

LIVONIA JOINT PLANNING BOARD
September 24, 2018

Present: Chair Bennett, D. Andersen, R. Haak, J. Palmer, D. Richards, D. Simpson, CEO A. Backus, & Secretary, A. Houk.

Excused: J. Sparling, Attorney J. Campbell

Agenda:

- 1) Approve the meeting minutes. –August 27th, 2018**
- 2) Bruce Beardsley – Meadow Drive, Livonia, NY**
4- lot Subdivision off Meadow Drive.
- 3) United Refining – 5845 Big Tree Road, Lakeville, NY**
Concept with developer to provide clarification.

Chair Bennett opened the meeting at 7:00 p.m.

1) Approve Meeting Minutes for August 27th, 2018. Chair R. Bennett asked for a motion to approve. M/2/C (D. Richards/R. Haak) approved as submitted. Carried 6-0

2) Bruce Beardsley - Meadow Drive, Livonia, New York.

Chair R. Bennett asked Bruce Beardsley and Glenn Thornton of Thornton Engineering, LLP to come forward to discuss the Subdivision. Chair R. Bennett asked that they bring the Board up to date since they were here the last time. There was a memo dated April 3, 2017 that he had, which included comments by former Village DPW Foreman D. Palmer. This memo addressed the development of the Cal-da-sac for private use or Village dedication. It also addressed issues such as snow storage, drainage, gutters, curbing and catch basins. G. Thornton stated that they did receive the memo from A. Backus and responded back with their answers to those concerns in April of 2017. Since then they have progressed the plans and provided further information and detail in the application. They provided a full set of plans, SEQR, the Subdivision plan and the Engineers report. This information addressed all of the prior comments. Chair R. Bennett stated that the biggest issue with this development was the lack of water pressure and the Board was not going to make any decisions until that issue was resolved. G. Thornton stated that there was a meeting at the Livonia Town Hall that included the Livingston County Water & Sewer Authority back in April of 2018. Michelle Banes of the LCWSA indicated that they were working with the Village Board to accumulate enough funds for a \$300,000.00 Water main improvement project. It would be an extension of the higher pressure main to the south in the Village. This would help water pressure on Meadow Drive, and other areas in the Village that have deficient pressure currently. He has not been able to get an update on the improvement project, and according to M. Banes, it's in the Mayors hands. The program will increase the water pressure on Meadow Drive. B. Beardsley stated that he has conducted testing of the water

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pressure for several homes on Meadow Drive. The highest pressure he was able to get was 24 pounds, and it varies depending on the day and time. Normally, it is at 17 or 18 pounds of pressure. He felt that the changes in pounds of pressure had to do with the amount of water in the tank. G. Thornton stated that brings up a valid point. The elevation of the water supply is what determines the pressure at the houses, its not friction loss in the pipe itself. There is an 8" diameter pipe, and not a lot of water flowing in it. The Engineers report looked into how much water pressure would be lost by adding the 4 additional proposed lots. The result was that if there would be a pressure drop, it would be .015 pounds. That is one and a half hundredths of a pound pressure that would drop. You have an 8" water main that can easily supply the water. Friction loss is insignificant and undetectable. G. Thornton stated that in Monroe County, booster pumps are used for situations like this one. There are ways around the deficient pressure. They think the water main extension is coming to boost the pressure, but don't want their hands tied waiting for that to happen. If its going to happen within six months, they would like to move ahead with the approval of the Subdivision. They feel that they can address the water concerns. They can't improve the water pressure to the existing homes. The LCWSA has told them that if the water main is constructed, they will need an Easement with B. Beardsley through his property to make it happen. B. Beardsley is willing to participate.

CEO A. Backus stated that he wasn't sure how much he missed. He was late attending the meeting due to a fire call. The reference to Monroe County Water is not necessarily relevant to the LCWSA. The LCWSA was not comfortable with the booster pump as a solution for the entire four lot Subdivision. It would be allowed under certain circumstances for an individual, but not for a four lot Subdivision. Assurances are still needed that the 4 lots are not going to detract from the current homes. There have been letters stating it should be fine, but no one wants to put their name on it. G. Thornton stated that he put his professional stamp to that statement. CEO A. Backus stated that you are saying your plans will have no adverse effect on the existing water supply. G. Thornton stated; absolutely, it is stated in the engineer's report. With adding the additional four houses, the existing homes on the street during peak times, would experience no more than one hundredth of a pound of pressure loss in their system. CEO A. Backus stated that statement was not available when we met. The LCWSA stated there was no way they would tap anything the way it currently is. G. Thornton stated that they didn't understand the booster pump system. G. Thornton stated he provided M. Banes with the standard detail. CEO A. Backus stated that would need to be worked out with the LCWSA. Chair R. Bennett stated that the water issue is going to need to be addressed by LCWSA, and they will advise the Planning Board if they are in acceptance. The Planning Board would consider the impact on the community. The Village of Livonia would need to provide an update regarding the new water mains. CEO A. Backus stated that we can address the Site Plan concerns as long as the water issues get resolved. The Planning Board has not seen this proposal since 2015. This meeting is to get the Board engaged and a path moving forward. Chair R. Bennett asked if Clark Patterson Lee has the erosion study? The Planning Board would need their review & comments. Other issues are the Cal-da-Sac and turnaround for fire and emergency equipment. CEO A Backus stated currently it is being proposed as a private drive, which does not incorporate that. G. Thornton stated that they have shown on the plans, a Fire Code compliant turnaround area on the Cal-da-sac using a hammer head type design. It will utilize one of the driveways which will be 20' wide to accommodate the requirement. CEO A. Backus clarified that this plan is only for the four lots, private drive, its not a turnaround. B.

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Beardsley stated that a few years ago he had a discussion with Mayor C. Lathan regarding the turnaround. At that time, the Mayor stated that he did not want or need the turnaround. B. Beardsley referenced another approved Subdivision in the Village, and stated his proposal would be the same. CEO A. Backus stated that he has had that discussion several times with B. Beardsley and it is not the same. He referenced a Subdivision coming off from North Street, which is a conforming road. Meadow Drive is not a conforming Road, and does not have a turnaround. The original proposal was to make a common-sense, doable turnaround that the Fire Trucks and School Busses could use. The Village could have taken dedication of, even though its not right, its workable and a good solution. B. Beardsley was originally opened to that, but for what ever reasons things did not work out and the two sides have not been together since. B. Beardsley stated that the Village was not interested in the turnaround and contributing to the cost of the pavement. He has obtained an Engineer and is here to pursue moving forward with a private subdivision. CEO A. Backus stated that is why we are here. He is aware that this has gone on for a while, but there are a lot of reasons for that. This Board was involved in a preliminary concept approximately three years ago. This meeting should be a reintroduction to bring the Planning Board up to date on the progress. CEO. A. Backus stated that it would be helpful for them to provide an introduction and update from where it was left off at years ago. G. Thornton stated that is what was submitted previously; has all the engineers reports and responses. Since then, the only thing that has happened was a meeting with the LCWSA, but is not aware that the problem has been solved. He feels that the Village should be addressing the deficient water pressure problem. They would like to move this application ahead. It has been over a year since he got involved with the project. CEO A. Backus stated again that there are reasons for that. The application stopped when the LCWSA said they would not be tapping into the existing line. CEO A. Backus stated with that information, what would be the point of proceeding. G. Thornton stated that B. Beardsley could drill wells. CEO A. Backus stated that he is not sure if wells would be approved. G. Thornton asked if anything has happened with the water problem. CEO A. Backus stated that would be between the Village and the LCWSA which was stated to him in the last email correspondence. CEO A. Backus stated he has no control over that, and this Board has nothing to do with that. G. Thornton stated that nobody seems to know what is going and the LCWSA doesn't return his phone calls. He was told that the LCWSA is okay with their proposal, but it is now in the Villages hands. He asked if CEO A. Backus could find out the status. CEO A. Backus stated that he will reach out to both the Village and LCWSA for an update but wants them to realize he has nothing to do with it. Last he knew the Village was seeking funding and they are moving forward. CEO A. Backus stated that unfortunately, the Village attorney was not able to attend this meeting and he is unaware of the legalities of the situation. This meeting is an opportunity to get the Planning Board engaged and have a path moving forward. He requested that we are up to date, and have the latest information, which includes the responses from Clark Patterson Lee. He will ensure that the Planning Board members receive all the latest information so we can start with a fresh slate. CEO A. Backus asked Chairman R. Bennett if there were any other items that he would request. Chair R. Bennett stated that the biggest issues would be the drainage and that Clark Patterson Lee has been satisfied. Access to the subdivision for fire equipment and buses. Also, explain how snow removal and melting will be addressed, and the detention pond located on private property. B. Beardsley stated that he would like to know what the path forward would be. He would like to proceed. Chairman R. Bennett stated that we can review the issues stated above, but the water issues are not within this Boards jurisdiction. G. Thornton stated he would be

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submitting everything electronically to Adam and will mail hard copies for the Board members. G. Thornton asked if they would be on the next meeting agenda. CEO A. Backus stated that we will have to meet the Livingston County Planning Boards deadline. G. Thornton stated that nothing has changed, so he will be submitting what was previously sent. CEO A. Backus stated we will submit to the County by their deadline of October 1st and place you on the next Planning Board meeting date of October 22, 2018. CEO A. Backus stated that he felt it was important that they update the dates on the application, so they are not receiving a six-month-old application. G. Thornton stated “okay”, he would do that. G. Thornton stated that any updates on the water main would be appreciated. CEO A. Backus stated that he was aware that it was a continual conversation and it was at the application process for the Village getting funding approval. G. Thornton asked what type of funding the Village was seeking, was it rural development money, grants or bonds. CEO A. Backus stated it was bonds. Town Attorney J. Campbell stated he was the LCWSA attorney, and explained that they are actually looking for grant dollars. LCWSA is waiting to hear back from the Village on the funding options.

3) *United Refining – 5845 Big Tree Road, Lakeville, N.Y.*

Chair R. Bennett asked United Refining to come forward to discuss the property development. Present were Chris Ernst from E & M Engineers, David Schwanke, Jerry Fasciano, and Daryl Baldensperger. Also present were members from the Conesus Lake Association, Charlie Braun, Gene Bolster and Mike Parker. C. Ernst stated that they have been working with CEO A. Backus regarding the storm water discharge point. Suggestions were made that the best solution would be to go down Big Tree Road on private property by the railroad and Smith Lumber, run perpendicular across Big Tree Road, and go through the municipal parking lot and discharge into the old outlet channel. United Refining would like acceptance for the discharge point so they can begin developing their site. In an email dated September 10th, the Town stated that they were not going to make decisions until they knew what the site development plan was. C. Ernst provided the Board the site development plan, which describes their drainage plan. The storm water discharge will be collected and routed through the bio retention area, which is a natural type filter. That consists of the water coming in and being filtered down through a 2-1/2’ bio retention material. Since this is a fueling station, and considered a “hot spot” by the DEC, there will be an impermeable liner placed underneath. The water will be collected into a under-drain system, after being filter and dropped into the next phase, which is stormwater. Once it goes through the bio retention, filter and outlet pipe, there will be approximately 260’ of 48” pipe that will be buried in the ground. Water will be held there in order to control the rate of water coming off the site. This will be for the one, ten- and hundred-year storm events. Once it is detained in the underground piping, the outlet control will be within an outlet structure. There will be a 24” outlet pipe that will continue down and through the parking lot, and discharge into the old channel. CEO A. Backus, in a previous correspondence asked how much green space was going to be on the site. C. Ernst stated that that it will be adding an additional 5800 Sq. Ft. of impervious surface to the site. In the current situation, the impervious makes up 48% of the site. The proposed would make up 54%, a 6% increase of impervious. The rate that water will be discharged will be less than the existing situation. CEO A. Backus asked for clarification on the rational why you consider what still looks like green grass to still be impervious because of what was there prior. C. Ernst reviewed the aerial images from the past several years to show

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what is considered to be the existing impervious. Currently there are remnants of concrete, pavement and gravel, and further back remnants of the old milk plant. D. Simpson asked if the site could be brought back to where water could be absorbed back into the ground. C. Ernst stated there are a lot of remnants of pavement, gravel and concrete that are still there. It is very hard packed from when the milk plant was still there. A special remediation to remove the pavement and concrete would need to be done to accomplish that. They are treating the area as being impervious in its current condition. C. Ernst stated that Conesus Lake is considered impaired water due to the phosphorus levels. The design of the bio retention takes that into account. Because there are impaired waters, the requirements become that you need to look at the one-year return period storm, which in this case was 1.88". That requires them to double the amount of water that's being treated in the bio retention due to it being an impaired watershed. Water on the inside of the site will be addressed with a catch basin, through the bio retention and through the storage and outlet structure. At the bottom of the structure will be a 12" opening that will only throttle out the water so that it's no more than the existing condition for the one-year storm. As the water raises for the ten- or hundred-year storm, the outlet structure has another opening that will only allow the water to go out at the preexisting rates. It has to be controlled and throttle down, that is the purpose for the 48" pipe. That will allow the water to back up and only go out at those given rates. Since the site is greater than 1 acre of development, it will require an SPDES permit from the DEC and meet all of their criteria. C. Ernst stated that during discussions with CEO A. Backus and LCWSA regarding the discharge pipe going through the parking lot and into the channel, they looked at the proposed site as being impervious. They calculated what size pipe would be needed to handle that type of flow, and made sure the 24" pipe would work. Based on his calculations, the pipe would need to handle 20 cubic feet of water per second. The maximum capacity of the pipe was 24 cubic feet per second. The maximum discharge for this site is 13.75 CFS, approximately 1' out of the 2' pipe would be used. This would benefit the Town as there is enough room in the pipe for the Town to tie into, and address their drainage issues in the Vitale Park Parking lot. CEO A. Backus asked who would own the pipe off the United Refining site. J. Fasciano said that at this time, he does not have the answer to that, he will need to get legal involved to determine how they will handle that. Attorney J. Campbell stated that its an ongoing maintenance responsibility. It will be looked at differently if it will be dedicated or privately maintained. J. Fasciano stated that it could possibly be a joined effort. CEO A. Backus asked to what level their position was. Will you state that the Town can use the pipe, or help implement their storm water into the pipe? C. Ernst stated that the capacity will be there for it, but water quality will need to be addressed at the parking lot at the Town's responsibility. D. Simpson stated that it seems like their plan was to continue quite a distance south to drain the water. Why not consider going west to the outlet, north of the dam. C. Ernst stated that currently they are crossing two private land owners and running perpendicular across the state property. In order to go further west, you would be going over several other private land owner's properties. That would also require approval from the DOT, granting permission to be in their right of way. Since Big Tree Road was recently paved, he didn't believe that would be an option. Early indications on a local level were that there were no issues doing the perpendicular crossing. Land owners and what utilities they would be crossing would be the issues. Currently they have a flat grade of .47% for the pipe, which is important to make sure the water is flowing in the correct direction. Continuing on, they are unaware of what obstacles they might run into. D. Simpson stated that if they ran the pipe north of the bridge, they would still be lower than the lake level, which may help with the pitch. C. Ernst stated there

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were discussions of taking the storm water to Stone Hill Road. The issues they had was the 4' grade difference, then would need to re-grade the site against the natural grade of the land. The idea of going through the municipal parking lot seems to be favorable option, as the Town could address a current drainage issue as well. United Refining has investigated other options including using the DOT storm water system. The DOT advised them if they wanted to use their facilities, they would need to upgrade the DOT pipe over 1500'. Chair R. Bennett asked, without developing the site, when there are the one, ten, hundred-year rain events, where is the storm water currently going now? C. Ernst stated it currently is going onto Big Tree Road. S. Malloy of Clark, Patterson Lee stated that some of it goes to the DOT drain as well. C. Ernst stated that was their argument to the DOT, if they tied into their storm water system, they would be improving the conditions. Chair R. Bennett asked if this concept has been sent to Clark Patterson Lee for their review? CEO A. Backus confirmed it was. S. Malloy of CPL stated that it has been reviewed, and they were satisfied with the concept. They can't approve the whole plan until they know the final numbers. Chair R. Bennett stated that the biggest issue is the discharge point and the possibility of back wash into the lake. S. Malloy stated that they do not believe that will be an issue, looking at the elevations of the channel. They can't predict what the future of the channel will be, there has been discussions of upgrading the bridge and the two culverts downstream. As it stands with the current elevations, there won't be water coming back into the lake. It may get stagnate, there will flow, even if minor going away from the lake.

Members of the Conesus Lake Association, Gene Bolster, Charlie Braun and Mike Parker addressed the Board. G. Bolster stated that they have heard the comments that state water is highly unlikely to come back into the lake. Two weeks ago, the channel was completely plugged with vegetation. It took several man hours scooping the vegetation out and breaking up the compacted area. An experiment was held where the LCWSA opened two gates for 30 minutes. It caused enough "flushing" action through the old outlet to allow what was left to clean out the old outlet. The outlet should be at 18.5' above sea level, and should be maintained. Two years ago, when there was a drought, it was 1-1/2' lower. At that time is when they question the comment that "it is highly unlikely" that the water would flow back into the lake. The CLA provided pictures showing the conditions of the outlet. C. Ernst stated that when they surveyed the channel, they took elevations of the outlet pipes. What they found was a invert of the lowest outlet pipe, which is approximately 4" lower than the annual low-level water. C. Braun stated that the problem is that the vegetation gets hung up in the channel. Currently the water level is low and there is no flow. C. Ernst asked if they have ever seen when the water is below the outlet pipe? C. Braun stated that he cannot answer that. C. Ernst stated he is asking because the data they obtained from the CLA website in terms of the lowest recorded values, stated there was only one time in the last 46-1/2 years where the water level was below the elevation. That is what they based their analysis on. G. Bolster stated that they need to look what happens between the culvert pipe that goes into the "U" channel, and what the elevation is that has been gradually filling in over the years. There is a high spot, and combined with the compact vegetation in late summer the channel becomes blocked. C. Ernst asked how often the maintenance with the LCWSA was done. G. Bolster stated that was a one-time test, and it can not be done again. When the channel becomes full of compact vegetation next year, it will sit until the spring. They have been told many road blocks that prevent them from doing simple things such as dredging. G. Bolster stated that they are concerned if additional storm water is added next to the Chip Holt center, its not going to flow out the old channel, but rather flow out to the bay area of the lake.

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C. Ernst stated they are predicting results on the lake level elevations in relation to the outlet pipe, in terms of what they are anticipating the flow to do. S. Malloy stated that based on the survey they provided, their outlet would be down stream at the highest point. The compacted vegetation is the biggest problem at that highest point. Where the lake bottom comes up towards the channel, there is a breaking point where the channel starts to flow away from the lake. G. Bolster stated that the compacted conditions run half way down the channel, and provided photos of the area. S. Malloy stated that after looking the elevations survey United Refining provided, the discharge point is past the highest point. The water is not going to push upstream and they do not feel that the water is going to flow into the lake. C. Braun stated his concerns was that during a rain event, United Refining's 24" pipe will be putting 12" water into the outlet, it will seek a level and will go out the new outlet, due to the vegetation restriction in the old outlet. C. Braun stated the Town is currently looking into a grant with NYS to replace the old culverts into a bigger single culvert so the vegetation does not get hung up. The other option would be adding a dam so the water could be controlled and there would be no concerns of additional water as it would be able to be controlled. Mike Parker of 5894 Big Tree Road stated he is a patron of many of the business on the north side of Big Tree Road. Many of the patrons in the last couple of years, east of this development have had their basement flooded. Water comes from a south west direction from behind the recycling center and flows down all the way behind the houses on the north side of route 20A, it then comes out at the old ice house in front of Vitale Park. He was surprised to learn there was impervious services under the ground. Water is flowing down the stream underground and even with 40% impervious services under ground, water is still coming up in front of the ice house and floods during a rain storm. With under ground tanks, retention ponds and compact soil, you will have an earth dam. He feels water will flow down from the recycling center, hit the dam and flow south, then across 20A into the ditches between Hook & Spoon and other properties and will flow directly into the lake. That will be a major problem. The house between the old Pat's Petals and Empire Realty, during the weekend prior to the 4th of July, the basement flooded and needed to be pumped out by the Lakeville Fire Department. The Liquor store owner told him his electric bill this year has been astronomical due to his sump pump running nonstop. Vincenzo's Pizza has a new pipe coming out into the drainage ditch and it runs constantly. There are water and storm water issues in that area that need to be corrected. He feels this proposal will only exasperate the situation. C. Ernst stated that the water that is hitting their site will be captured and dealt with, and discharged in a more controlled manner than what it is currently. Now the water currently flows across the site and runs to Big Tree Road, the storm water systems can't handle it. They feel they will be helping the current problem. J. Fasciano stated that the current impervious material is not allowing water to soak through the surface. Their proposal will be addressing and controlling the water coming off the site. S. Malloy of Clark Patterson Lee stated that they are representing the Town of Livonia. Part of their job is to ensure what they have designed for water quality meets the standards. In order to meet the DEC requirements, they will have to provide a plan to show that the water runoff is cleaner than it currently is. They will need to do an increase Phosphorous removal, the main nutrient. They will need to show that they are addressing the water issues before the Board will grant any approvals. There will need to be a maintenance schedule for the bio retention. S. Malloy stated they he would still like to see how they plan to pre-treat the water before it goes to the bio retention. Since this is going to be a fueling station, he would highly recommend an oil water separation prior to going in. After their review, they have determined that it shouldn't have a significant adverse impact to the lake. G. Bolster stated that currently there is no

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government entity taking responsibility to improve or restore the outlet how it used to be. Chair R. Bennett asked if there is a rain event, how long does it take from the point you start receiving rain until it starts discharging. C. Ernst stated their analysis was based on a time of concentration which concluded a discharge from their site of five minutes. C. Braun is also concerned about increase truck traffic. CEO A. Backus asked how important the diesel island was. There is already a diesel facility at Quicklees, by interstate 390. Removing the diesel canopy may improve the green space and remove concerns about large truck traffic. J. Fasciano stated that they are targeting smaller dump trucks and DOT trucks for the diesel use. G. Bolster stated that he has no doubt that the Town and United Refining wants to do a good job. The CLA's frustration is non-point source pollution that is a problem on Conesus Lake. It started decades ago, but we are building an urban environment on the shoreline of the lake. It is having a negative effect on the lake.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 9:24 p.m... Motion to adjourn: M/2/C (R. Haak/D. Richards) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary