

December 29, 2005

6:00 p.m.

Public Information Meeting – Sale of parcel of land for Proposed Golf Course

**Present:** Supervisor Newlin; Councilmembers Ceretto, Johnson, Kilmer, Langlois. Attorney Leone and Deputy Attorney Boniello, 2 press, 30 residents and Clerk Carol Brandon

Supervisor opened the meeting.

Clerk read notice into record:

Please be advised that a Public Information Meeting will be held before the Town Board do the Town of Lewiston on the 29<sup>th</sup> day of December, 2005 beginning at 6:00 p.m. at the Town Hall, 1375 Ridge Road for the purpose of selling 16-acres of land, more or less, owned by the Town of Lewiston to Old Creek Development, LLC. The parcel is located adjacent to the Lewistowne Park Subdivision with frontage on Creek Road. This proposed transfer of land would include language to exiting deed restrictions which would prohibit development of the parcel except for its use as a golf course.

Golf Course Developer, Michael Dowd will be in attendance at this meeting to answer any question relating to such request.

Newlin knows residents have concerns and thanked them for their involvement. If and when the proposed course is actually developed, further Public Hearings will be scheduled. Tonight the focus is on the sale of the land. If and when a course plan is presented, the Town Board, Planning Board and perhaps Zoning Board of Appeals will have full review.

Newlin asked Attorney Michael Dowd – representative of Old Creek Development LLC, to comment.

Dowd said there is a three-year history with this project. At some point it was brought up that the Indians were the prime enterprises wanting to build the course. That was thought to be a good thing. They were willing to build, what Dowd considered, a first class golf course for Lewiston.

The estimated construction cost of the course could exceed \$10 million, resulting in a taxable asset to the Town. This is the equivalent of 50 or more homes, without the need for public services, schools etc.. When this was first presented, there was a residential component on the 250 acre site. A Full EAF has been done on this site.

When it was decided to go private, the 250 acres included the 10 acre parcel that belongs to the Town. In the original studies a map was done by golf course architects to show a pond and golf-hole in that green area. It was done primarily to show the DEC and the Army Corps. of Engineers that an 18-hole Golf Course could be laid out on this property and would not interfere with the Shellbark Hickory trees and other wetland concerns.

About 40 acres was to be used for residential development. That will no longer be pursued. The entire parcel will be dedicated to the golf course construction.

Dowd addressed concerns from a letter received from residents on Curtis Court North.

Dowd believes deed restrictions will be given if the plan is approved. The restrictions will not permit the construction of any physical structure on the green space. It will be for a golf course only.

In the Full EAF of the 240+ acre site, only 10 of the 17 acres was part of the golf course. The developer does not want to have to do another Environmental Impact Statement process for what is viewed by Dowd, as property that does not necessarily fit.

The Town owns two parcels of land that are land-locked. It is believed, by Dowd, that Board members don't need these parcels. It was suggested the whole parcel be included in the 10 acres, making it approximately 17.

This site was selected because it provides for a watershed release area. A study done in the 1970's shows that this property would be a great site to take storm water runoff. It not only would help adjoining residents but other residents in the Town. It is not known if a pond will be at this location.

Dowd said the developer he is working with wants a world class course. They don't necessarily want to butt-up against the neighbors. They want the course to be private and quit for the users of the course. On the other hand the golfers will be far enough away as to not bother the residents.

Dowd feels the use of the land is appropriate. Public hearings will be held in order to receive approval. With there not being the residential portion of the plan, there is a lot of room for flexibility. \$154,000 has been offered for the land. This will cover the cost of the land and the cost of the environmental studies already completed.

Newlin invited resident to speak.

Tracy, Patrick – 4699 Curtis Court North – asked for a definition of “Forever Green”.

Newlin said it is called a Conservation Easement, and will be stated in the agreement that way.

Boniello and Leone said it means it can not be built on or cleared away.

Reed, Ronald – 4418 Autumn Lane – the original plan called for clearing the greenbelt area of underbrush and providing for drainage within that area. It is a mosquito infested mess. Would the current plan envision this?

Dowd said the DEC has located Shellbark Hickory trees along this area. They have required the developer to maintain a 100 foot buffer from each of these species.

The developer wants to keep the flow of the water moving in this area so the users of the course don't have a problem.

Newlin pointed out that if a golf course is developed, it is worth remembering that a course tends to be a water hungry operation. They like to keep as much water there as possible to keep the grass green. The Town has received assurances they will be incorporating the proposed course into the Town's general drainage plan.

Roscetti, Jim – 4656 Perry Court – questioned if the sale of the property, especially the land which is east of Stacey, is contingent upon the golf course being approved, or is the developer buying it now? It was asked if taxes will be paid on the property and if the developer has intention of putting up any fences. At this time the abutting residents have the right to go on the property; but will they have the right to go on the private property?

Dowd said it is contingent upon the golf course going thru. The land will not be tax-exempt, and no fences will be put on the 7 acres.

Boniello said residents would need to get the developers consent to go on the property.

Roscetti asked if residents wish to purchase the land behind their homes would that not be a better use of the land. It would be appropriate for a resident to purchase the land.

Newlin said this has been discussed, but it is not sure if this is possible.

Leone said the developer is talking about developing a golf course and putting the land on the tax base.

Johnson said residents could approach the developer after the purchase has been completed.

Dowd believes this property was designated to be used for recreation, possibly a park and questions if the course is less invasive than what the Town could put there.

Langlois said the Town has addressed the sale of green space with residents and found the residents didn't want the addition to their tax bill.

Labernardo, Daniel – 719 Raymond Drive – questioned if a service road or golf cart road will be installed on this property?

Newlin said a road is considered a capital improvement and that is not allowed on green space.

Fracassi, Frank – 4688 Curtis Court North – questioned where the land is located.

Dowd said there are two parcels, approximately 2 acres each. If purchased, the developer will put a covenant to never touch the land. If a tree falls or the land needs to be maintained, that will be done.

There is no final design, so it is not certain if there will be a golf hole in this area. There will be no building, or stockpiling of material. It will be part of the golf course.

Dowd understands residents don't want golf balls flying into their property. The developer has the same concern. When it comes time to do the final plan, this will be considered by the designers.

Fracassi has a fifteen foot sewer easement on the east side of his property, utilities in front and now possible a lake in the back, that is not fair.

Newlin said this concern is legitimate and should be addressed when a plan is submitted.

Sarkees, Angelo – 726 Pletcher Road – questioned if there will be homes built around the course.

Dowd said the original drawing showed a subdivision. That will not be there. The developer is looking more for a very high end golf course. The private property surrounding the course could be developed by those property owners.

McGovern, Chris – 4685 Stacy Drive – there is green space behind his property and was under the assumption that nothing was ever going to be done with it. He is in favor of the course. McGovern would like it known that he was never surveyed regarding the purchase of the land. If development of the green space is done, the assessment of the surrounding homes should be dropped.

If any of the land is for sale, McGovern will match the offer and buy 6 or 7 acres. Maybe when the Town sells the land to the organization, something could be worked out that the organization has the right to offer the land to the residents – at land value – no mark-up.

Newlin said a "conservation easement" can be used to make sure nothing will be built. If the developer would like to sell, that is up to them. The land is public property now and can be enjoyed by anyone. If the property is owned by one person there could be a better hold on the use.

Flores, Ricardo – Stacey Drive – believes residents were not given sufficient notice this meeting was taking place. Letters were postmarked the 7<sup>th</sup> of December for a meeting on the 12<sup>th</sup>. The residents were misled if this was even happening. In the future will residents be informed of meetings on this project and given the opportunity to voice their opinion?

Newlin said yes and asked the Clerk to outline the notification process.

Brandon said when the Town Board authorizes a Public Hearing it must be advertised, as a legal ad, in the local designated newspaper. It can not be published more than 5 days prior to the hearing date. Residents within 500 feet of the project, receive notification, by mail, of the public hearing. A Public Information Meeting is posted in the paper.

Boniello said this property borders 3 lots.

Hager, John – 4695 Curtis Court North – feels a lot of the concerns could be alleviated or addressed, if there was a plan. The residents could see where the maintenance buildings, ponds and greens are going to be. He thanked the Board for looking out for the resident’s best interest.

Newlin again spoke of how important it is to be involved.

Sarkees questioned Dowd why it is so important to have these 10 – 17 acres.

Dowd said the primary reason is, a study had been done on the entire 250 acre parcel and approved for the construction of a golf course. The developer working with Dowd wants to make sure the entire 250 acres is available.

The reason for buying more than the initial 10 acres is to dispose of some land-locked parcels and put them back on the tax roll. This is being done with the condition the developer does not construct on the property. (buildings – roads)

Newlin said there are several areas where green space is located. In this area it seems all the neighbors get along and agree on what the use could be. Years ago green space seemed to be a good idea, but it is turning out to be a liability and a problem between some neighbors.

Ceretto believes the developer is requesting the increase in acreage because the design of the course has changed. The intent of this land was to either receive dollars for it, or have it be used as a recreation area for the children.

Ziobrowski, Jane – 4689 Curtis Court North – questions the timeline of the project and how drainage will be addressed.

Dowd believes the permit process will start in about 3 – 4 months, with construction beginning in approximately one year. The Board should be aware that if the golf course does not materialize, the Town maintains the right to buy the land back.

Ziobrowski asked if resident abutting the property will be notified of the approval of the project and the approximate starting date.

The Board will notify the residents.

In regards to the drainage question, Dowd said the developer does not want a drainage problem for the golfers to have to confront. Whatever is done on the property, the developer will need storm-water runoff approval from the Town Engineer and the DEC.

Ziobrowski questioned when the final plan will be available for review.

Dowd believes it should be available after permits have been requested. There are several entities that will review the plan, so as the reviewing process proceeds, things may change. (water, drainage, holes)

Newlin asked if any other residents would like to address the Board.

Newlin told residents if they have questions, don’t hesitate to contact the Board members.

**Langlois MOVED to close the Information Meeting, Seconded by Kilmer and Carried 5 – 0.**

Respectfully submitted by

Carol J. Brandon  
Town Clerk

Transcribed by:  
Donna Garfinkel  
Deputy Town Clerk

