

MINUTES

**SPECIAL MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 19, 2008
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
EDWARD KRYCIA, JR.	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN

OTHERS PRESENT:

Heather Ohmit	-	Deputy Town Clerk
William Trask	-	Town Attorney
Ron Maggs	-	Highway Superintendent
Robert Cebulski	-	Wendel Duchscherer
Mr. Don Schreiber, Jr.	-	Schreiber & Winkelman
Mr. Jeff Schreiber	-	Schreiber & Winkelman

Call To Order:

Supervisor Nellis called the Special Meeting of the Eden Town Board to order at 9:35 P.M.

New and Unfinished Business:

1. Sonnybrook Stormwater Pond

Mr. William Trask, Town Attorney, read the following resolution:

Resolution of the Eden Town Board

WHEREAS, in 2003 Schreiber & Winkelman, Inc. (hereafter “developer”) submitted an application for approval of Sonnybrook Phase III Subdivision, and

WHEREAS, In May, 2003, such development received conditional preliminary approval from the Eden Planning Board and final Plat approval was given by the Eden Planning Board in May, 2008, and

WHEREAS, the developer applied for and was issued one or more Public Improvement Permits for roadway, drainage, sanitary sewer, and water improvements under Chapter 158 of the Town of Eden Code, and

WHEREAS, the developer has installed such public improvements for Sonnybrook Subdivision Phase III, Part 1 and is seeking Town Board acceptance of these public improvements so that the Planning Board Chair can sign-off on the final Plat for this portion of the development, and

WHEREAS, the Town Board has received a report from the Highway Superintendent indicating his inspection and approval of such public improvements and has also received a report from Town Engineers, Wendel-Duchscherer (“Wendel”) indicating satisfactory completion of the water and sanitary sewer improvements and the satisfactory completion of drainage improvements, subject to Wendel’s notation that the pond which has been installed by the developer does not meet current stormwater standards but has capacity to handle a 100 year storm,

NOW, THEREFORE, IT IS

RESOLVED, that the Eden Town Board does hereby accept the public improvements for Sonnybrook Subdivision Phase III, Part 1, subject to the following conditions:

1. Developer to pay any remaining fees in connection with the public improvements and creation of the special improvement drainage district.
2. The Town Attorney to approve all requirements for legal dedication of the roadway, drainage and parkland areas for Sonnybrook Subdivision Phase III, Part 1 to the Town of Eden.
3. Developer to deliver to the Town \$21,000.00(U.S.) in certified funds or a maintenance bond or letter of credit in this amount in form and content satisfactory to the Town Attorney running in favor of the Town of Eden for a period of 1 year to secure the maintenance and, if necessary, redesign and reconstruction of any of the public improvements for Sonnybrook subdivision Phase III, Part 1.
4. That the developer is to enter into a written agreement with the Town of Eden prior to the Planning Board Chair signing off on the Plat for Phase III, Part 1, and that the agreement will be binding upon the developer, any successors or assigns of the developer and will provide that the balance of Sonnybrook Subdivision Phase III will be subject to engineering standards for Stormwater drainage which will require that post-development discharge of the entire Sonnybrook Subdivision Phase III will be equal to or less than the pre-development discharge. This is the standard which Wendel has explained to the Town Board and which the Town Board is requiring as a condition for acceptance of these public improvements, and will require for and as a condition for approval of additional public improvements in future parts of Sonnybrook Phase III. The agreement will specifically acknowledge that if redesign and reconstruction of the pond being accepted tonight is required in order to meet this engineering standard, the developer is acknowledging and agreeing that it will provide the finances required to redesign and reconstruct that pond to meet these standards.
5. Upon satisfactory completion of conditions 1-4 of this Resolution, the Planning Board Chair shall be authorized to sign the Plat for Sonnybrook Subdivision Phase III, Part 1.

Mr. William Trask, Town Attorney, then asked Mr. Don Schreiber if he understood the conditions contained in the Resolution and explained that what the Town Board was saying tonight was that the pond was adequate to handle the Stormwater for the 11 sub-lots that were in Phase III, Part 1 and wanted it to be clearly understood that when he or any successor developer comes in and applies for a Public Improvement Permit for the rest of Sonnybrook Phase III, the Town will require the drainage to be engineered to the standard mentioned in the Resolution and if that meant that the pond needs to be re-designed and re-constructed to handle the additional stormwater from the rest of the development, the developer will be required to pay for the cost of doing that re-design and re-construction on the pond.

Mr. Donald Schreiber, Jr. responded that he understood and agreed with that condition.

MOTION was made by Councilman Vacco to accept the resolution as read; seconded by Councilman Krycia; All "Ayes"; Opposed? –None; Abstain? – None. Motion carried.

Adjournment:

November 19, 2008

MOTION was made by Councilman Krycia to adjourn the Special Meeting of the Eden Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None. Motion carried.

Supervisor Nellis adjourned the Special Meeting of the Eden Town Board at 9:45 P.M.

Respectfully submitted by,

Heather Ohmit
Deputy Town Clerk