



January 9, 2017

**Town of Canandaigua Development Office  
5440 N.Y.S. Route 5&20 West  
Canandaigua, New York 14424**

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

Dear Chairmen Robinson and Schwartz:

We previously reviewed the sketch plan of this project in April of 2016. Many of our comments and concerns remain the same based on 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.

Within the last few years there has been a berm built along the north stream bank and in the regulated floodway on this parcel. An additional berm and series of blocks were also installed just behind the existing garage on this parcel and the neighboring two parcels to the north. We have attached pictures taken on January 9<sup>th</sup>, 2017 that show the berming that has occurred in the last few years in response to the flooding issues. We understand that some of the neighbors have been trying to work together to solve their flooding issues. However, the problem with this berm and any additional berming is that it will further push the flood flows to other properties primarily on the south side, but also further north of these three parcels on the north side of Menteth Creek.

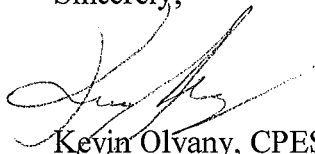
Here are our main points at this time:

- 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 to the south side of Menteth Creek, but also houses to the north as well.
- The design plan should clearly identify the amount of floodplain that has been filled in the last few years and is being proposed to be 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 needs serious consideration. 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 in these areas. We understand that the footprint of this house will be built up again. However, we want to be confident that it will not cause unintended consequences to the neighbors and potential liability issues for the Town. If you have any questions please do not hesitate to contact us.

Sincerely,



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