

**PLANNING BOARD
TOWN OF BETHLEHEM**

February 15, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Public Hearing Meeting** on **FREED & MICHAUD SUBDIVISION**, 49 McCormack Rd., Slingerlands, NY on Tuesday, February 15, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

Agenda: Freed & Michaud Subdivision

Present: Parker D. Mathusa, Planning Board Chairman
 Daniel Odell, Planning Board Member
 Howard Engel, Planning Board Member
 Thomas Cotrofeld, Planning Board Member
 Christine Motta, Planning Board Member
 Katherine McCarthy, Planning Board Member

 Jeffrey Lipnicky, Town Planner
 Randall Passmann, Town Senior Civil Engineer

 Howard Johannessen, Boutelle & Sons, Freed & Michaud Subdivision
 Rachel Michaud, Washington, D.C., Freed & Michaud Subdivision
 Amy Friedman, 43 McCormack Rd., Slingerlands, Freed & Michaud
 Dan Knapp, 36 McCormack Rd., Slingerlands, Freed & Michaud
 Carol Warner, McCormack Rd., Slingerlands, Freed & Michaud
 Edward Homiller, McCormack Rd., Slingerlands, Freed & Michaud

Freed & Michaud Subdivision – Public Hearing

CHAIRMAN MATHUSA: Thank you for joining us here today, I would like to formally convene the Town of Bethlehem Planning Board here on the evening of Tuesday February 15th. As I call to order, I note the presence of a quorum. The first item on the agenda is a Public Hearing on the proposed Freed & Michaud Subdivision project located at 49 McCormack Road in Slingerlands. I'd like to begin by asking for a motion to indent the public notice into our record.

MS. MCCARTHY: I'll move that.

CHAIRMAN MATHUSA: Second?

MR. ENGEL: Second

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

CHAIRMAN MATHUSA: All in favor?

ALL BOARD MEMBERS PRESENT: Aye.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, February 15, 2005 at 7:30 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Mr. Howard A. Freed and Ms. Rachel Michaud for approval of a one (1) lot subdivision located on McCormack Road, Slingerlands, NY 12159, Albany County, N.Y., as shown on map entitled: PROPOSED ONE LOT SUBDIVISION, LANDS OF HOWARD A. FREED, RACHEL MICHAUD, McCORMACK ROAD, Town of Bethlehem, County of Albany, State of New York, dated November 12, 2003, revised January 7, 2005 and prepared by Edward W. Boutelle & Son, Civil Engineers and Surveyors, 423 Kenwood Avenue, Delmar, NY.

CHAIRMAN MATHUSA: I think I'll begin by having the applicant, Howie, just give us a short presentation on the status of the project for the benefit of the Board and people in the audience. So we can be up to date on some of the issues.

MR. JOHANNESSEN: I'm Howard Johannessen, I'm here with one of the owners, Rachel Michaud. Just to give a brief overview, the lot's on the south side of McCormack. It's just west of where McCormack is intersected by Maple Avenue. The lot has about an eighty-nine (89) feet frontage, about sixty-two (62) feet width in the rear, and it's about one hundred eighty-two (182) feet deep and it's got thirteen thousand (13,000) square feet of area. The existing lot is being improved so that a house can be built on it, which includes bringing in fill and grading it so that the house can sit on it eighteen inches above the center line of the road. There is an existing sanitary sewer out in McCormack Road, which will be used for a sanitary sewer connection. There's also an existing water main out in McCormack Road, which will be used for water service. There is a proposed catch basin being installed in this corner of the lot and what that will do is to capture any existing water that is currently running down along the side of McCormack Road and further it will capture any runoff that comes from roughly around the middle of the house, forward to the lot. From the middle to the rear of the house that will drain off to the low area of the lot. This catch basin is being placed here and it will be connected to the existing municipal storm sewer system on the other side of McCormack Road on the north side. That about summarizes what's going on there.

CHAIRMAN MATHUSA: Does the Board have any comments or thoughts at this point? Randy, do you have any thoughts at this point?

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MR. PASSMANN: Could you please elaborate on the retaining wall along the west side of the property and then the grading on the east side.

MR. JOHANNESSEN: On the west side here there's a retaining wall being installed, because of the grades. In order to get the elevations up here, we need to put a retaining wall along this side of the lot. And here's a detail of that wall. The height of the wall varies from as much as five (5) feet to one (1) or two (2) feet. And then on this side it will be graded. This is a little higher over in here, the existing ground, so part of that will be cut into and that material will be brought across the lot. Although there's not enough material here to fill the lot, that will have to be trucked in.

CHAIRMAN MATHUSA: Do you want to raise any questions about drainage?

MR. PASSMANN: I would like to interject a little bit on the drainage that's being proposed. When this project came in before the Planning Board the Engineering Division asked the designer to take a look at an approach that would address the storm water coming down along the edge of the south side of McCormack Road and making it's way toward the front of this lot and also towards the front of the adjacent lot, the lands now or formerly of Freidman. And this current proposal appears to be a simple solution to fix the condition which would require an additional catch basin that Howie described and then a piece of pipe crossing underneath the road and then tying into the existing catch basin. To accomplish this, the route that the pipe is going to take will cross the front corner of the lands of Cynthia R. Warner. Last summer, Mike Cirillo went out and spoke with her regarding the fact that the Town would need an easement in order for this to be constructed and to see if she would be open to providing that. That issue hasn't been resolved yet, whether she will provide an easement to the Town or not, but that's what this solution would require and if we are unable to obtain that then a more costly, to the applicant and for Town maintenance, solution would be to put in an additional drainage structure in on the other side of the road in the current Town easement over there and piping over to that, that would mean another drainage structure which would mean more cost to the Town for maintenance of the system. So that's a possible solution if the current one proposed doesn't work out.

CHAIRMAN MATHUSA: Now the advantage of giving the easement to that individual is what?

MR. PASSMANN: Well the easement would be from the property owner to the Town of Bethlehem so that first this can be constructed because some excavation would need to be done over in that corner of the property where it passes from them to construct this and then in the future if the Town ever needs to get in there to maintain it we'd need to excavate that and we would have access to that area.

CHAIRMAN MATHUSA: It also provides a larger area for drainage.

MR. PASSMANN: It doesn't affect the drainage area, the easement.

CHAIRMAN MATHUSA: In terms of the other person's property

MR. PASSMANN: It might allow us the opportunity to do some grading in that area where the excavation is going to occur, to see if we can improve the drainage going to the existing catch basin or the contractor that does the work and improve the drainage.

CHAIRMAN MATHUSA: So everybody in a sense would have some benefit then.

MR. PASSMANN: I believe so.

HOWARD JOHANNESSEN: However you're going to get to the other side of the road ultimately, I mean the fact that this catch basin is being placed benefits more than whoever buys this lot. This is going to be a benefit not only to the buyer of this lot but it also benefits anybody downhill from this lot because what it's doing is it's capturing any of the existing water that currently comes down McCormack Road and it's now routing it over into the storm sewer system. That's why the Town wanted us to do that. I mean it also benefits the ultimate buyer of this in that the buyer has a means to run it's footing drains right directly into the catch basin, any water that comes off the front of the building is now going to be directed towards that catch basin. Not only is the benefit to this lot but it also benefits whoever it was who was receiving the water, the existing water that was coming down McCormack Road. Because now it's being intercepted and brought over to the municipal storm sewer on the other side of the road.

CHAIRMAN MATHUSA: Do you have any trouble with that design?

MR. PASSMANN: The current design, we've reviewed what had been submitted and we're in concurrence with the approach that he's taking.

CHAIRMAN MATHUSA: Alright, I'd like to open the meeting up to the community in terms of feed back from the community and the neighbors. Whether you're for the project or against the project or any questions about it so the Board can have the opportunity to learn a little bit from your vantage point. So if you would come and join us at the microphone either for or against or general comments, please just give us your name and address for our record we will proceed.

AMY FRIEDMAN: I just have a question for clarification. You had mentioned that the new drain, if you put the drain over here, that it would be effect any water draining down the road and it would effect from the front of the lot, is that correct? And then you said any of the water that comes in the back is going to drain off to the back. How are you proposing, I live right here, I'm 43 McCormack Road and the drainage problem that we've always seen on McCormack Road is not only here but it's more back here. I've invested thousands of dollars to put drainage onto my own personal property so that the back doesn't become a swimming pool and fill. So with your proposal, I hear what your saying that everybody down here is going to benefit the front, however I don't hear a solution to what's happening behind and quite frankly my house is set back a little bit plus I have a garage structure, a rather large garage structure toward the back as you can

see right here. I don't see where your addressing any water that's going to come and hit my garage.

CHAIRMAN MATHUSA: Excuse me, could you just give us your name and address..

AMY FREIDMAN: Of course, my name is Amy Freidman, I live at 43 McCormack Road, it's the lot right next door on the west side. I'm down hill.

CHAIRMAN MATHUSA: Thank you.

MR. JOHANNESSEN: Amy, what's being done here isn't going to solve all the problems of this area, whatever they may be. That's beyond what this little lot can do. Right now, you have, without anything being done to it, just in it's existing state, you have water that comes down and you have a low area between the lots and it comes down between the lots. What this is going to do, really what's being done here is the best that can be done. I have no idea what else you could do to improve the existing condition out there. What you're doing is again is, you have existing water that comes down the road here and then sheets across probably this corner right here and then makes its way down here. If it doesn't just continue down the road. What this is going to do, if look at the existing, forget about what is being proposed, just look at the contours; you have water that's doing this. You have water that's being directed right to the west, right towards that lot and then it comes down through here like that. What this is going to do by filling it and grading it the way it is here, what it's going to do it's going to stop it from continuing in that direction and what it's going to do, the existing drainage that comes down along the road, is going to be directed to the catch basin form here forward that's going to be draining right towards the road so that to will be going to the catch basin and any water that was coming down today or after this thing is built will be going into that catch basin and then across the road into the storm sewer. What your doing is you're redirecting the existing water that's going down there today and any additional water that you'll...well it's the same amount of water but it's the amount of runoff and how quickly it runs off the lot because an asphalt driveway and because of the shingled roof, it's going to go towards the road instead of the direction it's going today. And it'll work its way into the catch basin and away from your lot and away from this lot across the road into the municipal sewer. Now what it won't do is that half of the lot in this area here will continue to go towards this low area here. So in what your doing is, and percentage wise I'm not going to even guess, but just the areas I've outlined here, you're taking a substantial amount of the runoff that's existing right now, coming towards this lot and you're going to redirect it across the road. So it'll alleviate... it will reduce the amount of service runoff.

AMY FRIEDMAN: I hear what you're saying and that makes sense. Maybe I should rephrase my question a little bit better. I purchased my home in 1996 and have finally resolved the water issue that I'm having in the back of my house. What your resolving, what I'm hearing, is you're going to resolve the water that accumulates in front of my house. There's no water accumulation in the back and my fear or my concern is as you grade this property, and I'm not architect or I don't know land usage or anything but I

visualize as your grading or as your building up and your obviously putting a retaining wall in for a reason there's got to be something your retaining. That whatever's now coming back here, which wasn't, there's going to cause more pressure to come back here and then I'm going to have again a drainage problem or a water build up problem in the back which like I said has taken me a lot of money to resolve. I guess in this particular situation, yes I hear you say that you're going to drain the front, but then the back is going to go to the back and when you grading, I imagine grading is building up, well as you grade, there's a stronger pressure for it to come down and I'm fearful that it's going to now pool and puddle I the rear of my home and my garage. Does that make sense?

HOWARD JOHANNESSEN: Well, I understand you have a concern. This is a whole area of... this is a low area all down in here, it's probably like five (5) acres, six (6) acres, it could be more than that but something on that order. This lot here is like a drop in the bucket in terms of where the water comes from to this low area. You have five (5) or six (6) acres down here and you have... it's a low area for a large area, include the other side of McCormack there's another five (5) acres at about the same elevation and so you have a low area in here and all I'm saying is that this lot is a quarter of an acre, or something like that and so what this lot contributes to that is a drop in the bucket. When this thing gets built, the net effect is that it's going to improve your condition because of what I said. It's intercepting water that now or eventually gets there, what its going to do now is intercept it so that t goes across the road and not to this lot, across this lot and down in here but rather down through the catch basin and across the road. The net effect is that it's an improvement that's why the Town wanted to see the catch basin put in, one of the reasons.

AMY FRIEDMAN: And I hear what your saying, but I also feel as the property owner here, I need to go on record and say that I personally invested a lot in getting this fixed and I don't understand water ties and I don't understand elevations and I don't understand all this stuff and I have to protect my interest. And that is why I officially want to go on the record and say that the people that are being hired or whoever and if the Town is looking at it, I have a structure that I need to be concerned about and I have my home here that I need to be concerned about and I know that in the early years that I lived in my house there were issues that I solved and I don't want to have those issues again as a result of grading of land or changing of land.

CHAIRMAN MATHUSA: Let me ask Randy.

MR. PASSMANN: I'd like to interject. The Board has the ability at this point to request that Mr. Johannesen provide hydraulic calculations to the Town that would demonstrate that there's no increase in the amount of storm water that is being conveyed onto the adjacent property of Friedman.

AMY FRIEDMAN: And I would assume that that would show that wouldn't be... what I don't want to happen is that after this whole thing is done, I don't want everybody to turn around and say well you should have spoke up because I don't understand this stuff and

I'm saying that I know that I fixed the problem and I don't want to have another problem and then be told, Oh well you're out of luck it's your problem.

MR. ODELL: And those calculations, would they be reviewed by the Town Engineering Department.

MR. PASSMANN: Yes.

CHAIRMAN MATHUSA: Assuming that is then true, the answer to the other part of the question was on the roofs of the buildings itself. Is there a possibility that the gutters from the roof in the rear of the building could be tied into the other gutter system to go to the drain system. So all the gutters from the back and the front could be tied together so all the drainage could then go to that system.

MR. JOHANNESSEN: Yes, that's possible, I mean it's possible that's what would be done already. All we have is a building envelope here with the gutters running in this direction and the spouts are here, they're going to be doing that already.

CHAIRMAN MATHUSA: Let's say the front of the house but I'm also talking about the back of the house. All four spouts.

MR. JOHANNESSEN: If all the down spouts are in the front, it's going to go out to the front. But that's not even the issue; the real issue is that this thing here is about a six-acre area.

CHAIRMAN MATHUSA: That's not the point. Theoretically, all the water that comes down the road, which goes over that lot, across this lady's property, goes there. I think that's the issue. If you put this in, then you intercept that which goes to your point. So theoretically, all the remedies that she has put into place theoretically would be overkill once this is all done. Because you would have intercepted a lot of the water that would have come from the front part of it. If you also take water from the roofs and run that forward, then the only thing left would be the natural part, let's say from the rear of the house to back of the lot which is business as usual which would not have changed. So incrementally, theoretically if the hydraulic calculations are correct then you should receive a lot less water.

MR. JOHANNESSEN: What I'm going to say is that it's going to show just because I've looked at it and I haven't done hard numbers because in my opinion, you don't have to because as I've stated this area is an area of about five (5) acres and what you have to look at is what will this lot ... what you look at is this lot is roughly a third of an acre, what does that currently contribute to the this five or six acres. It's not very much.

CHAIRMAN MATHUSA: The bigger point is that you have put in something to intercept quite a bit of water.

MR. JOHANNESSEN: What that will do is it will improve, it will be an improvement, how much of an improvement is only as much as the size of this lot relates to the large area.

CHAIRMAN MATHUSA: I don't understand that, to me if the lot was zero contribution, if all the water rolls down McCormack Road.

MR. JOHANNESSEN: In the end the numbers will show that with what we're doing here it will decrease the impact on this area down here.

CHAIRMAN MATHUSA: That depends on how much water goes down McCormack Road.

MR. JOHANNESSEN: Exactly.

AMY FRIEDMAN: I hear and I understand what he's talking about from the front and again I'm more concerned with the back. The front makes sense but also understand that my house ...

CHAIRMAN MATHUSA: Theoretically that wouldn't change. The only thing that changes is the water that goes down McCormack Road is intercepted. So that doesn't contribute. If you take the water that would come on the roofs, whatever that service is for the house goes to the drain system, that's a little bit less there, so whatever the balance is which is less than what the whole lot is now.

AMY FRIEDMAN: And theoretically I see what your saying, but the question is also, and understand that I don't understand grading but my understanding of grading is that you build up an area. So if you're building up an area...

CHAIRMAN MATHUSA: To direct the water to flow someplace and to support the house and grade it so that it drains to that catch basin.

MR. COTROFELD: Mr. Johannessen, when you do the grading here, are you going to be changing anything with regards to the slope of the rear of the property or anything that would divert the water in any different manner than what it's going right now. Anything that might possibly divert it over to the lands of Mrs. Friedman?

MR. JOHANNESSEN: No.

MR. COTROFELD: So basically the rear section of the topography is not going to change, the slope or the grade is not going to change at all?

MR. JOHANNESSEN: No.

AMY FRIEDMAN: Thank you.

MR. JOHANNESSEN: Again, right now this is what the water is doing. OK, it's just sheeting across here and coming down. When this is done, it's not going to do this. It's going to do this. So if water is your issue, you say you have a problem, I'm not sure what your problem is, but say it's water, you have too much water back there. This is what it's doing now, coming across going down. After this is filled and re-graded, this is what it's doing. It's going away from your property; it's not going towards it and then along the back. If water is your enemy, what's being done here after this is developed it's diverting that water. It's making it go away to this side of the road. So just because it's going away from your lot that's an improvement, if water is your enemy or a problem in the back.

AMY FRIEDMAN: And I hear what you're saying conceptually, I understand that, but on this map you're talking about water draining this way, when I conceptualize my house there's a hill and it comes down. So it's not coming from this direction as much as it's coming from here down and my fear is that if it's coming from here down yes conceptually the stuff that here is going to be coming out which would absolutely be an improvement. But the stuff that's continuing to come here if they way this is sloped, it could create more to come down?

MR. JOHANNESSEN: No, this is virtually unchanged in here. I mean there's a little bit of regarding but the water is not, if anything the water is being directed away from your lot. There is a little bit of grading back here but that stops right in here. And what's being done in here is going to basically the same as it is now.

AMY FRIEDMAN: OK, but where you're showing me on here is right by my garage and that's the structure that I'm concerned with. If all the grading was being done up here and it's being redirected but what your just showing me is here and that's where my garage here.

CHAIRMAN MATHUSA: The key has to be that the slope from that area has to make sure that none of this one way or another gets into your garage.

MR. JOHANNESSEN: The problem in the back here, the way I understand it, the problem back here is really... this is like a ...what we're talking about here is minor. The real problem here because of the sheer size of it 5 or 6 acres, is a low area. And everybody's property goes into that. I don't even know the extent of that watershed area but there's a lot of properties in Delmar that are coming into this area and when you have unusual storm events, yeh you have more water coming down McCormack but what you really have water doing this because it's filling up and it's rising in elevation and it's pushing up through here. That's why in this area here, that's why, it's a wetland down here.

CHAIRMAN MATHUSA: Does it rise high enough to get into the garage?

MR. JOHANNESSEN: Today it does. The current owners of the lot and the former owners of your lot, they would say every, maybe once a year I think Howard said. You get this unusual storm event and because of the elevation of the lot next door here, the water rises. That's why it's a Federal Wetland along in here because of the elevations.

This garage here is about five feet below the elevation of the road. That's why when you build a house you build a house so it's above the road because then you have positive drainage. When you have a house that's below the road or a structure below the road, you have to grade it so you get the water away from it.

CHAIRMAN MATHUSA: Well, I guess the key then would be that the water on that lot should not contribute to going into the garage. If the water comes up from below, there's nothing you can do about that.

MR. JOHANNESSEN: Right, I can't do anything about that water coming from the back. What's being done here is an 80% improvement over what you have now because what you have now, you have water coming down the road and right here you have an area between this lot and this lot the way it currently exists you have water coming down between these two lots. That's where the water wants to go. Now some of it I'm sure goes right by but enough of it sheets across here and then comes down here and again that part of it, that component of your problem back here is being rectified. Not maybe one hundred percent, but as close to it as you can get by putting a structure over here which will not only capture what comes down McCormack Road on this side of McCormack Road but it also, anything that this lot contributes to that, that will too be captured by this catch basin. Where before it used to run right down through here. But I think frankly from what I have seen here, from what's been reported by Howard, the real problem, I don't want to say the real problem, the real source of the water here is not this, it's that you've got this large area in here that serves as a repository, an area that everybody's property drains into. Those in this area.

AMY FRIEDMAN: And I hear what you're saying, that makes sense but I also do want to point out that after they moved out and before I moved there was, and during the time I lived there because I did have one year that there was a problem and I had to put a lot in. I personally had drainage put in the back of mine that goes right up through my entire lot. Big huge drain things that go right through my lot that supposedly captures the stuff, the overrun from behind and that what I was told why my lot doesn't drain like it used to, prior to my purchasing it.

CHAIRMAN MATHUSA: So theoretically you drain and you bring your water north theoretically to the other side of the road?

AMY FRIEDMAN: It comes right through my property and there's like at the end of my property near the Gurgages right over here there's a drain and right over here there's a drain that we put in right, this one over here. Because we were told that was my problem. So there were huge things put in right here, there's a gully in the back where it goes in and then it pipes through right underneath. And there's also some sort of underground, in my house a system that we put in that gets the water out and pushes out into that so it goes into the drainage system out in the street. That solves my water problem.

CHAIRMAN MATHUSA: Randy, you have any thoughts?

MR. PASSMANN: Just that I would suggest that the designer submit the calculations to demonstrate no increase in flow onto the Freidman property.

CHAIRMAN MATHUSA: Anybody else have any questions?

CYNTHIA WERNER: My name is Cynthia Werner and I'm the owner of forty (40) McCormack Road, it's adjacent across the street from the Friedman property. I'm listening to everyone's proposal of the water concerns coming down McCormack Road. And the drainage proposal to go into this pipe. Randy had come over and we spoke about how the direct line from across the street from the new proposed drainage system would go right directly across to that pipe and that it would, the straighter that that's the best type of drain system. But that also encroaches onto my property. And at this time my concern is of course the encroachment onto my property to repair that system and it doesn't benefit me whatsoever. I mean, we talked about how the water that's coming over, basically the whole system was put in to capture water from new structures that were going alongside the main street and at this time I still have water that is retained in the front of my property that still accumulates a huge pool of water after a storm. And so I just want to say that Randy had proposed that there was another proposal to put that pipe away from my property and I actually feel that the further, and not that it's a long way, but I'm not in favor of the encroachment on my property of this pipe so I wanted you to know that.

CHAIRMAN MATHUSA: So let me ask a question. At one time weren't we discussing that by putting in this design it would in some way reduce the water on your property. If that is not the case, then I understand your point. But was under the impression that there was some fix or remedy could be put in place to help you reduce your burden as a quid pro quo for doing that.

CYNTHIA WERNER: Well the pool of water really sits right in front of my house, it's quite a distance from the...

CHAIRMAN MATHUSA: So there's no way for you to drain to another drain across the street.

CYNTHIA WERNER: No I sit lower than all the homes that are above me.

CHAIRMAN MATHUSA: So there's no way for you to do that then.

CYNTHIA WERNER: Unless you were going to raise my house.

CHAIRMAN MATHUSA: But that was one of the points we wanted to find if there was some way to benefit you by this particular design.

CYNTHIA WERNER: Well we talked about possibly putting some dirt here and raising that area but there is no accumulation of water there at all because of the drainage. Because it does catch it coming down to that point but everything below that, which is my property, is just filling up with water every time we have a rainstorm.

CHAIRMAN MATHUSA: You have any thoughts on any remedies there?

MR. PASSMANN: If the property owner won't provide the easement then the designer is going to need to look at an alternative approach.

CHAIRMAN MATHUSA: That's what my concern was. Thank you. Anyone else want to make a point?

ED HOMILLER: My name is Ed Homiller and I've lived in the property adjoining this lot for over fifty (50) years. In that time the standing springtime joke was now we're going to see Garvin's Lake. Grace Garvin owned the farm where you live now. After she sold off the high land and her orchard to build the by-pass, from then on we have had a natural bowl there. And literally we used think that we could have a canoe race down there. Generally, once a season, occasionally two, not at all rare to come up well past your garage. So that we have to keep in mind that from fifty (50) years of observation my feeling would be that very little of the water so cascading down McCormack Road and it really isn't very impressive, has anything at all to do with the low land behind these properties. This is a force of nature that's been in existence to my knowledge for fifty years and what is being proposed here in the way of grading, I can't imagine would have any measurable impact on what happens in the rear as that bowl accumulates water and water rises.

CHAIRMAN MATHUSA: I'm sensitive to your point, I just wanted to make sure if anything could be done to even reduce a little bit...

ED HOMILLER: You could put in a big sump pump.

MR. PASSMANN: I'd like to add that when Janine Saatman from the Planning Department and I made our site visit to this area, we walked along the wetland area out back all the way over as far as Cherry Avenue. It is a bowl shaped area, we weren't able to identify any outlet form that area.

CHAIRMAN MATHUSA: Any other comments, questions or points? OK, thank you very much. I'd like to have a motion to close the public hearing.

MR. ODELL: So moved.

CHAIRMAN MATHUSA: Second?

MR. COTROFELD: Second

CHAIRMAN MATHUSA: All in favor.

ALL BOARD MEMBERS PRESENT: Aye.

The public hearing closed at 8:13.

Chairman Mathusa told Mr. Johannessen that because Ms. Warner was not open to the easement, he would have to revise the drawing to reflect the new storm sewer path and submit the hydraulic calculations that had been discussed pertaining to Ms. Freidman's property. Mr. Johannessen stated that he would speak to Mr. Passmann.

A motion to approve the minutes of February 1, 2005 as amended was offered by Ms. McCarthy, seconded by Mr. Odell and approved by all present.

A motion to adjourn was offered by Ms. McCarthy, seconded by Mr. Odell and approved by all present.

The meeting adjourned at 8:20.