

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York

Thursday – November 16, 2023

Agenda- Argona Model City Road (A), 5/4 Development Presidents Park Informally (B)

Present: Burg, Baker, Lilly, Taczak, Waechter

Absent: Conrad and Lattanzio

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning, Thursday, November 16, 2023.

Roll Call

A motion to approve the minutes of October 19, 2023 made by Waechter, seconded by Taczak and carried.

Burg: First item on the agenda Ron Argona 4612 Model City Road tabled from August and September.

James Fittante architect speaking for Ron Argona. GHD consult services on the issues that we had or it was more clarification for the drainage. So, I have attached a response letter and gave you guys all a copy they were good with almost out of 11 comments there was only 3 that we really needed to address. Number 5 questioning elevation and the swales. We added grade points elevations to show that it was positive drainage going into the swales and out to the ditch. And then number 9 there's an existing 12-inch culvert in the driveway now which would be remaining in place we are only adding 1 foot to the south end. So those inverts were added for that and clarifications from positive drainage on existing culvert so the drainage in the ditch will be maintained. Number 10 clarification on there will be two 4-inch rain leaders that are significant enough to for the roof drainage. They will each have a clean out at the bottom of them before it heads out to the front drainage ditch. Recommendations from Tim Masters was to put a bubbler out before it goes into the ditch that's where any clogs r anything that blocks the drainage helps with clogs and that was added to the drawing. And the two 4-inch rain leaders will go into a 6inch that goes to the ditch and all inverts and positive drainage was shown on the revised plans that you guys have.

Burg: Just for the pleasure of the board full disclosure I did have a couple of conversations with Mr. Fittante regarding this project. Mostly regarding getting us updated plans for the meet just to speed things along. I just for full disclosure I gave no assurances on how this board was going to move. Just so it's for the record. Any questions from the board?

Taczak: I would like to hear from the fire inspector as to...

Martin: Yeah, the plans incorporate just a slight change to the overall plans which is to reduce a little bit of the building construction and moving that parking area out further which brings it in line with the hydrant. So, they basically meet the conditions that we brought out at the last meeting.

Taczak: So, your happy with it?

Martin: Yes.

Taczak: Ok

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Fittante: And the wetland also we verified with Tim Masters federal is the only one closer and you would be able to build right up to the federal but from the plans and scaling and talking with the inspector we are plus or minus 56 to 62 feet away so he felt that was well he's good with the distance that we are from the federal wetlands and we are not pushing anything back on to it. Everything is going to be taken forward so the drainage out front.

Burg: And that was all revised couple of weeks ago.

Fittante: Yes.

Burg: Bob, you have concerns?

Lannon: I looked at the way that drawings were modified to reflect specifically on 9 and 10 in the letter that Mr. Fittante mentioned. I am in general agreement with it there are a couple of note I have changed ok for example I want to see what should be done in accordance with the relative section of the Town of Lewiston standard specs that's just a note ok. But if you would have wanted to talk about extending the culvert though Model City Road generally, we are fine but before it goes to the Town Board, we are going to make those notes to clarify it. I have been instructed to make sure everything... I don't think the edits that I would need are any major consequence but I want them done before it goes up to the Town Board.

Burg: Just conditional notes on details that's all

Lannon: yeah

Waechter: So, the swales should be able to handle the heavy rain falls we have been getting as far with taking that into the culvert by road. Because what I am really concerned about is the grading being taken up a little bit to have it flow down into those.

Lannon: It all now has positive drainage to the road.

Waechter: So, the grading is what it need to be

Lannon: The buildings been raised they have additional contours have been added positive drainage point to facing to the east and then north on Model City.

Waechter: Ok. That's my big concern.

Lannon: That was mine too.

Waechter: I don't want to flood anybody out.

Lannon: Because I am getting the phone calls and I don't want them.

Burg: Alright anything else from the board before I open it up.

Waechter: Nope. I guess I just had a couple of questions as far as the signage is that were you cause I noticed that the entrance has been changed is there a way to move that signage probably down to the south so it doesn't so it's not so much in the neighbor line neighboring houses their view? Because as it sits on that North it's right across the street from residential houses and it's right in line from the front door.

Fittante: It is on the south side of the

Waechter: I have it on the unless I am...I have it on my drawing here it looks to be on the north side

Fittante: Oh, wait you are you are correct.

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Waechter: Yep

Fittante: Do you have any issue moving that to the south side?

Argona: No

Waechter: Ok and then I also have another question I noticed that it is chain link with that green screening not the most attractive and as far as with our weather and wind conditions here I have a feeling that that is going to get beat up pretty good so is there a way to be able to extend the vinyl fence back to the length of the building so at least for the residents on the north side they don't have to look at a green...

Fittante: Well, where we showed it on the drawings was pretty much beyond their backyards for the vinyl fence.

Waechter: Ok because when from...

Fittante: For the vinyl fence.

Waechter: Ok so then the vinyl fence is going all the way back?

Fittante: Its going about a quarter of the way back it will be father than their back yard

Waechter: Ok I cause didn't catch that so thank you! And then it will continue on with green but it will be a vinyl fence. Ok and then as far as the maintenance on those ditches or the drainage swales is there any kind of plan as far as that goes to keep them clear and keep them as far as not having the cattails and that type of stuff?

Fittante: They will have to with them being the swales is going to be much easier to maintain the piping and...

Waechter: There is a plan for maintenance.

Fittante: and the swales are made to where it just disperses a little more before it goes out to the ditch.

Waechter: I just want to make sure there is a plan in place to maintain those.

Fittante: Yep

Burg: Anything else? Alright at this point I would like to open it up. For anybody. Is there anybody who wants to for against this project? I will need everybody to state your name for the record and your address.

Yeah, my name is Chris Newman I live at 4611 Model City. Right directly across the street. I been on that road for 35 years most of my neighbors are second and third generation. I mean we got a neighborhood here. For 10 years the code enforcement officer here in Lewiston myself have dealt with a zombie home down there. Started out growing weed in it that's how it go to death then it sat there nobody maintained the property for 10 years the Town would have to have somebody come down cut the grass do whatever they got to do. This is not the project for our neighborhood. Now my understanding is that he moved forward closer to the road instead of putting it back there where we can't see it. Now it's up by the road totally against this whole project right from the beginning and I don't see how you are going to meet any kind of drainage with the amount of lumber he's got growing in that backyard back there. I don't know where he is going to put these ditched and this drainage. It looks like he's cutting every corner he can cut just to save money to get this project up. And I have a real strong feeling it's going to be a mess from the very beginning to the like this. If ya'll approve it, it doesn't matter his plan isn't over if you approve it. It's a mess down there. I don't know how he's going to it. Not the way he started so far from what I have been watching. I'm retired I am there all day I watched what went on they took the home down. Until someone put out there on social media about the mess they left. 3 days later they are in there

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finally cleaning it up and all they did was backfill it into the basement. I don't know totally against it. Alright Thank you.

Burg: Thank you!

Steve Newman 4611 Model City Road I just purchased my father's home 6,7, 8 months ago. So, I will be there until I go in the ground. I gave a big spiel last time about all different actual legitimate reasons and excuses I wouldn't even say excuses legitimate gripes that anyone would have with this sort of project going into a residential neighborhood. I'm not sure and I don't blame anybody on the board now I don't blame anybody in the past I am pretty positive if we all used common sense that that zone when zoned it was zoned back in the World War two's when the railroad track came up and down this right here. That was logistically supporting the railroad track then Modern came along and this was all zoned way back when if we all looked at it now and we looked at that neighborhood and that particular place of where this is located, I'm pretty sure we would all come up with that it should be rural residential. Now that's not my property on that side of the road to ask for a rezoning or what not. I think we are past that because he bought the property under the commercial aspect it was an auction property and it was cheap commercial property. So... I am not against the business I'm against you coming into my neighborhood where we live and directly across from my house, I will have to look my front window and see concrete and steel. Totally against it. A lot of us are hunters for instance right next door my neighbor Cody his whole family hunts. He will only be able to shoot a gun in his back yard because it has to be 500 feet from a building that's occupied in a structure so he's losing his rights to eve utilize his own property. Once again, my name is Steve Newman, I'm totally against it.

Burg: Ok. Thank you! Anybody else?

My names Fred Wilkesmore 4625 Model City Road just wondering why nobody not everybody was notified about this project. I approached Tim Maters last week I would get a letter in the mail here it is one week later I never got a letter I live within 200 feet.

Wisnieski: A letter was sent

Wilkesmore: There was not letter sent to 4625 or 4627 they double checked. We did not get a letter.

Wisnieski: Because they day you came in Tim...

Wilkesmore: He said I would have it the next day. I did not get a notice.

Wisnieski: I will let him know.

Wilkesmore: You know I grew up in that house 1966 we moved in I moved away after I got married moved back in 30 years ago. It's been a quiet neighborhood of course we have to put with the Modern trucks but now we got to look at everybody going in out of storage units. I am not for it either.

Burg: Ok. Thank you! Anybody else?

S. Newman: I just want reiterate that the first meeting we did our diligence when this first came up, I do believe you have it on file there is a petition with 19 signatures that includes every single resident on Model City Road.

Burg: Yeah, we do have that on file I do remember that. And we have that in the records.

My name is Steve Eager 4600 Model City Road. I am about 500 feet from the property two houses down I am here just to stand with my neighbors. Like I don't think that anybody would have complained if the guy was coming to build a house but we have been looking at this zombie house as the one gentleman had said for 10 years it was

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dope house or what not it just sat there forever. Everybody I think was celebrating once it got bulldozed but to put a business there is kind of crazy. It's right besides these people's houses like 12 feet on either side just I don't think anybody would complain if it was to be a house. Thanks.

Janice Newman 4611 Model City Road I am totally against this. We have enough storage units on this road why do we need another one? I'm totally against it. Thank you!

My name is Cody Quiett I am at 4618 Model City Road the house south.

Burg: I am sorry what was your last name again Cody?

Quiett: Quiett

Burg: Thank you

Quiett: My biggest concerns living next door to it besides what's already been mentioned as far as not being able to utilize my own for what I have been using it for all of these years is to me it sounds like were really putting up a tin can and junk yard next door. Which is chain link...4 wheelers stolen the house that got bulldozed previously had at least 3-4 4 wheelers stolen several trucks stolen and there are thefts all around Swann Road, Creek Road there has been an uptick lately as it is. Do we really need another place for people outside come in and dump stuff to basically just be a... more thefts I don't want that next to my house. How is that going to affect my property value? That's my big concern.

Ken Zimmerman Jr. 4606 Model City Road. Right next door on the north side. I have watched this since I moved in there just a couple years ago since I retired and watched that zombie house as some have described it, it's the perfect description. Because I was told when I was buying this house that, that would be gone and taken care of and that obviously didn't happen back then 3 or 4 years ago. But my concern is that one is that no matter what they do I expect probably flooding in my property I am very concerned about the drainage I don't see how they're going to accomplish this at all as far as making it better than where it already is. My sump pump runs all the time and I don't have water in the basement but I certainly expecting too if this project goes forward. And the other thing is just having a business right next door that was not what I was expecting when I purchased this place. I looked around the neighborhood I know people that rent to my cousin you know it's a great neighborhood and I was just very excited to move in here and now I am disappointed am I going to have to look elsewhere for my full retirement home and move again? I wasn't expecting to do that. And it's going to affect my property value now if I do have to do that. If this goes south, I am just very concerned.

Burg: Ok thank you! As far as flooding and drainage that's why we plan everything goes though and extensive approval process and the majority of that approval process is town engineering safety town engineering and that address the flooding and the drainage. So, and that's not to discredit the concern but this is why this process is in place is to protect everybody as much as we can. Yeah, I'm sorry go ahead.

Hi I am Brittney Newman 4611 Model City Road. Like my husband said we just purchase his parent's home and we did not expect to have a storage unit directly across from us. I am also worried about theft as well I know someone else that that happened right in broad daylight. It's just stressful and the noise and just the people the traffic you don't know who they are. Like we said we all know each other on this block we know. Like we know if your car 's not there somethings wrong we all know that. We are a close community we don't need that kind of traffic. If he was building like an apartment or like a house duplex totally cool you know normal. Normal things would be going on not random people different hours of the night I know he said they would be done at 10pm but you can't guarantee that. And there's no security so I live directly across from there I am not for it at all I am 100% against it. Thank you!

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Burg: Thank you! Anybody else for or against? Hold on. Ok go ahead

I feel I need to speak. Hi my name is Ron Argona I am the one trying to push this project though. I...

Burg: We need the comments directed toward the board.

Argona: Ok I am sorry. So, I went though and looked at all the comments and stuff I looked at their concerns about the hunting in the back. This doesn't even disturb that far back. I am only going back 400 feet. The property is 1300 feet deep so we wouldn't be disturbing that back if they wanted to hunt back there. There's no buildings going back there. There's nothing going back there so... If someone needed to hunt on the property they still could. There's also a concern of the property being a tin can we actually redesigned it we got it made it look like a horse barn it's going to be all red it's going to have nice decorative things on the front on the doors on the front vinyl on the front all white vinyl white... going up the side to maintain privacy for people on both sides. We really try to go out of our way to make sure that... I understand that it's a neighborhood and the one gentleman said he goes even if this is approved the fights not going to be over. Even if you don't approve this the fights not going to be over its commercial property. I am going to sell it to someone else and they are going to try and put a garage or collision shop or...

Burg: That's why we need to keep the comments directed to the board please.

Argona: Anyways that's all. We are trying to integrate and try to work with everybody and I hope that the board can see that. Thank you!

Burg: Thank you! At this point we are going to close the open meeting. Has anybody seen the new rendition has everybody seen the new rendition. The applicant did go through quite an expense and redesigned it based upon our recommendations and based upon our last meeting. I have a rendition here if anybody would like to come up and see it. This has to do with addressed the screening and over all aesthetics of the building getting away from that commercial steel building look. And I just want to stress to the audience that the applicant didn't need to do that. And although the project probably not the ideal location the property is zoned properly for this application. So legally they are in their right to do that on the property.

S. Newman: Which is the unfortunate situation that we are in right now and like I said when I stated that earlier I don't blame the board now I don't blame them whenever it was.

Burg: And I appreciate that.

S. Newman: What I do blame is not...

Burg: I understand that

S. Newman: Every other property in the township is rural residential except for Model City Road and even at the very far end of Model City Road is Rural residential.

Everyone talking

Burg: The open part of the meeting is closed. But I wanted to share that with everybody.

Zimmerman: Can I ask a question on this I am not understanding the white vinyl fence here? I am not sure where that's going in relation to.

Waechter: It goes 16 feet

Everybody talking

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Zimmerman: Here's my house right there and that's why I am trying to figure out what this is vinyl fence. So that is going to be the chain link that's going to be down side? Is that what I am going to be looking at that's what I am trying to understand.

Burg: Jim. Can you clarify where the chain link fence starts?

Waechter: Because it is on this plan at 16 feet but that does not go beyond his house.

Zimmerman: That's my house right there.

Fittante: We turned back 16 feet.

Waechter: So that was my suggestion earlier is that it goes the full length to the back of his house.

Fittante: What I am saying is that it only goes back 16 feet right here so it's just this little chunk of white vinyl and then the rest is this. So, it's not even to your back of your house.

Zimmerman: So, I am looking at this and that's a problem for me.

Waechter: Is it ok to speak chairman?

Fittante: The owner did say that he would make it go back 50 feet to the back corner of the neighboring place.

Waechter: And would he...

Lilly: So that 16 would become 50

Waechter: Yeah. And then would you be willing to do that on other side for the event that somebody builds a house on the other side.

Fittante: Yes, he would be willing too.

Burg: Alright. Anything else from the board before we continue?

Newman: I just want to ask a question in front of the board and him. Is there any possible way for a residential type of apartment something to work with us as a neighborhood?

Argona: It's not that we don't want too...

Burg: Give me a second. Currently the building is the property is zoned rural business.

Lilly: Business one

Waechter: Business one

Burg: Is it general business or RB if you look at the map.

Members talking

Fittante: It's general business

Burg: Ok are we looking at the right red?

Fittante: I believe that this property/ applicant is in the red which is general business.

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Burg: It is in the red so it's there are 2 red keys on the map so either way it's zoned general business so he has the right to do it. As of 2013 I don't when the exact zoning was it was also it was also zoned general business as far back as 2013. Just to state that for the record just so that everybody is aware. Sarah

Waechter: Yeah, this one has caused me to lose sleep. And it's just from the fact that it is zoned business and so

Neighbor: There is no way it should be zoned business.

Waechter: That's regardless it is zoned business so that is why this has kept me up at night is that this is an allowable use on that property but I don't disregard the fact that you may run into drainage issues which I am very worried about for the surrounding properties. But we have that guarantee from our town engineer. That the drainage issue will be remedied but I also too as an equity issue I can understand that this just does not fit into what is existing. So, I have lost sleep over this I do appreciate the fact that the developer has made those amendments to the property to make it look a little bit more hospitable and far as extending those fences back. So, it's one of those things again he could decide to sell the property and then you're not going to know what you are going to get. It's one of those things it's the devil as you know vs the devil that you don't know. So, it's this has been a very difficult one very difficult.

Burg: I would agree. And I would like to commend the property owner for the extent that he has gone to trying to make it more palatable. But with that said. We need... Anything else from the board?

Lilly: Mr. Chairman if I could I would like to make a motion but before that a couple comments. Just to address some of the residents as far as the concerns as flooding town engineer the applicant's engineer will assure us perhaps will become an even better situation with their input. As far as the applicant he has looked into this property and purchased it because it was zoned business and he pursued exactly that unfortunately. For the neighbors who are against it. As this Planning Board we can't sit here and just change the rules halfway through the game. Ok. We're going to make it some sort of decision the Town Board we will send that decision to the Town Board and they will make a decision as well. So, you will have a chance to let the Town Board become aware of your concerns. As far as hunting you can't hunt within so many feet of a structure. So, anyone who purchases this property has the right to put up any sort of structure. Which may eliminate the hunting that you are so custom too. Which would be unfortunate but it would still be within the guidelines of any applicant putting any structure. We can't make a decision to deny the applicant what he would like to do with his property because you are so used to hunting on yours. Just doesn't work that way. So, I would like to make a motion to approve the applicant's application he's met the Town's attorneys has there are no legal issues?

Serianni: There are no legal issues with regards to this however given the fact that Town engineer has made some comments I would recommend that the Board's resolution be conditioned on the Town Engineer's approval of the revised plans including with the condition of the 50-foot vinyl fence so both of those conditions should be added to the motion.

Lilly: That's correct. So, some of the items that we want to make sure are in this motion are the Engineering notes and updated details correct. We also want to make sure that vinyl fence is 50 feet in length on both the North and South side. The sign to be moved from the North side of the property to the south side of the property. I believe the Town Engineer is gone over the drainage details and the Town will carry out that mission. And the Fire inspector has also looked over the plans and gives his approval so with that I would like to give... present a motion to approve the applicants.

Burg: Hold on

Lilly: I am sorry.

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Burg: That's alright.

Lannon: Sorry to interrupt. You are on a roll there.

Lilly: There's a lot of information here.

Lannon: Which is all very well and very accurate. I just do not want this to go to the Town Board with a condition. So, if you make that motion that would be totally fine you need to get the drawings done before it is going to the Town Board or it's not going.

Fittante: Ok

Lannon: That's the only thing Because that's my instructions.

Burg: And I would like to amend that motion.

Serianni: Prior to the presentation

Lannon: Prior to the presentation of the Town Board.

Burg: I would like to amend that motion to include that prior to the presentation to the Town Board which would be another open meeting the applicant must provide new plans that addresses our concerns.

Serianni: Town's engineers' approval.

Burg: Yes

Lannon: Prior to submission to the Town Board.

Serianni: Correct

Burg: So, we have a motion to recommend it for approval to the Town Board based on those conditions. Do I have a second?

Taczak: I will second it also stating with my second that it a legitimate use for that designation as a business district. I will Second that motion along with all the other stipulations that was included in the record prior.

Burg: Alright all-in favor

Members: AYE

Burg: Opposed? Anybody opposed? Ok we are recommending it to approval of the Town Board. Yeah

Newman: I got enough ill will but I just don't understand. I understand that there's rules and laws and everything 2013 it was rezoned. When was it zoned general business?

Burg: I am not sure.

Newman: 1941 I got that answer for you. It was lite industrial so now our neighborhood even in the first original submission it was going to drastically impact out neighborhood. You guys just voted to drastically impact our neighborhood I am sorry that you can't put an apartment in there because it's not going to make you enough money. And you bought the property on auction

Burg: I understand.

Newman: It is what it is. I don't even know why I wasted my time coming up here.

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Burg: The motion has passed. The open portion of the meeting is closed.

Newman: I understand that and I am going to say what I gotta say. Because you guys represent us and I am not trying to be disrespectful or anything

Burg: I understand

Newman: But it's absolutely absurd like if this was your guy's home you guys did have power to vote. You can use your moral compass

Burg: Property owner has rights. And we protect the property owners right and the Town

Newman: 20 signatures every single person on the road said we don't want you there man. And you're just going to run it up there appreciate it.

Burg: Alright

Newman: Thank you!

Neighbor: Asked if the neighbors would be notified of the Town Board meeting

Burg: Yes

Waechter: Yes

Burg: Yes, we will make sure of it.

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Burg: Alright next on the agenda 5 quarter development. Ok this is an informal discussion. The Board will not take any action. You don't have anything in front of us so this is just an informal discussion. Go ahead.

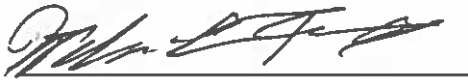
(No Minutes types for the informal discussion per Tim)

A motion to adjourn was made by Lilly, seconded by Taczak and carried.

Respectively submitted,



Lisa Wisniewski
Building Dept Clerk



William Burg
Planning Chairman

