

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – December 19, 2024

**Agenda- Our Lady of Fatima Shrine Swann Road (A), Kowlaski Langdon Road (B), Jay Clause JP2 Propane
Saunders Settlement Road (C), Citrine Power LLC Model City Road (D), 5/4 Development Corp Washington Drive
(E)**

Present: Burg, Baker, Conrad, Lilly, Gallo, Taczak, Collister

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning, Thursday, December 19, 2024.

Roll Call

A motion to approve the minutes of November 21, 2024, was made by Lilly, seconded by Taczak with the correction and carried.

Burg: Alright we have 5 items on the agenda. First one we have a 4-lot subdivision split for Our Lady of Fatima Shrine. You can come up and state your name for the record tell us what you got going on.

Greg Pope for Fatima I am here with my client it's a 4 lot subdivide we had the survey by Apex Consulting. We had Davey Engineering company Dan Wilson come out and help us find out where the wetlands were and its looks like they are not on the wetlands off the wetlands. This would be east side of the property. East campus and the west campus is the seminary. So, this is part of the east campus.

Burg: And your attention is to sell these lots?

Pope: Yes.

Burg: Any comments from the board? Any questions from the board?

Lilly: The property location is that near or adjacent to that red barn that's on Swann Road? I'm just trying to figure out exactly where the placement of these 4 lots are.

Pope: Near the vicinity absolutely.

Lilly: Will that red barn remain then?

Pope: No.

Burg: Any other questions, comments?

Gallo: So, in the delineation here is that slash is that... what part was considered wetland?

Pope: To the west of the 4 lots is a federal wetland. That's why I had the recommendation of the building department to have Davey Danny Wilson from Davey Engineering. He came out and he roughly delineated it for me and I went on the Federal wetlands site and used their map scale and if you use their map scale were not on the federal wetlands.

Burg: Ok. Any other questions, comments? I'll need a motion to...

PB- 12-2024 (A)

Taczak: Declare it...

Burg: Negative dec.

Taczak: Ok I make a motion that we declare a negative declaration on SEQRA.

Lilly: I'll second it.

Burg: All in favor of the negative dec

Members: AYE

Burg: I need an approval to or I need a motion to approve or deny this up to the Town Board for a minor subdivision.

Conrad: I'll approve

Baker: Second.

Burg: Alright all in favor

Members: AYE

Burg: Alright you're good to go.

Pope: Thank you!

Burg: Thank you, sir. Good luck.

PB- 12- 2024 (B)

Burg: Alright next item on the agenda is Mark Kowalski 1 lot split subdivision. I'm sorry can you state your name and address for the record.

Mark Kowalski 6918 Deborah Lane 14304. We have a 250 wide lot that we would like to divide in half into 2 125 wide lots. To be sold as building lots.

Burg: You are going to split into 2 lots and you're going to sell both lots?

Kowalski: Yes.

Talking

Burg: Any comments or questions from the Board?

Lilly: I have none.

Burg: It's right on Langdon Road, it's zoned right. Ok so I need...

Lilly: I'll make a motion that we declare it a negative declaration for the SEQRA.

Gallo: I'll second

Burg: All in favor

Members: AYE

Taczak: Make a motion for a minor subdivision.

Conrad: Second

Burg: All in favor

Members: AYE

Burg: Thank you!

PB- 12-2024 (C)

Burg: Next Item on the agenda is Jay Clause from JP2 propane.

Good evening I am Tim Arlington with Apex Consulting Survey and Engineering Services PC I have Jay Clause with me he owns the plaza there it's called Jay's Place. What our project basically in tales is taking the western part of the building which is currently a 4-bay car wash and removing the car wash components and that including the vacuums outside. What Jay wants to do is take the western bay will call it and make that into his office, another satellite office for his JP2 Propane business. Remaining section of that except for a portion of the storage area he wants to have it for a maple syrup making equipment, he wants to be able to sell and maintain or I guess retail. So, what we've done we've taken his site plan we show removal of those vacuums we've shown the parking spaces that are out front that are available for any customers coming in for retail. He has plenty of parking behind so he has like 9 spaces in this particular area and then for some reason he needs anymore there's another 10 spaces out back. That will leave plenty for both the Subway business that's there as well as the laundry mat. Aside from the size I also added in a dumpster corral that right now he has a dumpster there it's just sitting there. Other than that, that's pretty much all the site improvements that are going to happen. Now, in addition to of course outside is the building is going to be changed. In the front we will have large windows as you can see color scheme will change a little bit it will be more of a grey mesh to highlight the black roof. On the western side of the building, he will take off the Subway sign and use the same square footage to put in JP2 for his offices as proposed on the front he will have obviously glass doors to highlight the front of the building. That's essentially our project you can see this will be the office area this will be retail area and then there's the storage corral where the equipment is will maintain the same utilities there so he doesn't need to add any more water, sewer or electric connections he has plenty. Obviously with the car wash enough for what he needs there. So, I am here to answer any questions about the site plan or the drawings and Jay would be able to answer any questions you have in regards to his business. Yes sir.

Conrad: Do the office its self-its strictly offices going to be no propane located on site no...

Clause: We won't have any propane.

Arlington: Strictly administration office.

Conrad: And the other thing the back of the building the parking area is half... right now it should be striped if it's not.

Arlington: We've shown it to be striped and we intend to do it obviously once he removed the vacs and then he will be able to strip the parking behind there and then this space back here we can have that striped too. To delineate those spaces.

Conrad: Ok good.

Arlington: Does anybody have any other questions?

Burg: The existing pole sign going to remain you talked about taking the Subway sign off.

Arlington: The Subway will still be there the Subway on the building will be taken down.

Burg: So, we're not adding additional signs?

Arlington: No not at this point.

Conrad: What about accessible parking?

Arlington: We have a handicap parking one accessible parking space out front coming in right off of Saunders Settlement.

PB- 12-2024 (C)

Conrad: Is that all you're required.

Arlington: You only need one for every 25 spaces we've got only identified as 19 spaces for this area. So, we only need one for that particular spot. For that particular area.

Burg: So that doesn't change the zoning doesn't change the use.

Taczak: Don't need a...

Burg: Don't need a Neg Dec. for SEQRA

Members: No

Conrad: Honestly, I think it will be a nice change for that area up there because things are changing other businesses are coming in and I think would be a welcomed look.

Arlington: Sure.

Serianni: Just to clarify so this is just modification for the internal structure or are you constructing additional buildings on this parcel?

Arlington: No. No, it's just

Conrad: Same footprint, right?

Arlington: The same footprint correct.

Conrad: You're going to be infilling some of the bay doors.

Arlington: We are actually removing the interior walls opening this space up.

Conrad: But the bay doors for the car wash

Arlington: They will be changed to windows

Conrad: Right so they would be infilled with...

Arlington: Correct. Yes. It will still be main story except where the new glass windows will be.

Burg: So, everybody's clear were not taking any action on the building or the renovation is not before us. The only thing that is before us is the use for zoning.

Arlington: We wanted to show the full presentation of what the project entails.

Conrad: It's just an extension of what's already there retail and Subway and restaurant use so...I think it's a good use honestly.

Burg: Any other comments?

Serianni: What's the square footage of the building?

Arlington: The entire building or just the area we are talking about?

Serianni: How about both.

Arlington: Umm well the entire area that we are working with is about 2000 square feet the other area Jay do you know how big the Subway is and the laundry mat?

PB- 12-2024 (C)

Clause: I don't know.

Burg: The Subway is about 900 square foot when I scaled it.

Arlington: I think that's right. And then the laundry mat looks like it's about double that approximability.

Serianni: Will there be modifications to the laundry mat?

Arlington: No. Or the Subway no. That portion of the building would not be changed no.

Burg: Alright any other questions or comments? Anyone want to speak for or against it? Alright I need a motion.

Taczak: I'll make a motion to approve it. Oh, I'm sorry.

Lannon: You have to do the SEQRA first.

Burg: I'm sorry

Lannon: Do the SEQRA first. Tim did a SEQRA recommend a negative dec.

Burg: Sorry

Taczak: I missed that also.

Conrad: I'll make a motion to recommend a negative declaration to the Town Board.

Lilly: I'll second it. On the SEQRA

Burg: Negative dec on the SEQRA.

Lilly: Yes Second.

Burg: All in favor

Members: AYE.

Burg: Now I need a motion to recommend

Taczak: I will make a motion to recommend it to approval to the Town Board.

Conrad: Second

Burg: All in favor

Members: AYE

Burg: Good.

Arlington: Thank you!

Burg: Good Luck!

Burg: There is a yellow note pad floating around if anybody attends to speak or has an interest in speaking when we open up the open meeting, I need everybody's name. During the open meeting were going to limit comments to 3 minutes we're going to try and avoid redounding comments.

Members talking

Burg: Ok next item on the agenda is Citrine Power. Come up and state your name for the record and tell us about your project.

Hi my name is Cela Bernie I am the project manager for Citrine Power. Just a reminder we were here at the last meeting but for those who weren't here we are proposing a 2 ½ megawatts AC solar project on a closed landfill owned by right behind Modern wastes disposal headquarters owned by the Washuta Family. We have been developing this project for a while we have been in front for the ZBA for some of our setbacks. Which we were approved for variance. We were in front of the County last month which we were again approved for and then we presented to the Planning Board last time, last November, this November and we are here again we had some feedback from the Board. About changing a few things and presenting a little bit more information.

Zomerfeld: So, one of the items that came up had to do with fire access. One of the adjustments made that you will see we've got the 20-foot fire lane that heads all the way down to the end here with the hammer head turn around with the area that meets fire code. And the other item come up pertaining to screening so, hedge link fence is now proposed around the entirety of the site.

Burg: And the fence has been raised to 8 foot?

Bernie: Yeah.

Burg: Yeah, I saw. We are stating it for the record.

Bernie: Yeah. And I believe there was a contingency plan that you guys asked for us in case if we were putting up panels not panels, we're not going to be digging and of the panels what we are doing are poles if there's any contamination or any kind of contingency how we address that we proposed a contingency plan. But just keep in mind we're working with DEC on how much more detail because they have to give input to that too and we hadn't started process we are in the middle of figuring that out with them. Once we have it, we will give you another updated one, contingency plan.

Burg: An you've extended the decommissioning plan to 30 years.

Bernie: Yes. We've extended the decommissioning plan to 30 years we provide the itemized New York based cost items from a New York contractor.

Burg: Ok. You have any concerns?

Lannon: The decommissioning bond amount I think you got to round it to 170 thousand dollars as we discussed. I think last time it is to 30 years escalated 2 ½ percent per year. I'm good I guess the one question I have and I don't want to speak for the fire inspector Mr. Martin. The fire access road...

Taczak: Pat's here.

Lannon: Oh, he's here. Oh, ok well there you go.

Members talking laughing.

Burg: At this point I would like to open up the public hearing.

PB- 12-2024 (D)

Serianni: Mr. Martin you're satisfied with the amounts of access.

Martin: Yeah. The reality is that's it's not a huge project in regards to some of the others put in the Town they had made some adjustments as far a turn around and access. The only thing I might discuss with them at later point is that access into the property with the Knox box or something.

Bernie: Yes.

Martin: Other than that, we are good thank you!

Burg: Now I would like to open up the public hearing.

Serianni: So, I think building inspector did raise some concerns with regards to the premise being a land locked parcel. I know I have had some conversations with Mr. Zomerfeld I don't know if you have brought anything to address that.

Bernie: We have. It's not land locked at least not for us. So, the property actually has an access road right here. Which is where I have to put my glasses on oh right here. Which is the current access road right. When you look into the title actually it looks this access right here is part of this property. And yeah, so that's part of this property on top of it our lease with the landlord allows us access and easement free clear not for us but also for National Grid because we wouldn't be able to do this project if we didn't have any access from for National Grid. This is the most important thing for them right, they need to have access to the side and for us as well. We will not be able to do anything on a landlocked property.

Serianni: So, I just need some clarification so you're saying that there is actual ownership over a strip of land that provides you with access to the back of the property.

Bernie: Yeah Modern, Washuta. Part of this property. Yeah.

Serianni: Ok.

Bernie: They are currently using it as we speak. And we have our lease also Henry can talk to it too. Our lease actually allows us, where every we need access, they will be providing us access. The good news is all of this is surround by their own properties.

Zomerfeld: Its very broad for a lease for ingress and egress for both safety and interconnection and really any use relative to the project. Otherwise as Cela's said without that access we would be in trouble.

Bernie: It's a good point this is the first thing that we also ask.

Burg: Pat

Baker: Just a quick question clarification on page 5 of the decommissioning plan

Bernie: Yeah.

Baker: The 4th bullet item down the last line of that you talk about the solar array having a potential compacity to produce 80% of its electricity after 20 years. Is that the same for 30 years?

Bernie: Well, you have to...it degrades by ½ a percent every year. The panels degrade by half a percent every year.

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Baker: So, it would be another 5 percent 75 percent. Ok. And you talk about permits in the decommissioning plan and everything and I notice there's not specific line item in your tabulation for permits and is that a significant number that would warrant having its own line item or being included someplace else.

Bernie: No.

Baker: Ok.

Bernie: Because you know sometimes, we will have a permit related items in much larger projects because we have to get permits from other entities like farm.

Baker: I understand. Thank you!

Burg: Any other comments or questions from the board? Does anybody want to speak for or against this project? State your name and your address for the record please.

Harold Hopkins 4587 Lower River Road, Lewiston New York. I'm in support of Moderns land use here. I think it's an outstanding example of redeveloping the brown field and I commend the Town for the solar law that restricted this type of thing in residential. That I would like to make a statement a little self-serving to the Planning Board that you need to really think about it. It's my understanding that the state is looking at a model battery storage law because whether its other developments were just ramping up demand for power, and our grid is really anemic and if you are going to keep building apartment complexes and other things you need to have enhanced compacity. That's all I got to say.

Burg: Thank you! Anyone else. Alright for this project we will close the public hearing. The Town Board would like for the record to label this as a type 2 SEQRA action I will need a negative dec.

Serianni: Not a negative dec just make a motion declaring this a type 2 action.

Conrad: So, moved

Taczak: I'll second it.

Burg: Alright all in favor.

Members: AYE.

Burg: Ok. Ok any other discussions. I need a motion to recommend approval or denial to the Town Board.

Lilly: I will make a recommendation to a approve.

Conrad: Second

Burg: All in favor

Members: AYE

Burg: Alright Thank you!

PB- 12- 2024 (E)

Burg: Ok Next on the agenda is 5/4 development. Come up and tell us about your project. Alright state your name and your project.

Good evening. Joe Giusiana president of 5/4 development. I representing an amended plan to a project that's been previously approved. You recall you approved the project for a 168 units probably more than a year or so ago. Since then, we've been working with the Town we've gone back and gotten the bonus approval bonus density approval. Basically, allows us to put 210 units on the property. We've modified...

Audience complaining they can't hear.

Burg: Hold on.

Audience static in the microphone.

Giusiana: No problem. Is this better over here?

Talking

Giusiana: As I said the project was originally approved for 168 units we have since gone in front of the Town Board.

Audience its microphone interference guys.

Giusiana: I'm here representing a project that has been previously approved by the Planning Board as well as the Town Board for 168-unit apartment complex consisted of 7 buildings, community center and some recreational basketball court tennis courts on so on. Since then, we have been in front of the Town Board and requested bonus density. The Town has actually granted bonus density to us which allows us add another 23 units to our site. Bringing it to total number of units on the site to 210 units, still the same 7 buildings, same layout if you will of the infrastructure road way and so on. We have increased the parking to be compliant with the number of units on the site. So, we got 420 parking spaces as required by code. Still the same basically pathways and so on. We're probably going to be developing about 11 acres in total of the project of the 23 acres site.

Burg: Just for the record this is a new application?

Serianni: That was the question I was going to have for the applicant. So, did you submit a new PUD application?

Giusiana: We did not.

Serianni: Did not. So, I'm just not entirely clear what's in front of the Board today.

Giusiana: What's in front of the Board is a plan representing a 210-unit apartment complex. A SEQRA reflecting the 210 units. I was under the impression for an amended receiving a negative declaration from the Town for 168 units to coordinate review which we will do with DOT. We were granted PUD.

Serianni: I understand that PUD was previously awarded but this is not, this is not the same blue print that was approved at concept plan stage previously correct. Essentially, we're starting over with a new project.

Giusiana: Well, we added more parking to the site other than that

Serianni: Building blue prints correct.

Giusiana: Well, the floor plans have changed

Serianni: Size of the building itself has not changed.

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Giusiana: Yes

Serianni: Size of the building itself has changed as well.

Collister: The façade as well too

D. Giusiana: Some details yes.

Serianni: Umm did you submit this yourselves? I'm just surprised that there isn't an application in front of the board. Requesting a PUD. Essentially an application for a concept plan.

D. Giusiana: It was never requested but we submitted it to the building inspector.

Serianni: Just the SEQRA from?

D. Giusiana: That and the drawings were what was requested of us for submittal.

J. Giusiana: And there was an application included with the SEQRA.

Burg: Yeah.

Serianni: Do you have a copy of that.

Giusiana: I did not bring that with me no.

Talking

Serianni: So, this was with your packets

Lilly: Yes.

Serianni: So, based on this request here you paid a fee to the Town requesting this.

Giusiana: Yes

Serianni: Ok. So based on that there is a request for a concept plan for approval in front of you today. I didn't have that with my...

Burg: On a new application.

Serianni: On a new application for a new PUD that's correct.

Burg: For the record this is a new application for a new project. Correct.

Serianni: That is correct.

Burg: Ok. Any questions or comments from the board?

Conrad: What's the overall change in square footage of the building? Over all.

D. Giusiana: About 1400 square feet.

Conrad: Total

D. Giusiana: Total.

Talking

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D. Giusiana: 1920 square feet I'm sorry.

Burg: Thank you! Ok I got some questions. As far as staging what is your... in what stages are you going to do this project?

Burg: Staging

Collister: Did you say 1900 square feet?

Giusiana: Yes

Collister: Not for a building

D. Giusiana: Per building

Conrad: Oh, per building

Taczak: Per building

Talking

Collister: Total square footage of a building

Conrad: Increase.

Giusiana: A little more than 600 square feet per floor times 3 floors.

Burg: Ok. As far as the staging planned what phases how many phases are you going to do to build these?

Giusiana: We are envisioning probably 3 phases. As a minimum possibly 4 phases. The first phase would include putting in the water, sewer and the road for the complex and then buildings would follow.

Burg: And when would the amenities go in?

Giusiana: They would probably go in shortly after we get the road in and get a couple apartment buildings up.

Burg: First phase?

Giusiana: Probably phase 2 phase 3.

Collister: Where are the waste receptacles dumpster corals? I don't see any on the drawings?

Giusiana: There would be one for each building.

D. Giusiana: They attend one at the end of the garage buildings.

Collister: Fenced?

D. Giusiana: Yes, enclosed correct.

Taczak: Water and sewer are all coming off of what road?

Giusiana: They would be coming off of Washington.

Taczak: Is it looping around or is it a closed system moving back?

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Giusiana: The water would loop around tying in two places on Washington. Currently there is a sanitary line that stubs in off of Madison into the property that would be our means of discharge depending on our final engineering design.

Gallo: I know you have a drainage area but does any of the ground water drainage lead to other properties?

Giusiana: No. All this ground water we are not allowed to discharge water onto adjacent properties so we got 2 detention ponds you can see on the drawing here.

Burg: Yeah.

Giusiana: And one in the back corner here and then one here. There are two means to drain the site out to Creek Road and then there's also a drainage swale that runs along the back of our property that we would be discharging into.

Burg: Thank you! Are any of these units handicap accessible?

D. Giusiana: As per... correct.

Conrad: So other than the increase of square footage of the building the concept is basically the same.

Giusiana: Exactly.

Conrad: And what was the reason for the expansion? Was it larger units or just the additional units?

Giusiana: The big driver was really 2 full initially it was 168 2 bed room units we looked at the market demand it calls for both 2 bed room and 1 bed room units so it's a combination of 168 2 bed rooms and an additional 42 1 bed room units, and really additional units for me in order to justify the project. Given the current cost of business and cost of financing cost of construction rather.

Lilly: The sidewalks parking lots looks like you also have walking paths perhaps there, what material would they be made out of asphalt concrete that sort of thing what would each one of those items be built with?

D. Giusiana: All the sidewalks along the buildings would all be concrete, and then the walking path though the wooded areas would be asphalt or gravel.

Lilly: Depending on what the Planning Board recommends.

D. Giusiana: Absolutely.

Lilly: Ok. So, the sidewalks would be concrete the parking lots I would assume would be asphalt.

D. Giusiana: Correct

Lilly: And then the walking path is undetermined at this time with in put from the Planning Board.

D. Giusiana: Trying to make it a nature trail so... So again, if gravels better or more accessible.

Taczak: I would like to talk to the fire inspector I know we went thought this a few years ago anything that you can see different from your aspect?

Martin: We sat down and worked with the developer a little bit on the last project currently when I'm looking at the plans, I think the building inspector also sent a message we don't have enough information to really address this. I'm looking at their showing fire hydrants in the green areas, the green area where adjacent to the parking

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lots which usually they are for parking spaces you can't expect the fire hydrant to be blocked by cars it's not something allowed. It seems to be their using that to reach their goal in number of parking spots for each building additionally we need a building heights we need pavement to the buildings looking at the floor plan they are not showing any sort of mechanical room. These buildings will have to be sprinklered and it doesn't appear that their floor plans are showing any place for that to take effect so. In all respect I think maybe the developers are a little head of where they should be and they probably need to sit down and discuss how they are going to address some of these issues.

Taczak: Thanks.

Burg: Any other questions or comments from the board? I'd like to open up the public meeting. Does anyone want to speak for or against this project? State your name and address for the record please.

I am going to read this my name is Duffy Johnston member of the 3 F Club. I am going to read this so no one reiterates what I am saying. I brought a copy for your secretary. To Chairman Burg and the Lewiston Planning Board. The Fin, Feather and Fur the 3 F board and its membership, strictly oppose the revised plans at Presidential Park at Washington Drive. The 3F Club has been at its location for close to 80 years and has been grandfathered status in this case. There is a skeet house foundation located 200 feet from the Presidential Park lot line. The expansion of this project will greatly affect the hunting and conservation issues of the 3F club. The 3F club has over 800 members that use that property for various recreational sports on a regular basis. There is a 30-acre pond used for fishing and kayaking, just a few hundred feet from the proposed project. Your Board needs to understand that the 3F Club does skeet shooting on Wednesdays, Saturdays and Sundays all year long. There's a rifle range that is open seven days a week right next door to the proposed project. This variance will have a definite effect on the membership of the 3F club. And I want to close by thanking the board for listening to our concerns. Vice president Duffy Johnston.

Burg: Thank you! I have a question were facing Washington Drive is on the east side, right?

Giusiana: It would be on the West side of the project.

Burg: Right going backwards that's what I am trying to figure out. North again.

Giusiana: North is this way. 3F Club is back here.

Burg: Ok. So, the 3F Club is on the south side.

Giusiana: East side.

Burg: East side.

Giusiana: No, your right south side I'm sorry. This is north.

Burg: And how far are they from the property line?

Giusiana: Our property is here we share a common property line.

Burg: Alright anybody else want to speak for or against?

Harold Hopkins same address I concur with Duffy Johnston statement 100 percent. But as an individual I just have a few questions. I think I heard and I don't hear very well it's 22 acres is the total area is that correct?

Giusiana: 23 and a half acres.

Hopkins: And you're looking at development of have roughly 11?

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Giusiana: Correct

Hopkins: And you are not building a new structure you're just expanding and existing structures?

Giusiana: No these would be all new structures.

Hopkins: All new structures. In the 22-acre expansion. And you are the same you're not only the owner developer you also manage this.

Burg: I am sorry we need to keep the questions to the board sorry.

Hopkins: So, you just want me to make a statement? Is this low income or is this market rate?

Burg: Market rate and it is a new development. Anybody else?

Hi I am Mike Loughlin 4575 Creek Road. I am having a little flashback what happen 35 years ago when I bought the property. As you all know behind me is all wet lands, developments wet lands retaining ponds which is great because we wanted the wet lands. Well now going thought those wetlands for this project which is fine if its for building new houses and everything. Behind the Woods of Blairville great idea they came in and did the exact same thing to you guys and promised you guys the moon. It's going to be for 55 and older senior citizen community. They did that they got all your approvals everything went great. Of course, you all know what happens everything changed the outside of the building changes a little bit and with the years opened up to everybody. Now being there for 35 years and seeing all this one good thing I can say of course I'm also a member of 3F Club I agree with them 100 percent, also with that if you want to really look what's going to happen look as all the police calls 2 blocks behind me and Woods of Blairville since I've been there. What do you think is going to happen when you put another 210. Of course, its market rate. Because you guys are going to say that's great sign off on it. What happens within 2 months there doing the same thing that Wood of Blairville do. My property goes to shit the 3F members excuse me I'm sorry the 3F members and everything else associated with that changes. As they stated about the shooting range that's grandfathered. It's been a way of life for people here. The reason I bought that lot which I actually bought it from which I actually bought it from their father. Very nice guy. The reason I bought it because they couldn't build behind me because of wetlands. You all know how that turned out because before I was done their roads already cut in. Which I understand and that's fine. But just look at what happen at Woods of Blairville they gave you the 160 now were at 170 now we are at 210 because it cost money who's it going to save money for? If its subsidized which happened at Woods of Blairville what about the rest of the people who live there. Not to mention people that 3F Club and all the other members in there. Think about what happen at Woods of Blairville. You guys are doing the exact same thing. Different smoke n mirrors...that project which is great has all those lots for sale in the mean while for years they have been working on this project. Think about what happen at Woods of Blairville and the people that live there the quality of life I mean the entrance is on Creek Road with golf course Woods of Blairville. Talk to the police department get the real number Not the ones that hide and change stuff everybody knows how that works. And there you go. Thank you!

Burg: Thank you!

My Name is Steve Newman I'm Model City Road 4611 born and raised here in Lewiston. I'm not a member of the 3F Club but I support them 1000 percent. To piggy back on what Mr. Laughlin just said the Planning Board approves the future right you guys look to see what goes on. We approved a storage unit right here on Model City and we got a comics box. Have you guys already approved the drawings and they are legally allowed to do it correct?

Burg: They are legally yeah.

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Newman: Well legally they own and it's zoned for them to construct a building, correct?

Serianni: That's not correct

Newman: We had a petition that we presented to the same exact board 8 months ago for a storage unit that was approved and we didn't get that storage unit. It seems like it's going to be quite a big loss for everybody around it except for that certain particular

Burg: Are you referring to the storage unit issue or this?

Newman: Its part of the conversation. It's absolutely part of the conversation because its Planning Board right.

Serianni: Let's keep comments presented to the Board.

Newman: That's what I getting to the point where you guys approved this plan and you do approve it can we make sure that that's exactly what we're getting.

Burg: Yes sir.

Newman: Because that's not what happened in the past and there is proof 800 yards down the road. With a comics box for a storage unit. I'm both totally against it.

Burg: Ok thank you! What were you going to say Anthony.

Serianni: What I wanted to say is that concept plan approval has been issued 5/4 Development for a prior rendition this is an amended drawing which essentially is requesting added units to bump the number of units of this property from I believe 180 to 210. There's modifications to the buildings there's modifications to the parking that's available but the overall sketch so to speak is the same. Never the less the concepts plan is only the first of 2 steps so yes, they did receive concept plan approval but they did not receive the detail print plan approval which is required before they can begin construction. So, it's not if they could move forward and construct what was previously approved until they receive detailed plan approval which as I said they have not done.

Burg: And the property is zoned correctly?

Serianni: Well, the property currently has an over... well yes, the property currently has a concept plan overlay but they can not construct until they receive their detailed plan approval.

Burg: Correct. Next sorry

Good evening my name Clay Miller live at 4557 Creek Road which in my driveway is actually on Jefferson Way. Just a few things before I start. I am not a not in my back yard type of guy. I actually run a branch of large building product company. So, this is how I make my living development, new development things of that nature. But I also believe that needs to smart and safe for the community so. This project has changed so many times over the course of life of this project I think there's just a lot of different people with different ideas right. I want to talk about safety right, I keep hearing about this DOT study ok. Anybody that lives on Creek Road, it's good to have a study. I mean Lucky Strike in the 1920's came out with a study of 20,000 positions that said cigarettes weren't dangerous, any study. But there's also president, legal president that says the case is Bellevue Plaza vs the City of Bellevue Washington 1993 that says there's a board such as yourself that the DOT plan should be considered just as a data plan and there should be an ownness of fair observation right, and if any of you fine folks wanted to come have coffee on my front porch on a September morning when schools in session and people are making left hand turns at the golf course I'd welcome it. If you saw that and you saw the chaos that happens on Creek Road with buses going down people trying to make a left hand turn out of Washington and Jefferson, people trying to

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make a left-hand turn into the golf course. This project would not even be discussed so I don't want to hear about a DOT study or it was presented by their lawyer Mr. Palumbo. We have a DOT study great. Your job is to observe facts as they happen in real time on that route. The facts are also brought by something else in 1996 the same people involved in this development I was 14 said the Woods of Blairville will have 120 moderate zoned apartments and 42 luxury apartments it was quickly sold right after it was all approved and that business model changed. Ok. Please just 2 more minutes. Ok.

Giusiana: I would like to say one thing.

Serianni: His floor.

Miller: So, I would ask they've said we should take them at their word that they are fair market apartments I would ask why there is a for sale sign on that property now. So, we can listen to them saying taking them at their word they are honorable people saying fair market apartments. What happens when it gets sold? They out it for sale in August 2023. So that's a big problem. And in closing I will say there will definitely be accident, there will be people that get hurt if this project goes through. I am not opposed to the building of it that traffic plan is a joke, whether its speed bumps, cul-de-sacs, whether whatever else you want to navigate the traffic. You want to build it build it but that traffic plan, I got 2 kids' man and if that goes in every time someone makes a left or a right you're playing with fire. But thank you!

Burg: Thank you! Anybody else.

Hopkins: Last 60 seconds alright. I'm just curious if this approved as presented what is the distance from the closest residence to the eastern property line? Dwelling right.

Members structure

D. Giusiana: 193 feet

Hopkins: 192 feet

Burg: 93

Serianni: What was your question?

Talking

Burg: Alright anybody else?

My names David Montante 1597 Youngstown Lockport Road

Burg: I'm sorry can you repeat that address for me please.

Montante 1597 Youngtown Lockport Road Youngstown New York 14174. I want to make people aware of something. They want to tie sanitary sewer into an existing sanitary sewer line that's coming from those original houses and I was informed that mine is only an 8-inch sewer line. It was in heavy construction for a long time you're really pushing it just running an 8-inch line from all those houses and another 200. That really isn't if you do your math, I don't think that is going to be acceptable. And another thing the storm water issue Mr. Giusiana said there's a ditch out back and there's side ditches and he has retention ponds here. Those ponds need to be connected to the ditches out to Creek Road. You have to be able to get this water out of there, if it doesn't it going to spill all over were going to end up with a flooded 3F club property. Being only 193 feet away no I'm sorry 300 feet away and this whole development reminds me of gerbils in cages that at a pet shop. This is the Town of

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Lewiston were looking for a quality of life here. I've lived here my whole life well since I was 4 years old, I live in Youngstown now. This is like just really unsightly and not really proper for what we have here. Considering we have already gone through this like one of the other gentlemen said next door and across the way. Where we have a concentration of people and it's causing issues a problem for law enforcement and the neighbors. And the other that building is 193 feet the closest one is 193 feet away from the 3F club property line. That means 307 feet of our property we can't hunt on it now because of the 500-foot rule for discharging a fire arms. You have to follow those rules. So, it's forcing us to basically not be able to hunt on that property pheasant hunt or deer hunt or whatever else we want to do. And I would really hope you guys don't allow them to do this. Alright. Thank you so much.

Talking

Burg: I also have a Donna Gerber.

Donna Gerber I just wanted to get the foot print and the height of these building that are going up.

Burg: Alright could you state your name for the record. I need you to step up to the micro phone I'm sorry.

Donna Gerber 5201 Bridlepath Lane Lewiston. I just wanted to know the actual foot print and height of these buildings is going to be. How many floors? 30 Apartments

D. Giusiana: 3 floors 9-foot ceilings and then roofs so the maximum height would be 35 feet.

Gerber: 3?

Conrad: 3 stories.

Gerber: Ok thank you!

Burg: Alright. Anybody else? Ok. According to my list I have 2 more.

My name is Derek Douglas I live at 4645 Perry Court. So, I am not a part of 3F I live right off Creek Road on Raymond I moved back here I'm from Newfane New York originally, I was in the military for 12 years and bringing my 3 kids back here I just can't see how this project improves our community in any way. I think about my children in school and I think about the facilities we have there and then all of a sudden adding 50 or 60 more children in. Studies and class size improvement that I am not sure planning for that kind of thing you have to wonder what's next. I think about the traffic on Creek Road just like you do. It's hard for me to turn onto Raymond Drive as it is now to get to the school. Head south on Creek so thinking about traffic ok you have this development, let say we have another development what's going to happen then, are we going to expand Creek Road to be a 4-lane drive? I just I don't see the future that somebody that chose to move back to Lewiston and chose to raise my 3 kids here this just doesn't seem like a future that I wanted to bring my family a part of. That's all I have to say. Thank you!

Burg: Thank you! Timothy Arlington, do you still want to speak for or against this project?

Domonic Mickey 3F Club I live in Niagara Falls 3234 North. Is this project approved? Or is it on hold with the new expansion of what they want to do?

Talking

Serianni: Let me reiterate there was a concept plan that was approved 2 years ago. However, the applicant cannot begin construction until receiving detailed plan approval which is a second step so they have received one approval up to on a different design. What's before us today is a new application entirely so they do not have approval to move forward with drawing.

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Mickey: So, they have to come up with new drawings too and start over?

Serianni: That's what these are.

Burg: Yeah, this is a concept. It's an idea.

Mickey: I hear a lot of probabilities with these guys its probably this or probably that. The ditch that he is talking about on the east end of the property that we maintain. If they are going to be running their water into that ditch the Town's going to have to maintain it, we barely maintain the water that we get discharged into the property now. You guys are going to put this project on top of us they don't have a proper drainage system there. There's no way. We are already getting water from all the apartments and the houses that are there now. We are north of all that. Creek Road now like that kid said sit on Creek Road I tired driving on Creek Road there are even talking about closing the parkway. If they close the parkway the state does, where do you think all that traffic going to end up Creek Road, River Road, Porter Center Road. Think about the next 30 years not today not tomorrow the next 30 years when you guys do this project. I guess that's all I got to say. I think you guys are behind the eight ball on it. I don't think they have explained themselves toughly enough not even close. You guys really got to think about it. Creek Roads a bad spot right now you put this place in there holy macro.

Burg: And I appreciate that thank you! And that's the whole function of a concept plan and an open hearing. Make adjustments to the plan address concerns and they are all legitimate concerns they are all noted. But this is just one step in the process. Can you reiterate everybody for what the steps are to get this to approval.

Serianni: Rough sketch there is a concept plan and then there's a detailed plan. The first step is this obtaining concept plan approval. Which is what we are doing here today. The concept plan is essentially an evaluation by the Planning Board for the rough sketch of the property right. So, the placement of the buildings the amenities that are offered with the building the there are provisions set forth in the code so. The uses of the property right so is it going to be commercial in character residential in character single family home multi family etc. Maximum density of residential uses and intensity of nonresidential uses so what's the how intense is the density of the property right, so how many people are going to be residing per unit. How many people are going to residing per building? General location of vehicular and pedestrian circulation systems right general appearance of the driveway the parking facilities whether they are sufficient. The general location and extent of public and private open space. So how much of the parcel is preserving green space and usable for other purposes such as recreational purposes. General location and extent of utility systems. So can the property feasibly maintain the utilities necessary to function right, so we are talking sewer, we're talking electric we're talking water and finally the general location of residential and nonresidential structures. So general location of these. There intent to be very broad ideas were really not getting into the we's as whether or not and all due respect to our experts here but we're not yet at the stage of getting into the we's whether or not the buildings are up to code. We're really kind of just discussing these rough sketch ideas with regards to we have a proposal for 7 building that are going to house a total of 210 people on a 22-acre parcel these are where the buildings are located this is what the driveway looks like. That's really what's before us today.

McKinney: So, you're saying that but so if let's say you were going to put in more drainage than what they think is need now. More berms and everything for us to be able hunt our land they are encroaching upon our culture of the club for 80 years. What happens when they say now the project costs us more money like you just said. We need to put in more units to make it feasible for us to make a profit.

Serianni: Just so everybody understands that's basically what happened here and that's why the applicant is in front of us again after receiving a prior concept plan approval 2 years ago. That's why they paid a new application fee and that's why we are all sitting here in this room today because the applicant has determined that the prior

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plan wasn't financially feasible for them. And they can't allow it and I don't want to put words in their mouth but they have made that argument before in front of another board. But that's the reason why they are here right, they said that they couldn't make the prior one feasible but they have to receive a new approval for this revised plan. Otherwise, we wouldn't be meeting tonight.

McKinney: Have you guys every denied anybody after you have gone this back far after a planning board have you...

Conrad: Concept plan? Yes absolutely.

Talking

Serianni: That explains concept plan just to elaborate. Detailed plan really will be the process...

Talking

Serianni: I got to advise my Board. So, detail plan approval is where you'll get your experts involved to make sure that everything all your nuts and bolts are followed to a T. And certainly, the board could hold another public hearing with regards to those issues as well. You're more likely to rely on the opinions of your fire inspector your engineer to make sure that their compliant with those codes. But the concept here is there are some pretty major questions that you have to consider. Particularly with regards to the proximity of the 3F Club. There are some questions that I think this entire board needs to digest. And think about before making an opinion based on the comments we've heard today.

Conrad: Excuse me Mr. Chairman. I just want to ask one question as far as...we did talk about you having a previously approved concept plan, how has the placement of the buildings changed from that concept plan to this one? As far as setback from the 3F Club and such.

D. Giusiana: By increasing the size of the building the one to east got closer to the property line we did add that one enclosed garage building that the one we are calling 193 feet from it.

Conrad: Ok.

D. Giusiana: Which this is the hang up we can certainly put that building out or put other parking somewhere else on the site. We are more than willing to amend to create a greater separation that's not an issue.

Montante: 500 feet from our property line?

Giusiana: No.

Burg: Again, we need. I'm sorry. But we need to focus questions to the Board.

Giusiana: The 500-foot rule.

Serianni: Honestly, I'm going to take a look at this 500-foot rule and provide some provide and opinion to the Board because I think that it's very... If you want to talk about the make-or-break issue then it's the 500-foot rule from your property line. And you guys certainly have your opinion but I would like to provide and opinion to my Board.

Montante: Its from a dwelling not the line.

Talking

Serianni: I'll tell you that the legal interpretation I'll take a look at it my self and I'll advise my board accordingly.

Burg: Does...is there a Timothy Arlington?

Serianni: He was the architect for Mr. Clause.

Burg: Oh. Well, we can keep it open.

Conrad: There was one more gentleman in the back.

Burg: Is there anyone else that wants to speak for or against I don't have anybody else on my list.

I am Carl Mottern 195 Parkwood Avenue in Kenmore 14217 I am a 16-year member of the 3F club my opinion here would be that the residents and anybody that moves in or building plan or builds on this property is at some point going to say just like somebody that buys house by an airport all of a sudden, they complain about the noise of air planes same concept here. What about that gun club over there why is that making all that noise. How unsafe is that? Better to fix the problem ahead of time than afterwards. Thank you!

Burg: Does anybody have anything to say that doesn't have to do with the very legitimate concerns from the 3F Club and the DOT.

Serianni: My advice would be to leave the public hearing open we could table this action until next month. The applicants here next month and there would still be a public hearing which means that the members of the public can certainly attend and speak at that meeting as well. In the meantime, your attorney can do some research and give you some advice on some of the issues that were brought up today.

Conrad: Do we need a motion...

Serianni: Just a motion to table the application.

Conrad: Just to make a motion to table project for now until the next meeting and keep the public hearing open.

Lilly: I'll second it.

Burg: All in favor

Members: AYE.

Burg: Ok

Someone asked if the town will send out letters again to everybody on that list again for the next meeting?

Serianni: How about this. These meetings are the 3rd Thursday of the month every month so the next meeting will be January 16.

Talking

Taczak: Motion to adjourn

Gallo: Second

Respectively submitted,


Lisa Wisnieski Building Dept Clerk


William Burg Planning Chairman

