

Testimony of a Public Hearing of the Town of Union Planning Board held relative to an application for the Leisure Village Subdivision submitted by M&S Real Estate Development, LLC to develop 28 semi-attached residences at 1908 Newell Road (Tax Map Number: #141.11-4-50), via Zoom Video Conference, held August 11, 2020, at 7:29 p.m.

PRESENT:

Members present: L. Miller
L. Ciccirelli
S. McLain
T. Crowley
S. Forster
M. Jaros
D. Kudgus
S. Yalamanchili (Alternate)

Others present: Marina Lane
Sarah Zubalsky-Peer
Rick Materese
Alan Pope
Mike Malarkey
Kelly Thompson
Dave Adams
Justin Mirando
Dan Brocht
Corey Auerbach
Sarah Campbell
Bill Walsh
Alex Urda
Dan Griffiths
Dave Jones
Finkelman

MS. MILLER: We will open the public hearing and I will read the public notice.

The Town of Union Planning Board will hold a public hearing relative to an application for the Leisure Village Subdivision submitted by M&S Real Estate Development, LLC to develop 28 semi-attached residences at 1908 Newell Road (Tax Map Number: #141.11-4-50). The application includes a new road through the 5.126-acre property, which has access to public water and sewer.

The application is available for review in the Planning Department. Persons wishing to participate in the hearing may do so via Zoom or telephone, or communications in writing regarding said application may be files with the Planning Board prior to said hearing. Individuals with special needs requiring accommodations may contact the Planning Department at 607-786-2926 at least 24 hours prior to the scheduled public hearing. In the event that the Town Hall is fully open and able to accommodate all members of the public as of August 10, 2020, the Town reserves the right to discontinue the use of Zoom for said meeting. The Public is hereby advised to check the Town of Union website for updates regarding this change prior to any scheduled meeting. Sara Zubalsky-Peer, Planning Director

MS. MILLER: Is anyone here to speak on the subdivision at 1908 Newell Road?

MS. LANE: Well, let me read a couple of comments that I got via email because this person doesn't use zoom. It is from Marietta Salamida who lives at 1904 Newell Road, immediately adjacent to 1908 Newell Road. Ms. Salamida's comments read as follows, "Here are my concerns for your records: 1. How are the builders going to prevent drainage from Leisure Village from coming down onto my property at 1904 Newell Road?" The second comment was, "I own the easement road from the Newell Road side. My property line is 2-3 feet to the other side of the easement. That road is only meant for cemetery traffic. The builders can't use it for access during construction, and I appreciate your help with my concerns." I don't know if Mike wanted to address that for the record. Mike's on mute.

MR. MALARKEY: Sorry; can you hear me? Yes, I'll address it. I don't see us having any need to ever use that easement road. We have five acres to park on, to use throughout the construction. We will have our own road. We have a road to the south of the property, which will belong to us and we could use that if need be, but I don't even envision using that either. We have plenty of our own room. We will be constructing a new road and parking there. So, that's fine, and I will make it clear to everyone involved in the project not to use the north-south easement road. It shouldn't be a problem.

MS. LANE: Very good. Did anyone want to address the question regarding drainage? We know that Keystone has designed a pretty extensive stormwater system with two bioentention basins, one infiltration basin, and then on into a detention pond. I think that we could summarize by saying that the stormwater plan will be reviewed and approved. If anything should fail in the future, the owners of the properties will be responsible for remedying it.

MR. MALARKEY: I would like to comment on that as well. With the way it is engineered with the flood plan, and as Marina said, with the bio-retention ponds and the detention ponds, I would say the residents at 1904 will be safer upon our completion than they probably are now, as far as getting any flood water, rain water, storm water or what have you. When this construction is complete, she will be safer than she is now; I am sure of that.

MS. LANE: She did comment that she gets some pooling right now.

MS. MILLER: Any other comments?

MR. JAROS: I have a quick question for Mike. Mike, will that retention pond always have water in it, or only when there is enough drainage to fill that retention pond?

MR. MALARKEY: Yes, that's a good question. It will not retain water for long periods of time. During a big storm event, it may be a few hours, maybe 8 or 10 at the most, and it won't be a lot. However, for the most part, they are designed not to retain water; the ponds put it on a holding pattern so that it does not overwhelm the storm system, and slowly leaches and drains. As the engineers explained to me during the design, because I had that question as well, there are special plantings, there is some special grass, shrubs and other things, and they are not that deep. Therefore, my answer from what I understand and was told by the engineers about the design, it will be rare and it will have to be a pretty major event, and it won't be there very long, at the most maybe 6 to 8 hours.

MS. LANE: Actually, in the meeting that we had, Mike, over the conference call, they did a mention a possibility of up to 24 hours, but that was the longest.

MR. MALARKEY: Yes.

MR. CICCARELLI: Is she concerned with the basin overtopping? Is that where she is concerned with the storm water runoff? I guess I don't know where her concern is.

MS. LANE: Well she is a regular resident who is not familiar with looking at storm water prevention plans, and so even though I sent her the site plan, the layout, I am sure that she did not follow the path. There is quite a bit of underground channeling, swales that lead into the bio-retention pond; and then there is underground piping that takes

it from two of those bio retention ponds back to the east to the infiltration pond, and then that is sent underneath the road to the detention pond. Therefore, it is not something that the average citizen is going to get on his or her own looking at these black and white plans. I think the fact that she gets ponding right now caused her to have a concern that it might get worse.

MR. CICCARELLI: Do you know if there are elevated ponds, or are these at grade? Mike, can you tell me that?

MR. MALARKEY: They are not elevated, no. The retention ponds might be somewhat, but if you look at the elevations, it might be a couple of feet, 3 or 4 feet at the most. There is an inlet there right now that services the storm water, which will also be utilized. But, as I said, as extensive as this is, and it was a major undertaking on the design, it's pretty positive that any water that she is getting now will probably not ever happen when our project is completed. She will be much safer from stormwater upon completion than she is now.

MS. LANE: You will see, everyone, if you have your plans, you can see that there is a swale system that runs right along Mike's future property. A swale goes from south to north that runs along that property, and it could capture that water that might now be draining downhill towards her property. Instead, it will be captured and brought to this stormwater system.

MR. CICCARELLI: So they are only going to be about six feet deep from what I can tell, right?

MR. MALARKEY: At the most. And then I think the bio retention ponds are less.

MR. CICCARELLI: Yes, you are going from 913 to 916, or 911 to 913, so they are not very deep.

MR. MALARKEY: So about three feet.

MR. CICCARELLI: So I am guessing, what is actually feeding them, are all the rain leaders being directed to these retention ponds; is it from the houses?

MR. MALARKEY: Well the catch basins in the streets, the swales on the property from the actual soft surfaces and the hard surfaces, roofs, driveways of course, and as I said, the catch basins in the street and the swales that will be in the property itself, everything will be directed to those

four areas.

MR. JAROS: Now the cemetery is notorious for water issues. And that is at the top of the hill. So the buildings, 17 through 28, they would probably get, if I am looking at it correctly, Mike, they are going to get the water coming down the hill that goes through the cemetery then into your development.

MR. CICCARELLI: There is a diversion ditch, Mark, on that plan. You can see it right at the toe of that slope.

MR. MALARKEY: It is south of our houses, correct. I live close by there, and I find that interesting, because I have never ever seen a whole lot of water retained on that property. Now the area of the cemetery that you are speaking about, which is south of my project, there is a storm sewer pipe coming from the area onto my property and it just kind of disperses and goes down to the existing inlet on the northwest side of the property, but I have never even seen any water flowing there. Obviously, we are lower than the cemetery so we would get the water, but there are multiple swales built in the back of the houses on the south side of the property that will capture that water, and then carry it down to the four ponding areas.

MR. JAROS: Thank-you.

MR. MATERESE: Hey, Mike, this is Rick Materese. Just being the good neighbor that you will be, if during the construction something does run towards that woman's house or property, will you be able to just adjust it so that she doesn't have any worries? We are saying that after construction, everything is going to be fine, but just make sure that nothing happens during construction

MR. MALARKEY: Of course we will. And we will take all precautions to prevent any of that from happening as well.

MR. MATERESE: That's what I thought, but I just wanted to give you the opportunity to say that.

MR. MALARKEY: Yes, we certainly will.

MR. MATERESE: Thank-you.

MS. MILLER: Does anyone else have any questions? No. Therefore, we will close the Public Hearing.

Public Hearing concluded: 7:42 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK