

**REGULAR MEETING OF THE
TOWN OF VICTOR CONSERVATION BOARD**

May 7, 2019, 6:30 p.m.

Victor Town Hall, 85 E. Main St. Victor, NY 14564

A regular meeting of the Town of Victor Conservation Board was held on May 7, 2019 at 6:30 PM at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

ATTENDING: Matthew Matteson, Chair; Andrew Phillips, Vice Chair; Joe Limbeck

ABSENT: Keith Parris, Patrick Coleman

OTHERS: Mike Guinan, Town Board liaison; Sue Davie, Steven Robb

Chair, Matt Matteson called the meeting to order at 6:36pm.

PROJECTS TO BE DISCUSSED:

PIPER MEADOWS SUBDIVISION

1-PS-2019

860 High Street & 870 High Street

Zoned Residential 1 w/C overlay

Owner – 860 Andrew Glasgow (20.40 acres) & 870 Glenn Piper (20.6 acres)

The project is comprised of 2 adjacent parcels approximately 20 acres each and will consist of 2 existing single family homes and 39 additional lots. Section 1 will consist of 21 single family homes and Section 2 will consist of 20 townhouse lots (ten 2-unit bldgs). This will be the second step in a 3 step process for a major subdivision. It is a 41 lot subdivision on 41.09 acres.

Privilege of the floor: Sue Davie

Ms. Davie gave a brief history of her background. This project is in her backyard. She lived for 43 years on Seneca Lake, owned 33 acres and there were 44 year-round homes behind their property and Seneca Lake was behind that. That was the flood zone. She was president of the association and knows this situation. Ms. Davie moved to High Street 1 ½ years ago.

She and other neighbors were told there was a conservation easement on the property behind her and that the owner was going to turn it over to the village for green space. The owner, Dr. Piper, passed away. His daughter owns the property next to him and is listed on the easement.

Ms. Davie researched the following uses permitted to (Dr. Piper's) easement: clear dead and diseased trees from the rest of the property and maintain trails for hiking/recreation. Allow bow hunting by family members and guests. Discusses ownership and transfers.

Ms. Davie is questioning will this property be transferred over to Morrell Builders? Right now, if it was deeded over to the Town of Victor, who is responsible for that property?

The Conversation Board did not have the answers to her questions. They explained role of Conservation Board, as an advisory board which passes good advice on proper use of the land to the Planning Board. They are not involved with legal aspects. Councilman Mike Guinan suggested Ms. Davie talk with Al Benedict, Code Enforcement Officer, for further information.

She has concerns over the diseased Ash trees and the resulting erosion with removal of these trees. The root systems of these diseased trees will lose effectiveness in preventing erosion in about five years. Neighbors were asked to list their 10 most requested interests in this property and they stated they would like hundreds of trees planted for privacy, for the aesthetics, noise barrier and to help with erosion. These Ash trees are also on the builder's property.

- Conservation Board shares the concern for erosion due to damaged Ash trees and recommends amending its original comments on the said site walk to consider loss or damage of trees.

Ms. Davie has HOA concerns and whether the town will be culpable. She referenced Silverton Glen issues. Mr. Matteson said HOA doesn't fall under the responsibilities of this board. Mr. Limbeck wonders if the Planning Board is aware of the issues with Ash trees and HOAs. He told Ms. Davie, if they approve the project, the resolution could include language that will be a condition of the subdivision moving forward.

Ms. Davie also has concerns over the surface water measurement going across this land into 96. She feels water coming from the school (the property above) should be factored into the measurement. Soil consistency is 85-91% clay. This is not going to absorb the water coming from school, no retention ponds underground or on top of school property. Water currently comes down into this land.

- The Conservation Board has pointed out soil types. They recommend Ms. Davie capture all of her research, with supporting material (pictures) into a letter to the Planning Board. It then becomes part of the record, as do the minutes of this meeting, and Ms. Davie could reinforce the points in person at the Planning Board meeting.

The board notified Ms. Davie that the builder's plans will come back to the Conservation Board.

Ms. Davie talked about the ponds and aquifers the builder is proposing. With the clay soil, the water doesn't drain. Without trees and with additional erosion, problem with flooding will be exacerbated. Driveway is proposed where the aqueduct currently is.

She expressed her concerns over the swales and how they will be managed. Swales are eliminated on the latest builder's plans. Conservation Board suggested that the grading plan would show the swales and they don't think the builder has gotten that far yet. Ms. Davie said

that swale collects water from the school and helps drainage. Mr. Limbeck suggested that was another comment that should be addressed to the Planning Board.

Supervisor Marren gave Ms. Davie the sewer map. Ms. Davie and seven others in Victor are the only ones with septic systems. Also concerned about water going over leach fields. Supervisor Marren said getting water in the sewer lines is something that can't be helped. Being at maximum capacity is what caused the problem with the explosion of the sewer line on Route 96. Ms. Davie is concerned if we are at maximum, adding more people and in a water area with aquifers, more has to be done with the sewer line.

Mr. Phillips referred back to original Conservation Board comments regarding swales and the applicant has been asked for details. They will circle back to get those answers.

Ms. Davie inquired about developer insurance. Conservation Board does not know about this.

She told the board that Cornell suggested Hickory for erosion protection and Conifers for quicker privacy and these comments will be sent to Planning Board. Councilman Guinan told Ms. Davie that he will find out the proper contact for her additional questions and get back to her.

2. Steve Robb has asked for privilege of the floor to discuss the Conservation Easement on Route 251 that he purchased. Tax Map #15.03-3-100.00. The land is the Conservation Easement for the Auburn Hills, Section 1 subdivision which was put into a conservation easement for the open space requirement of subdivisions.

Mr. Robb said he wants to uphold the conservation easement, but would like to make it as valuable as possible as recreation for his family.

Mr. Matteson said easement details were clarified when Mr. Robb came to the board earlier with questions.

The Board reviewed the easement details again.

Hunting – no restriction

Clearing – foot paths for access hunting, skiing, etc. Refers to only fallen trees/brush that block the path.

Mr. Robb questioned creating a path. Mr. Limbeck said it prohibits creating new paths. Animal, existing trails, can be kept clear, but does prohibit further development of trails or paths.

Mr. Robb said the invasive species, honey suckle, autumn olive, rose bush, prohibits him and animals from accessing the area. This was discussed before, but Mr. Robb didn't know at that time the plant composition as he does now.

- Recommendation: Mr. Robb should confer with CEO on details of the invasive species control. The assumption of 'control of invasive' species allows for maintaining pervious footpaths or animal paths. Key word is control, not removal.

Campfires – no restrictions, but follow safety rules.

Lawnmower – easement restricts motor vehicles. Handheld, small lawn mowers, hand trimmers for maintaining footpaths. Mr. Robb was hoping to gain access to some motor vehicles to get equipment back to the invasive species and to maintain footpaths. It's a long walk with the push mower, chainsaw, etc.

Mr. Robb pointed out places on the maps that he wants to mow. Trails marked in yellow are the trails he hopes to have. He cited a letter from the DEC stating what is permissible without having a permit. NYS DEC forester came to visit the land and he detailed how much cutting of trails and keeping open spaces would be beneficial to the habitat and wildlife. Fishers Fire Chief stated that he would like to see some trails for emergency vehicle access.

Mr. Limbeck referred to discussion prior to Mr. Robb purchasing the property. And his decision to take advantage of the property the way it was. If the Conservation Board knew of these plans back them, he would have discouraged Mr. Robb from bidding on property because of the restrictive easement. It's that way for a reason. While the Board is sympathetic and appreciates the research, they are opposed to doing anything more than removing invasive species to gain access to the trails. What more does Mr. Robb want to do besides enhancing the walking trails? Mr. Robb wants motorized vehicle for ease of getting handheld equipment out on property to clear invasive species.

Mr. Limbeck referenced the neighbor comments to the board. Mr. Robb said his neighbor told him a riding lawnmower would be ok.

Mr. Phillips and the Board expressed the issues that would arise if an exception was made for one person. Mr. Matteson referenced a note from Al Benedict that suggested Mr. Robb approach the Town Board since that Board has jurisdiction over easements, to see if they are interested in discussion and they would refer it to Conservation Board to ask for input after.

- Conservation Board suggests tying controlling invasive species to the language that allows clearing of brush and deadfalls on the existing footpaths and trails. Mr. Robb to talk with CEO to discuss the width that you would be clearing on either side of the trails.
- Conservation Board supports twice a year (seasonal, spring and fall) mowing to control invasive species and maintain the two clearings to keep the trails from going back to wild again. Conservation Board can take that discussion to the Town Board.
- For native plants, we recommend conferring with the CEO for guidance. Tilling the ground is not allowed unless it's for native plants.
- For habitat boxes (bats, blue birds, etc.) recommend guidance from CEO. Must get a prior approval.

- Tree house? No permanent structures.

LEHIGH CROSSING LOT 9

16-SP-19

7901 Lehigh Crossing

Zoned – LI

Owner – Bluestone Creek Dev, LLC

Applicant is requesting approval to construct a 33,600 sf flex space bldg. to accommodate office, manufacturing, and warehouse space for multiple tenants.

Applicants are just looking for comments. Storm water management is already accommodated. Utility connection points are all ready to go. Pad is already developed – no need to worry about water, slopes. Fire service has commented. No comment from highway. Nothing for CB to fill out.

- Conservation Board refers to Bruce Zeretsky for landscaping plan input. Make sure we're sticking to the native plant manual.

Approval of meeting minutes from April 2. Comment made that the Royal Woods site walk was already received.

On a motion by Joe Limbeck, seconded by Andrew Phillips, the following resolution was

- ADOPTED - AYES: 3 NAYS: 0
- RESOLVED, that the minutes of April 2, 2019 be approved as amended.

On a motion by Mr. Joe Limbeck, seconded by Mr. Andrew Phillips, and by unanimous decision the meeting was adjourned at 8:05 PM.