

VILLAGE OF BALDWINSVILLE
PLANNING BOARD SPECIAL MEETING MINUTES
Tuesday, April 3, 2007, 7:30 P.M.
Approved 4/24/07

PRESENT: Chris Savacool, Chairman
Dave Arthur
John McFall
Larry Barnett
Edward Rock

ALSO PRESENT: J. C. Engelbrecht, Village Attorney
Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary

GUESTS: Kristy Harris, PE on behalf of Aspen Springs
Joe Alberici, regarding Aspen Springs

SPECIAL MEETING - 7:30 P.M.

OLD BUSINESS

Revisions to Aspen Springs Subdivision – Drainage Basin

Kristy Harris, PE and Joe Alberici are present to address the Board.

Chairman Savacool noted at the last meeting the Board had added a contingency to the approval of management basement #2 and J. C. Engelbrecht was going to touch base with the Village's insurance company regarding liability issues. He stated that after contacting the insurance company, J. C. Engelbrecht was told that both NYCOM and insurance companies are strongly recommending that these areas be fenced due to the depth of water in the basins.

J. C. Engelbrecht stated that Claude Sykes, Superintendent of Public Works, recommended that the fence be 6' tall with barbed wire on top. NYCOM is suggesting an 8' tall fence.

Ms. Harris stated the front pond's permanent depth is 6' and if there is a large storm they will be looking at an additional 4' to 5' of depth. She stated the top of the berm to the bottom of the pond is 10' deep, 6' of which is permanent. Any depth above 6' will be managed and attenuated and the 6' depth will be maintained with a 4:1 slope. A large stormwater event would leave a 10' depth for at least 24 hours.

D. Faldzinski noted that the drainage basin was constructed per DEC requirements and this requires a depth of 6'. He asked if the pool depth was less than 24" if they would still be required to have a fence. He stated the Applicant could ask the DEC for a variance as the depth is more of an operational issue and if the Village is taking over the pond, they may have some say in what the depth is.

D. Arthur asked D. Faldzinski to explain why the DEC recommended depth of 6' is considered operational. D. Faldzinski stated the 6' recommendation is to keep the basin from freezing, which would disrupt the discharge into the basin. He noted that with a 6' depth, the pipe will be submerged all year round whereas with a 2' depth it is likely that the pipe could get clogged.

D. Faldzinski noted a fence would present a challenge to maintenance. Chairman Savacool stated he is viewing this as a safety issue. D. Arthur noted the area looks like a park area right now, which may present an attraction to children. D. Faldzinski noted the slope is not steep at 4:1 and there is an aquatic bench with a depth of 0" to 6" specifically for aquatic planting. Chairman Savacool asked how wide this landing is. Mr. Alberici stated it is 10' to

15' wide. D. Arthur stated this creates even more of a concern for him as children could wade in on that bench and there would be a sudden drop off after 10 to 15'. Mr. Alberici stated the basin is designed to allow for a person to walk out as it has only a 4:1 grade all the way through.

E. Rock noted there are no sidewalks in the area so the location is not promoted as a pedestrian area.

Chairman Savacool stated he feels that something has to be done to minimize this problem and noted that the two people the Village contacted about this said this needs a fence. He does not feel it would be wise to ignore their recommendations and noted that if both NYCOM and the insurance company are both saying the Village should require a fence and the Village does not, the Village will have a greater exposure to liability in the future

D. Arthur stated there must be a reason the DEC wants a 6' depth maintained and does not feel it would be wise to just say that 24" is fine with this Board. He asked if there are any issues with going to a shallower pool regarding water quality. D. Faldzinski stated the depth is really based upon ice and avoiding any clogging of the inlet pipe into basin.

Chairman Savacool asked if there are any basins in the Village currently that are designed with 2' depth and higher with a major storm. D. Faldzinski stated there are very few right now. Prior to 2002, there was likely an underdrain into a pipe and no permanent pool.

Kristy Harris stated the DEC does state they recommend fencing in circumstances where the grading is greater than 4:1.

L. Barnett noted there is a drainage basin behind Baker High School that is located back in the woods and is not visible. He noted that is completely fenced. However, this may be because it is on the school campus.

D. Faldzinski asked, given this recommendation from the insurance company, if there would ever be an opportunity for a developer to create a water feature in the future. Chairman Savacool stated they would be able to because it would not be given over the Village. Mr. Alberici noted that the Village will not own the basin, but will have an easement. J. C. Engelbrecht stated that underlying ownership cannot interfere with an easement and the Village will still be responsible for the easement area. Mr. Alberici asked if it would be possible to indemnify the Village. J. C. Engelbrecht stated this was not an option. He stated the bottom line is if a child falls into the basin and drowns, the Village will be liable. Chairman Savacool noted that no matter what, there will be liability issues, but the Village has to act on the recommendations they were given.

D. Faldzinski again stated the Applicant could ask the DEC for a variance to 24" and he does not feel the DEC would object. Chairman Savacool asked what kind of storms would create depth problems. D. Faldzinski stated this would vary on a case-by-case basis depending on the design.

E. Rock noted that if the Village were to require a fence, they will have to deal with the problematic issues regarding maintenance and noted that may be an acceptable cost of decreasing liability.

D. Arthur stated he is adamantly opposed to a 6' fence with barbed wire on top. He stated he looked at drainage basins while driving around the Schenectady area. One had a 4' black wrought iron fence with spikes on top. He noted this looks very nice and the area here in question is already an aesthetically pleasing area. He stated he feels this type of fence would serve as a deterrent and would limit liability. He would propose this type of fence over a tall compound fence. He stated he would also like to see the engineering solution looked into more and feels the Board needs more information.

J. McFall noted there are other basins, for example the one near the bypass which is owned by the DOT, that are not fenced. He asked if anyone has ever fallen into one of those. D. Faldzinski stated he is not aware of this happening. He noted though that that basin does not belong to the Village. He stated its depth is consistent with the Applicant's basin and is approximately 4' to 6' currently. Chairman Savacool stated there is a difference between that basin and the Applicant's in that no one is likely to approach the DOT's basin. This Applicant's basin is right off of a subdivision road and he feels it is likely that kids will cut across the property to avoid Route 31 as it is a busy road.

He noted the basin is close to the road and is an interesting and attractive feature. He stated he really does not want a fence from an aesthetic standpoint, but does not see any way around it.

J. McFall asked if plantings, such as brambles, would be an option as he would also not like this fenced. Chairman Savacool stated he does not think this would satisfy the insurance company or NYCOM as they specifically recommended a fence. D. Arthur agreed and stated this developer has done a great job in making this area look nice, but does not feel the recommendations from both the insurance company and NYCOM can be overlooked.

Chairman Savacool stated the recommendations for a 6' fence with barbed wire and the recommendation for an 8' fence are both overkill in his opinion. He feels they should do the most they can without making it look like a compound. J. C. Engelbrecht stated at this stage the height may have to be approved by the insurance company. D. Faldzinski noted that kids can scale a fence of any height. Chairman Savacool stated he does not feel the Board should leave it to the insurance company to dictate what is needed. J. C. Engelbrecht stated they could make a logical argument for a 4' fence as this is what is required for a swimming pool.

D. Arthur stated he feels chain link would be easy to climb and wrought iron would be difficult to scale. D. Faldzinski noted, however, that a wrought iron fence would be at least 10 times more expensive than chain link. D. Arthur agreed and noted he is aware that a developer would have to have the option of choosing a less expensive type of fence.

Chairman Savacool stated he really would not want to go with a 6' fence. J. C. Engelbrecht noted the universal standard for swimming pool requirements is a 4' fence. Chairman Savacool asked why the insurance company and NYCOM are recommending more height. J. C. Engelbrecht stated he is not sure but will check with them.

D. Arthur noted that code does not require a certain type of fence when one is required and asked if the Village can require black coating on the fence to make it look better. Chairman Savacool stated a galvanized fence would work, but he would prefer a black vinyl coating for aesthetics as well. Mr. Alberici noted that the back basin will have a 6' galvanized chain link fence. L. Barnett stated he feels the Board should decide on the minimum requirements as the primary issue is liability and leave it up to the developer to decide what type of fence to use. J. C. Engelbrecht noted, however, if the board believes black coated vinyl will last longer, they could state that.

D. Faldzinski noted that a fence will require an access gate and noted that the fence will have to be positioned such that it allows maintenance equipment to access the area. J. C. Engelbrecht suggested that the DPW should approve the design. Chairman Savacool asked if the Board could grant approval tonight contingent upon DPW final approval. J. C. Engelbrecht stated he would be reluctant to do this as there is still an outstanding design issue. Chairman Savacool asked how quickly the Applicant could design the fence with access. He noted that Claude Sykes and D. Faldzinski would need to be involved with the design. Ms. Harris stated it would take only a day to draw up the plans. J. C. Engelbrecht noted that any signs could be basic "No Trespassing" signs.

Chairman Savacool stated the design guidelines would require a 4' galvanized fence with access points for maintenance vehicles, which will be worked out with Claude Sykes and D. Faldzinski.

D. Faldzinski stated he will be in contact with Claude Sykes regarding the discussion tonight and will push for him to accept a 4' height as the Board does not want to make this look like a compound. He will also note that the Village has a 4' height requirement for pool fences.

Chairman Savacool stated this issue will be held open until the next meeting.

Upon motion by J. McFall and second by D. Arthur, the meeting was adjourned at 8:25 p.m. The next Planning Board meeting is scheduled for Tuesday, April 24, 2007.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary