

Public Hearing – Re-Zoning 2938 Saunders Settlement Road May 14, 2012 5:00 pm

PRESENT: Councilmember Bax, Marra and Winkley; 8 residents and Clerk Donna Garfinkel

Bax called Public Hearing to order - 5:15 p.m.

Clerk read notice into record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston, on the 14th day of May, 2012 at 5:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Parsons Brinckerhoff, Inc., representing Tim Hortons, requests a zoning change from R-1S, single family to B, business for property at 2938 Saunders Settlement Road, SBL# 118.20-3-9, to allow construction of a Tim Hortons. The property is presently owned by Marvin Wendt.

Information concerning this request is on file and available for 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
March 26, 2012

Bax read a letter Building Inspector Timothy Masters received from Robert Bender, developer, dated May 8, 2012:

It is with much regret that Tim Donut US Limited asks that you withdraw our application to rezone the property at 2938 Saunders Settlement Road. Due to revisions to our building design for 2012, that have only recently been finalized, we can no longer fit our program on this site. Therefore it makes no sense for us to pursue the rezoning at this time.

It is our intention to continue to try and find a solution to this internally that may allow us to pursue this location again in the near future, but to date we have not found that answer.

We appreciate everyone's efforts to date in trying to make this project a reality and we apologize for any inconvenience this has caused the Town. We look forward to working with you on future projects, if not at this location then elsewhere in your community.

Bax asked for comments.

Buckman, Nadine – 5793 West Street Buckman asked if copies of submissions made to the New York State Department of Transportation regarding Sanborn or Rout 31 from Niagara Wheatfield School bus garage to Townline Road are available. Buckman would like to know what residents can do to move things along. Several items are needed: school zone, no use of engine break, reduce the speed. Board suggests residents send a letter to the State.

Marra said he will address this at the Worksession that follows. A Speed Study has been requested to NYS Department of Transportation for lowering the speed limit in this area.

The Town has placed signage regarding engine breaks in the past, and the State has taken them down. They say you can not regulate trucks to not use their breaks. If you tell them they can't, and they don't and something happens it then becomes a liability issue.

Buckman said if the Niagara Wheatfield School budget does not pass, high-school students living within 3-miles of the school will have to walk. Whose responsibility is it to install sidewalks on Saunders Settlement? No Board member can answer that.

Vinson. - 5878 Buffalo Street Residents have been talking to Supervisor Reiter for two-years about the engine break. The speed limit is 35 mph and there is no need to use them. The State told Mrs. Vinson the Town can put up the sign.

Marra MOVED to close the Public Hearing, Seconded by Winkley and Carried 3 – 0. (5:25 p.m.)

Respectfully Transcribed and Submitted by,

Donna Garfinkel Deputy Town Clerk

