

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York

Thursday – February 20, 2025

Agenda- 5/4 Development Corp (A)

Present: Baker, Burg, Conrad, Gallo, Lilly, Sandonato

Abstained: Taczak

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning, Thursday, February 20, 2025.

Roll Call

A motion to approve the minutes of December 19, 2024, was made by Lilly, seconded by Baker and carried.

Burg: We have one thing on the agenda 5/4 Development Corp. We are continuing the public hearing from our last meeting. You want to come up State your name and tell us about your project.

Thank you! I'm Jeff Palumbo from the law firm Block Longo I represent the petitioners. Just by way of brief history I know the Board is very familiar with this I am sure members of the audience are well. But just briefly in terms of the history back in October of 2024 the Planning Board approved the apartment complex with a 168 units. The petitioner then went back to the drawing board and based on financial consideration went to the Zoning Board of appeals and asked for an increase to 228 asking for a variance and that was denied. An Article 78 was then filed and had many conferences with the court and came up with a compromise of 210 units and the Town Board subsequently approved the bonus density for 210 units. So, we now have 7 building with 30 units each. Since the last meeting we've looked at the comments that came out 2 different sheets that I saw and I commented on them on my letter today. We've gone back and made adjustments to the site plan. For example, we're very aware of the 500-foot rule and the 3F clubs concern about the 500-foot rule. The building the closest dwelling to the property line originally was approximately 145 feet 148 feet we've now moved it so that its 250 feet off the property line. So, I know that's not exactly what everybody is looking for but it's really the best we can do in terms of modify the site plan so that we still can achieve the goal of the 210 units and have some compromise with the 3 F Club with their concern about the 500 feet. The other thing that we wanted to address we're not trying to be obstinate here we're just trying to get past this concept plan stage at which time we would then do the more detailed engineering that Tim and Bob talked about in the minutes of the meeting and we're certainly willing to do that we just need to get past the concept plan stage and move on to the detailed plan stage and set forth an applied ordinance. So, with that we have modified the EAF as requested we made the changes to the EAF and we submitted that. And we're happy to answer any questions that you might have today, but our main concern is having the public hearing closed so that we can move on and make whatever adjustments need to made after the final engineering is prepared by our engineers.

Burg: Ok Thank you!

Sandonato: Mr. Chairman when do we get to talk?

Masters: Dave, are you going to present the changes you made on that before?

PB- 02-2025 (A)

Giusiana: Yeah. So, after our last meeting we actually had a meeting with the engineer, building inspector, fire inspector that was primarily it. One of the biggest concerns were the fire access to all the buildings so the plan as presented represents an 18 feet of parking 26 feet of driveway and now 15 feet of buffer in between the driveways and the building it selves around every one of the buildings so from my understanding that was what the fire inspector was looking for and we satisfied them all. In addition, we laid out the water line fire hydrants to establish the satisfaction of the fire inspector. From that last version that was submitted a couple of days ago I received an email from Tim that consolidated about 20 issues I believe so its in really random order but I am just going to go through them and tell you what we will be able to take of.

Burg: That would be great.

Giusiana: And what we won't be able to take of.

Burg: Are you going to start right on number so I can follow along are you going to start right on the first one?

Giusiana: Sure. So, the pond how will it be maintained? It's absolutely 100% going to be on the apartment complex property with any conversation about dedicating the road it would still be on the apartment complex so that's 100% the apartment complexes responsibility to maintain. Number 2 was the drainage pond itself. Concerns over the location of it primarily for maintaining it than anything else so I've moved it so there is 25 feet on both the North side and the East side of our property for pond maintenance.

Burg: And that's not on the plan that I have?

Giusiana: No. Number 3 does the 18-inch storm water have the compacity. The plan has been changes so the pond itself will be throttled down so at that point it would be 6-inch discharge which is permitted by engineering standards. The water line was a pretty substantial change. The water line change we moved to be on the other side of the road which also answers the question about the concern about both the waterline and sewer line on the same side of the road as the right away along with sidewalk and any concerns for being able to move. So, at this point now we separated the water and the sewer actually Tim's recommendation to put it on the one side really made things cleaner so then we just have 2 crossings across the road for water service to 2 buildings and the community building vs multiple crossings. Utility company easements we had no conversation with them yet premature for that but we will satisfy all the utility easements on our side of the 66-foot proposed right away. So, once we actually have concept approval then we will begin those conversations with National Fuel National Grid.

Burg: Isn't that something we generally need on concept?

Master: We didn't have it on Essex so when this comes back for detailed plan it will definitely be shown on detailed plan.

Burg: Ok.

Giusiana: Sorry I lost track. Also, number 7 I kind of already answered be revising the waterline location we're lessening the amount of stuff on one side of the road and the other side road separate sewer and water. The SEQRA a new SEQRA was submitted today so I know there needs to be time to review it but there were some open questions and some one or two errors that we corrected. How close to parking lot to the property line on the west side. In order to facilitate the increase in the density of the project to move it further away from 3F Club on the west side we actually had parking within some cases 10 feet and in some cases as close as 6 feet but we will be screening that parking with fencing. The traffic study I have no idea when the last traffic study was done. So, we can find that out. We know that we have the letter from the DOT saying even at 210 units it doesn't impact.

Burg: Wasn't it done last year?

PB- 02-2025 (A)

Lannon: It was done by they coordinated that with the DOT when it was 168 units DOT said no problem. They reapproached the DOT with 210 and DOT still not a problem on Creek Road.

Masters: That came out in the coordinated review with DOT they didn't do a traffic analysis just so you know.

Burg: Ok

Giusiana: The playground, it wasn't labeled but it was on the drawing there is an enclosed playground adject to the community building and the pickle ball courts.

Masters: Is that what's behind the pool?

Giusiana: It would be to the southeast of the pool. Crazy little area there. Go back to SEQRA got to have 2 or 3 parts 2 and 3 of the SEQRA now falls in engineers court. Then we haven't heard anything from the attorney on the 500 foot rule the 500 feet are not our responsibility but again we made concessions moved buildings around to get down to 250 feet the only other way to make it any larger would be to go back to the plan that the Planning Board already hated where the road was essentially not collinear but we could pull the building off closer that way but again this was the result. We tried to litigate as much as we could. As far as the sewer. Ok so right now I am showing one sewer lateral from each one of the buildings I know in other case there's been multi-unit buildings there's been 2 Tim actually educated me on the fact that there is a sewer regulation in Town saying 1 per 4 units you need a sewer lateral. Makes no practical sense to have 8 sewer laterals coming out of each one of these buildings and then it just being pumped into another pipe. We have more than enough coverage and slop to be able to handle it and I think just from an engineering end and maintenance stand point we are looking at doing one lateral again if the engineer suggest that we need more than. The Sewer Department thinks we need more from each one of the buildings then we will do that but to me that's a developed final engineering concern. Yes, I had a couple typos. There is still 423 spaces from the plan you guys have vs this plan I increased some of the parking areas in order to do to fully illustrate all the handicap parking spots and the handicap aisles but it is still maintaining 423 spaces. Parking lot lighting at this point really not looking to do parking lot pole lighting or even bollards but that the parking lot would receive all it's lighting from lighting that would be attached to the buildings. To try to create more still safe but less parking lot atmosphere to.

Burg: That will all be identified on detail.

Conrad: More like wall packs or something for the lights?

Giusiana: Well yes, more area lighting mounted onto the building's vs mounted on poles or bollards that's our intention if the Board feels we need to have more lighting more direct parking lot, then we will take that advise. The sidewalk would be privately maintained yes by the apartment complex would maintain the sidewalks.

Burg: Again, on detail.

Giusiana: About a full landscape plan the final engineering plan will have the full landscape plan in this version compared to the ones you have I have removed all the trees from the right a way and then I also had 2 trees that were too close to the fire hydrants and I moved those as well. The next 2 questions phasing plan and financing plan really kind of handle the one financial partner we are dealing with today it kind of goes hand in hand depending on where the final money is going to come from, we all know that I don't have 24 million dollars in my pocket. So, we have been looking for a financial partner for that. We've had conversations about that and I mentioned that to Tim just from a practical stand point certainly the sewer water all the under-ground construction would go in next. Curbing and road base would go in after that then we are suggesting that we would actually build the community building as the first structure so it would service actually the construction office. And

PB- 02-2025 (A)

as the buildings came online it would still be the rental office then buildings one at a time until again depending on the financing we can start getting some rental in and then another concern is what happens for the community spaces the pickle ball court and the pool actually to me that's we can talk about it if you want put them in after the second building is done 3rd buildings done the pickle ball court would make sense to install when the paving's being done it's going to be asphalt. And then so again where that fits into the over all schedule, we can talk about that. A couple other questions that came up outside this list the building is now 34.9 feet tall and 224 feet wide 55 feet deep, did I say 34.9? 34.9 right and each one of the buildings is 12164 square feet per floor where each floor has 2 2 bedrooms and 2 1 bedrooms. That's what I have.

Burg: Ok. Any questions comments from the board?

Conrad: The plan that you submitted at least that I see there's no cross walks or striping for...I just didn't know if you had that...

Giusiana: That's the new version all the handicap cross walks to all the buildings

Conrad: Ok. Thank you!

Sandonato: I have a question.

Giusiana: Sure.

Sandonato: The full environmental assessment form part one project and settings

Giusiana: I'm sorry

Sandonato: It's ok. Part 1 project and settings on the Full Environmental Assessment form under section D its says the total acreage of the site of the proposed action is 23.34 acres.

Giusiana: Correct.

Sandonato: Total acreage to be physically disturbed 11 acres.

Giusiana: Correct.

Sandonato: That can't be right.

Giusiana: I obviously didn't do the math on that one my brother did but 7.1 acres ...

Sandonato: Well, this is the only part that's not going to be disturbed is this little corner. That can't be 22 acres and all the rest of this be 11.

Giusiana: Ok I'll have to look at the math on that one. I didn't grab those numbers. Right now, I can tell you too because of the increase.

Sandonato: Just looking at it you can see it. It can't be right.

Giusiana: Ok I don't know what else to tell you.

Sandonato: How long is this inaccuracy been carried along? Was it when it was presented to the Niagara County Planning Board? Were they told the same information that only 11 acres would be disturbed? That's the only part that won't be disturbed is probably like 6 acres.

Palumbo: First of all, we don't know if its wrong and we will check it. But it's not material deviation if its 6 or 11 acres.

PB- 02-2025 (A)

Sandonato: Unless it's required that you have a certain amount of green space.

Giusiana: Well green space and disturbed space are 2 different things.

Sandonato: I understand that.

Giusiana: So right now, you want me to give you a number I am going to disturb all 23.34 acres.

Sandonato: Ok.

Giusiana: And I am going to return the greenage with whatever is left over.

Sandonato: You can modify that on this application.

Giusiana: Yes.

Sandonato: Ok. I suggest you do that because by the time you lay down material and equipment moving around the whole 22 acres is going to be disturbed. I don't see how it can't be.

Burg: Staying on the Environmental Assessment form we have this listed as under zoning it says is the proposed new zoning are requiring new zoning for the site and you're asking for Planned Unit or PUD or zoned PUD and that been approved.

Masters: It was approved.

Burg: So, it's currently zoned correctly just to clear that up. Also, under project details I know that you are going to phase it in 4 different phases but under the project details under F you said that your initial phase is going to be 210 units I mean that's just not right if you could just clarify that if you're going to throw 60 unit and then 60 units and 60 units and 60 units that's fine. I know its just an error but...

Giusiana: Ok I will clarify that.

Palumbo: What section I'm sorry was that.

Burg: Under D project details.

Palumbo: Ok

Burg: F it says initial phase and then final phase and it's got 210 units under initial phase.

Sandonato: I have another question. Part 1 D 1 G on your Environmental Assessment form H does the proposed action include construction or other activities that would result in the impoundment of any liquid such as creation of water supply, reservoir, pond, lake, waste lagoon or other storage and you checked no. Is that suppose to be, yes? Part 1 D 1 H

Burg: You see that, Bob?

Lannon: Pardon, it's a storm water pond.

Burg: What's that.

Lannon: I think the question was more to create a water way or something to that effect but it is a storm water pond. That they will have on the site.

PB- 02-2025 (A)

Sandonato: Well under D 2 project operations does the proposed action include any excavation other than site grading or installation of utilities you're going to have to excavate this retention pond right? That was checked no. I assume that should be yes.

Giusiana: Yes.

Sandonato: The total anticipated water usage demand per day 30,000 gallons is that like based on 100 gallons per person per day? Assume 300 people is that how you arrived at that

Giusiana: I didn't do the calculation on that but I think its on total fixture unit's bathrooms, toilet, sinks per the building code as to what's allowable per...

Sandonato: Ok. That's all I have for now.

Burg: Anything else from the Board before I open it up.

Lilly: Not at this moment.

Conrad: No.

Burg: If we can keep our comments down to 3 minutes so everybody gets a chance and try and keep the redundancy down too a little bit. 4587 Lower River Road I'm sorry is it, Harold Hughes.

Hopkins: I would like yield my time first to the distinguished board officers of the 3F Club.

Burg: Ok. Tim Gunther. If you could state your name and address for the record. Thank you!

Good evening my name is Timothy Gunther I reside at 4540 Porter Center Road in Lewiston I also am the 3F president at 904 Swann. Just a couple things that we're concerned about. Now seeing these new plans, we see that this new drainage pond where they have it situated is actually really close to our duck Wood duck habitat we have over there and also marsh pond there for duck habitat that is just right about in this area here. Just about 100 foot I'd say from the property line. Which some of it actually goes across the property line into this location so we are worried about the conservation end animals being harmed ,contamination, displaced things like that. Also, our pheasant fields I appreciate that they tried to move the building a little bit further away from the property line. That's still where we are hunting there puts us in the 500-foot rule. We're worried about that affecting us down the line. We're also worried about the town ordinance for decimal levels if that's going to be a problem. We're also concerned with residents of this facility children especially that want to play in the woods right there they come right into a hunting field. That's another concern. Don't know if possibly fencing or a sound barrier wall like the thruway has can be put up along there to keep residents off our property and keep decimal levels down. And to make note that we are probably going to file an injunction just to make sure from our lawyer that all of our concerns and things like that are properly addresses because she's a lot smarter than I am so just to make sure we are protected now and in the future. Also, at the previous meeting I spoke that we had the issues in the past with the housing complex that is there now about some ballistic damage which was not from us but it was blamed on us so we're just another thing that we are concerned about. Them being even closer is going to open up for us to have some problems. Really that's all I have to say.

Burg: Thank you! You addressed the sound berm and the natural barrier that's already up there I thought I saw that in the application. Where any natural berm that's currently there on the property line you weren't going to disturb.

Giusiana: Well, we will maintain those one of the big issues we have in terms trying to create anymore additional berming is the drainage ditch our drainage ditch that goes along that property line. She drains some of our area

PB- 02-2025 (A)

she drains some of the 3F club but also drains Woods of Blairville as well. So that has to be maintained so really we can't we are going to install any other berming a bit further back from the property line. Again...

Palumbo: And when we do the detailed landscape plan, we will take all that into consideration.

Burg: Ok.

Gunther: Also, during construction, we are worried about contamination getting into the marsh ponds things like that. So, we weren't sure if extra environmental precautions would be taken as far as that once they start tearing up the land just make sure our habitats are preserved.

Conrad: You have to have SWPPP plan Dave right.

Giusiana: Right.

Burg: Yep. Thank you. Mr. Johnston.

Duffy Johnston 1610 Lockport Road Vice president of the 3 F Club 904 Swann. I didn't really know about the community building but the 210 units 423 parking spaces and that. I just wonder if anybody ever reached out, I'm hearing your lateral to the sewer to Jeff Ritter at the Sewer treatment plant. Could this possibly handle it because I know for a fact that come spring when I&I's going melt ups are and Youngstown and Porter and the State Parks pump all their sewage up hill its though and they empty into the river and you're adding all of these people to that. I don't know 300 400 how is that going to go through an 8-inch line and go straight over there. And our community is going to start pumping it up to him. I know its over burden and they release it into the river in the Spring. DEC allows them to. I don't know if anybody looked into that but that's a lot of units. To put on that sewer treatment plant.

Burg: In the conceptual stage you want to have a discussion but that need to be addressed on detail plan. In their diligence they should probably make sure that it does it can handle it before they have to put in considerable expense and different pumping stations and what not. Jeff, do you got anything to add?

Jeff Ritter: Well, our plant can handle it. But I'm concerned about the 8-inch line be able to handle it. I think that in our concerns have been noted that a downstream sewer compacity analysis needs to be done by I would say a 3rd party engineering firm to find out if in the wet weather season, we're going to be able to handle all of this water through that 8-inch line. Off the top of my head, it's looking about 60,000 gallons a day will be coming from this if not more, because I'm hearing more, more now. Normal day its about 42 43 gallons per minute over the course of a day that's normal flow. So, when we start getting some I & I issues and it starts accumulating you got a lot of residents that can't get their mind around the fact that when it rains real hard, they got water coming in their basement here we are we are going to hook all these other people into the system. But there's a lot of things about inflow and infiltration that don't have anything to do with day-to-day operations of being able to take this access water. I think on a normal perfect world we would have no problem taking this water but with the I & I concerns that we have and that we work on constantly this is something I really like to find out about having done professional analyst done.

Burg: Ok Thank you!

Duffy: How did you arrive at the 60,000 gallons?

Ritter: It's just...I'm figuring...I don't know how many rooms per apartment it doesn't have to do with how many toilets or fixtures it has to do with how many rooms are in each apartment. And each person contributes depending on the fixtures about 110 to I would say high range 150 gallons per day per person. So just the rough math of putting that all together. That's what I came up with but I would let referrer to...

PB- 02-2025 (A)

Talking

Ritter: Ok well I'm always going to try to go for worst case scenario.

Conrad: Jeff could you just explain what I&I is I don't know if everybody knows.

Ritter: I&I is inflow and infiltration. Inflow is certain things like sump pumps and gutter spouts on peoples houses that are tied into the sanitary sewer when they should be tied into a storm water convance. Infiltration is the cracks in pipes that happen over the years sewer laterals on private property ground water after a big rain gets into the pipes. And last year we had 2 of those really bad a lot of people were up in arms about it and I don't know if any those people are here today but they were really concerned about the fact that we would let more people tie into this without addressing it those concerns and we're always addressing those concerns. That's what we do try to fix these leaks.

Burg: Thank you!

Duffy: Thank you very much I didn't know you were here Jeff. Thank you!.

Burg: And for the benefit attendees the concept stage is to have an open discussion and look at the idea this is not an approval. Can they, do it? Is it zoned right? Is it feasible? It's a tool that the Town uses and the detail plan is considerably greater expense and it's called a detail plan for a reason, that would be the plan that would be based on approval all of those would be spelled out and all those studies will be done. Anthony Violanti. I also have a Jerald Gambino on my list.

I live at Thornwood Forest. I don't have a lot to say. From what I've heard I've heard nothing that dis-wages my concern about the traffic at all. And you just added some of these sewer issues to it. And an estimate of only 300 people with 210 apartments I think that's a little low in the estimate what are we going to have 1 and half people per apartment. Its gotta be close to 500 maybe more. You could average 3 in an apartment certainly 2. That's 420 I can do math. So, I am very concerned about property values. I don't think that you can stick this kind of subsidized apartments in close proximity to our homes and not have it effect the property values and we didn't move into Lewiston to have our property value to devalue because of poor planning. So, for me and for people of Thornwood Forest we are totally against the project. Completely for a whole bunch of reasons. The schools, the crime next to the 3F club you haven't ...my concerns about that at all you're not even close to the 500 ok I don't know where you compromise on something like that their shooting their got their ducks and the environmental aspect of it but the safety aspect of it. Excuse me what are you thinking I can't even get past that. Now you've added all these sewage concerns into that. Why is this even being considered. There's so many negatives I don't see any positives. Who's going to be living there and its subsidized.

Palumbo: Who said that? Where getting that.

Gambino: I got it from somebody who wrote to your Town and told me at the last meeting that was what was said.

Palumbo: Well, that clears it all up.

Burg: I'm sorry could you state your name and your address for the record.

Jerald Gambino 4384 Autumn Lane Lewiston NY Thornwood Forest. So that's basically all I have. I think between traffic and all these other issues the schools what are you going to do about that? You will have a whole bunch of kids coming into the schools is this for elderly is this for families who is this designed for?

Burg: Thank you!

PB- 02-2025 (A)

Gambino: Who's it designed for?

Burg: David

Gambino: You're not going to answer the question

Giusiana: They are market rate apartments.

Palumbo: Market rate apartments.

Gambino: They are not subsidized.

Palumbo: No

Member of audience: NOT YET.

Talking

Gambino: Do you have some proof that it won't be?

Palumbo: They are not subsidized. That's your proof.

Burg: We got to keep the comments to the board.

Gambino: I understand. I appreciate the time.

Burg: Thank you! I have a Clayton at 4557 Creek Road. If you can state your name and address, please.

Sure. My name is Clay Miller 4557 Creek Road, I think you guys have a monumental task right. You guys are in charge now of trying to put together a major development of apartments literally next to a shooting club. I wouldn't want to be in your guy's shoes. I think one of the problems that many of the people here have is the comments that's its not going to be subsidized housing, it's going to be my opinion I think its pretty clear for many different reason that we touched on last time. I would support the 3F club for the legal injunction 200 feet, 200 feet is not enough where there's a 250 delta now from the safe range and where they compromise. Part of the planning part of any plan is to ask yourself not what's happening now but what could happen right. 250 feet next to a shooting club is a can of worms that I don't think anyone can know what can happen. So, we have a plan we have concessions and that's great. The traffic study we touched on. I said last time if anyone wanted to come sit in front of my house on a school day an see what the traffic is like. I don't know if anyone took me up on that offer but I would say that the thought putting take everything that's been said out the thought of putting this next to a shooting range is not a good plan. And to this gentleman's comment if someone can show me that it is a good plan, I won't come to another meeting but that just taking at its face value you can't say that it's a good plan. Thank you!

Burg: Alright. Thank you! Alright. Anybody else?

Hopkins: I'll take my time back. I support...

Burg: I need you to state name.

Harold Hopkins 4587 Lower River Road Lewiston. I support private property owners developing their land but you got to take into account the 3F Club has a great reputation it's been doing public service for decades. It should be given the grandfather at least some courtesy of grandfathering I think that anybody that's looking to develop adjacent land should start by negotiating with people from the club as to how to deal with the sparer deal. But that's basically all I have to say.

PB- 02-2025 (A)

Burg: Thank you! Come on up we have another speaker. Hello.

Good evening my name is Kristen Savard I am not adjacent to the project or anything like that but I am a resident of the Town of Porter and I grew up in the Town of Lewiston. I am a Gamble. My grandfather was Judge Gamble. I'm sitting here as an owner of an Engineering and Surveying company does this kind of work all the time. I work with these individuals and they are quality professionals but at the same time I am an active hunter and I'm here with my family so that they can see this crash of my 2 worlds. And I feel the pain of both sides of this and what is really hard to sit back and listen too is unfortunately these people don't do development they don't understand the path that's in front of this project and they are probably losing sleep over this. And so, there's that sympathy there but what I want to say is if everybody just follows the tools that are in place and stays consistent with the regulations and does what is required then their investment and their project and their livelihood is protected and their project their investment and their livelihood is protected. And then everybody is operating with the same rules and you can have a good solution to this. And because I'm normally sitting where they are in all these other towns, I know what they are going through and how frustrating it is for both sides. And because I am a resident, I just really encourage everybody to be as efficient and as consistent as possible so that both sides and get out of this. In a good way. So, thank you!

Burg: Thank you! Well done.

Palumbo: Mr. Chairman could I just address a couple of the...

Burg: Yes please.

Palumbo: I just want to make it clear that the property is zoned properly this is not a rezoning. We all know that. This is an allowable use in this district the 210 units were approved by the Town Board. So that we are complying with the Town Board not to exceed 210 units. The 500-foot rule is not a rule that we created it's an Environmental Conservation Law. The 3F Club is definitely very familiar with that. They know the 500-foot rule. But to try and put the 500-foot rule on us is backwards. They have to acknowledge I understand their concern but they have to acknowledge it's their concern on their property they can't be within 500 feet of a dwelling simple as that. That's the Law and they know that. So, to try and pin it on us when we're trying to help but moving it over 250 feet and having that dismissed out of hand is quite frankly not right. We're doing what we can to help with their problem. In terms the traffic the DOT have studied as we've said that several times the traffic has been reviewed it's not an issue. In terms of the number of residents that's a formula that everybody uses in the State its not our formula its based on 1 ½ persons essentially per unit that's what it's based on. On terms of the sewage, we understand we have work to do and we will do it at the detailed plan. The drainage pond near the duck habitat we will take a look at that if we can move it further away, we will do that. If that's an issue we will try to attempt to solve that issue. We will also be talking fencing and landscaping as I indicated earlier. So, we will try to be as good as neighbor as we can possibly be in that regard. But as I indicated in the very beginning, we'd very much like to have hearing closed have the concept plan approved so that we can move on to these detailed issues.

Burg: Thank you!

Gambino: Could I just say one more thing.

Burg: Ok

Gambino: This 1 ½ persons per apartment is ridiculous it's unrealistic what does that do the flow of water? Ok it's gotta be least 2 per apartment so there's a 33% increase of their claim of water you gotta do it based on at least 2 people per apartment and I'm guessing it could be as much as 3 per apartment. Ok 1 ½ people per apartment the traffic was not addressed. So please stop saying that if you've every been on Creek Road when the buses during school before school and after school you got 15 cars behind the buses ok. And you can't get up Creek Road for 15

PB- 02-2025 (A)

or 20 minutes. It's ridiculous those are bad assumptions and their doing it so that they can make their plan work. It doesn't work. The traffic concerns are not addressed and obviously the sewer concerns are not addressed and the 500 feet... they've been there forever. Ok so don't go pinning it on them.

Burg: Ok keep the comments to the board please.

Gambino: They need to take care of their own business. And you went from 100 and something apartments to 200 and something because it didn't make financial sense. I don't care about that. You got too many people and too small of space with too many problems. Their assumptions are invalid.

Burg: Thank you!

Coffey: May I ask a question?

Burg: I need you to state your name and address for the record please.

Elizabeth Coffey 3558 East Avenue I'm the reporting secretary for the 3F Club 904 Swann Road. The traffic study that's been referred to do we know the time of year when the study was conducted? Is my question.

Masters: It was not a traffic study it was a coordinated environmental review and the DOT was asked for comment on the traffic for this project. 2 time 168 and

Talking

Masters: Once at 168 which they said from their opinion in their review letter to us was its not a problem. They were resent that information at 210 and they came back and said 210 was not a problem. But there was not an official traffic analysis study done.

Coffey: So, I think I misunderstood because I was under the assumption the was it was being termed there was an actual analysis of traffic done.

Masters: It was part of the SEQRA review.

Burg: Yeah.

Talking

Coffey: But it wasn't an analysis of...

Palumbo: That's exactly what it was.

Coffey: But he just said it wasn't.

Talking

Burg: Again, we need to keep the comments to the board.

Coffey: It was not an analysis right Mr. Masters.

Masters: There was not a full traffic study done it was a comment from DOT commenting on this project saying there will not be a problem for DOT at 168 or 210. But just so you know in the detailed plan if you read the PUD Law a traffic analysis is required.

Coffey: Sure. And that was going to be my next question when we move to the detailed phase would that be something that would be required?

PB-02-2025 (A)

Burg: And this...

Masters: If you go online look at the list of required items for detailed plan submission that is one of the items.

Coffey: Sure.

Burg: Were just talking about a concept, and this applicant has made 20 different revisions to this plan since the beginning of concept. I mean they have been very, very accommodating. But this is what this for its so everybody can get together put their heads together we can have an open discussion and the applicant can make changes based on your input and then of course what the PUD Law says he has to do. So just to keep everybody on board. I like the interaction this beneficial to everybody. Part of the PUD Law a traffic study has to be done. Sewer will be addressed; all of those items will be addressed on a detailed plan.

Conrad: There will be more meetings. Obviously because for the public to comment.

Burg: Yeah, we will do this again after we review the detailed plans. And if you have questions on the detail plans, we are going to have a public hearing we're going to do this again. And then as an advisory Board hold on as an advisory Board, we just make recommendations to the Town. So, then you're going to do this process again at the Town Hall level in front of the Town Board. Where they will have an open discussion and they will make the final approval. Our job we are tasked with, we are tasked with making sure that concerns are met and were crossing our T's were dotting our I's and were going to try and bundle it up so that the Town Board can make the appropriate decision. So, this process is us giving the Town Board all the information that they need so that they can make a decision. So, they're not sitting in 12 different Planning sessions if you would please.

Gambino: That analysis was done that you guys approved to going from 168 to 210? Sounds like a split it in the middle kind of deal. That analysis environmental traffic everything else that gave you the green light in your head to say go ahead with this bumping it up 50%

Burg: I can address that. As a Planning Board again we don't write the codes we abide by them we are the custodian of the codes nothing more. There was an entire process to get this to 210 units and it was a compromise not based on this Board it was at the Town Board level. If you want to discuss that further.

Masters: So, Mr. Palumbo right gave you a recap at the beginning of how this process went. So, they got it approved at 168 that was the original plan the Town code as it sits right now would have allowed 188 by right.

Gambino: 188 by what?

Masters: By right. So that first plan could have came in at 188 with no special approval. Ok they brought it in at 168 they came back and said we don't think its financially feasible correct me if I am misspeaking Dave ok, and so the Planning Board did not feel in their purview that they felt comfortable making the call because it's a referring board and the Town Boards the Town code says the Town Board may grant bonus density. So...

Gambino: So, they do that?

Masters: They did. Yep, so the applicant went back to the Zoning Board which was allowed and asked for a variance on the density. The Town code allows a variance for density. The Zoning Board denied it. Mr. Sandonato was on that Board. The Zoning Board denied it the applicant filed an article 78 against the Town based on that. In the mean time they went to the Town Board directly asked for 210 the Town what they based that on I can't tell you they approved the 210 which then sent it back to the Planning Board with a hard number for them to review.

Gambino: You just said that they disapproved 188.

Masters: No, I didn't. I said they would be allowed by right with no special privileges or special authorization.

PB- 02-2025 (B)

Gambino: So, what's the basis of them going up to 210?

Masters: Say that again.

Gambino: Because they said it wasn't financially feasible.

Masters: Correct.

Gambino: It's tough love.

Masters: I didn't make that decision the Town Board did.

Burg: We are just filling in the blanks. That's why we need to keep the comments to the Board, please.

Gunther: I just want to say when you guys are compiling all this and thinking about it, our organization is falling to the waist side every year more and more of these conservation clubs are folding. And when things like this happen around them this is the reason that they are closing. We do a lot of things for the environment for the kids. When I started it the youth program at the club, I had 5 kids you have other conservation clubs in the area close underdevelopment and things like that and we absorbed them so within the last 3 years I went from 5 kids to 30 because they have no where else to go to do conservation. We do a purple martin project where they migrate from South America up here things like that. So, when you consider this organizations like ours aren't lasting this day and age. Everything's getting developed. Just keep that in mind.

Burg: Thank you I appreciate that. I will repeat that this is just... Just discussing an idea. And it will be up to the applicant if he wants to move forward. State your name and address again please sorry.

Clay Miller 4557 Creek Road. Just in the dialogue going back and forth if we refer to the minutes of when Mr. Palumbo was here last time. There was no mention of the analysis it was phrased very clearly as a traffic study. Ok. I think as part of the planning if the residents here all agree that traffic is a major concern which is my major concern. I think before we move forward, we should spend...

Burg: And your right.

Miller: The deeper dive and traffic study.

Burg: And that happens at detail. So that happens detail

Miller: 10-4

Burg: And that's not because you're requesting it because the Town Board put it in the Town Law. So that is what our Law states.

Miller: Yes, sir thank you!

Burg: That will be addressed. State your name so Lisa can keep it straight.

Harold Hopkins 4587 Lower River Road. Tim, I thought when the Zoning Board of Appeals rules on a matter it's not appealable it's final.

Burg: Tom?

Seaman: Any administrative action of any government can be sued it's called an Article 78 action and that's what Mr. Palumbo did.

Hopkins: Ok so the Zoning Board of Appeals ruled and the Article 78 challenged it and the outcome was...

PB- 02-2025 (A)

Seaman: I think you have already been told the outcome.

Hopkins: They won the Article 78.

Seaman: They went back to the Town Board and the Town Board granted the 210.

Hopkins: Ok.

Gambino: On what basis?

Seaman: I asked almost everybody in this room that question and they don't have the answer for you it was the Town Board that granted that.

Talking

Burg: Yeah please. As long as we can all agree that the traffic study issue is resolved.

My name is Steve Zappy I live at 2602 Youngstown Lockport Road Ransomville. I've been a 20-year Board member at 3F Club and I've been on the Zoning Board for the Town of Porter for about 8 years now and I have to say that I have a lot respect for all the decisions that you make and all that goes into this process. But what I want to address is the SEQRA I never saw the SEQRA review that Mr. Palumbo is taking about that we're well aware 500 feet for the house there is no houses there right there right now. One of the questions on the SEQRA was this problem self-imposed? Yes, it was. Is there other issues that can resolve this? Yes, there is. So, you might want to go back to your SERQA and look at all that again. That's all I got to say. Thank you!

Burg: If you want to comment on the SERQA please.

Lannon: We have to do a part 2 and 3 based on the new updated. There was a coordinated review done when it was a 168 units all of those comments were received the biggest one was the New York State DOT.

Burg: Anything else? We will close the public hearing. Any other discussions from the board?

Sandonato: No.

Burg: Alright well we have options. We can make a recommendation. We can consider all the information that we have and make a decision before the next meeting I guess right we can do that?

Seaman: Yeah, you would make the decision after the next meeting if you were going to do that. You're not required to make a decision this evening.

Master: I don't think you can without the SEQRA done.

Seaman: The first thing you need to is render a decision on the SEQRA. And I would agree with you Tim. Especially since we went through some of the topics tonight on the SEQRA that the applicant needs to make some adjustments. So, you should be able to give Mr. Lannon the opportunity to make a recommendation to your Board about what the SERQA would be. Probably a good idea for that reason alone. To reserve your judgement till next month.

Conrad: Do we need to keep the public hearing open?

Burg: No.

Seaman: No, the Chairman already closed it. Which is fair I think it's been open for multiple meeting and frankly I think we flushed out the topics that are available.

PB- 02-2025 (A)

Burg: Does anything change on the SEQRA? With the new application from the 168?

Talking

Lannon: I'm not anticipating it but I will take a closer look.

Burg: We need to complete the SEQRA process then.

Palumbo: We have no objection to putting it off.

Lilly: I think for the benefit of the audience though the public hearing is closed, but your more than welcome to attend next months meeting which should be the 3rd Thursday of the month I don't have the exact date. So, you will know the outcome of the Planning Board decision. Tim, do you have that date?

Burg: So, then whats before the Board is I would need a motion.

Masters: March 20th

Lilly: March 20th.

Burg: Well, I need a motion to adjourn.

Lilly: I'll make a motion to adjourn.

Conrad: Second

Burg: All in favor to adjourn

Members: AYE

Burg: Alright off until next month. Thanks everyone.

Respectively submitted,



Lisa Wisnieski
Building Dept Clerk



William Burg
Planning Chairman

