

Chairman Larry Ruth called the meeting to order at 7:40 P.M. Members present were Chairman Larry Ruth, Gene Bavis, Deborah Amsler and Peter Schillaci. Elaine Leasure was absent.

Peter Schillaci made a motion, seconded by Gene Bavis to dispense of the formal reading of the Legal Notice. Motion carried.

Motion by Peter Schillaci approving the minutes of April 19, 2006 as presented. Seconded by Deborah Amsler.

Roll Vote:	Larry Ruth	Aye
	Gene Bavis	Nay
	Deborah Amsler	Aye
	Peter Schillaci	Aye
	Elaine Leasure	Absent

Motion Carried.

1. Application of Prinzpal Homes, Inc. for preliminary subdivision & site plan approval for a 58-lot subdivision to be known as Phase 5 & 6 of the Rolford Heights subdivision located south of Route 441 and north of Gananda Parkway. Property is zoned R. (Public hearing)

Chairman Ruth welcomed the approximately 60 current residents of Rolford Heights who were present for the public hearing. Chairman Ruth began by introducing Larry Heininger of HBMA. He explained the history of the land with the joining on the Roland and Ford farms, and that Phases 1 – 4 have been completed. Plans for Phase 5 (looping) & Phase 6 (Cul-de-Sac) are underway. Original plans were shown to the public. Mr. Heininger explained that one thing that had changed since the original plans almost 20 years ago was the water tower elevation. A flow test study was done that determined the water pressure. This study showed that plans needed to be altered to provide adequate water flow / pressure to all homes.

Larry Heininger presented a color-coded overview of the proposed areas to be developed in Phases 5 & 6, including those areas to be dedicated to the Town of Walworth as open space. At this point, Mr. Heininger addressed the issues received from the current residents of Rolford Heights in a letter dated May 2, 2006. The following concerns, questions and objection concerning Phases 5 & 6 were:

- Decrease in already low water pressure
- Possibility of tax increase to maintain open space associated with a cluster home development
- Maintaining current level of home values
- Maintaining a consistent appearance of homes and lots in the neighborhood
- Drainage issues
- Financial burden on current residents for additional water lines
- Increased traffic
- Privacy issue

Paul Russell, Town Engineer responded to the above concerns in a memo distributed to those present.

The main points of the memo were:

- Low water pressure: The proposed project will add new water mains to connect to the ends of the existing mains (thereby eliminating the existing dead end lines) to be constructed by the developer. These new mains will enforce the existing system providing greater hydraulic capacity and reliability for the entire system.
- Tax increase due to green space (open space): In order to assure existing residents that costs associated with the new green space are not borne by the the new home owners, the Town Board passed a resolution establishing a Parks District including only the new section of Rolford Heights with the dedicated purpose of funding operation and maintenance of the green space.

- Maintaining value of current homes: The town required that homes in that area provide the same minimum square footage as required for the existing homes. The new homes will be of comparable value.
- Maintain consistent appearance of homes in neighborhood: The Town has no rules in this regard, so this information must come from the developer.
- Drainage issues: The plan for drainage for the new sections has been carefully thought out, as it must conform to the recently adopted NYS erosion control regulations. The Town is insisting that the erosion control measures be in place before the major earthwork is undertaken for this project. Further, the Town has insisted on redundant systems to prevent erosion problems from impacting existing homes and properties adjacent to the project.
- Financial burden on current residents for additional water lines: As with every other development in Walworth, the water lines are constructed at the Developer's expense. He is responsible to complete the water, sanitary sewer, storm sewer, grading, erosion control and street facilities all at his own expense and to the Town Standards before homes can be built.
- Increased traffic: There will be some increase in traffic in areas of the Development. The traffic studies and environmental evaluations were completed for the initial Rolford Heights project based on a full development of the project.
- Privacy issues: The green space separating current homes from the new areas will help in mitigating this concern. The Town will require planting of seedlings in the green spaces that will help in years to come.
- Road access to existing areas: The new streets are part of the original plan. The new street locations are readily visible and were there before existing homes were constructed. The new streets will have slope entering the intersections, but Town standards require a relatively flat staging area just ahead of the intersection to allow vehicles to slow down before reaching the intersection.

Larry Heininger made several key points addressing the same issues:

- Water supply and pressure: Elevation of the house pads is critical to providing sufficient water pressure.
- Drainage issues: Safeguards are in place to minimize erosion and drainage.
- Tax increase: There will not be a tax increase for the existing homes.
- Maintaining value of homes: All new homes will be of equal or greater in value to the current homes.
- Consistent appearance of homes: The proposed homes will be similar in appearance and style of the current homes; mainly colonials and capes.
- Increased traffic: Zoning Code would allow for 64 homes in the subdivision, but 58 homes is a reasonable number for the design of Phases 5 and 6 to accomplish all objectives.
- Privacy issues: The cluster design is more sensitive to the privacy issue.

Chairman Ruth read a letter from Susie Jacobs, Town Clerk, dated April 27, 2006 that stated the on April 20, 2006, the Town Board did approve with the cluster development design presented for Phases 5 & 6 in Rolford Heights. This approval is based on the conditions as follows:

1. The open space, approximately 12.24 acres, will be set up as a special district for the houses in Phase 5 & 6.
2. The lots in Phases 5 & 6 will meet the design specifications of 4 trees per half acres to be planted.

Chairman Ruth opened the public hearing.

Tracy Froio - 3530 View Pointe Drive

Ms. Froio is not interested in stopping the project from proceeding, but making sure that "everything is done right". Ms. Froio stated that a petition listing concerns and objections previously discussed has been signed by 82% of the current residents of Rolford Heights.

Ms. Froio stated that the water pressure is so low that her family isn't able to even run a lawn sprinkler. There is a major concern that if there were a fire in the neighborhood, would the water pressure be adequate to put it out?

How will the Town address drainage issues due to grading? Many current residents have had to spend thousands of dollars to correct drainage issues; such as installing sump pumps, grading, trenches, french drains, drywells, etc. Residents are concerned that the situation will become worse with Phases 5 and 6 and question how the Town will respond to resident's concerns.

The increase of traffic in the neighborhood and the safety of the children is a primary concern. Would the town install speed bumps? What can the builder do to maintain privacy? The new houses are going to "look right in our backyards". Not sure that the four trees per half acres will provide much privacy.

Ms. Froio wanted assurance from the Town that erosion control measures will be mandated by the Town to insure that the developer is held accountable.

Chairman Ruth stated that the Planning Board is very aware of the drainage problems. The Planning Board will insist that the grading and seeding will be done and that the developer must prove that the drainage works before the construction of homes begins.

Paul Russell explained that the cluster concept with green space serves as a buffer minimizing the area exposed during the construction period. All erosion control measures must be completed before roadway and utilities are installed.

Mr. Russell stated that one of the safeguards is a redundant system. In addition to storm sewers, a collection swale downhill of the houses will collect any water and convey the water to the storm water management program. Mr. Russell further stated that storm water management today, which is governed by state and federal regulations, is much more stringent than in the past. The Town is working in cooperation with Mr. Heininger to develop a plan that exceeds recommendations.

Larry Heininger explained in detail the rational formula used to calculate the run-off coefficient. It was explained that the run-off coefficient of a parking lot is 90%, an average subdivision is 40% and woods is 15-20%. With open space of 13 acres in Phases 5 & 6, approximately 1/3 of the land has the lowest run-off coefficient.

Larry Heininger explained that the Developer would plan to move dirt for Phase 5 late this year, seed it for a season before any roadwork begins.

Larry Heininger also explained that the Town holds a letter of credit from the developer. The Town can use the Developer's money to do any work that needs to be done.

Ericca Caccamise – 3535 View Pointe Drive

Ericca Caccamise stated that when they built their home in 1998 (Phase 4) they were told that sump pumps would not be necessary and they have since found out differently. Also, the drainage issues not only impact Rolford Heights residents, but others as well. Several years ago she was threatened with a lawsuit from residents behind them on Farmview Drive because of flooding damage on their neighbor's property. She would like assurance from the Town that no future residents, who have not altered their property, would be put in a position of being fearful of a lawsuit based on the Developer's actions.

Ms. Caccamise also spoke of dissatisfaction with the grading of her property and wanted to emphasize to the Board that what is promised by the Developer is not always the final product.

Ms. Caccamise also had concerns with the ponds and the possibility of young children straying into those areas. Larry Heininger explained that the ponds are shallow with an area of cattails leading to the deeper area in the middle.

Ms. Caccamise questioned the static pressure figure of 60 psi. Where did that number come from, as testing they had done indicated a water pressure of 45 psi. Larry Heininger stated that Martin Aman of the Wayne County Water & Sewer Authority did

hydrant flow tests on May 5, 2005. Mr. Heininger read from a letter from the Wayne County Water & Sewer Authority dated Dec, 6, 2005 that read in part:

“On behalf of Mr. Martin Aman, Executive Director of W.C.W.S.A., thank you for your communication and submittal of Preliminary Plans for the Rolford Heights Subdivision in the Town of Walworth. After review of the Preliminary “Utility/Water Plans and the calculations for 710 pressure zone all aspects appear to be within the New York State Department of Health’s requirements and the Wayne County Water and Sewer Authority’s Design Standards. We look forward to the submittal of the “mylars” for final approvals on this project.”

Ms. Caccamise questioned how long the letter of credit funds are held? Paul Russell explained that the money is in the bank and the Town Board releases the money as the work is satisfactorily completed, minus 10% that is retained. The reserve is held in place until at least a year after the completion of the total project. Ms. Caccamise questioned if the public would be aware of when money is released. Mr. Russell responded that it would be part of a public Town Board meeting.

Ms. Caccamise questioned what recourse a current resident would have if a drainage problem or flooded basement occurs as a result of the new project, where none previously existed. Paul Russell responded that it would be the obligation of the Developer, mandated by the Town, to correct the problem. There is money in the letter of credit to assure that this would be accomplished.

Whose responsibility is it to keep the roadways free of dirt during the construction process? Paul Russell responded it is the responsibility and expense of the Developer to clean up the roadways each day. The Town does not get involved until the road is dedicated to the Town. In response to the concerns about work hours, Paul Russell responded that the Town does not mandate the work hours. The Town Board would need to seek legal counsel to pass an ordinance in regard to noise and construction times.

Jack LaStrange – 3559 View Pointe Drive

Jack LaStrange questioned the minimum square footage of the proposed homes. Norm Druschel stated that minimum zoning requirements are 1250 square feet with 1-1/2 car garage for a ranch and 1300 square feet with 2-1/2 car garage for a colonial. Norm Druschel stated that most the proposed homes would be at least 1700 square feet, many of them larger.

Mr. LaStrange expressed concern about steep driveways. Mr. Heininger said that the maximum grade would be 5% and drainage from the hill would be intercepted at the new road and conducted to the storm water management pond.

Mr. LaStrange stated that he was concerned about drainage. Chairman Ruth repeated that all grading, seeding and all erosion control measures would be installed and tested prior to construction of the new road. Gene Bavis further stated the storm water management laws are more stringent than in earlier phases.

Mr. LaStrange questioned what recourse there would be if a problem arose and if the Town or the Developer should be contacted? Larry Ruth stated that the first step would be to contact the Town, who would in turn contact the Developer.

Paul Russell explained the green space and how it will help erosion. Precautions are being taken in Phases 5 and 6 that should mitigate many of the erosion problems of previous phases. Chairman Ruth stated that every measure is being taken so that the construction in Phase 5 and 6 does not add to or compound any existing problems. Although some current problems may be corrected, Chairman Ruth wanted to clarify that all the struggles of previous phases would not be addressed.

Does the drainage calculation factor in topography? Larry Heininger answered that slope is taken into account and explained in some detail the SCS-TR20 method to calculate drainage. Calculations will be on file with the Town.

Sharon Higginbotham – 3563 View Pointe Drive

Sharon Higginbotham stated that she lives at the dead end T and questioned if the T would be removed. Larry Heininger answered “yes” and explained how the new road would be connected. She expressed concern that the hill will erode into her property. Larry Heininger stated that he would look at the grading plan of the property.

Ms. Higginbotham questioned that timeline for the project and whether there would be another public hearing. Chairman Ruth explained that there would be another public hearing for the final approval of the Phase 5 and 6, but once the project is approved the Planning Board is no longer involved. Once construction begins, each phase is supervised to the Town Engineer and all concerns should be brought to the attention of the Town. The Town Board would intervene if a major problem arose during construction.

Tim Myers - 3563 View Pointe Drive

Tim Myers stated that flow tests should be done at peak demand times. If the flow tests are done during the day while everyone is at work, this is not at a peak time. Any time that three or four neighbors are using the lawn sprinkler at the same time, he is unable to do laundry. Larry Heininger explained that he would have Marty Aman do another flow test at the peak time.

Mike Jacobs – 3366 Heatherbrook Drive

Mike Jacobs stated that the petition should be filed with Susie Jacobs, Town Clerk to make it official.

Mr. Jacobs stated that the Parkview green space area is an eyesore and stated that the Developer indicated that the area was to be farmed, but that has not happened and is now overgrown. The suggestion was made that perhaps the developer would want to make a “good faith” effort to clean up and beautify the area.

Mike Jacobs questioned whether there would be a barrier erected around the ponds and stated that residents should insist upon a barrier or fence if it was a major concern.

Mr. Jacobs questioned whether a water pressure gauge could be installed in the homes. Paul Russell responded that it has not been done in the past, but such a gauge could be installed in future homes.

Mr. Jacobs encouraged anyone to contact Robert Plant, Town Supervisor with any further concerns.

Bill Hoehne – 3519 Scenic Way

Mr. Hoehne was concerned about the current drainage on his property. Larry Heininger said that he would evaluate. Are there any plans for additional plantings to minimize erosion? Larry Heininger explained that a planting plan would be implemented. Pete Schillaci questioned if the soil type would be taken into account? Larry Heininger responded that the County Soil Department makes recommendations on what type of species is most suitable for various soil types and he incorporates the suggestions into the plan.

Mr. Hoehne questioned if there would be any type of barrier during the construction process. Mr. Heininger stated that silt fences would be in place based on regulations required.

John Weiss – 3538 West Walworth Road

Mr. Weiss expressed concern about the 24” diameter storm sewer pipe that goes under West Walworth Road. At the point where the 24” pipe reduces to 12”, the water often overflows. Mr. Weiss questioned whether the construction would increase water flow and whether the present storm sewer would be adequate? Would the Town be able to do something about this? Larry Heininger stated that he would evaluate the situation. He further stated that it appears that the 12” pipe may be undersized and the

Department of Public Works may have to remove the pipe. Paul Russell will also investigate the situation.

Katie McGuire – 417 High Field Drive

Katie McGuire questioned if the proposed measures will correct existing problems with previous phases. Larry Heininger responded that there would be no more run-off than happens today and more than likely there will be less run-off. "Will we come into your backyard and regrade?" The answer is "no".

Ms. McGuire stated that they built their home in 1994 (Phase 3) and the swale dumps into their yard. Recently an egress into the basement was installed. Because of the poor drainage and water in the basement, it was necessary to have \$4,000 worth of drainage work done to the backyard to partially correct the problem.

Ms. McGuire questioned whether drainage experts have been consulted? Larry Heininger stated that he would consider himself an expert in the drainage and hydraulics field and stated his credentials.

Ms. McGuire stated that she would like to see a bond that would cover new homes as well as existing homes. Discussion ensued in regard to the letter of credit and how the funds are released. Paul Russell stated that if during the project the Developer causes a problem, the Town would take measures to see that it is corrected at the expense of the Developer. If that fails, the money from the letter of credit could be used to correct the problem. Gene Bavis stated that there is always a balance of the rights of the Developer and the rights of the Homeowner and this can be a delicate balance. Chairman Ruth mentioned that there is a burden of proof required which may involve legal counsel. It was further stated that the Planning Board does not have the jurisdiction to involve itself in legal issues.

Sarah Hansen of 361 Highfield Drive spoke out from the audience and stated that she currently her basement is dry, and questioned how she can create a baseline if problems arise during Phases 5 and 6 so that she would have some proof that it was caused by the excavation work. Larry Ruth stated that taking pictures, getting statements from neighbors and having a professional inspection done would be good ideas, but at some point an attorney would need to be involved.

Ms. McGuire questioned how the public would obtain copies of the Town Building Code? They are available in the Town office and also on the Town website. The state and federal regulations are on the DEC website and are quite extensive.

The question was raised regarding the impact to wildlife and the concern that once the project begins the wildlife would be driven out. Chairman Ruth stated that the construction would certainly disturb the wildlife to some extent. Gene Bavis stated that the fact there is open space would lessen the impact. The State Environmental Quality Review Act (SEQR) process was explained.

Ms. McGuire questioned the number of trees per ½-acre and whether four trees per ½-acre would be adequate. Paul Russell explained that the Town Board mandated four trees per ½-acre, but additional trees would be planted. Gene Bavis explained that a landscaping plan would need to be submitted and approved by the Planning Board.

Rob Williamson – 3526 View Pointe Drive

Rob Williamson questioned what would happen if the Developer declared bankruptcy? Paul Russell responded that an irrevocable letter of credit ensures that the developer's money is in the bank and can only be drawn down by the Town Board. Phil Williamson clarified that what the Town of Walworth requires is a "letter of credit", not a "bond" that requires a prolonged legal process. Larry Ruth further explained that the process of requiring a letter of credit is typical for any larger developments and not unique in this case.

Discussion ensued regarding the protection to the homeowner that the letter of credit assures. Paul Russell explained that the letter of credit covers the value of facilities to

be constructed a part of the project; including erosion control, trees, storm sewers, sanitary and other infrastructure.

Phil Williamson made two points in regard to comments previously expressed. First, the Town does not have any zoning laws in regard to construction noise, or enforcing hours of work for construction. Secondly, in regard to builder's follow-up, the Town does not have authority to enforce these matters; it would be a civil matter.

Eric Hufziger – Highfield Drive

Eric Hufziger also was concerned about drainage on his property. He also requested clarification on two quotes in the April issued of the Wayne County Mail.

- Replacing the 3/8-inch in-house plumbing in the current homes in Rolford Heights with larger 3/4-inch plumbing to improve water pressure. Larry Heininger clarified that this is the responsibility of the homeowner, since the 3/8-inch plumbing met code at the time it was installed.
- In response to the quote by Councilman Thomas Yale, "Homeowners will contribute to a fund for things like tree removal and trimming weeds in the open spaces through their taxes..." Larry Heininger stated that the 58 homes in Phases 5 and 6, not the residents of existing homes, would pay this.

Todd Leugemors – 3555 View Pointe Drive

Mr. Leugemors questioned if there was any timeline for the Phase 5 and 6? Larry Heininger stated that Phase 5 could start as early as the Summer and Fall 2006. Mr. Heininger spoke of divide the project into Phase 5A and 5B. Gene Bavis stated that this would need to be discussed further and be specified as part of the final subdivision approval. The total project anticipated completion date is 2009.

Jack LaStrange – 3559 View Pointe Drive

Jack LaStrange questioned Larry Heininger again about the static pressure of the current homes. A lengthy discussion ensued in regard the NYS Plumbing Code and the calculations used to determine water pressure.

Katie McGuire – 417 Highfield Drive

Katie McGuire thanked Larry Heininger and the Planning Board for addressing all the concerns of the residents and providing in-depth answers to the questions. The suggestion was made for all the residents to keep in contact as developments occur with the project, perhaps through a community website.

Ray Dorsheid – 370 Highfield Drive

Ray Dorsheid stated that he had concerns in regard to noise and construction times and the disruption to families in the neighborhood.

John Baug – 3504 Scenic Way

John Baug stated that he also had concerns about water pressure and drainage on his property. He expressed concern that it takes time for the trees to establish a root system that will control erosion. Gene Bavis stated that during the construction phase, silt fences are required and State guidelines are strict in regard to erosion control.

Mike Horning – 3546 Scenic Way

Mr. Horning questioned whether there could be a temporary access onto Route 441 for construction vehicles. Larry Ruth responded that it would be unlikely that the Department of Transportation would open a temporary access road for such a short period of time.

There were no further questions.

Gene Bavis made a motion, seconded by Peter Schillaci to close the public hearing.

Roll Vote:	Larry Ruth	Aye
	Gene Bavis	Aye
	Deborah Amsler	Aye
	Peter Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

Gene Bavis made a motion seconded by Deb Amsler to grant preliminary subdivision and site plan approval for a 58-lots to be known as Phase 5 & 6 of Rolford Heights.

Roll Vote:	Larry Ruth	Aye
	Gene Bavis	Aye
	Deborah Amsler	Aye
	Peter Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

Gene Bavis made a motion, seconded by Pete Schillaci to adjourn.

Motion Carried.

Meeting adjourned at 11:00 P.M.

Gail Rutkowski
Clerk