

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, New York 14424

## **DRAINAGE ADVISORY COMMITTEE**

*Established October 16, 2017*

**TUESDAY, FEBRUARY 27, 2018, 11:00 A.M.**

### **MINUTES—DRAFT #1**

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<b>Meeting Called by:</b>	Charles Oyler, <i>Chairperson</i>
<b>Committee Member Present:</b>	Richard Krebs
<b>Committee Member Excused:</b>	Kathy Page
<b>Town Representatives:</b>	James Fletcher, Town Highway Superintendent Chris Jensen, Town Code Enforcement Officer Greg Hotaling, Town Engineer (MRB Group, D.P.C.) Kaitlynn McCumiskey, Canandaigua Highway Department Kevin Olvany, Canandaigua Lake Watershed Council Kevin Reynolds, Canandaigua Town Board Liaison
<b>Guests:</b>	Dan Russell, 3456 County Road 16 Mark and Christine Vail, 3457 County Road 16 Donna Torrens, 3537 County Road 16

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#### **1. CALL TO ORDER BY THE CHAIR**

Mr. Oyler called the meeting to order at 11:00 a.m.

#### **2. APPROVAL OF MINUTES OF FEBRUARY 13, 2018**

The minutes of the February 13, 2018, meeting were approved as submitted. The minutes will be posted upon the Drainage Advisory Committee web page and will be distributed to the Town Board and Town staff via e-mail.

### **3. PRESENTATION BY DAN RUSSELL, 3456 COUNTY ROAD 16**

As a follow-up of the site visits to the property of Dan Russell, 3456 County Road 16, by Ms. Page and Mr. Oyler, Mr. Russell attended the meeting. He discussed the drainage issues which he said have been created on his and several neighboring properties by a dense brush pile which has accumulated over the past three years on adjacent property owned by Martin and Kimberley Muehe, 3476 County Road 16.

Mr. Russell: Explained that he did not experience a drainage problem on his property until the brush pile accumulated on the Muehe property.

Mr. Oyler: Said that the brush pile appears to block the natural flow of water on the Muehe property and causes the water flow to divert and enter the Russell, Vail and other properties where water damage of various types is now occurring to structures and pavement.

Mr. Russell entered the following comments into the record of the meeting:

From Dan Russell, February 27, 2018:

The drainage issue at 3456 County Road 16 (my property) is not due to 100-year storms or the reoccurrence of such storms.

It has everything to do with man-made changes in the neighborhood landscape.

The owner of 3476 County Road 16 employs a landscaper—"Lawn-scape"—who is building a barricade on a swale. You need to know that up until three years ago, said landscaper burned a great deal of debris until the neighbors complained of how the deleterious effects to them, such as emphysema, as they were forced to breathe in the potentially toxic low-hanging cloud of fumes. The fire company was called, visited with the person(s) involved in the burning, and placed restrictions on what the landscaper could burn.

That history is important and needs to be told because it was at that time the landscaper began to build a large pile on top of the swale which has grown and grown. And as it grows, it causes more and more rain water runoff to be redirected away from the swale to a flat area on the north side of my property. Except for one month in the year, and for the last three years, that area has become a growing pond. Now mind you, in my 11+ years on the property, never had there been a ponding issue. But for the last three years, there has been, and it is growing. And as the pond enlarges, so does the amount of structural damage being done to my home. The concrete floor of my garage is constantly wet. There is evidence of undue expansion in my framing indicated by numerous new cracks in the

drywall and plaster. Also, the growth of black mold in the exposed foundation is occurring.

As your minutes duly note, there are 7.14 acres of watershed draining onto 3456 County Road 16 (fact check moment). Assuming that number is correct, it is a lot of water to balance. Yet, up until three years ago before the barricade was built, it was balanced and properly channeled. I am now engaged in a comprehensive plan to address the issue: to ask the neighbor to move the barricade, to visit with northern neighbors on access to blue line, to develop a controlled detention pond, and to clean out the existing piping in my backyard which used to properly handle the runoff and to capture more of the newly redirected runoff created by the above slope barricade, to observe the effects, and to test what happens downslope. To do so, I will need a goodly number of sandbags.

There are hurdles to overcome, and overcome them I will—with your help. Once again, I remember grateful for the attention given to storm-water runoff issues on West Lake Road. Let me take this time to specially thank those who have come out to my property: Jim Fletcher, Chris Jensen, Kathy Page and Chuck Oyler. And thank you all for your work as advisors to the Town of Canandaigua.

Mr. Oyler: Discussed the possibility of deleting Mr. Russell's plan for a controlled detention pond if the brush pile were to be removed or relocated on the Muehe property and if, in so doing, the drainage returned to its previous flow.

Mr. Russell: Said that communication to reach an accommodation with Mr. Muehe would remain ongoing.

Mr. Jensen: Explained that the Town cannot enter upon private property. He said that the Town has requested permission to enter the Muehle property but that the property owner would not permit access when he became aware of the Town's intent.

Mr. Jensen: Suggested that a larger drainage swale across the backyards of several properties on County Road 16 and sloped toward the blue line stream may mitigate a portion of the drainage problems. It was pointed out that to do so would require bucking grade and that it would be a more complicated project to complete.

Mr. Vail: Noted that this problem has been created by one property owner whose actions have caused problems for a number of others. Ms. Vail said that the landscaper was burning pressure-treated wood on the brush pile until the fire department was called. She said that he now just piles up the brush.

Mr. Krebs: Asked if the property was being used for business purposes. Mr. Jensen said that the Town requires proof—such as a photograph of a commercial vehicle dumping brush on the property—in order to issue a citation.

Mr. Oyler: Said that cooperation by the property owner to remove or relocate the brush pile would solve the problem. He encouraged Mr. Russell and other neighbors to continue their efforts to communicate and reach an agreement with the property owner.

**4. ONTARIO COUNTY DEPARTMENT OF PUBLIC WORKS COUNTY ROAD 16 PROJECT**

Mr. Fletcher and Mr. Olvany: Reported on their discussion of the County Road 16 improvement project with County Engineer Tim McElligott of the Ontario County Department of Public Works. They reported that the County would first make repairs to 16 culverts along County Road 16 this year and would postpone repaving a portion of the road from State Route 21 to Wyffels Road until 2019.

Mr. Oyler: Will again communicate with William Wright of Ontario County to invite him to attend a future meeting of the Committee.

**5. STORMWATER RETENTION FACILITY AT FLCC**

Mr. Olvany: Reported that bids have been distributed for the improvement of athletic fields at Finger Lakes Community College (FLCC). He said that a bid alternate has been included for the stormwater management component of the project. This alternate is to create an upland retention pond system or to expand the existing FLCC Canoe Pond to accept the drainage from the athletic fields and the surrounding 40-plus acres which now drains into the Sandy Beach/Poplar Beach areas. He said that another alternate plan would be for the County personnel to perform some of the work themselves to keep the direct costs down

**6. DISCUSSION OF 5475 ROCHESTER POINT ROAD AND ONANDA PARK**

Mr. Oyler: Reported that William Strassburg, the owner of a home at 5475 Rochester Point Road, recently contacted Town Manager Doug Finch about drainage issues on his property and asked about the Town's responsibility for correcting the problems.

Mr. Olvany: Reported that he made a site visit to the property. He said that Mr. Strassburg built a new home on the property in 2010 which is about double the size of the home which it replaced, and which is located closer to a natural stream. He said that Mr. Strassburg received a number of variances from the Zoning Board of Appeals and that the new home is at the minimum level above the flood plain of Canandaigua Lake for home construction.

Mr. Olvany: Discussed the function of a stream which must have necessary space to spread onto its flood plain during storms or heavy runoff. He said that property owners

are now facing drainage issues because of structures which have been constructed in flood plains and which restrict the natural rising and falling of a waterway.

Mr. Jensen: Discussed similar issues of flooding at the adjacent Onanda Park. He also noted that there are limited options for mitigation on the Strassburg property due to the location of the septic system on the site. Mr. Fletcher explained that Onanda Park is owned by the New York State Department of Environmental Conservation and is maintained by the Town of Canandaigua.

Mr. Olvany: Said that there are few options to mitigate the drainage concerns in this area due to the encroachment of development within the flood plains of the lake and the stream.

Mr. Oyler: Said that a meeting is being arranged with representatives from the New York State Department of Environmental Conservation, the Town and the property owner to discuss these drainage issues.

## **7. DISCUSSION OF HILLCREST DRIVE**

Mr. Hotaling: Will present drainage mitigation plans for Hillcrest Drive at the next meeting. He reported that preliminary cost estimates for Phase 1 and Phase 2 of the work have been provided to Highway Superintendent Jim Fletcher. Mr. Hotaling said that the estimated cost for the Phase 1 work is higher than the total funds which are available in the Hillcrest Drive drainage district account.

## **8. DISCUSSION OF 3284 COUNTY ROAD 16**

Mr. Olvany: Continued his discussion from the previous meeting on a drainage problem reported by Bonita Powers, 3284 County Road 16. He explained that stormwater runoff from two drainage areas in the vicinity of the Ferris Hills retirement community and Middle Cheshire Road sheet-flows onto her property. He also explained that the runoff follows a natural gully to a low point drainage basin of approximately 250 to 300 acres in area. There is water flow under Ashton Place, under County Road 16, and then into Canandaigua Lake.

Mr. Olvany: Reported that he made a site visit to the property as requested at the previous meeting of the Committee and walked some of the land with Ms. Powers. He noted that the entire area is saturated with water this time of year and that a seasonal high water table is impacting her property.

Mr. Jensen: Said that stormwater runoff is not making its way across County Road 16.

Mr. Hotaling: Said that this is an area of the Town in which stormwater runoff is going to spread out onto flat areas of the land. He said that even a minor change in the watershed contours would cause the stormwater to seek a different direction toward lower ground.

Mr. Olvany: Said that he walked along an existing natural—but not well defined—drainage channel and that he could not identify anything in the channel which could be blocking the water flow. He said that the drainage channel had not been modified during construction of the nearby Ferris Hills development. He said that Ms. Powers believes that much of the drainage flow is coming from the Middle Cheshire Road area to the west of her property.

Mr. Jensen: Explained that actually development along Middle Cheshire Road and the accompanying impervious surfaces created by development have reduced the ground-level water saturation. He said that stormwater from the area of Middle Cheshire Road area strikes the impervious surfaces and is channeled to retention ponds, thereby reducing infiltration and the sheet flow of ground surface water.

Mr. Oyler: Said that Ms. Powers has been invited to attend the next meeting of the Committee and that the Committee members may be able to present some suggestions to help mitigate some of her concerns. Mr. Oyler also noted that he would make a site visit to her property prior to the next meeting.

Mr. Jensen: Said that getting the stormwater runoff to the east side of County Road 16 would provide some mitigation for the drainage issues on the west side of the road, but that the additional stormwater would then affect property owners on the east side of the road.

## **9. DISCUSSION OF 3535 AND 3537 COUNTY ROAD 16**

Ms. Torrens: Discussed the flooding which has occurred at her properties on the east side of County Road 16 south of the Canandaigua Yacht Club. Several photographs of flooding in her neighborhood were displayed. She explained that stormwater runoff overflows from existing drainage swales along the road. The water then flows in sheets over the road and onto her properties and the properties of others.

Mr. Jensen: Suggested that the drainage swales and ditches on the west side of County Road 16 are not keep enough to handle the volume of water which the area experienced last year during heavy storms.

Mr. Fletcher: Said that some property owners have filled in ditches and swales which now restricts the water-flow volumes during storms. He noted that the Ontario County Department of Public Works has indicated on several occasions that the County would maintain and repair drainage structures within the County right-of-way along the road but would not make improvements on private property.

Ms. Torrens: Said that the height of County Road 16 was raised by about nine inches several years ago but that water still flows across the road and into properties during storms.

Mr. Oyler: Noted that Ms. Torrens's properties are on the Town drainage list and that the Committee would discuss them with the County representative. He said that the County is giving attention to County Road 16 regarding cross pipes, swales and ditches, and a bicycle path.

#### **10. NEXT STEPS**

Mr. Oyler: Will again contact Mr. Wright of the Ontario County Department of Public Works to invite him to a future committee meeting to discuss the County's maintenance plans for County Road 16 and other County drainage projects.

Mr. Olvany: Will present mapping information at the next meeting.

Mr. Hotaling: Will present drainage information for the Hillcrest Drive area at the next meeting.

Mr. Oyler: Will make a site visit to the Powers property on County Road 16.

#### **11. NEXT MEETINGS AND ADJOURNMENT**

The next meeting of the committee will be:

<b><i>Tuesday, March 13, 2018</i></b>	<b><i>11:00 a.m.</i></b>	<b><i>Canandaigua Town Hall</i></b>
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Subsequent meetings will be:

Tuesday, March 27, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, April 10, 2018	11:00 a.m.	Canandaigua Town Hall
Tuesday, April 24, 2018	11:00 a.m.	Canandaigua Town Hall

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

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John M. Robortella L.S.

**E-mail distribution:**

Krebs, Richard  
Oyler, Charles  
Page, Kathy

**cc. to:**

Amon, Michelle  
Bloom, Tina  
Brabant, Lance  
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Dworaczyk, Lindda  
Fennelly, Terry  
Finch, Doug  
Fletcher, Jim  
Hotaling, Greg  
Jensen, Chris  
Marthaller, Joyce  
McCumiskey, Kaitlynn  
Olvany, Kevin  
Reynolds, Kevin  
Reynolds, Sarah  
Schwartz, Tom  
Westbrook, Greg