

PRESENT: Sup. S. Maslen; Councilmen J. Ceretto (6:37 p.m.), M. Johnson and D. Kilmer; Dep. Town Atty. J. Leone; Finance Officer E. Evert; 1 Press (Bflo. News); 14 Residents and Clerk C. Schroeder

ABSENT: Councilman J. Langlois & Town Atty. E. Brydges

The Supervisor called the public information meeting to order. The Clerk read the notice of the meeting, as follows: Please be advised that the Town of Lewiston, N. Y. has received a letter from Kevin C. Michael, a Youngstown, N.Y. resident, who is interested in purchasing land from the Town of Lewiston to build a house on. This land is described as SBL# 13.06-1-13 and is an oval piece of property at the end of Liberty Circle in the Town of Lewiston.

The Supervisor asked Mr. Michael to convey his interest in this property to the residents of the Liberty Circle area.

Kevin Michael: I sold my house in Niagara Falls in January so I was looking for a place to live and I liked the Town of Lewiston area. I started driving around finding an area that wouldn't be too far out. I came to the Assessor's office looking at several different plots of land. I saw that the town owned the circle up there. I happened to take a drive up there and found it kind of close to the city, yet it seemed secluded. What I petitioned the town for is to buy the lot and what I would like to do is put two (2) ranches on that circle. The homes across the street are ranches. I thought it would be a nice area to build.

The Supervisor asked if anyone wanted to address this issue at this time.

Susan Brophy, 387 McKinley Avenue, asked the petitioner if he would occupy one of these homes for himself or does he intend to rent it out.

Mr. Michael replied that he would not rent it out. "At first I looked to buy it but in the meantime, several months ago, my wife and I were looking at some other land when I did not hear anything (from the town). I have a friend who would also like to build a house. We're discussing it. In any case, it would be two ranches. It would not be for rent. It would be sold to homeowners... I found another parcel I was interested in to put my house. I'm still interested in buying it and I'd still like to put two ranches up.

Mrs. Brophy then voiced her concerns about the area: When we bought in that area in 1977 that was green space then and we assumed it would always remain that way. I know also that there is a monitoring well on that property from Bloody Run. I would have some concerns with that being disturbed in anyway.

Maslen: That would be something the town would have to investigate before they would agree to sell the land.

Nick Schimmelpenninck, 384 Roosevelt Avenue, said he resides approx. 100-ft from that circle. He said he is concerned about the kind of houses that are going to be put there. "It would look crazy to have four houses on there or a duplex or something that didn't fit, just for the sake of investment." As with the previous speaker, his other concern is the quality of the soil. "I want to know for sure that that is safe to build on. From what I understand, it is not right now." Lastly, Mr. Schimmelpenninck said there have been problems in the area with a lot of students renting homes. He wanted to make sure that neither of these houses is used as rental property.

Steve Maier, 409 Liberty Circle, said there are all seniors living around there largely. It is nice and quiet. We bought there for that reason. Knowing that it is green space, we expect it to stay that way. I would leave well enough alone.

Patricia Merino, 407 Roosevelt Avenue, read the following statement: The woods at Liberty Circle are located on an oval-shaped parcel of land that is 285-ft. at its longest point, which runs north & south and 200-ft. at its widest point, which runs east & west. This property was deeded to the Town of Lewiston in August 1974, as part of the estate of Rudolph Gold. Historically, in 1960-1961, Mr. Gold made known his plans to build on it. The neighbors objected at a meeting at town hall. Mr. Gold relented and let it be known that he would give it to the town as green space and they could take care of it.

Indeed the land appears heavily wooded; however, once beyond the perimeter, the woods open up and are magical in the interior. Just ask any of the children from the neighborhood who often over the years have camped out in it or simply forted. The small wooded refuge has seen several generations of children and adults walk, run or bicycle around the perimeter. It is a focal point in a small pocket of houses that fit that gap in here -- the Niagara River Gorge and the Power Authority's facility. It is a quiet, peaceful neighborhood where you can hear birds sing, squirrels chatter, crickets chirp, leaves on the tree whisper in the wind and the sound of rain when it falls.

The six houses that are on the northwest edge of it actually look out at Canada. We can see Artpark and we can see the 4th of July fireworks. There is no thru traffic. At first we walk around the woods every day and as with others who also run, bicycle or walk a dog. We, as residents, are fortunate to have special green space -- a natural reserve tucked away from the rush of cars and the sprawl of both residential and commercial development. There is something very country about the area.

In the summer, the woods represent: 1) a buffer; 2) enhanced privacy; 3) an enrichment of the neighborhood; and 4) a natural space that simply gives pleasure. In the August 26, 2003, *Buffalo News* (neighborhood section), there appears an article by Nancy Fischer reporting on the 8/25/03 meeting of the Lewiston Town Board. I would like to share with you two quotes from the article. One by Mr. Johnson, *"It's a piece of nice property. It's all woods. All it is used for now is for a dumping station."* Mr. Reiter said, *"You can't see thru the trees and there are only a few houses there. It is not a recreational area. It is full of poison ivy. It has become a dumping ground and I have sent crews there all the time to pick up trash and cut trees."* He is talking about our neighborhood. I for one, speaking only for myself, can stand here and unequivocally say he's wrong and unequivocally say I clean up. Mr. Reiter doesn't.

I have four questions to leave with you. 1) Who is Kevin C. Michael? Now I see and now I've understood that he is going to build two houses and maybe more than that. 2) Why would the town want to sell the property? Is it because it would reduce the maintenance cost that Mr. Reiter is so concerned about -- cutting down trees and picking up trash? Is it because the sale of the property would help with the town budget? It is because it would become taxable land and therefore there would be revenues on an annual basis? Are there other things that you are considering and is there a list; and 4) I would ask you to think carefully about it. This is a very, very special place. It is our home. It is fine the way it is.

Rocco Ditursi, said he is the owner of two parcels on Liberty Circle. He bought the property there because he fell in love with the area and the privacy that exists in the neighborhood. Mr. Ditursi asked if Mr. Michael would have to subdivide the property he is to put up two homes. "If he really wants the property there, my two lots -- side by side -- are available for sale for him to put a house, and not to touch the circle."

Colleen Urquhart, 396 Roosevelt Avenue, introduced her daughter Erin who said the animals that live in the woods up there like the habitat and they do not want to lose it. They like to live there. Ms. Urquhart, asked the dollar values of the homes Mr. Michael is thinking of building. Mr. Michael said they would be two small ranches. No duplexes, no rentals -- just two houses on lots that would be zoned residential.

The Supervisor said this closed the public comment period. She asked for comments from the Board.

Johnson commented on Patricia Merino's statement: I personally drove up there and questioned where he would even put the house because it is in a circle and (questioned) where the driveway would be. I had questions on how things were going to pan out because we did not have any plans or sketches on how the property would be. Mr. Reiter told me that several times he had been up there and gotten refrigerators out of there and has taken junk that people dumped in there. I didn't see any when I was up there -- it was a wooded area. We had several different people that have approached the town on green space areas. Some of which people are using the green space for their personal use and it is creating a problem. So, we're sitting back looking at this thing saying -- is it a liability to the Town of Lewiston for that kind of a purpose? Is there a reason for the green space? In one area there was a detention area put in for drainage... Maybe Nancy (Fischer), in our conversation, it didn't come out exactly as the way it was. I had no feeling about it at all because I wasn't sure where you would put the house or how you would build it. And, now that you mention it, there are monitoring wells on it. I don't think anyone on this Board, at the time the gentleman brought the proposal to us, knew about any of that stuff. That would be something that would have to be looked at in an overall picture...

Ceretto: It was under my motion, and with the Board's approval, that we requested a hearing. The reason I made that motion was because I thought the best source of information, before we make a decision, was the residents themselves. I want to thank you for coming. Our job is to be your public servant -- to serve you. If this is your wish to leave it green space then I am supporting you because that is my job.

Kilmer MOVED to close the public information meeting, Seconded by Johnson and carried 4-0. Time: 6:50 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk