

Minutes of the Town of Perinton
Conservation Board Meeting of

November 17, 2015

Present:

Ken Rainis, Chairman
Chris Fredette
John Minichiello
Barb Wagner
Dave Belaskas
Ed Bradford
Rob Kozarits, DPW
Bob Place, Attorney
Joan Cannon, Secretary

Absent:

Andy Rodman
Jerry Leone

Others Present:

Bob McVea, Visitor
Jeff Richardson, High Acres
Nicole Fornof, High Acres
Luann Myer, High Acres
John Stapleton - Engineer,
Greg Senecal, LaBella Engineers,
Kate Mason (ESL),
Joseph Burkhart, Owners
Representative,
Stephany Dole, LaBella Engineers,
Richard Tiede, Project Manager.

HIGH ACRES ANNUAL REPORT – Jeff stated they were present tonight to provide the annual update on the progress of the on-going conditions associated with the Phase 3 permit. In 2009 the permit for Phase 3 was issued. Phase 3 in Perinton abuts the future landfill to be constructed in the Town of Macedon. There were 33 conditions that were issued in 2009 with 12 of them being ongoing associated with the landscape plans. Six are associated with the landfill plan; i.e. not parking the equipment on top of the hill. Currently, we are filling in Cell 11.

Ms. Myer indicated that they provided pictures of the landscaping to show how the plantings are progressing. Some areas contain natural vegetation which is doing quite well and others are planted areas. Minimal plantings are planned for the future as there only certain areas we can do that in. The Poplars are doing great. Every year we do a physical monitoring around the site, off site and on site. The meter that's used for noise is owned by Waste Management and is calibrated before each use. It's always within Part 260 sound levels for suburban environment. The offloading is tested off site across on the canal side. Gas management is an on-going process every year. This year, nine vertical gas wells were completed in the fall. Between 2-14

and 8-15, we heard from 18 residents regarding odors. This is the lowest since 2010. For the months of March, April, May and June there were zero notifications. Fifty percent of the complaints received were during July and August when High Acres was constructing a liner and we have addressed every notification. Additional odor mitigating measures employed over the last year include intermediate cover placement, expanded permanent odor neutralizer during construction and portable odor neutralizer to be used wherever it is needed on site. The public can call us, E-mail us or in person with any complaints 24/7. John asked if their quarterly surface scans indicated any problem areas and Mr. Richardson replied “no”. Also, we try and build out no more than two years of airspace.

Regarding the wetland mitigation status, Ms. Myer stated there isn't anything new. All three areas proposed for mitigation have been constructed with the last one being in the Town of Macedon. HANA is composed of about 275 acres of wetland. Ms. Fornof stated that (as dictated by the Army Corp and DEC) we have created 16 acres of mixed wetland habitat to mitigate for the loss of wetlands for the landfill. We have created eight vernal pools as part of the wetland area. Annually, we plant about 2,000 native plants as part of the mitigation and required by regulations. All 275 acres are open to the public with four miles of hiking trails maintained by volunteers in partnership with the Crescent Trail Association and Waste Management. Each year we have four to five interns on site from RIT's Department of Environmental Studies. They are also part of our mitigation group which removes invasive species. We host Eagle Scout projects and in the fall Fairport Rotary helps with work projects. The goals of the program are to preserve lands for wildlife habitat, maintain open spaces for the public and to provide educational opportunities. The Wildlife Habitat Council, an international accreditor of corporations with over 250 sites internationally nominated High Acres and this year we won their award. High Acres is very proud of this award which is the result of all the partnerships we have developed. This past year we have implemented new directional signs on the High Acres trail making it easier to navigate. Educational signage was also done this year and has been installed at eight sites.

John asked about the impact of the beavers and Ms. Myer replied a “big” impact. Currently, there are no issues due to the help from the Town Animal control. They removed 80% of their population due to the damage caused by the damn building and related beaver activity. We are now keeping track of them as it has become their breeding area. Maintaining a certain water level is important for the mitigation areas so the engineers are monitoring that closely.

Mr. Richardson stated that with rail, the hours of operation, permanent capacity, origin of the material, the types of material etc., nothing has changed except method of delivery. With rail delivery there are fewer trucks on the road. There are times when we have issues but we try and minimize the odors through standard procedures. Gas production is steady. John asked about storm water and Mr. Richardson indicated that just once this year we had a suspended solid from one of the storms. He further stated that in New York State there are 26 of these landfills and by that very nature they have become regional. Not every town, village, county has their own facility. Garbage has become a commodity with 12 million tons a year generated in New York State and its being managed by 26 facilities. We have trucked out of New York City for as long as I can remember. Now it's being put on rail. At least 2,000 tons a day in open gondola cars go by us to Ohio etc. Waste Management has inter-model which doesn't see the light of day.

Ken felt that the corporate strategy of hedgerows is starting to show that in five or six years it will start to have a meadow/hedgerow feel. Mr. Richardson stated the excavation of cell 12North in Macedon will begin in March 2016 and will open in 2018.

1285 Fairport Road Development – ESL - requesting overall preliminary site plan approval and final Phase I site plan approval for creation of a mixed use complex consisting of four buildings and associated parking. Mr. Stapleton stated this project consists of four buildings on about five acres of land. At a prior meeting, the CB had environmental concerns present on the site and what has been done to date. Greg Senecal is present tonight to review the history of the site since early 2000. Mr. Senecal stated he heads up the environmental and engineering group with LaBella Engineering and has been involved in the site since 2003. A small group of developers wanted to buy the site and develop a strip plaza. At that time, we examined reports previously done by other consultants. We did Phase I and II site assessments. Phase I deals with the history of the buildings and any records on file with New York State DEC and other regulatory agencies. Phase II site assessments put wells and soil borings in to look for underground petroleum and storage tanks. The developers (LLD Enterprises) decided they did not want to buy the parcel based on the environmental information. Basically, it was the problems that were present at the two buildings. Around 2004-05, Hoselton Automotive wanted to buy the property and asked us to quantify all the environmental issues at the site and adjust the price accordingly. They then would remediate the environmental issues. At that time we again checked for underground petroleum storage tanks, assessing numerous old hydraulic lifts in the Vincent property, checking some septic systems and waste water disposal systems. We came up with a remediation cost estimate to clean the site up to DEC criteria. Hoselton set an escrow amount aside when they purchased the property and we used those monies to clean up the property. He presented a map from 2006 which shows a remedial excavation around the tanks and the petroleum spills at the former Great Lakes Suzuki. Another remedial excavation was done at the corner of the Vincent building. Throughout these investigations we were identifying contamination in the DOT right-of-way. The intersection of Fairport Road and Jefferson Avenue has been problematic from a petroleum spill standpoint for decades. There is a bit of petroleum contamination that we could not remove for Hoselton. It is right in with the sewer, the water lines etc. that run on Fairport Road. That was the initial remediation work done for Hoselton. In 2007, Hoselton wanted to demolish the old Great Lakes Suzuki building. It was demolished and we were able to remove more petroleum contaminated soil from under the footprint and complete the clean up on this parcel. We did a program of injection chemicals to enhance the breakdown of hydrocarbons in the ground water. We worked very closely with the DEC and did a bio-remediation cell which recycles soil and keeps it on site rather than shipping it to a landfill. We closed out this spill to DEC's satisfaction with the exception of the DOT ROW. We put a soil and ground water management plan in place for this property and it is stipulated in the closure letter for the Great Lakes site. This plan stipulates that if anyone is ever going to develop this corner and tie utilities into here or build a building that would cross out into the contaminated area, the DEC has to be notified so if any impacted soil is identified it can be taken care of. If they did build into it, it would have to be equipped with a sub-slab vapor mitigation system.

We also have a spill closure letter but it is not tied to any soil water management at the Vincent parcel. Everything was done to the DEC's satisfaction. Nine years later, ESL became interested in purchasing that corner. This past year we put in a series of additional soil borings to make sure we didn't miss anything. Residual levels that we left ten years ago have reduced down to nothing. Ken asked if there was any chance of migration from the road towards ESL and if he has any concern about that happening. Mr. Senecal stated it's one of the reasons they put in two GeoProbe monitoring wells as close as they could to the DOT ROW which will alert us to any flumes. Mr. Senecal stated that because the Management Plan is in place with the DEC, the spill engineer, Pete Miller, has been sent a copy of the closed spill letter, a copy of the soil management plan and we indicated that ESL is in the process of purchasing the property and going through the municipal approvals. Hoselton will be responsible to have an environmental monitor at the corner. Mr. Stapleton stated that corner will be a pocket park and they will not go anywhere near that area in terms of disturbance. Ken had a concern that when monitoring for ESL, if something happens, how it would be mitigated because of the other side of the street. He would like to see copies of the reports just to see what's there because of the dry cleaners. Mr. Senecal indicated that all of the reports are public information and have been given to the DEC. We recently tested for solvents and none was detected and we will get copies of those reports. Ken asked if they are relatively confident that long term (with the exception of the corner) this area has been remediated and will stay clean and there will not be any intrusion from other known contaminated sources because of the utility trench. Mr. Senecal stated that he was very confident of that fact. Ken asked if they will have to go back in and test after they raze the building. Mr. Senecal indicated there are septic tanks under there which they have yet to find. Mr. Stapleton stated that once the building is gone, they will topsoil, seed and mulch it until somebody comes in for the next building.

There is a bio remediation cell in the southern portion of the property. Pine trees were planted and have been doing quite well. There was a neighbor who complained about the odors and that it was aesthetically displeasing. We tested using air meters, a certified industrial hygienist and the DEC. You could not smell a thing except for the fertilizer the first couple of days in building the bio-cell. The soil on the site has been tested; it's clean and can be used. Dave asked if the DEC has been made aware that this area will have residential development above the retail. Mr. Senecal stated this property was cleaned up under the spill program and not the brown field program and does not know if DEC is aware of potential residential use. However, he will make them aware of it. Barb noted that the Phase II states it is not restricted except for the one corner area so it should be fine. The ground water generally flows from south to north.

Discussions:

The Conservation Board Minutes of 11-3-15 were approved.

Planning Board Meeting – The meetings of December 1 and December 15, 2015 have been cancelled.

Site Plan Meeting – 1669 Victor Road – Andy Rodman attended.

The developer presented site plan with one building to be located on the west side (furthest from the Mall). The only access to the site will be via the light at 96/250. The storm water would be handled by a bio retention system along Rt. 96. The proposed building on the east side uses all the developable land in that area and does not encroach into the wetlands. Access to the site via the light at 96/250 would be thru town land that is buffer or wetlands/LDD. No mitigation is required; as per town code, because the road is for access only. General discussion about having the builder swap development rights on the east side for access thru the town land.

There being no further business before the Board, the meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Joan Cannon, Secretary