

Eric Cooper

From: James Fahy <jrfahy@jamesfahy.com>
Sent: Thursday, September 10, 2020 8:12 AM
To: chucko@rochester.rr.com
Cc: Eric Cooper; James Fahy
Subject: RE: Planning Board Condition of Site Plan Approval/signatures 4691 N. Menteth Drive Canandaigua, NY
Attachments: Cuvelier septic design 8-27-20.pdf

Dear Chairman Oyler and fellow Planning Board Members,

My clients Gregory and Julie Cuvelier have closed on the property at 4691 N. Menteth and are anxious to move forward with construction of their new home this Fall. As you are aware your approval of the final site plans submitted and presented at the July 28th meeting was conditioned upon final septic plans receiving signatures from both Ontario County and DOH. I believe the main drivers of that condition were Tyler Ohle's initial comment to the Town to be cautious in approval of the site plan until the septic system was reviewed and that the septic system was being installed in a steep slope area of the site.

I spoke to Tyler on August 20th to discuss his position. He reminded me that he made that statement several months ago prior to seeing even the first design concept from Grove Engineering. He also stated that although he had yet to see Bill Grove's final septic design he did review the design in concept development phase and he responded to Bill that the "conceptual design looked good".

The final septic design plan including grading within the steep slope area was submitted to both Ontario County Soil and Water Conservation District (OCSWCD) and the Department of Health (DOH) on August 28th, plans of which are attached. Bill Grove has indicated to me and to the Cuveliers his extreme confidence in a final approval and signatures from both Ontario County and DOH on the proposed septic system.

Bill has indicated that DOH will take 10 weeks to review the septic design plus an additional 4 weeks to place final signatures on the documents. My concern is in waiting for final signatures on the septic plan the Cuveliers will unfairly lose the Fall and early winter construction season needed to start foundations for the new dwelling. This delay most likely will push off the construction start to April 2021 which is a nine month delay from your conditional approval at the end of July. I'm hopeful that in light of the submittal of final septic design and grading plans, attached; Tyler's positive review comments and the understanding of the unreasonable delay in final signatures from the DOH that the Planning Board would reconsider their current condition of approval based upon receipt of signed septic plans. A condition requiring signed septic plans prior to a Certificate of Occupancy for the dwelling, which I believe is a more normal condition set by the Board, would be reasonable and would be extremely helpful in moving this project forward in a timely manner.

I appreciate your consideration of this request to recondition the current approval. I'd be glad to discuss this in more detail if necessary at your upcoming Planning Board meeting.

I look forward to your reply.

Respectfully submitted,

James R. Fahy, P.E.

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