

In the absence of Chairman Larry Ruth, Gene Bavis called the Planning Board Worksession to order at 7:37 P.M. Members present were Gene Bavis, Elaine Leasure, Deborah Amsler (arrived 7:41 P.M. after minutes were approved) and Karel Ambroz. Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Elaine Leasure made a motion, seconded by Karel Ambroz, to approve the minutes of March 10, 2008 as written.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Absent
	Deborah Amsler	Absent
	Karel Ambroz	Aye

Motion carried.

1. Discussion of Steven Azzano for a 9-Lot Subdivision for property located at 5185 Lincoln Road, south of Haley Road. Property is zoned: RR-1.

Steve Azzano, owner of the property, Newton Gowdy, L.S. and Joseph Pullen, P.E. were present to discuss the application.

Carl Hewings, Town Engineer spoke regarding the status of the application. It was explained that on March 21, 2007 the Planning Board reviewed a concept plan for a 2-lot subdivision. At that time, questions arose regarding what would be done with the rest of the property and Mr. Azzano indicated that he had no defined plan at that time, but envisioned a maximum of 8 lots beyond the one he was breaking out. May 14, 2007 the Planning Board approved the 2-lot subdivision. The future lots were dashed on the plan for a total of 11 lots. The Board recommended coming back for a concept plan review on the future lots. Carl Hewings indicated that although there were discussions about various configurations at several meetings, it was not clear to him that any consensus was actually reached by the Planning Board in regard to the concept approval. Mr. Hewings told Mr. Gowdy that he would be more than willing to review the latest map, entitled Phase II Survey and Subdivision Plan for Steve Azzano, revised February 26, 2008.

Phil Williamson asked Mr. Gowdy to clarify the numbering of the lots on the Phase II subdivision map? Newton Gowdy explained that Phase II is a 9-lot subdivision and 8-lot site plan. Gene Bavis questioned why the other lot in Phase III is not part of this subdivision (Phase II)? Carl Hewings said that the engineering was incomplete and the perk tests were not conducted before the weather turned bad. The site plan for the final lot (Phase III) will be completed at a later date.

Carl Hewings brought to the attention of the Board the erosion control measures that are now being mandated by the State DEC. It was explained that Local Law 2 – Stormwater Management and Erosion and Sediment Control (MS4) outline the responsibilities that the Town and applicant must take to deal with these issues. The Town of Walworth is a MS4 Community. It was explained that in the past, the State was responsible for inspections and enforcement of Stormwater Management, but the State now has passed this responsibility onto the individual Towns that are classified as part of MS4.

Joseph Pullen, P.E. presented an overview of the Stormwater Prevention Plan. He explained that the site is unique in that the property drains in six separate directions, making the use of a central detention pond impractical and too expensive. The plan calls for the use of approximately two-dozen rain gardens scattered throughout the subdivision that would facilitate drainage. Pictures of two typical rain gardens were shown to the Planning Board. Mr. Pullen explained that a rain garden is basically a sand filter. The water comes into a depression in the ground. Each rain garden in this particular subdivision would be approximately 22 ft. by 11 ft. The water would be allowed to pond about 3" in that area and soak into a sandy loam material 12" in depth and then into a 9" depth stone-filled area which would collect the water and discharge it through a perforated pipe.

Gene Bavis questioned if there would be one rain garden per property? Mr. Pullen said that each house would have one rain garden, but there would also be a rain garden every 100 ft. along the roadway. Elaine Leasure questioned who would maintain the rain gardens along the roadway? Mr. Pullen responded that they would be maintained by whoever owned the property along the road. The Board was shown a drainage map of the subdivision.

Karel Ambroz questioned, "What kind of annual maintenance is required?" Mr. Pullen responded that it is basically weeding. After many years, the sand would need to be replaced, much like a septic system. Gene Bavis voiced a concern that most of the public have never heard of a rain garden and have no idea about how they should be maintained. Mr. Bavis stated that there must be guidelines as to what plants need to be planted and other maintenance issues. He also pointed out the importance of educating individuals as to what is expected, especially as

homeownership changes. Carl Hewings concurred and said, "This is part of the future of New York State and other states".

Gene Bavis asked, "Are we convinced that the rain garden system is most appropriate in this particular case?" Carl Hewings responded, "I have seen it work before, but I'm interested in seeing the proposal that the applicant has for maintenance. If they are not maintained the Town is ultimately responsible". Mr. Pullen stated, "This is a simple way to deal with the drainage issue and recommended by the DEC. Other approaches would be too costly and impractical for the developer to implement."

Karel Ambroz asked, "Do you have a Plan B?" Mr. Pullen stated, "No, I don't. Any Plan B, C, D, or E will be more expensive for the developer and not practical for the site."

Carl Hewings stated that he had spoken with the Paula Smith of the DEC and the concern was how the Town would address the issue of the maintenance of the rain gardens. Mr. Hewings stated that since the Town would be responsible with the inspection and enforcement of the maintenance of the facilities, it would be necessary for the Town to draw up a maintenance agreement and letter of credit between the Town and Mr. Azzano.

Gene Bavis questioned who would be responsible for the maintenance? Would it be a Homeowner's Association? Joseph Pullen stated that he would like to see that the individual owner of each lot would be responsible for the facilities (rain gardens) on their own property. Mr. Hewings stated that even if the individual homeowners were responsible, there would still need to be something in place to draw on in case the facilities are not maintained and the Town has to come in and maintain them. Mr. Hewings stated, "The reason I bring this up, is that although this is a novel approach for water treatment, a couple of dozen facilities to maintain, enforce and administer is a fair amount of work".

Phil Williamson stated several concerns. "Would the bonding issue fall within the Planning Board or Town Board arena? Secondly, if there is a letter of credit who would set this up? Thirdly, and most importantly, what vehicles are in force in Town Law to enforce maintenance?" Mr. Williamson stated that that he knows firsthand how difficult it can be to enforce laws, such as the junk car law. The Planning Board concurred that they would like further input from the Town Attorney and the Town Board to get some more direction. Carl Hewings stated that within couple of week the MS4 Committee (Norm Druschel, Carl Hewings, Patricia Marini and Suzi Mance) will meet to come up with a proposal to present to the Town Board to address all these issues in regard to implementation and enforcement.

Elaine Leasure questioned the driveway placement. Mr. Azzano stated that Lots 4 and 5 each had their own driveway. Lots 6, 7 & 11 are served by the first common drive and Lots 8, 9 & 10 are served by the second common drive.

2. Discussion of Conrad Russell in regards to sight distance at property located at 1879 Sherburne Road. Property is zoned: R

Conrad Russell, owner of the property addressed the Board regarding his previous application for a two-lot subdivision. Mr. Russell presented to the Board a map that he personally had drawn. It was explained that Newt Gowdy of Lyons prepared the original subdivision map that is in the Planning Board file.

Conrad Russell presented a chronological history of what has transpired thus far in regard to his application. He explained that when he initially was considering subdividing his property Norm Druschel visited the property and "stood in his driveway and brought up his one concern which was sight distance." Mr. Russell further commented, "Norm said, it wasn't his decision, but the decision of the Planning Board whether there was adequate sight distance."

Mr. Russell stated that prior to the formal application, he came before the Board at an initial worksession and he could not recall any discussion regarding sight distance issues at his driveway. He pointed out this was one of the issues he wanted clarified before proceeding further with the expense of hiring Newt Gowdy. At that time he was also looking for input from the Board regarding the merits of hooking up to the town sewer, as opposed to installation of a septic system. Mr. Russell stated, "I came before the Planning Board because I wanted to find out exactly what I should do."

Mr. Russell spoke at length about his concern in regard to the sight distance issue. He indicated that he decided to pursue a lowering of the speed limit on Sherburne Road because of what he and his neighbors perceived as an unsafe condition due to increased traffic in and out of the Town Complex and the safety of the many children who participate in the various recreation programs. A petition signed by all but two of the neighbors had been forwarded to the state requesting the lowering of the speed limit.

Mr. Russell went on to say that according DOT guidelines the sight distance at his driveway falls a few feet short of the state requirement at the current speed limit of 45 mph. At the June 11th Planning Board meeting the suggestion was made that there may be a possibility of raising the elevation of the driveway to achieve the required sight distance. Mr. Russell said, "That will never work; the driveway is pitched coming away from the road so the water does not go into the road. Raising the driveway to achieve a few feet makes the situation worse, by increasing water flow and possibly sliding into the road in the wintertime".

Mr. Russell said that he had met with both Ernie Deets and Dave Gering at the DOT and was frustrated by the process he had to go through with the DOT and the Town in regard to reducing the speed limit, especially in light of the fact that he had gathered signatures and proceeded through the proper channels with the Town Board and the State. "They are telling me on one hand that it is unsafe to go out that entrance to the highway...I have been going out that driveway for five years without incident and to my knowledge there has never been a problem that I could find after researching it. I don't want to build there anymore, but I do want to follow through with this subdivision. The system is what I am really upset with."

Gene Bavis stated, "Obviously the Planning Board does not have any control about the decisions made by the State."

Karel Ambroz asked, "What is the question to Board?" At this point Mr. Russell voiced further displeasure with the system and his belief that the sight distance issue was holding up his subdivision. Phil Williamson reminded Mr. Russell that he received subdivision approval from the Planning Board for the two-lot subdivision, but the site plan could not be approved until further engineering work was completed. Phil Williamson asked Mr. Russell if he had ever filed the approved subdivision plan at the County Clerk's office. Mr. Russell said no he did not file the map. Mr. Russell also stated he had released Newt Gowdy and wasn't using him anymore.

Phil Williamson read from the Zoning Chapter 180.43.2 Driveway Design Requirements. He also read from the Subdivision of Land; Site Plan Review Chapter 151.345E which read:

- E. Driveways. Design and location of driveways shall be in accordance with applicable requirements of the NYSDOT Policy and Standards for Entrances to State Highways. These standards shall also apply to the driveways entering on County and Town Roads.

Carl Hewings told the Board that he had also discussed the issued with the DOT at the request of Conrad Russell and read an e-mail that he had sent to Phil Williamson:

"I received a message from Dave Gehring of the DOT regarding the status of Mr. Russell application to the Town as it related to a separate request for speed limit reduction. I pulled the file, called Mr. Gehring back and essentially told him the status as noted in the Planning Board meeting minutes. Mr. Russell submitted an application for a two-lot subdivision and a site plan approval. Our response to the submittal was that the application needed more information to evaluate the plan; topography, soil info for septic and additional data related to the plat submittal requirements in the code. At the Planning Board hearing Mr. Russell removed his request for site plan approval. A discussion ensued about a note on the applicant's plan dealing with sight distance, existing distance being short of that required. Both the applicant's design professional (Mr. Gowdy) and myself indicated that more information was needed for that evaluation. The Planning Board then approved the applicant's two-lot subdivision. Maybe we should have Mr. Russell at the workshop to discuss this further. I don't think that the deficient sight distance of 5 feet+/- is necessarily a project stopper for him. There is wiggle room in the recommendation for the sight distance that can be looked at, but there needs to be topography and a profile evaluation done in order to define the real existing condition. That is what we said at Planning Board hearing last June."

Conrad Russell responded, "I'm going to have to spend all that money, to go out there and get more engineering done." He indicated he wasn't even sure that it would make any difference.

Carl Hewings stated, "I will not stamp a plan that will approve deficient sight distance, unless we are able to take a look at it with topography. I can't tell you anything else. That is the only way I can do it."

Phil Williamson again reminded Mr. Russell that he did indeed have approval from the Board for his two-lot subdivision, but would need to comply with the request of the Planning Board for more engineering information in order to proceed forward with the site plan.

Gene Bavis adjourned the meeting at 9:50 P.M.

