

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

DRAINAGE ADVISORY COMMITTEE

Established October 16, 2017

TUESDAY, AUGUST 13, 2019, 11:00 A.M.

MINUTES—APPROVED

Meeting Called by: Charles Oyler, *Chairperson*

Committee Members Present: Richard Krebs
Kathy Page

Town Representatives:

Terry Fennelly, Canandaigua Town Board Member
Doug Finch, Canandaigua Town Manager
Jim Fletcher, Canandaigua Highway Superintendent
Chris Jensen, Canandaigua Code Enforcement Officer
Kaitlynn McCumiskey, Canandaigua Highway Department
Kevin Olvany, Watershed Manager, Canandaigua Lake Watershed Council
Thomas Schwartz, Chairperson, Canandaigua Planning Board

1. CALL TO ORDER BY THE CHAIR

Mr. Oyler called the meeting to order at 11:00 a.m.

2. APPROVAL OF MINUTES OF JULY 23, 2019

The minutes of the July 23, 2019, meeting were approved. The minutes will be posted upon the Drainage Advisory Committee web page and will be distributed to the Town Board members and Town staff via e-mail.

3. DRAINAGE ISSUES TRACKING SPREADSHEET #64: 2535 COOLEY ROAD

Mr. Oyler: Asked about the status of the drainage mitigation project on the property of Diane Zimmerman, 2535 Cooley Road. Ms. McCumiskey said that this is on the Highway Department project list.

4. DRAINAGE ISSUES TRACKING SPREADSHEET #30: 3329 DANDELION TRAIL AND OLD BROOKSIDE OPEN SPACE AND PLAYGROUND

Mr. Oyler: Asked about the status of the drainage issue reported by Ed Ruppel (3329 Dandelion Trail) in his backyard and in the vicinity of Old Brookside Park.

Mr. Fletcher: Said that the Town staff has completed a design for a drainage mitigation project in the area of the Old Brookside open space and playground area. The intent is to begin this work in September when Highway Department crews are finished with a project that is now in progress on Canandaigua–Farmington Town Line Road.

Mr. Finch: Suggested that the 7.7-acre open space area that is bordered by Sunflower Drive, Overlook Lane and Dandelion Trail be re-designated as Town parkland. This would permit the Town's Parks and Recreation fund to be charged for the costs of maintenance and improvements. Mr. Finch said that the Town currently maintains and mows this open space that is often used by children and residents for outdoor recreational activities such as softball and sledding. Mr. Finch said that he will pursue this re-designation with the Town Board. The Committee and those in attendance at this morning's meeting expressed their support for this re-designation.

5. DRAINAGE CONCERN: THE VILLAS AT CANANDAIGUA (CHESHIRE GLEN ROAD)

Mr. Oyler: Discussed a drainage issue in The Villas, a Canandaigua residential development off Middle Cheshire Road that was reported to the Town by Betsy Cox (3307 Abbey Road), president of The Villas homeowners' association, regarding water in the backyards of a number of the homes.

Mr. Jensen: Said that he has been in contact with Ms. Cox and that the drainage swales that are located in the backyards of a number of the homes are actually on the property that is owned and maintained by the homeowners' association. He said that he will continue to work with Ms. Cox on this issue.

6. DRAINAGE ADVISORY COMMITTEE INVOLVEMENT IN THE UPDATE OF THE CANANDAIGUA COMPREHENSIVE PLAN

Mr. Oyler: Requested that Committee members continue to consider drainage topics for inclusion in the drainage portion of the update to the Town Comprehensive Plan. Material is due to Town Planner Eric Cooper this fall.

7. OVERVIEW OF EXISTING DRAINAGE DISTRICTS

Mr. Finch: Presented the Town Drainage District map that was prepared in 2007 by MRB Group (the Town's consulting engineering firm), and the review by the Town Clerk of all

enabling legislation in the creation of 15 drainage districts in the Town, with the oldest dating back to 1971. The review indicated that the property owners in nine of the 15 districts are assessed fees in the annual budget process and that 11 of the 15 districts are identified on the 2007 map.

Mr. Finch: Said that neither the 2007 map nor the current budget process account for the Amber Meadows, North Road, Sagamore Hills and Purdy Road drainage districts. He said that the enabling legislation for the creation of each of the 15 districts is vague in many cases and generally allows for the maintenance associated with the specific properties and nothing more, i.e., delineation, construction, management, incidental improvements and maintenance.

Following is a summary of the districts provided by Mr. Finch:

1. Amber Meadows/Hammocks Drainage District

- Created December 16, 2008.
- Has an anticipated maximum charge of \$857.50 per annum (\$0.07 per \$1,000 assessed value or approximately \$24.50 per lot) spelled out in the establishment resolution during the creation.
- Created to maintain storm sewer system and stormwater management area.
- Subject to permissive referendum.
- Does not spell out process for expenditures.
- This drainage district is not listed on the 2007 map of drainage districts.

2. Ashton Place Drainage District

- Created January 26, 1987.
- Does not spell out process for expenditures or reason for the creation; however, it does include the parcels to be in the drainage district.
- This drainage district is listed on the 2007 map of drainage districts.

3. Fox Ridge Drainage District (West Lake View Estates)

- Created September 14, 1987.

- Does not spell out process for expenditures or reason for the creation; however, it does include the parcels to be in the drainage district.
- This drainage district is listed on the 2007 map of drainage districts.
- Amended—June 6, 2006 to Fox Ridge Drainage District including phase 5 to include “associated apparatus, appurtenances and incidental improvements and expenses in connection therewith, including necessary maintenance of any existing drainage facilities and improvements.”

4. Lakewood Meadows Drainage District

- Created August 30, 2004.
- Shall encompass all phases of Lakewood Meadows.
- Purpose “construction of a neighborhood regional storm water management facility, associated apparatus, appurtenances and incidental improvements and expenses in connection therewith, including necessary maintenance of any existing drainage facility and improvements.”
- Subject to permissive referendum.
- This drainage district is listed on the 2007 map of drainage districts; however, phase 9/10 St. James Parkway is not shown on the 2007 map.

5. Lakeside Estates Drainage District

- Created April 8, 2002.
- Purpose “construction of a neighborhood regional storm water management facility, associated apparatus, appurtenances and incidental improvements and expenses in connection therewith, including necessary maintenance of any existing drainage facility and improvements.”
- This drainage district is listed on the 2007 map of drainage districts.

6. Landings Drainage District

- Created June 25, 1990.
- No language at all in the creation resolution relating to the purpose or intent.
- Will need further review of the filed petition requesting the district.

- This drainage district is listed on the 2007 map of drainage districts.

7. Miller Subdivision Drainage District

- Created January 16, 2007.
- This is vacant land currently owned by Morrell Builders.
- Purpose “construction of a neighborhood regional storm water management facility within the Miller Subdivision, associated apparatus, appurtenances and incidental improvements and expense in connection therewith, including necessary maintenance of any existing drainage facilities and improvements.”
- This drainage district is listed on the 2007 map of drainage districts.

8. North Road Drainage District

- Created October 18, 1971.
- Location “northwesterly along the centerline of Mohawk Lane, north-easterly along the centerline of North Road, northwesterly at right angles to the centerline of North Road, northeasterly parallel with the centerline of North Road, southeasterly at right angles to course a distance of 535 feet to the city line, and southwesterly along said city line.
- Purpose appears to coincide with the North Road Sewer Improvement Area.
- This drainage district is NOT listed on the 2007 map of drainage districts.

9. Old Brookside Drainage District

- Created April 1, 1974 (amended June 10, 2002).
- Purpose “construction of a neighborhood regional storm water management facility within the Old Brookside Development, associated apparatus, appurtenances and incidental improvements and expenses in connection therewith, including necessary maintenance of any existing drainage facility and improvements.”
- This drainage district is listed on the 2007 map of drainage districts.

10. Olivieri Subdivision Drainage District

- Created May 1, 2007.
- Location at the corner of CR30 and Brace Road.
- Purpose “construction of a neighborhood regional storm water management facility, associated apparatus, appurtenances and incidental improvements and expenses in connection therewith, including necessary maintenance of any existing drainage facility and improvements.”
- District was created in conjunction with a subdivision that was not constructed; however, the drainage district was never dissolved.
- This drainage district is listed on the 2007 map of drainage districts.

11. Purdy Road Drainage District

- Town Board authorized Highway Superintendent on September 5, 2006, to create a drainage district in the Purdy Road area; however, no actual resolution or legislation is found to have actually created the district.
- This district is listed on the 2007 map of drainage districts as part of Rt. 332.

12. Sagamore Hills Drainage District

- Created August 10, 1987.
- Location “unknown.”
- Purpose “based on a letter from MRB July 27, 1987—no additional info in the resolution.”
- This drainage district is NOT listed on the 2007 map of drainage districts.

13. Stablegate Drainage District

- Created August 11, 2003.
- Purpose “construction of a neighborhood regional storm water management facility within the Stablegate Subdivision, associated apparatus,

appurtenances and incidental improvements and expense in connection therewith, including necessary maintenance.”

- This drainage district is listed on the 2007 map of drainage districts.

14. Route 332 Consolidated Drainage District

- Created February 22, 1983 (amended January 16, 2007).
- Purpose “construction of a neighborhood regional storm water management facility, associated apparatus, appurtenances and incidental improvements and expense in connection therewith, including necessary maintenance.”
- This drainage district is listed on the 2007 map of drainage districts.

15. Waterford Point Drainage District

- Created June 10, 2002.
- Purpose “construction of a neighborhood regional storm water management facility within the Waterford Point Subdivision, associated apparatus, appurtenances and incidental improvements and expense in connection therewith, including necessary maintenance.”
- This drainage district is listed on the 2007 map of drainage districts.

Mr. Oyler: Suggested that several of the inactive districts could be dissolved as a result of the review of these districts by Mr. Finch and the Town Clerk.

Mr. Olvany: Asked about the responsibilities of the Town regarding the drainage districts. Mr. Finch said that the Town’s responsibilities are listed in general language in the enabling legislative documents regarding the construction and general maintenance of the drainage structures in the districts. He said that in several cases the funding of the districts requires a permissive referendum. In other districts, portions of them are the responsibility of a homeowners’ association (such as portions of the Lakewood Meadows District).

Mr. Finch: Said that the Town may wish to consider an improvement plan for drainage work—similar to the capital improvement plan for the replacement of highway department trucks and equipment—to spread the cost of improvements over a period of years and to avoid the assessment of large drainage-district fees in one particular year.

Mr. Jensen: Said that a capital improvement plan for drainage work may be difficult because of the various periods of time during which a drainage pond, for example, must be maintained. He said that a pond must be cleaned when it reaches 50 percent of its capacity and that this time period fluctuates depending upon the location of the pond and the type of runoff and sedimentation which may flow into it.

Mr. Fletcher: Said that it is helpful to provide public-education information to residents on best practices to maintain a stormwater pond, such as not mowing right to the edge of a pond.

Mr. Jensen: Said that the Town's MS4 Program provides methods of tracking and the inspections of the stormwater facilities in the Town.

Mr. Olvany: Said that New York State Department of Environmental Conservation standards for inspections and maintenance of the ponds are also followed.

Mr. Schwartz: Asked about the creation of a town-wide drainage district. He said that the purity of Canandaigua Lake benefits all property owners in the Town. He asked about the number of properties in the Town and what the annual expenditures and tax levy would be for a town-wide district.

Mr. Fennelly: Said that a town-wide drainage district would increase the taxes to those whose property is not affected by a drainage issue. He asked why those property owners should have to pay for drainage improvement projects that would benefit others.

Mr. Finch: Discussed the drainage work on private property that is sometimes undertaken by the Ontario County Soil and Water Conservation District.

Mr. Olvany: Said that the Conservation District has in the past identified projects on private properties but that there must be a definite public benefit. He said that these projects often involve sediment reduction and that both private and public funds are used.

Mr. Olvany: said that the roles and responsibilities of a town-wide drainage district must be well defined.

Mr. Finch: Said that there is a line item in the annual Town budget for stormwater work. He said that this account could be used to charge the cost of stormwater projects when it can be determined that there is a definite public benefit, such as following a storm when water may be overtopping a road.

Mr. Oyler: Said that the Committee may wish to research the various techniques and funding initiatives for drainage projects, and especially for those on private property.

Mr. Finch: Requested that the Committee review the list of drainage districts and consider making a recommendation or recommendations to the Town Board on the dissolution of inactive districts.

Mr. Oyler: Suggested that the Committee may wish to identify funding sources, including the creation of a Stormwater Management District(s), that would not place a burden upon the Town's General Fund. He said that a steady and consistent assessment in an individual drainage district would build a fund reserve that could be used when needed for drainage improvements in a district. He said that funding recommendations may wish to be submitted for the update to the Comprehensive Plan.

Mr. Schwartz: Suggested that consolidating the existing drainage districts may not solve the individual district concerns because of the dissimilarity of the districts, density of development, and the conditions of the drainage ponds.

Mr. Oyler: Discussed the 54-lot single-family one-story townhome subdivision that has been proposed by Morrell Builders for the 54.5-acre site at the southeast corner of Bristol Road and State Route 21 (the "Miller property"). He said that the Miller Drainage District was created in 2007, that the subdivision was never built, that the funding to support the drainage infrastructure was never collected, and that Scott Morrell of Morrell Builders indicated at the Planning Review Committee meeting on August 12, 2019, that a homeowners' association is planned for the maintenance of improvements in the newly-proposed subdivision.

It was the consensus of the Committee that the Miller Drainage District could be dissolved and that the Committee will review other inactive drainage districts at future meetings to consider their dissolution, as well.

■ A motion was made by MR. OYLER, seconded by MR. KREBS, that following discussion at the Drainage Advisory Committee meeting on August 13, 2019, that the Committee recommends to the Town Board the dissolution of the Miller Drainage District in anticipation of the Morrell Subdivision on this property. The Committee has determined that the originally-proposed subdivision was never constructed at the time and therefore the funding to support the drainage infrastructure was never collected or needed then, or will be needed in the future.

Motion carried by voice vote.

8. NEXT MEETINGS AND ADJOURNMENT

The next meeting of the Committee will be:

Tuesday, September 10, 2019 11:00 a.m. Highway Dept. Conference Room

Subsequent meetings will be:

Tuesday, September 24, 2019	11:00 a.m.	Highway Dept. Conference Room
Tuesday, October 8, 2019	11:00 a.m.	Highway Dept. Conference Room

The meeting was adjourned at 12:05 p.m.

Respectfully submitted,

John M. Robortella L.S.

E-mail distribution:

Krebs, Richard
Oyler, Charles
Page, Kathy

cc. to:

Bloom, Tina
Brabant, Lance
Chrisman, Jean
Cooper, Eric
Davis, Gary
Dworaczyk, Linda
Fennelly, Terry
Finch, Doug
Fletcher, Jim
Hotaling, Greg
Jensen, Chris
Marthaller, Joyce
McCumiskey, Kaitlynn
Menikotz, Cathy
Nadler, Christian
Olvany, Kevin
Reynolds, Kevin
Reynolds, Sarah
Rowlinson, Michelle
Schwartz, Tom
Webster, Megan