

REZONING NORTH/EAST CORNER OF PLETCHER / CREEK ROADS

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, WWTP Chief Oper. Ritter; Building Inspector Masters; Highway Supt. Janese; Town Attorney Davis; Engineer Smith; 36 residents; 1 Press and Clerk Donna Garfinkel

Supervisor called Public Hearing to order. Clerk read Legal Ad.

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, 1375 Ridge Road, Lewiston, on the 23rd day of May 2011 at 5:30 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Michael E. Deck and Michael J. Dowd, 920 Center Street, Lewiston, New York, request a re-designation of real property located on the north east corner of Pletcher and Creek Roads, SBL # 74.00-1-37 to a PUD, Planned Unit Development classification as permitted by local ordinance.

Information concerning these requests are on file and available for public inspection during normal business hours at the above named office. All citizens and persons of interest will be given an opportunity to be heard.

By order of the Town Board - May 9, 2011

Project representatives Victor O'Brien – C&S Companies Engineers & Jocelyn Bos – People Inc. in attendance.

O'Brien said the request is to re-zone approximately 20.2 acres, located to the north, from R-1 & R-2 to PUD. The applicant will go back to the Planning Board and Environmental Commission for Site Plan approval.

The concept plan presented tonight is required by the Zoning Ordinance, and has been discussed with the Building Inspector, Water and Sewer Dept, Planning Board and the Fire Inspector.

Within the PUD there will be 5 Phases. Phase 1 - 43-unit People Inc., senior apartment building. Phase 2, 3, and 4 - Commercial along the front of the property abutting Creek Road; Phase 5 - 8 – 8-unit garden apartments.

The applicant feels the project is consistent with the use to the south. The commercial use along Creek Road is consistent with the Town's vision plan. There is thought the commercial use will be doctors, barbers etc... it is not intended to be a retail outlet.

The site is pretty flat. There is standing water there now, it does not drain well. O'Brien said this will change once it is developed. A majority of the site drains to the north to a ditch on the South side of the school, then into 4-mile Creek. The same drainage pattern will be used. There will be several retention basins, that will comply with the DEC, EPA.

There is a water capacity issue. There is a 16-inch water main on Creek Road, which ends at Pletcher Road, then turns into an 8-inch. This will not be sufficient to serve the school and this project. The Town Water Dept. would like to see this upgraded to a 12 or 16 inch line. The developer is willing to do that.

It is O'Brien's understanding the WWTP has the capacity to accept the additional flow. There does not appear to be a size issue.

There will be two main entrances to the housing, one on Pletcher Road and one on Creek Road. There is a different drive for the commercial. At the time of Site Plan approval, a full traffic study will be conducted. Senior housing is a low traffic generator. The commercial should not generate as many trips, because you are within the area you want to serve.

A Negative Declaration has been received for the zoning from the Environmental Commission

Jocelyn Bos – Housing Director at People Inc. said the proposal is a Senior complex designed to serve individuals 62-yrs and older who are income eligible. The average tenant is a 75-year old woman, widowed, and on Social Security. The rent is based on their income.

People Inc. will be applying to HUD in the next few weeks. One of the key components for ratings is zoning compliance, hence why they are here.

Bill Long, Architect for the senior building spoke. The building is approximately 40,000 sq. feet, 2-story with 42 single bedroom units. First story is brick, second is vinyl shingles. There will be a community room for use by the tenants.

Rhonda Fredrick, Chief Operating Officer at People Inc. Fredrick read the following letter from Michael Deck, owner of the property.

I write to encourage the Town of Lewiston Town Board to approve the Planned Unit Development (PUD) application submitted by me related to property located at the northeast corner of Creek and Pletcher Roads in the Town of Lewiston. The catalyst for this proposal is the interest of People Inc. to provide much needed senior housing for residents in the Lewiston area. As you may know, People Inc. is a highly respected organization that has developed many beautiful senior residential complexes in Western New York and this Board should be proud that People Inc. has chosen Lewiston as the site for their next facility.

On April 21, 2011 I appeared before the Town Planning Board for an informal conference to discuss the application and address any comments or concerns the Board may have had. Written comments from the Town's Water Department, Sewer Department and Fire Marshal had been supplied to the Planning Board in advance of the conference and the matters raised in those comments were specifically addressed. As a result of those comments it was agreed to revise the concept plan to provide for the installation of a larger water main and to reconfigure access to the property to improve emergency vehicle access. The Planning Board also requested that the number of eight unit apartment buildings be reduced so the traffic generated by the proposed PUD would be about the same as that generated if the property were fully developed as currently permitted.

The Town of Lewiston Environmental Commission then reviewed the revised concept plan and recommended the issuance of a negative declaration finding the project posed no adverse environmental impacts. The Niagara County Planning Board also reviewed the revised plan and likewise recommended approval of the application.

I believe the proposal is fully in-line with the planning goals of the Town of Lewiston, which recently issued a "Vision Map" identifying the area fronting Creek Road as being appropriate for commercial development. On May 19, 2011 my willingness to comply with the requests of the Town Planning Board was again affirmed during a public hearing during which three or four neighbors immediately adjacent to the site objected to the application. The residents cited traffic concerns, possible mosquito infestation problems and a general objection to the use of the area fronting Creek Road for commercial purposes. It was expressed on the record that any development would reduce mosquito problems, that traffic impacts would be negligible and that the type of commercial use would be limited to low impact services, such as professional office or a convenience store for nearby residents.

We further indicated that we would agree to limit these uses so as to rule out the development of restaurants or other higher impact uses. The Planning Board did not ask for any further modifications to the concept plan during the public hearing or indicate its opposition to the use of the property for commercial purposes.

Needless to say I was surprised and disappointed when the Town Planning Board, after little discussion, voted 4 – 3 to recommend disapproval of the PUD application, in spite of their general satisfaction with the proposal right up to the evening of the public hearing. Tonight, fortunately, the Town Board has the ability to follow the recommendation of the Niagara County Planning Board and Town Environmental Commission and to approve this application over the recommendation of the Town Planning Board. Your Board represents all of the people of the Town of Lewiston, and all the people of the Town deserve the benefits of having residential

options for its seniors and the development of other services the Town has determined to be necessary and appropriate for its residents.

Campanella, Phil – 785 Pletcher Road – Has lived in Lewiston for 17 ½ years. Just recently found out about the project. Received notice of this Public Hearing on Saturday. It was rejected by the Planning Board, so it was thought to be a done deal. Within the limited amount of time since the Planning Board meeting he was able to collect 136 signatures of people who oppose the project. If given more time a thousand signatures could have been collected.

Reiter said this project is going through the normal channels. Even though it was turned down by the Planning Board, the Town Board has to have the opportunity to review, and the developer has the opportunity to present to the Town Board.

Campanella said notice was given at the last moment, and people were not given the opportunity to organize themselves. The over-whelming reason why most people moved to the area is because it is zoned R-1 & R-2. One thing that brings people to Lewiston is that it is not commercialized and they can live in a beautiful area.

If this rezoning is approved at this corner, what is wrong with the other three corners? Will it become a big commercial strip, like you have in Amherst? There will be additional traffic and additional problems. This will add congestion and pollution to the area. It states that it is consistent with the existing commercial use. There is no commercial use there.

This will cheapen the property value of surrounding homes. There are doctor's offices and convenient stores all over the place. This is not necessary. We do not want this here.

Not much has been said tonight in regards to wetlands. There are wetlands and they need to be addressed.

If Dowd and Deck want this project why don't they put it in Porter or East Amherst, where they live? There is a conflict of interest with Town Attorney Dowd pushing this through.

Apartment dwellers do not have an invested interest. Area residents take pride in their homes. Apartment dwellers do not.

The PUD is not very specific. When questioned at the Planning Board meeting, it was said a Tim Horton's or a McDonald's could be built there.

The congestion at the intersection is already bad. This will just add to it. People will detour down Calkins Road to avoid the intersection.

Campanella asks the Town Board to do the right thing and not approve this.

Ebert, Janet – 817 Pletcher Road – School traffic affects the intersection. There are 400 employees at Lew-Port, 2,500 students on 30 buses – 4 times a day, 150 young high school drivers, CWM truck traffic and local residents. They all use this intersection.

The area to be developed is approximately the size of 3 football fields. That is not much room to be putting in all this development.

There are kids and families on Pletcher and Creek Road and no sidewalks. In fact, on Pletcher Road from the Parkway to Creek there isn't even a usable shoulder. There is no safe way for the kids to get to Lewistown Park. Increased traffic and increased use of this area will be a detriment to the area and the residents.

Ebert's lawn is in water 90% of the time, and is constantly spraying for mosquitoes. Turtles hatch in the side yard. There are wetlands there.

This is a conflict with local businesses. This development is 3-miles from Lewiston, 3.7-miles from Youngstown. There is no reason for commercial development in this location.

Ebert does not feel this is a well thought out plan use of this area. Yes, they say it will dry up the wetlands, but you can do that with residential R-1 & R-2 housing. You do not need PUD to dry up the area.

Ebert did not understand the commercial property on Creek Road and the connection to the senior apartment building. This is what they will tell the potential residents, that there will be places for them to shop. This will make it easier for them to rent the apartments. This has nothing to do with the betterment of the community as a whole.

They are saying they will have light commercial. Light commercial is a lady that cuts hair in her basement, or the guy that fixes lawnmowers out of his garage, or bait and tackle shop. Doctor's office, barber shop and a convenient store are not light commercial.

This property is a perfect fit for R-1 & R-2 development. A mile from a park, right near a school complex. This is what families want, not seniors.

There is noise from the school complex. Do you think seniors want to hear that? There is plenty of land available for senior housing, just not here.

Ebert asks the Board to decline the application request.

Manning, Iggy – 720 Pletcher Road – Commends both parties for trying to provide affordable housing for senior citizens. It is very honorable. Also, the residents speaking out against this.

Manning questions the procedure. Manning knew nothing about this until Saturday when a neighbor came by and asked if he knew this was happening. What is the procedure to have a rezoning done? Should the neighbor property owners be notified of this?

Masters said residents who abut the parcel were notified by letter, and it was advertised in the Niagara Gazette on May 12th for tonight's Public Hearing. Submission for rezoning is submitted 14-days prior to the Planning Board. Five days prior to the meeting a notice is sent to abutting property owners and a legal ad is placed in the paper for the Planning Board meeting.

Reiter said procedure was within necessary dates.

Manning said most people he has spoken to know nothing about this. Very surprised there was not more public notification. Residents should have an opportunity to speak. Residents have not had time to educate or familiarize themselves.

Not everyone reads the Gazette.

Sarkees, Angelo – 726 Pletcher Road – Last week it was at the Planning Board; the County approved it also. So in the last couple of weeks things started happening. It would have been nice if there was an article in the Sentinel.

Winkley said by law, the Town has to advertise in the official Town newspaper, the Niagara Gazette.

Resident spoke out - "Are things fast tracked normally?"

Attorney Davis said nothing was fast-tracked; the Board followed the procedure in the Town Code. All public notice procedures were followed.

Reiter said the Board does not write articles to endorse projects.

Palmer said the first formal packet he received on the project was Friday. The bigger point is this is just a procedural type meeting. As part of the process, the Board has an obligation to review the proposal, listen to resident's comments, and make a determination based on the information.

Reiter said it is not fair to criticize the process; the Board is following it. If residents don't like the process, write the Board a letter and maybe it can be altered. At this time, legally, the Board is doing everything according to Town and State Code.

Sarkees asked if there was just senior housing would there be a need to rezone? Reiter said yes.

Sarkees said if you want to put People Inc. in there, put them there, just don't throw all the extra stuff in there. It is not the nature of that community.

There are developments started on the southwest corner of Creek and Pletcher Road along with the Sattleburg Farms development on Pletcher Road. That's a lot of development for one corner.

Has anyone looked at the sewer capacity? There is already a water pressure problem.

What will stop them from putting in whatever they want?

Christman, Diane – 4322 Creek Road – Christman has concerns regarding sewer. She has experienced several sewer backups into her basement. School traffic gets backed up to her house at times. You add a doctor's office, or convenient store, that is too much traffic. Water lines also need to be addressed.

Nowicki, John – 789 Pletcher Road – Nowicki opposes the rezoning. Been a resident for less than 2-years. Choose the home because it is residential and has nice homes. This is not the place for this. If Nowicki wants to go to the doctors, barber or the store he will go to Lewiston or Youngstown.

Nowicki asks the Board to please deny the application.

Sembert, Kim – 1938 Youngstown-Lockport Road – Sembert works at Lew-Port. She has heard a lot of "ambiguous" terms this evening, like "Probable not going to be this or that"; "Proposed Senior Housing"; "Not intended as"; "anticipated". These are pretty ambiguous terms when you playing with the future of not just residents, but the children.

Sember is not against senior housing, however all the ambiguous terms are a little unfair. This is opening Pandora's Box by allowing the commercial development.

Kids run cross-country and track through that intersection. Would hate for something terrible to happen.

Sembert's interest is strictly for the benefit of the community and to maintain the integrity of the Lewiston – Porter School District.

Adamantly opposed to any of the changes for commercial, please maintain as R-1 & R-2.

Casal, Terisa – 1139 Cain Road – Casal has three kids at Lew-Port. One is a driver that already waits 5-minutes to get into the campus. She has a daughter that runs track, along with approximately 40 other students, and they run through this intersection. This is not a safe environment for the kids. She lives in the country because she moved to the country. Please oppose the project.

Palmer MOVED to table the application, Seconded by Winkley and Carried Unan.

Public Hearing will remain open. (6:25 p.m.)

Respectfully Transcribed and Submitted by,

Donna Garfinkel
Deputy Town Clerk