regarding the expiration on the wetland delineation, the monuments will be set, and a maintenance agreement will be reached regarding the retention ponds.

UPCOMING MEETINGS/DEADLINES:

- Monday, August 14, 2017, 7pm; application materials due by Noon, Monday, July 31.

ADJOURNMENT:

- ➔ Member Staub moved, Member Stirk seconded, unanimously carried that the meeting be adjourned at 7:29pm.

Katie Brown, Clerk