

April 7, 2016

**Town of Canandaigua Zoning Board of Appeals  
5440 N.Y.S. Route 5&20 West  
Canandaigua, New York 14424**

Re: Property at: **5265 Menteth Drive: Hyman-Reiser residence**

Dear Chairman Robinson:

Our comments are based on the sketch plan submitted by Bayer Landscape Architecture, the zoning determination by the Town of Canandaigua and our past experience with flooding issues on both sides of Menteth Point during storm events.

The floodplain area and floodway on both sides of Menteth Creek between County Road 16 and Canandaigua Lake is a very dynamic environment during high stream flow events. We have major concerns with any variance that will allow any filling or subtle increase in the height of the floodplain land area, expansion of the existing building/accessory structure footprint or any other change that could potentially exacerbate flooding issues without a detailed flood impact analysis. We have attached pictures that provide a very limited snapshot of the flooding issues we have seen in Menteth Creek over the last 5 years. The picture of the house with water staining is the house to the north of the applicant (Levy). Saralinda Hooker's house is on the south side of Menteth Creek and has also been impacted by flooding on several occasions during flood events.

Here are our main points at this time:

- Any filling on the Hyman-Reiser property in the floodway will likely redirect or increase flood flows to other portions of the impacted area. The most likely areas would be the house to the north and the south side of Menteth Creek.
- The sketch plan should clearly identify the amount of floodplain that is being filled.
- There should be an engineered floodplain analysis to determine whether there will be any adverse impacts to the surrounding neighbors based on the regrading of the land and increasing the footprint of the house.
- The building footprint of the existing house should not be increased due to the flooding impacts that already happen to the neighbors.
- The lot coverage determination should not include the stream portion of the property in the total lot size. 100 percent of the precipitation that lands on the stream will end up as runoff- thus meeting the definition of impervious surface.

- The pictures document the wide path of the floodway that impacts the surrounding neighbors. Additional filling will focus more water into these already vulnerable areas.
- Major debris/ice jams can further exacerbate flooding issues in these dynamic floodplain areas. This needs to be analyzed as part of the floodplain analysis.

We hope the ZBA will look at these issues very seriously. We understand that variances will have to be granted on this property due to setbacks. However, the filling of the property and expansion of the existing footprint should be denied. The Town's floodplain law and FEMA regulations will ultimately require the Town to make a floodplain determination regarding whether there will be any adverse effects from this proposal. The applicant should be required to hire an engineer to complete that analysis. Otherwise, variances and other approvals could come back to haunt the town if there are future flooding issues on this property or adjacent properties.

We have seen so many problems throughout the years in these dynamic areas where the stream is meeting the lake. The most prudent approach is to not further fill and build in these areas. If you have any questions please do not hesitate to contact us.

Sincerely,

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