

TOWN OF KENDALL  
PLANNING BOARD MEETING  
TUESDAY, SEPTEMBER 25, 2012 – 7:00 P.M.

Chairman Gray called the meeting to order at 7:04 p.m.

Attendance: Chairman Gray - present  
Jeff Conte - present  
Phil D'Agostino - present  
Joyce Henry - present  
Bruce Newell - present

Also present: Supervisor Gaesser, Town Board liaison Schuth, Code Enforcer Hennekey, Dave Wegman, John Wegman, Matt Tomlinson, Mark Tyrien and Mike Schaffron, Ty Whitehair, Recording Secretary Bakutis.

**UPDATE ON COTTAGES AT TROUTBURG PROJECT:**

Mike Schaffron and Mark Tyrien from LaBella Associates had submitted a document to the PB at the 9/11/2012 workshop outlining their review and concerns of the revised August 1, 2012 site plans.

Dave Wegman presented the board with the Marathon Engineering response to the LaBella review. Matt Tomlinson outlined documentation being submitted.

- 1) Marathon Engineering 10 page report.

The report included SEQR, Roads, Water, Sanitary, Drainage, Erosion Control, Lighting, Pedestrian Circulation, Parking, Postal Service, and Phasing.

- 2) Correspondence from MCWA:

An e-mail from John Hodretz - outlining the three outstanding comments before plans can be signed off.

E-mail from Heidi Young, Engineer who works with John Hodretz - review of project indicates that the water authority requirements have been satisfied.

An e-mail saying that the modeling was reviewed by MCWA engineers, Chris King and Paul Myer. The water authority customers downstream and upstream based on modeling submitted will not be negatively affected by project.

- 3) Last e-mail regarding flow test undertaken by the Morton Fire Company. Testing was done at 150 psi. They indicated that the tests for both pressure and flow were acceptable.

4) A copy of NYS Law section 7327-2011 which relates to adding the Town of Kendall to the towns served by the Monroe County Water Authority, that effectively included all of the Town of Kendall within the Monroe County Water Authority's benefit area, which eliminates, subject to an agreement between Wegman Group and the Town, the requirement that the district be extended.

5) Additional documentation submitted:

A plan of typical light fixtures that would be used as needed.

Submittal of a computer-generated layout showing a fire truck traveling through typical intersections and the cul-de-sac to demonstrate that road widths and turning radii are adequate.

An updated planting and buffering plan

Revised set of plans

Due to the fact that the document package was submitted late yesterday, the Planning Board, Town Board and LaBella Associates have not had a chance to review the documents and a detailed review could not be undertaken at this time.

Supervisor Gaesser remarks:

The NYS Law section 7327-2011 has no effect on this project. Currently and since 2006 we have leased all of the water districts except one to the Monroe County Water Authority. This enabling legislation just enacts a different part of the current agreement. We have six water districts and they have boundaries. The two north parcels in the Wegman project are in the district and the two parcels to the south are out-of-district, so when they are talking about changing the district we have to change the boundary line of that district or set them up as a separate district. Mike Schaffron elaborated, saying typically the DEC would not allow any users of the water system to be outside the water district benefit area. Without knowledge of the NYS law, and what is typical, a district extension would normally be made. He believes that a district extension would then give the town the ability to assess levy and collect money from property owners in the district for the benefits received. Supervisor Gaesser stated that they are not property owners, just dwelling owners and private users. Matt Tomlinson stated that when he spoke with Todd Ferguson, who is the head of engineering at the water authority, he pointed out this law. This law adds the Town of Kendall to the water authority benefit area and Kendall is now treated like Brighton, Greece, Hilton, where the district is only the mechanism to collect or levy charges if there is a debt mode still associated with that. Todd Ferguson's interpretation of the law is that if an agreement can be reached because the connections to the dedicated system for the private system are currently within the district there could be some agreement between the developer and the town without extending the district because the entire town now is in the benefit area. So there is no need for a DEC water supply permit any longer, because the entire town is located in the water authority benefit area at this time. Town Board member David Schuth thinks the water usage in the Town of Kendall falls below the DEC requirement to be permitted.

Mike Schaffron feels this should be reviewed in greater detail. Mike Schaffron indicated it would be a good idea to address the issue of how to assess levy and collect money with the attorney for the Town. There are two service connections with multiple payments. Supervisor Gaesser's concern is that some private users would be outside the Water District 5 district boundary.

Supervisor Gaesser remarks on Heidi Young's e-mails:

There was a long list of comments in June and a few others in September. Other than minor plan revisions the requirements have been satisfied. Matt Tomlinson said he hadn't included Marathon's response in the updates, but they had addressed all comments and sent them to John Hodgson. There are three remaining comments for the connection point downstream and the need to check with Orleans County Health Department with regard to the sampling taps. Everything else has been addressed.

Supervisor Gaesser said two weeks ago his comment was that he felt strongly that the Planning Board, Town Board and especially Code Enforcement needed to see the detailed engineering of the hydraulics. There is still a concern regarding fire flow. In one of Heidi Young's e-mails she wrote that the authority would need a waiver, in writing, from the Town of Kendall, stating that the Town is satisfied with 500 gallons per minute fire flow rate. Matt Tomlinson said the e-mail from the insurance company, with ISO rates, has been submitted to her, including the Morton Fire Department deck flow rates. The ISO NFF is not intended to be a design criteria if you can demonstrate that there is adequate fire flow protection provided. Mike Schaffron asked Matt Tomlinson if he could provide a letter to the water authority stating that 500 gallons per minute is adequate. Matt said, "yes, if that is deemed acceptable by the Town Board." He thinks that he has demonstrated there is adequate fire protection.

It was concluded that it would be beneficial to get all parties together in resolving flow rates, fire flow needs, and impact on upstream and downstream customers. It was recommended that the Water Authority, Town Engineer (LaBella), Wegman Group and Engineer (Marathon), Morton Fire Company, Town Board and Planning Board be at meeting. Chairman Gray to co-ordinate.

Chairman Gray asked Matt Tomlinson, "During the fighting of a fire, what is required to maintain the upstream and downstream, is there some minimal level that has to be maintained?" Matt Tomlinson said 20 psi during a fire flow event would be the residual pressure that would be required to be maintained. Anything less than that could cause damage to pumps of firefighting equipment.

Chairman Gray asked about the sanitary treatment system. The plans describe a 20,000 gallon underground equalization tank. Matt Tomlinson said that is where all the sewer lines come together and are then pumped into the treatment plant. Discussions continued on the mechanics and operation of the system to determine if odors would be discharged into the air. Craig Jackson from the DEC has contacted other users of this system as part of his review.

Mike Schaffron asked the Wegman Group to clarify its response regarding the emergency powered generator. The Wegman Group indicated it would be a 20 kilowatt generator to provide backup power for the waste treatment plant.

Discussions took place on the sewage treatment plant - its purpose, location and size.

#### **OPEN PUBLIC PARTICIPATION:**

Ty Whitehair questioned flow rating concerns. Mike Schaffron addressed his concerns.

#### **TOWN BOARD REMARKS:**

Dave Schuth indicated that a letter dated March 6<sup>th</sup> from the Special Counsel included the Town Board's Negative Declaration of SEQR for the WPDD Local Law #1, and contained a review of the LWRP. This could be a valuable reference document for the Planning Board for its own consistency review. Dave will e-mail a copy to Chairman Gray.

Deadline for submittal of budgets to Supervisor was last Thursday.

Joette Knapp has resigned as Historian. She was presented with plaque at TB meeting. Joette is looking for ways to restore the Chapel at Beechwood Cemetery. This could be a good opportunity for the Scouts. Also discussed was homecoming week for Kendall High School, St. Mark's Farmers Market and the Mason's BBQ chicken fund raiser.

#### **CEO REPORT:**

Code Enforcement Officer Hennekey said Bill Anderson would like the Planning Board to review his Special Use Permit application for a home business. His new home is nearly complete. The Planning Board will put that issue on its agenda for October 23, 2012.

#### **CPB REPORT:**

Discussion of training opportunities for PB members and the possibility of the County Planning Board changing its meeting policy.

#### **APPROVAL OF MINUTES:**

Phil D'Agostino made a motion to accept minutes of the August 28, 2012 meeting, as corrected. Seconded by Joyce Henry. All in favor.

#### **NEXT MEETING DATES:**

Jeff motioned to set meeting dates of October 9 and October 11, 2012 both at 7:00 p.m. for special meetings for final site plan review of Wegman Project. Motion seconded by Bruce Newell. All in favor.

**ADJOURNMENT:** Joyce Henry motioned to adjourn, seconded by Jeff Conte. All in favor.  
Adjourned at 9:21 p.m.

Respectfully Submitted,  
Tammy Bakutis  
Recording Secretary