

Minutes of the Town of Perinton
Conservation Board Meeting of

December 16, 2014

Present:

Dave Belaskas, Vice Chairman
Chris Fredette
Andy Rodman
Jerry Leone
Barb Wagner
Joan Cannon, Secretary
Eric Williams, DPW

Absent:

Ken Rainis
John Minichiello

Others Present:

Linc Swedrock, Lyons National
Bank
Vince Dick, Rick Mitchell,
VanBortel

Lyons National Bank – O’Connor and Fairport Road – requesting preliminary and final site plan approval for proposed development of 1.16 acre site for a new 5,176 sf branch for Lyons National Bank. They have met with staff several times and reviewed the submitted layout plans. Previously, the site consisted of two different parcels. They were Town clean-up sites in order to relocate O’Connor Road. We will be using some existing curb cuts that were left by the Town and were used by the previous businesses. The sanitary and water laterals already exist. We are using the entire 1.16 acre parcel so we are over the one acre threshold. However, based on the calculations of what was there previously, we are reducing the impervious surface by 25% after it is developed. Because of the environmental component of this development, we are proposing green infrastructure practices as we don’t want to reintroduce any water. We are providing water quality as we are reducing the impervious surface by 25%. Under the Chapter VIII redevelopment guidelines we are just building storm sewers, collecting the drainage and tying into the 12” pipe. We have protected trees along the property lines as best we can. We are trying to keep a buffer between us and the adjoining business. We are also proposing a fence to block the view. Lyons National Bank uses totes with an enclosure around it rather than a dumpster. We do not meet all the setbacks but are working with Town staff to determine what we need to do as we are dealing with two zoning codes. We have three lanes and we will be asking for stacking of three cars per lane. Eric stated that 90% of the banks in Town have a stacking variance. We are moving forward under the existing Commercial Zoning and not Mixed Use. Eric agreed but the Town is confident that within the first quarter of 2015, Mixed Use will encompass this area. Lyons National has already done many important aspects of the Mixed Use Development Code. It’s a welcoming building and walkers will have easy access to it. Linc stated as part of the development, there will be conference rooms for community organizations to rent or reserve. The green space is at 52% and 35% is required. Eric wondered if it were possible for Lyons National to add in a water quality feature. The two previous sites

didn't have a collection system that point discharged to surface water. Although they are reducing the impervious area, you are now point discharging to a wetland. He wondered if there was an opportunity with some form of hydrodynamic structure to collect some of the grit and grime off the parking lot as an added environmental feature. Lync indicated he would review it with his client.

VanBortel Ford – 99 Marsh Road – Discussion regarding recommendation to Town Board – Rick Mitchell stated that this property (former Autohaus) has been vacant for over 25-30 years. Now Kitty VanBortel would like to utilize the building. After inspecting the building, Rick told her that they can't do anything about the building as there are no sewers. In fact, there is no access to water as every valve is either frozen or busted off from lack of use. There is nothing that can be done until there is a sewer. There is a lift station and the idea is to tie a sewer into the lift station. Mike Doser indicated that this property is operating under a SUP so we will need to go to the Town Board before we can do anything. The intent is to use the space in this building just as it is. One idea is to use the area for the large trucks they service as they tie up a great deal of space where they are now. Currently, they have to take their vehicles to the old VanBortel Ford in Victor to have the doll ups done whereas it could be done on this site. Nothing is being proposed for the outside of the building except for the sewer.

Vince Dick stated that this property was a Volkswagen dealership in the 1960-1970's that became a Porsche Audi dealership under the name of AutoHaus. In 1989 an environmental audit was performed on the building and it was found that the original drains went two ways – sanitary to the septic tank and the floor drains went to a dry well. Dry wells by that time were classified by EPA as classified injection wells so a well was put in. They found a combination of petroleum fluids and chlorinated compounds in the ground water. The concern was the presence of a Class 5 injection well which is how it ended up being. The second concern was that East Rochester had its well field on the property to the west of the site. Over the next nine years, several wells went in to assess whether it was a threat to the East Rochester well field. It was ultimately shut down in 1995 for reasons other than this. At the same time, the DEC and the owner of the property, (the Irmer Estate) entered into a consent agreement and performed some investigation and some internal remedial measures. They dug a 26' x 21' deep pit to remove the dry well; they removed the lines going back from it; the oil/water separator by the side of the building was removed; all the drains inside the building were cleaned of any sediment and properly disposed of off-site. At the same time, they sampled soil to make sure there were not building associated contaminants at the septic system. You had a building where water was still coming in but no way for it to go out. The AutoHaus shut down and left the property. It was eventually acquired by the former operator of the Ford Dealership, Pat Cortese until VanBortel acquired it. The DEC wrote a record of decision in 1998 indicating the site did not pose a threat and no further work was necessary and to reclassify it as a class 4 from what had been a class 2. The DEC has maintained monitoring wells on the site and a sample done until VanBortel entered into a consent agreement to take over responsibility for continuing to execute the site management plan. All of the wells but one is very close to or below ground water drinking water standards. That well has just one compound which remains above the ground water standard for this particular chlorobenzene. The site has come a long way but the one well and residuals have kept it on the registry. The project manager at DEC has been running it and wanted to delist it but that has prevented him to do so. VanBortel proposes to remediate it and do the site

management plan so the State does not continue to incur costs. Once that has been done we will petition the DEC to delist it. The remediation will be injection of chemox to knock out the remaining issue. We have done borings to get some final characterization on the area; we have the mix formulated; and the plan is approved by DEC. The injection is planned for February. Next is a monitoring plan to demonstrate the effectiveness and presenting it to the State.

In the meantime there are controls in the site management plan that will continue to run with the property. One control is that if there is excavation, there needs to be sampling ahead of time and proper management of the soil. Once Rick has figured out a configuration for drains within the building that would accommodate the kinds of uses that VanBortel wants to do, we will do characterization and arranging for direct load if it is necessary. If the drains are in there and it can be used, the remaining fixing up of the building can take place.

Rick stated at this point the intent is to obtain a Use Permit. If we can't get one, the proposed project will not proceed. If it does proceed, we will be back before all of the Boards. The basic structure itself is fairly sound but the inside will have to be gutted. Eric cautioned Rick that the Town Board will have some conditions in the Use Permit and that the Planning and Conservation Boards will have input. Those conditions will have to be done before the building can be occupied. He felt the Town would not be comfortable allowing people in there without all requirements being completed. There are many steps that need to be done before the applicant can even slowly occupy the building. Rick acknowledged that everything will have to be done first before any type of occupancy. Eric was not sure when it would be on the Town Board agenda. At that time, the CB will prepare a SEQR recommendation.

Discussions:

The Conservation Board minutes of 12-2-14 were approved as corrected.

Planning Board Report – 12-3-13 – Dave Belaskas and Jerry Leone attended.

Cottages at Woodcliff – requesting concept subdivision approval under Section 278 of Town Law for 27 single family residential homes on 8.48 acres. The CB provided the following comments:

- 1) Utilizing a perforated pipe for drainage in the backyards of the homes.
- 2) No mapped or wet steep slopes, they are to check by the road as there may be some.
- 3) Problems with the 0 ft. side set back, maintenance, access.
- 4) Better road configuration should be explored.
- 5) Is there an issue with the golf course drainage coming on these parcels?
- 6) Look at the overall watershed and stormwater management system to confirm the size of the ponds and pipes.

Set the maximum density, but additional work needs to be done.

Discussion: 650 Moseley Road – Malcho's Car Wash – Recommendation to Town Board regarding demolition of existing car wash, construction of a new car wash and modifications to the Moseley Road entrance. The CB provided the following comments.

- 1) The impervious surface should be equal to or less than existing.
- 2) There is an increase in water usage
- 3) Review if a sewer use permit is required
- 4) Confirm fire code for distances
- 5) Moseley Road access improvements will be beneficial.

Planning Board will provide a comment letter.

Proposed code change to Section 208-54 – PDD Code – No additional comments from the CB. Planning Board will provide a comment letter.

Temporary relocation of Fairport Public Library to Perinton Hills Mall – no additional comments from CB. Planning Board will provide a comment letter.

Planning Board Meeting - 12-17-14 – Jerry Leone to attend.

821 Moseley Road – 3 lot subdivision – requesting preliminary and final subdivision approval for a three lot single family residential subdivision on a 2.846 acre parcel. The CB recommends that this application receive a determination of no significant impacts under the State Environmental Review Act based on the following findings:

- 1) Access will be provided via a cul-de-sac driveway constructed to Town standards and including a turn-around for emergency vehicles. This configuration will avoid the traffic conflicts that could potentially be created by connecting the two sections of Waterworks Lane to create a through road.
- 2) The acreage in each parcel exceeds the Towns requirement for acreage outside the LDD and panhandle area. The only impact to LDD will be road construction, which is a permitted impact. Furthermore, the applicant has provided evidence that the steep slope LDD is man-made, and therefore not subject to limitations on construction.
- 3) No zoning waivers will be required.
- 4) Due to concerns about potential soil or groundwater contamination associated with the site's prior use as a water treatment plant, the applicant submitted soil samples from four test pits for laboratory analysis of PCB levels. No PCB's were detected in the samples.

Planning Board Meeting – 1-7-15 – Barb Wagner to attend.

Lyons National Bank – Perinton Branch –s/e corner of O'Connor Road and Fairport Road, requesting preliminary and final site plan approval for proposed development of 1.1 acre site for a new 5,176 sf. Branch for Lyons National Bank. See above discussion.

There being no further business before the Board, the meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Joan Cannon, Secretary