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First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

Second. That the plans proposed are justified by public necessity insofar as they apply to an emergency supply of water to Spencer Lens Company for fire protection only.

Third. That said plans provide for the proper and safe construction of all work connected therewith.

Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination and for the proper filtration of such additional supply.

Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Seventh. That the plans of the city for the supply of water to this plant other than for fire protection do not constitute an emergency under the provisions of section 208-c (120-u) of the General Municipal Law.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the city of Buffalo, as thus modified.

In the Matter of the Application of the MONROE AVENUE WATER DISTRICT for Approval of Its Acquisition of a Source of Water Supply and for Its Financial and Engineering Plans Used in the Construction of the Water Supply System. SECOND APPLICATION

Water Supply Application No. 1591

(October 26, 1943)

Application approved as modified, waterworks system approved as constructed and operation thereof by board of water commissioners of Monroe Avenue Water District authorized.

BY THE COMMISSION.—Charles A. Fitzmorris, chairman of the board of water commissioners of Monroe Avenue Water District, in the town of Brighton, Monroe county, acting in the name and on behalf of said district, on August 3, 1943, made application to the Water Power and Control Commission for ratification of its past acts in extending the supply and distribution mains of

this district into certain enlargements of the district, and for authority to continue the supply of water in those extensions. This application was filed in the office of the Commission September 16, 1943.

After due notice, published in *The Brighton-Pittsford Post*, the hearing on this application was held before John C. Thompson, senior engineer of the Commission, in the office of the Monroe Avenue Water District at 2010 Monroe avenue, in the town of Brighton, on October 7, 1943, at ten o'clock in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented by Harry A. Snyder, treasurer of the district, Thurston Corbett, secretary, and Doris T. Stroup, clerk of the water board. No objections were filed and no one appeared in opposition.

On October 7, 1943, the Commission caused an engineering inspection to be made in this district and in the extensions.

Monroe Avenue Water District now asks that this Commission ratify its past acts in extending without the previous consent and approval of the Commission or any of its predecessors, the supply and distribution mains of the district in several extensions of the district and for authority to continue the present supply of water throughout the entire district as now constituted.

After due study of the petition and its exhibits and the evidence and arguments given at the hearing, the Commission finds as follows:

Monroe Avenue Water District originally was created on May 9, 1914, and covers a portion of the town of Brighton, in Monroe county, immediately adjacent to and south of the city of Rochester, and lying along Monroe avenue between the city line and the town line between the towns of Brighton and Pittsford, and extending nearly to the town line of the town of Henrietta. Within a few years following the creation of the district several extensions to it were made so that at present the district covers a much greater area than it originally contained. None of these extensions was ever approved by this Commission or any of its predecessors, although the construction of the system in the original district and the acquisition of a supply of water therefor were approved by one of our predecessors, the Conservation Commission, on June 11, 1914 (*Water Supply Application No. 163*, 4th Report Conservation Commission 203; completed works approved August 5, 1915). The present district, including these extensions, as now indicated on a map filed in connection with this application and designated in this office *Accession No. 18,018*, has always obtained a water supply from the mains of the Rochester and Lake Ontario Water Company and this company still supplies this entire area. Except for water from the company, there is at present no water supply available in the district but the company has sufficient water of satisfactory quality to care for the needs of the district without adverse effect on its other consumers.

The making of the present application to the Commission for ratification of these past acts was authorized by a resolution of the board of water commissioners of the district at a meeting held on August 3, 1943.

All of the works in this district have been installed and in operation for some time and have been constructed in a safe and satisfactory manner. In approving this application, therefore, the Commission can also at this time give final approval of these works as required by the provisions of section 524 of the Conservation Law.

The carrying out of these plans has had no adverse effect on the water supply interests of any other municipality or civil division of the State.

The legal damages which might have been caused by the execution of the plans of the petitioner were not such as to require any special consideration or legislative enactment in order that they equitably might have been determined and paid.

The Water Power and Control Commission, having given due consideration to the said petition and its exhibits, and the proofs and arguments submitted at the hearing, determines and decides as follows:

First. That the plans proposed are justified by public necessity.

Second. That said plans provide for the proper and safe construction of all work connected therewith.

Third. That said plans provide for the proper protection of the supply and the watershed from contamination and for the proper filtration of such additional supply.

Fourth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Fifth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of Monroe Avenue Water District as presented and does also approve of the waterworks system as constructed and authorizes the operation thereof by the board of water commissioners of Monroe Avenue Water District.