

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – August 19, 2021
PB 2021-8

Present: Burg, Baker, Lilly, Taczak

Absent: Waechter

Presiding: Ken Lilly, Vice Chairman

Lilly: Good evening, ladies and gentlemen. Welcome to the Town of Lewiston Planning Board meeting for Thursday, August 19, 2021.

Roll Call

Lilly: We have 4 items on the agenda tonight. Before we get in to that I would like to mention our Chairman, Bill Conrad resigned this week. We wish him the best of luck. I thought he did a good job. I always enjoyed his comments and remarks, maybe some humor once in a while. Good luck to Bill and we thank him for his service here at the Lewiston Planning Board. I think he was an asset to the Town of Lewiston.

The first item on the agenda was a Site Plan Review, Ridge Road.

Kevin Wagner, Solar by CIR. We are proposing a 15.3KW ground mounted system at the Wojick residence.

Lilly: Anything else you can tell us about it?

Wagner: Monday we had the Niagara County meeting. They passed it. We meet all the property setbacks and everything that was requested.

Lilly: Any questions from the Board members?

Seaman: Just from a procedural point of view, I will inform you the Planning Board on a ground mounted solar, it's not a utility scale solar, it's just a ground mounted solar which means it is designed for solar energy production on a single parcel. In that scenario the Planning Board actually has approval authority and rather than recommendations to the Town Board which is what you do on obviously many of the applications that come before you. It's a Site Plan approval. You would want to look it over and make sure that it complies with setbacks and makes sense with your engineer and the Building Inspector with regards to their thoughts on that and myself. You need to take 2 actions. One would be a SEQRA determination, then a motion on approval or not an approval. That would be the process.

Lilly: Setbacks and things of that nature; it seems to be in the middle of the property away from the house but not close to the property lines.

Wagner: It is 39' from the back property line and 41' from the east.

Lilly: CIR is the contractor that will install this?

Wagner: Correct.

Lilly: Tim, from the Building Department's perspective, is there anything?

Masters: I have no issues with it.

Lilly: Everything is in compliance as well as the Town Engineer? To me it seems this is just a benefit for your own personal electrical purposes?

Wagner: Yes, I'm with CIR but Jeff Wojick, this is for his personal use.

Lilly: Would anyone else like to comment here on the panel or anyone in the audience?

Seaman: Mr. Masters has gone through and made a recommendation of a Negative Declaration with regards to SEQRA indicating that there would be no significant environmental impacts with regard to this development. I have prepared a resolution to that affect if someone could make a motion to approve that resolution. I can read it very quickly.

Whereas a Short Environmental Assessment Form has been prepared for the proposed action by Jeff Wojick, 1461 Ridge Road, Lewiston New York for a ground mounted solar energy system as submitted through CIR Electric to be located at said address and whereas a Short Environmental Assessment Form does not identify any or large impacts to the environment associated with the project. Therefore, be it resolved that it is determined that the action is not an action pursuant to SEQRA and the proposed action will not result in any significant adverse impacts on the environment and is directed that this negative declaration determination pursuant be prepared and filed. That would be the resolution for SEQRA negative declaration.

A motion to accept the resolution for a Negative Declaration was made by Taczak, seconded by Burg and carried.

Seaman: There was a condition on it. You can put conditions on this for example if there needs to be a bush somewhere, you can put conditions on these resolutions. It's drafted as follows without conditions:

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Site Plan Resolution: Whereas Jeff Wojick, 1461 Ridge Road, Lewiston New York has submitted an application for Site Plan Review, a ground mounted energy system with CIR Electric to be located at said address and where the Town of Lewiston Planning Board has fully reviewed all submissions and whereas the Town of Lewiston Planning Board has issued a negative declaration for this action pursuant to SEQRA, now therefore be it resolved. The Site Plan layout for Jeff Wojick, 1461 Ridge Road, Lewiston New York with a Site Plan Review of a ground mounted energy system with CIR Electric as submitted is hereby approved. That would be the resolution in front of you unless anyone wanted to add any conditions to it?

Lilly: Any conditions anyone?

A motion to approve the Site Plan based on the resolution was made by Burg, seconded by Lilly and carried.

The next item on the agenda was the Perry Subdivision, West Park Drive.

Lilly: If you want to bring us up to speed since you were here last and introduce yourself again.

Kristin Savard, Advanced Design Group. I'm here tonight with Mark Perry, the applicant. Since we were here last time, we did coordination's with the Town Engineer and the Health Dept. and wrapped up any outstanding comments. As far as I know the last set of plans submitted to GHD this morning has one more text change. These are a print out of the signed and stamped of the text change. There was a comment that came back with regards to the easements; so, we addressed those comments and we changed all the easements that we had that were originally labeled as public easements to private easements under GHD's direction. There were a couple of other little text changes that we needed to do. For the most part I believe we've addressed all of GHD's comments. We've been through the County. We've been through the Health Department and we are hoping to move forward with getting preliminary plat approval so we can turn right around and go to final plat. I do have a full size set of the plans revised per GHD's comments. I have two smaller sets if the Board would like them just to have. They are not significantly different from what you have. They're just plans that address some of their text changes. Other than that, we are good. Hopefully you guys are also good and we would like to answer any questions you may have so we can move forward with preliminary plat approval.

Lilly: So, we can start with legal.

Seaman: Your process here is that you are a recommending Board to the Town Board. SEQRA needs to be completed. I don't recall where we were on that.

Savard: The 30 days are over.

Lannon: We've been holding it for a while. I don't have that information with me but we're well past the coordination period. Do you need SEQRA before final plat?

Seaman: No, you need to do it before. The way it works is the Planning Board would recommend the SEQRA determination to the Town Board as well as assuming it's a negative declaration they would recommend approvals, then both of those things go to the Town Board. SEQRA isn't really done until the Town Board does it. On your initial reviews of SEQRA, I guess my point being is it's going to, both SEQRA and this whole application will be reviewed again by the Town Board because this Board is merely a recommending Board. So based on your initial review if you're comfortable recommending at this point of a negative declaration of the SEQRA, the first step for this Board is to accept the SEQRA negative dec with regard to this project and then we can talk about this Board making a motion on the approval for the preliminary plat recommendation to the Town Board as well. That would be the process. We want to address just a couple of the last issues that came up. There is an on-going issue Kristin with regarding the continued maintenance of your storm water drainage systems. I know it's been bouncing around a little bit. The last direction you had was essentially to put all of those in to private easements.

Savard: Correct, which private maintenance was always the intent. In most towns they still want everything in a public easement but we now understand that is not what Dave Trane is looking for so we changed it to private. I will say I was unsure about doing that because the drainage easement we're providing and I did go over this with Bob, the drainage easement we're providing, there's two different types. One is we are putting easements over ditches that already exist that are taking existing water from across the site and conveying it to the north and then over to the parkway. We were providing easements that don't exist now over those existing ditches. We were also providing ditches or easements over the ditches that we are creating as part of our project. My thought was if I do what I do in other towns, the ditches that are taking off site water from other parcels that we have nothing to do with, typically the town wants those to be public because it's public water and we don't want to make private people responsible for public water that is already established. But per discussions with Bob and Dave, we are just going to go ahead and make those all private.

Seaman: The Town Code actually does require that all of the facilities for storm water drainage are either in the public right-of-way or have a public easement associated with it. What I would recommend and I know what the Town's position essentially with regard to the pond and the new drainage that goes in to.....whatever parcel is associated with those would still be required to meetin the future.

Savard: Or a Homeowner's Association. Which we did add a note to the plan. Camie had asked for that to be documented on the plan. That is now on the plan.

Seaman: Are you doing a Homeowner's Association?

Savard: We're not sure yet. It will be one or the other but it's very clear it will not be the Town.

Seaman: What I would recommend in terms of conditions if the Board does recommend approval of the preliminary plat to the Town Board. The conditions that I recommend you put on that are: The storm water drainage system shall be located in a perpetual unobstructed easement for the Town of Lewiston. That is what the code requires.

Savard: I just need a little clarification then.

Seaman: The second condition would be notwithstanding the above, the developer is to provide proof that the storm water drainage system and all drainage facilities will be perpetually maintained by a Homeowner's Association, a condo association or if no such ownerships are developed that such drainage system be perpetually owned and maintained by one or more of the individual lots. Such requirements be added to the deeds and provided to the Town Attorney for approval thereof. Does that make sense?

Savard: No. Can you open the plan and I will show you? Bob Lannon, do you want to look at this too? Discussion over ditches with attorney and engineer. I think Dave's whole thing is he doesn't want the Town to be responsible for ditches, which I get.

Seaman: The other thing is he says people and this is true, people are confused by what easements are. Easements give the Town an ability to get in to somewhere but it doesn't put the maintenance responsibility on the Town. That is an important concept.

Savard: We've addressed that in other Towns by calling them drainage access easements or drainage, I forget what the wording was but we can work that out as part of final plat. Your message is clear and consistent with the way we do things in other Towns. We have to revise the plan. Can we revise that as part of final plat submittal?

Seaman: What I would do is, yes, assuming everything moves forward with the approval recommending to the Town Board, they would recommend it with approval with those conditions. Final plat wouldn't begin until those conditions were met, but preliminary plat would be approved conditionally. Let me clarify.

Lilly: We want to recommend SEQRA to the Town Board is the first item.

Seaman: Your first motion would be: based on the recommendations from the Town Engineer that there are no significant environmental impacts associated with this development that we've determined this project is a negative declaration for SEQRA. That would be motion one.

A motion to recommend a negative declaration was made by Taczak, seconded by Baker and carried.

Seaman: Now that the SEQRA issue is out of the way, the rest of the consideration here is for preliminary plat approval of the subdivision which obviously Mrs. Savard has been here a number of times. It's clear she has spoken to many entities within the Town. Mr. Lannon, I don't believe you have any further issues with regard to the hearing component, correct?

Lannon: Good to go.

Seaman: Tim, same?

Masters: Yes. I just understood Dave's scenario a little differently than you understand it.

Seaman: I talked to him at 5:05 P.M.

Masters: Ok, that's fine. We'll see what happens before it gets to the Town Board.

Seaman: The Town Board is the final approval process on all of this.

Savard: I'm not opposed to a quick sit down with us and Dave and whoever from GHD to bang it out all at once.

Seaman: Given that, what would be before the Board then would be a motion to approve the preliminary, a motion to recommend approval of the preliminary plat to the Town Board and it would be on the conditions that I had read previously. I'll read them again.

Conditions: The Stormwater drainage system shall be located and perpetually on an unobstructed easement to the Town of Lewiston. That would be all of the drainage and stormwater drainage and facilities. 2. Notwithstanding that first condition, in other words the Town would have easements to get in there if they absolutely needed to get in there. Notwithstanding the developer will provide proof that the stormwater drainage system and all drainage facilities will be perpetually maintained by a Homeowner's Association, a condo association or if no such ownership groups are developed that such drainage systems are to be perpetually owned and maintained by one or more of the individual lots that are developed within the subdivision. Those are the 2 conditions. Both conditions would need to be satisfied prior to the approval of the final plat.

With those stipulations a motion to recommend approval of the preliminary plat was made by Taczak, seconded by Lilly and carried.

The next item on the agenda was the Caldwell Solar Farm on Saunders Settlement Road.

Mark Kenward, Urban Anthony Consulting Engineers, civil site consultant for Borrego who is developing it on the applicant's property, 2481 Saunders Settlement Road. Since our last visit

we really didn't have to modify the site much. We added a 12' wide temporary access driveway on the eastern part of the site off of Saunders Settlement Road. This temporary construction access will utilize the existing driveway entrance on that side of the site for construction formerly used as a road side farm stand. The temporary storage staging area is now on the east side of the site on the southeast corner. It's clearly shown in our revised site plan. It's no longer behind the abutting Genter residence. We changed the row of proposed shrubs along the west end of the permanent entrance driveway along the Genter residence, hikewes at the request of the

Lilly: Anything else from the Building Inspector's Office or Town Engineer on this project? They've been here at prior meetings. This seems to be the last 3 items.

Lannon: Just one minor comment and I apologize, I thought we had forwarded this to you. On your SWPPP, one very minor comment about changing the inspections to every 7 days instead of weekly. I'll email that to you. It's 1 sentence.

Kenward: I've been on the edge of my seat for comments.

Lannon: Sorry to keep you waiting. Not a problem at all. What is the anticipated useful life of what you're anticipating for the solar farm? It just goes for the duration of escalation for decommissioning bond.

Steve Long: The initial lease is for 25 years.

Lannon: That's fine. I saw you prepared a decommissioning bond. You did not take credit for the salvage value, that's good, it's escalated at 2.5% per year. You only did it for 20 years so we'll give you another 5 years. It will bring that number up a little bit. It's a minor change. Those are the only technical comments. Do you want me to go through SEQRA now or is there anything else you want to go over before that?

Kenward: Do we have to close the public hearing?

Seaman: The public hearing is still open. Procedurally, we've been leaving the public hearing open on this until such time as the Planning Board was content essentially that the application is complete and there hadn't been anything new that you requested, which appears to be the case now. You need to address SEQRA first and Mr. Lannon is prepared to walk through part II & III and discuss SEQRA with you and then a motion for approval or non-approval of the project would follow after that. You're correct the public hearing is still open so you would need to see if there is anyone here to speak before you close the public hearing and move forward with those 2 resolutions.

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Taczak: On the public hearing, Mr. Genter, the homeowner directly affected in this area, I see him still here, your comments had a lot to do with all these changes. You should be proud of yourself. I just wanted to, hearing what you've heard, do you have any further feelings?

Genter: No, they addressed most of my....

Taczak: You answered my question, thank you very much.

Lilly: Is there anyone else that would like to speak? Fire Dept., do you have anything you would like to comment on?

Martin: Actually, they've been very responsive. The only problem I see with some of the utility things is 25 years is a long time. That road is going to have to be examined and maintained occasionally. It all falls back on the owner/operator if something goes wrong as far as that road.

Lilly: For firetrucks and things of that nature is your primary concern. Anyone else?

A motion to close the public hearing was made by Taczak, seconded by Burg and carried.

Lannon: I have a couple of questions for you. This is in response to some comments we received from Ag and Markets. I'll ask a couple questions and I can go through Part III. Ag and Markets indicated the site is suitable, but also suggested the Town ask a couple of questions about alternative sites and lands. They talked about is it possible to locate the array west of the utility easement. The land to the west is not owned by the same person, correct? It's a different owner. Have you considered other layouts within the site that might make some sense? Moving everything to the north?

Kenward: It's all wetlands. There is nowhere to go.

Lannon: Your Part I EAF indicates it was actively farmed in 2020 and it's not actively farmed now, correct?

Kenward: I don't know if it's farmed this year or not.

Resident: There are soy beans planted on it right now.

Kenward: Hear say it's being farmed this year.

Lannon: Will the land owner opt out of the State Agricultural District.....?

Kenward: Yes.

Lannon: Those are some comments we had to address as suggested by Ag & Markets. From that, we've completed Part III which these comments are very similar to other solar projects that have been before this Board. High level is there has been an impact on surface water. It says the proposed action may result in erosion from the physical disturbance of the land during construction. However, the project is required to have an approved Storm Water Pollution Prevention Plan which requires the installation of a ...or storm water control to mitigate the potential for erosion and drainage impacts. The proposed action will affect approximately 0.6 acres of Federal Wetlands. The project will require a permit from Army Corp. of Engineers. That is pretty common. Impact on agricultural resources, the project will convert agricultural land within an agricultural district to a non-agricultural use. However, the solar panels will be installed on screw pole foundation which minimized soil compaction and limits the over all impact to soils suitable to farming. In addition the project will be subject to NYS Dept. of Agriculture and Markets. Guidelines for mitigation construction impacts agricultural lands. Furthermore, the project developer requires to prepare a Notice of Intent to NYSERTA and file with Ag and Markets to further evaluate and mitigate any further adverse impacts. Impact on esthetic resources and community character. The proposed action is substantially different from current adjacent land use which consists of primarily rural residential, forested, and active agricultural land use. However, a solar energy system is a permitted use under zoning and subject to land development regulations intended to mitigate potential or adverse impact to neighboring residents, farming operations and natural resources. Impact on noise, odor and light. The proposed action will result in an increase in odor and noise from heavy construction equipment. However, the related impacts are temporary and limited to construction and installation of the solar system. After construction there will be no odor or noise impact related to the operation of the solar energy system. Based on those items we would recommend consideration of a negative declaration.

A motion to recommend a negative declaration was made by Burg, seconded by Taczak and carried.

Seaman: Your next motion would be a consideration of a recommendation of approval or denial to the Town Board. Your typical approvals in the past have contained conditions. The standard conditions are these ones: There are 4 standard conditions that we've been putting on the more recent applicants for utility scale solar that have come through the Town of Lewiston. 1. Submission of a fully funded decommission bond with decommission plan in some form acceptable to the attorney for the Town and the Town Engineer prior to issuance of a building permit. Obviously, Mr. Lannon was talking about decommissioning a little bit. That would be a conversation that continues. 2. Continued compliance with all requirements of the Town Code, Solar Energy Systems as amended. 3. A pilot agreement with the Town of Lewiston must be agreed to and fully executed prior to the issuance of the building permit. 4. A solar energy system to be constructed and operated in accordance with the NY Dept. of Agriculture and Markets Guidelines for agricultural mitigation for solar energy projects. We could also add a condition that would be #5. The road/driveway within the project is to be kept

and maintained to the desired condition of all emergency personal to the life of the project. Certainly, there could be other conditions if the Planning Board wished to discuss them and add them.

Burg: The five conditions that you listed does that include the extending the escalation clause to 25 years or do we have to state that?

Seaman: It wasn't specifically stated in there but in fact it is included in the part where it talks about a fully decommissioning bond in form and substance acceptable to the Town Attorney and Town Engineer. If there are further negotiations entered it will be insisted upon.

A motion to recommend approval to the Town Board based on the conditions stated by Mr. Seaman, seconded by Lilly and carried.

The next item on the agenda LMK Realty Associates.

Lilly: If you want to come up and present your updated plan.

Nick Massaro, LMK Realty. I'm here to submit a revised proposal for a concept plan for a multi-family development at the corner of Northridge Drive and Ridge Road. I believe this is the fourth time appearing before the Planning Board. We hope this time that we heeded the advice and concerns of the Planning Board, Town Engineer. We had a special conference with Steve, Tim and Bob a couple weeks back. Density was the main concern with our previous submissions. We scaled back the approach pretty significantly this time. We're down to 10 units from the original 30 that we proposed. We went from 30 to 26 to 10. What we're proposing and what you see here, now the revised site plan is 2 structures, 5 townhomes per structure, up and down units that will be mixed with 2-bedroom and 3-bedrooms. I believe we're going to have (3) 2-bedrooms units per building and (2) 3-bedroom units per building. We think there is a strong market for this type ofThese are going to be available for rent. We are in the apartment development and leasing business. We're putting 32 market rate apartments on the corner of Legacy and Creek Road as we speak. All of those but maybe 1 or 2 are leased. We have waiting lists for certain types of units. There definitely is a demand for this. What I suggest in the application statement is a 2-fold approach to where we really want to concentrate on the revised concept plan, have it judged and hopefully get a positive recommendation from you guys just on the apartment developments merits alone. What we would also like to do eventually is kind of syphon this area here so that we create two distinct parcels. Right now, you have an L-shaped irregular parcel that is zoned R-1 and then you have about a ¼ acre parcel that is zoned general business that butts up against what is a 4-lane road here and the Robert Moses Parkway. Because of the topography of this parcel as a whole is quite interesting. It actually drops off right at the boundary line by about 20'. It presents construction problems and other problems to say the least. We think that a multi-family residential development down the road. It just happens to be right next to a pretty big multi-

family apartment development that we constructed 3-4 years back that butts up against that. We think it's a nice contiguous improvement to that plan. Up here where you have a busier road way. It actually expands to 4 lanes here before it turns in to Center Street and you go over the Robert Moses Parkway overpass in to the village. We want to designate this as general business, the entire frontage of the Ridge Road newly re-subdivided parcel as general business. We don't have any defined development plans for this general business parcel right now. Those are our inclinations currently. We think that this multi-family development now on the northern most parts of this property is a very nice compromise from where we were 2-3 months ago. We went down from 30 units to 10 units.

Lilly: So, you're asking for a zoning change on part of this, on the general business on that one particular lot that's on the corner of Ridge Road and Northridge. Would that be 2 business lots?

Massaro: The western most part is already zoned general business so it would just be the rezoning of parts of one lot. Northeast parcel of R-1.

Lilly: Would you be combining those 2 business lots or would they stay separate?

Massaro: They would be combined. Like I said we don't have any imminent plans. We've been in talks with some restaurant groups. In theory we've talked about moving our own cooperate office there. It's a nice piece of property. I don't think anyone would ever build a single-family house on it. We would hate to see $\frac{3}{4}$ of beautiful land sit dead for the rest of time. I think this is a nice separation and improvement of the two parcels that we have there.

Lilly: Let's go back to the apartments. What would anyone like to give input as far as the Building Department goes? Any input on the PUD requirements?

Masters: I don't have a problem with the plan. It will have to come back for detailed approval. That's when all the fine details will come out. Concept wise I don't have an issue with it. Just so you're aware the PUD portion is also a rezone. Right now, that parcel is R-1. It will need to be rezoned to PUD and then combined in with your original because you don't have enough property on the one lot to designate as a stand-alone.

Massaro: You need 10 acres for PUD and I should have specified that. It's kind of like the premise of our past submissions is the incorporation in to the existing PUD to the north. That is what we want to do with this 1.8 acres here, incorporate it in to Ridgeview essentially.

Lilly: If there are any other questions. I don't mind the idea of the apartments. I guess maybe the general business is just a little unclear. It might be kind of difficult to approve something without knowing perhaps what might in the future go there.

Massaro: I understand that and it's why we want to focus on the multi-family and the incorporation of just this northern most parcel in to the PUD. Just from a concept plan perspective that it looks okay then I don't know what the next step is the public hearing that's conducted by the Town Board?

Seaman: What I'm struggling with a little is figuring out what the steps would be. You have 2 different proposals. Are they contingent on each other or would you be willing to move forward for example hypothetically if the Town Board wasn't interested in rezoning the second half of that upper more southern parcel to business?

Massaro: Yes.

Seaman: The reason why I ask is because if you.....one of the benefits of a PUD is that you are able to incorporate multiple uses in to that development. There would be the idea if you had already or might be able to develop in the near future what you intended to do on that business parcel, you would have to do these multiple steps. You could have the whole be incorporated as a PUD. The PUD can have residential as well as business and that's the beauty of the PUD is that it really is supposed to incorporate multiple uses. Have you considered doing it that way at all or no?

Massaro: We have considered doing it that way but to be most transparent I think.....

Dom Massaro: The most important thing for us to do is basically get your opinion and approval on the northern portion....the apartment verbiage is general. These are technically what I want to do is build like what we have on Northridge Drive. We have the patio homes there. There is a market, people have come and asked us to rent those which we don't do. We sell them. There is a market for high-end rental homes or rental apartments. We thought we would build, because of the density issue that was a problem with the Planning Board before, we decided to reduce that and we would build higher end town homes or up and down apartments, that's what these would be, 5 units a piece in each building. We would rent them. I would suggest that they would probably rent upward and over \$2,000. a month. There is a market for that in Lewiston believe it or not. We've been approached with regards to Northridge Drive. To answer Mr. Seaman's question, we're more interested in basically adding the PUD, having the R-1 portion of the northern most portion of the parcel absorbed in to the site #3 which is shown on the general site plan and get your opinion on that. We really do not have anything scheduled for the upper portion for general business. I will say though that since the western portion is already zoned general business, but just moving the general business and incorporating it all from the Robert Moses Parkway over to Northridge Drive, that large parcel gives us more ability to market and also to develop the parcel in to a better taxable entity. It would be better for us and it would be better for the Town because it would be assessed at a higher level. Just leaving the general business alone on the west portion, I'm not against leaving it at this time but you would create an orphan parcel up at the top and I would suggest

to you it would be the best usage of this. This is what we tried to do. We tried to take advantage of the topography and keep the upper portion as general business which fronts Ridge Road and keep all the residential portion of it to the north and the lower portion which is adjacent to all of our properties along Northridge and our present PUD. That's what we're trying to accomplish. I would like it to be an all-in-one encompassing event. If that is too cumbersome to do, I'm open to doing it step wise. Before we spend the additional monies to do the engineer drawings and provide everything that the Town needs to approve the project from its concept to actual putting in place, make sure that we adhere to all the requirements of the Town. We want to make sure you folks are on Board and can recommend it to the Town Board so we can rest assured that when we're spending that money to do all these engineering drawings, we have some reasonable degree of success of getting it approved.

Lilly: I'm fine with the apartments on the north side. I think we're just maybe unclear and uncomfortable moving forward with the business part of it. Does anybody else want to jump here and give their thoughts as far as a Planning Board member?

Taczak: I didn't look for square footage or lines on the "new business parcel"

Dom Massaro: The new business parcel is shown on.....in terms of area dimensions or structure dimensions?

Taczak: I'm talking...how big is the lot?

Massaro: .78, $\frac{3}{4}$ of an acre and $\frac{3}{4}$ acres, a little over 1.5.

Dom Massaro: This is the existing lot line right now for the general business parcel. It fronts Ridge Road. This right now, this rectangle here on the west is general business. This is R-1. All we're suggesting is extend the existing lot line all the way over to Northridge Drive, which makes it roughly 287'. It squares the lot off.

Taczak: That is exactly what I was asking.

Dom Massaro: I think it makes it simple because it creates 2 distinct lots. An upper lot and a lower lot. This really is more prone towards a general business type of an application in my own personal opinion because it's on the main drag. There is nothing here other than the parkway. The Northridge Drive area separates it from the residential homes on the other side.

Massaro: The apartment development is not contingent on the parcel on the top being rezoned general business.

Dom Massaro: We're just trying to lay out what we would like to accomplish all at one time. If it's necessary to take it in a step wise approach just because your recommendation would be to

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do so we are willing to do that. At the present time we are looking to do....there is a demand right now for these upper end homes for rent. We can test out the market by putting a design together and trying to get that together for the Building Dept., Planning Board and Town Board's approval and get those underway. I think there is a viable market for that.

Lilly: Anyone else? What would we like to do here? If we want to do it in parts and pieces what's the best way to move forward?

Seaman: You're going to need....if you're going to do a concept plan approval or recommendation or consideration of a concept plan approval for incorporating the current PUD in to the newly proposed PUD on the southern portion of the lot you would need to do SEQRA on it, you need to have engineering review on what's been submitted. I don't think that's happened yet. I suspect there is going to be some level of requirements as are in most Planning Board scenarios that there may or may not be enough level of information at this point for you to consider that. So, you can give a general understanding, yes, this plan seems like something we don't have a huge problem with or might be considering doing. We would like the engineer to look at what's been submitted and have a conversation with the applicant over the course of the upcoming weeks and make sure that whatever is in front of you now qualifies from an engineering point of view to be able to consider the concept plan. Although it's called a concept plan with a PUD approval is actually a very strong approval. It's not like a sketch plan. It goes to the Town Board and the concept plan is approved, that's pretty much going to be the project for that parcel so long as the detailed plan fits the concept plan. Usually, it does. It's a matter of engineering of specifications. My point being you would need engineering review of what's been currently submitted in front of you so you can make a full determination on whether or not to recommend concept plan for the PUD and you would also need to engage your engineer to consider SEQRA. You couldn't take action on the concept plan approval as of this evening because we don't have that from our Engineer yet.

Masters: I think a short SEQRA was done.

Dom Massaro: We're willing to do all of the engineering work. I know we have to submit grading plans, drainage plans for Bob to....

Lannon: There is none of that.

Dom Massaro: There is none of that because basically before I spend that money, I want to make sure that this group, with all due respect is fine with what we're doing because the feedback was what we proposed in the last 4 months was too dense, too many units. We are down 67% and I think what we've got here is a pretty good solution for all of us. It makes sense for us. What we're doing, instead of putting a number of apartments at lower rents, we're putting concentrated town homes for rent at higher prices. I can make it work from a money stand point to overcome the construction costs. We're more than willing to do all of the

necessary engineering and everything and provide all that. We've just been holding off our architects on doing that until we understand that we're all.....I know there is a lot of work to do.

Burg: We're not really taking action. It's almost like an open discussion.

Lilly: So, the applicant can move forward in some sort of direction that they don't come back next month and we throw some other curve ball at them.

Burg: Would you be opposed doing....to make it a whole PUD?

Dom Massaro: Upper and lower portion?

Baker: Yes.

Dom Massaro: I don't see what advantage that is to us? The general business portion makes more sense. We can only put up there what the town code allows for general business type structures. It's very specific as to what's allowed and what requires special use permits to come back on if we decide to do something. I'll be very honest with you; we've been contacted by restaurants that want to put something there. We've been contacted by professionals to put a professional building up there. I'd like to do either one of those things up there. I think it suits the property right there on Ridge Road. My own personal opinion. I think it makes better sense to eventually extend the general business to the east to encompass the entire property there. All you're doing is creating an orphan up on top with the other piece. It's just going to stay there and I don't know what to do. Like I said the first time I was here I was contacted by a guy that wants to build a storage shed. He wanted to buy the piece from me and put a storage shed. I said I'm not going to do that. He would be allowed to do that on the general business parcel that's there now. I don't believe that's the proper use for the property. Considering everything we've done along Legacy and along Northridge, all the beautiful buildings we've constructed. I want to do the same thing up on top and make it a good addition to our town.

Seaman: There are a number of ways to skin the cat on this. Just to play devils advocate, one of the benefits of actually developing a business plan for that top portion and putting it in to a full PUD is that you would have the whole project in front of the Town, the Planning Board and Town Board. It would be one approval process to move through. Obviously, that would require more effort to try to figure out what business is going up there and what's not. If and when approved it would be a one approval scenario. You wouldn't get stuck in the future with this orphan parcel asking a Board, can you guys change this for us?

Dom Massaro: I have the luxury of time to be stuck with that if I have to go through that process right now. I would really like to do it all at one time. I'm just being honest with you. I really have no plans for the upper portion. There are all kinds of people talking but talk is talk. Until you put a pencil to it and make it happen there is nothing there. I'm being very honest

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with you. I really have no options for up top. It's more important for us to move forward on the lower portion and incorporate the lower portion, the northern portion in to our present PUD and just leave the upper portion. If you want to leave the upper portion R-1 on top, if you want to leave this alone the way it is now, leave it alone. Let us continue with our development this way and provide the necessary drawings and develop. We need to satisfy engineering and building department and then whatever legally we need to do to absorb this in to the PUD we need to do. I think that's the first approach. I could come back here in 2 months and still not have anything to do there, then we're delaying everything. There is a demand for this and I would like to go with this. It really doesn't harm anyone because everything here remains the same.

Massaro: Is it possible to get a positive recommendation just on this contingent on the Environmental engineering details getting flushed out in the next 30-60 days or however long it takes or do we have to come back in front of the Planning Board again? As I understood it in the town code it's kind of like the public outcry hearing and that's conducted by the actual Town Board assuming we have our ducks in a row and are actually at that point, assuming this Board is in agreement here.

Seaman: What you're asking, the answer would be no. They have to consider SEQRA and they have to consider the full concept plan which requires some engineering and analysis for them to make sure all of that complies with the code so that when they make a recommendation to the Town Board, they're making a recommendation with full analysis of the environmental scenarios and the engineering and everything that's put in to it. Then they make a recommendation to the Board. I think what you're asking for is a general thought process from your Board in front of you.

Lannon: There is nothing for me to review.

Dom Massaro: It's just concept. What do you need just a grading plan or something like that, some drainage?

Lannon: Utilities, drainage....

Seaman: It's in the Code what's required for the Concept Plan. It's somewhat less than a detail plan but it is in the Code. I'm not saying you guys aren't there, I'm saying that....

Dom Massaro: We're close but we don't have everything there. I agree with that.

Massaro: I guess before we do that, we just need to know from a density perspective if this is palatable for everybody?

Burg: Where are we on the density? Do we know.

Lilly: Acres and square footage?

Burg: If we merged the northern part of this parcel in to the existing PUD. Do we meet density?

Seaman: I didn't do the analysis. Tim, have you done it?

Masters: It ultimately is going to be over because the existing one is over. There is no way around it not being over. So, what I guess what we're doing is, when they came the first time they were way short. Now they're less short which seemed to be...in the Code it says you're allowed to have bonus density which is kind of what they're asking for. If that meets your pain threshold.

Massaro: We're still asking for what we think modest bonus density just looking at the site with the multi-family development you can get 7 units there, 7.05. We're asking for 10. 3 unit concession. We were at 16 before.

Dom Massaro: We thought there would be some consideration for that because we're significantly down from what we first proposed for density. I think it's a good plan.

Seaman: Does that seem more palatable to you guys without taking a vote?

Lilly: I'm fine with that density.

Dom Massaro: Just tell me it's palatable and we'll take the next step.

Lilly: We're not approving anything.

Taczak: Palatable in my case is a good word.

Seaman: Is it not palatable to anybody? Does anyone have any real objections to this plan?

Lilly: The general business then we're not really discussing that right at this moment. We're going to leave that as R-1.

Seaman: That will have to play out separately as a separate application which would really just go straight to the Town Board. You're asking for a zoning change. You would split your lot and then you would be asking for a zoning change in the future that goes straight to the Town Board.

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Masters: As part of this action though would you be requesting to split that L-shaped property and just leave that Ridge Road property as an R-1 even with the B and not be contiguous with the PUD piece?

Dom Massaro: What you're asking, do I want this piece contiguous with the PUD? The answer to that question is no.

Masters: What I'm asking is, as part of this action that they will be doing, do you want it to include a split off of the L-shaped property and to orphan that R-1 lot....

Dom Massaro: Yes, let's orphan it.

Masters: So, when everything is said and done you will have a PUD that's part of your original PUD and you'll have a B lot and an R-1 lot?

Dom Massaro: Correct.

Lilly: Yes, that works.

Dom Massaro: We'll get the appropriate information in on the next phase for the concept and get that forward so you can hopefully make a, at the next meeting make a recommendation on it. Thank you.

Seaman: Maybe you can get that stuff in for engineering to look at.

A motion to approve the minutes of July 2021 was made by Taczak, seconded by Lilly and carried.

The next meeting will be September 16, 2021, at 6:30 P.M.

A motion to adjourn was made by Taczak, seconded by Burg and carried.

Respectfully submitted,



Sandra L. VanUden
Planning Secretary



Ken Lilly
Vice Chairman