

**LIVONIA JOINT PLANNING BOARD  
JANUARY 28<sup>TH</sup>, 2019**

Present: Chair Bennett, D. Andersen, J. Brown, R. Haak, D. Richards, CEO A. Backus, Attorney J. Campbell & Secretary, A. Houk. Excused: J. Palmer, J. Sparling.

Agenda:

- 1) Approve the meeting minutes. –January 14<sup>th</sup>, 2019**
- 2) Kenneth Bennett – 4411 Federal Road, Livonia, NY**  
*Site Plan approval for Single Family Dwelling.*
- 3) United Refining – 5845 Big Tree Road, Lakeville, NY**  
*Site Plan - Storm Water conveyance path.*

***Chair Bennett opened the meeting at 7:04 p.m.***

**1)** Approve Meeting Minutes for January 14<sup>th</sup>, 2019. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/D. Andersen) approved as submitted. Carried 5-0

**2) Kenneth Bennett – 4411 Federal Road, Livonia, NY**

Chair R. Bennett asked CEO A. Backus to explain the proposed Site Plan for a Single-Family Dwelling of Kenneth Bennett, Contractor Bill Bruyer. The parcel is located at 4411 Federal Road, Livonia, New York. CEO A. Backus stated that this was part of a prior Subdivision that required Site Plan approval prior to developing. The only burden is the location of the road. The house sits below the road level, so they need to create enough of a swale and direct their water so it doesn't adversely affect their neighbors. The sides of the property don't appear to be a concern, as there is plenty of property to the east to control the water. If the Board was inclined to approve this proposal, approval could be based on a site visit, prior to excavation to confirm distance to create a storm water path in order to have no adverse effects. CEO A. Backus stated that storm water was the only concern. The proposal is a Single-Family home with Contractor B. Bruyer, who is a good builder, and conscientious. B. Bruyer stated in his proposal that there will be no issues on the north side of the house because the north neighbor's driveway, and house are both uphill. He plans to backfill around the house very tightly on the south-side, with a gradual slope towards the south property line. If it is necessary, they will add a swale to ensure no water runs off on the south neighbor. CEO. A. Backus stated that they wanted to locate their driveway closer to the north. It is consistent with the other houses on the road and he doesn't see it causing any hazards or traffic issues. They have already obtained the Livingston County Driveway Permit.

Chair R. Bennett asked for a Motion to waive the Public Hearing. Motion to waive: M/2/C (R. Haak/D. Richards) Carried 5-0

Chair R. Bennett stated that SEQR was not required at this time as it was addressed with the original Subdivision process.

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Chair R. Bennett asked for a motion to approve the Site Plan Application as presented, with the stipulation that a site visit prior to excavation, showing the elevations will have no adverse impacts. Motion to approve: M/2/C (J. Brown/R. Haak) Carried 5-0

**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: David Schwanke, Jerry Fasciano, and Daryl Baldensperger & Jen Egger. They are here to discuss their storm water conveyance plan and prepare for the end goal. There has been a storm water issue with the State, so they are trying to create their own storm water runoff plan. Originally, they wanted to go to the old outlet, but met some concerns from the Conesus Lake Association, and public concerned about the ineffective outlet and potential for water to flow back to the Lake. According the Town's Engineer, Clark Patterson Lee, it was very unlikely. In order to put all concerns aside, United Refining said they would come up with another option that would go north of the parking lot and go to the new outlet. This would create additional obstacles in that two, possibly three water mains would need to be lowered. A Grant has been approved to replace the two culverts with a box culvert and place it in the proper location to allow the water to flush out as it was originally intended. This Grant involves the D.E.C and Army Core of Engineers for their permits, which may pose additional challenges. This puts United Refining in a tough spot, they are looking to the Planning Board for direction to proceed forward with either option. J. Brown asked why using the new outlet is less desirable than using the old outlet. CEO A. Backus stated that fall and distance is so far. It is a tough, flat sight. They would have to lower the water main in possibly three locations. The old outlet is mucky, and as it builds up with weeds and debris, there are concerns from the CLA & community that if there was a deluge, it might push the blue green algae out into the Lake water. The grant that would properly install the box culvert, would promote flow to the old outlet and help to flush it out. The Grant wasn't confirmed when United Refining was here last. The Grant to replace the culvert and alter the dam gate is contingent on DEC & USACOE permitting and authorization. CEO A. Backus stated that after Clark Patterson Lee's review, their professional opinion is that both plans are an option and will work, but it's more challenging going north of the parking lot. Jerry Fasciano reviewed their plan moving forward with the Board members. Chair R. Bennett stated that if the D.E.C and USACOE give their permits associated with the Grant, that would be the way to proceed. Both options are not easy, but still feasible. United Refining needs to be aware of the permitting process associated with both D.E.C & USACOE, both concepts will work. Shauncy Maloy of Clark Patterson Lee stated that in his professional opinion, water will not flow back into the Lake. Storm water drainage will run by Smith Lumber to a new Catch Basin and Piping in the Vitale Park parking lot. The Grant is intended to replace the old outlet culvert and change one gate to allow for flow over the top. CEO A. Backus stated that there has been a Grant approved to improve the old outlet culvert, which would only improve the situation. R. Haak stated that even if there is a slight chance of having any issues, even if the permit falls through, the Grant plan is to improve the old outlet, which will only improve the situation. CEO A. Backus stated that with the Grant, their goal is for it to be completed by late summer 2019. CEO A. Backus stated that he spoke with the Town Supervisor, and Town Attorney and there needs to be a benefit to the Town for a private business to use public property. The

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understanding is that Clark Patterson Lee would engineer and design a storm water plan for the Vitale Parking lot for United Refining proposed drainage system. United Refining would pay for, and install that. The Town would maintain it up to the point where it discharges into United Refining's system. That would be the benefit to the community that justifies to them allowing a private business to use public property for stormwater. J. Fasciano stated that United Refining is in agreement with that plan. S. Maloy of CPL stated that the improvements in Vitale Park would fall below the threshold that would require a SWIPP and post construction storm water management facilities. Because of the size of the disturbance, it would not require bio-retention ponds. There have been many discussions and multiple options reviewed by the Town's Engineer on behalf of the Planning Board. These findings have indicated that there is not a problem proceeding with the old outlet option. CEO A. Backus stated one of the CLA's biggest concerns was that the Weed mat could build up, and it could not be dredged out per the D.E.C., which might not have been visible from the survey. CEO A. Backus stated that if the new culvert is installed, that would help flush the area and stop the buildup. Clark Patterson Lee has reviewed United Refining's proposals several times and explored many options. Chair R. Bennett stated that the consensus of the Board is that they look favorably on the concept and encouraged United Refining to proceed with the old outlet option, and to prepare the preliminary Site Plan. Attorney J. Campbell stated that a Public Hearing will be required and a Livingston County Referral application, in addition to SEQR. Once those items have been done, we can schedule the Public Hearing for Site Plan approval. Attorney J. Campbell suggested that Clark Patterson Lee generate a correspondence that indicates that the proposal has been reviewed at the Planning Boards request multiple times, and they believe the old outlet option is a viable option, that isn't likely to cause any of the concerns raised by the Conesus Lake Association.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 8:07 p.m... Motion to adjourn: M/2/C (R. Haak/D. Andersen Carried 5-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary