

## PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – August 20, 2020  
PB 2020-8

Present: Baker, Burg, Conrad, Craft, Lilly

Absent: Taczak, Waechter

Presiding: William Conrad, Chairman

The first item on the agenda was a revision to Phase 4 & 5 layout for Oak Run Estates.

Richard Haight, Advanced Design Group. I'm here with Glen Andrews from Northwest Development Group. We are here to present the revisions to Phase 4 of Oak Run Estates. It is a previously approved subdivision. Three phases are already built. We're working towards the fourth phase. Of course, we were delayed on the project so during that time frame the wetland delineation that abuts phase 4 expired. There was a delineation that prompted conversations with the DEC and the Army Corp. of Engineers to determine the limit of the wetland and the regulated area associated with it. After we worked that out it was required that the pond that's being built in this phase be modified slightly. It's still in the same area but it had to be reconfigured to not impact the wetland. In order to keep that pond on a single lot, there is a lot line revision associated with it.

Conrad: Are there any questions from the Board? I'll just run down my list of general information so it's on our record. You spoke about the wetlands, does the owners own that or is it separate property?

Haight: Originally the property was to be deeded to the Town but that got changed and now the property line runs through the wetlands so they actually own the wetlands themselves. There will be monumentation on the limit of the buffer, the regulated area that indicates the limit that they can impact.

Conrad: So, they will be aware of where they can put a shed?

Haight: Yes.

Conrad: This is the latest DEC delineation is on the plans that you provided right?

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Haight: Yes. That's what has been agreed upon with the DEC that indicates the wetland delineation and it indicates the limit of the regulated areas that they're going to accept, 130' back from the regular line.

Conrad: Will you have to bring in any fill for this area? Is it that low where the hole is going to go?

Haight: We're going to dig a pond in order to produce fill to.....

Conrad: Like a cut and fill kind of thing right.

Haight: Yes, there is also from previous phases a stock pile in Phase 5, there is a cul-de-sac. There is a stock pile. They won't need to bring the fill from anywhere else.

Conrad: This is a retention pond not a detention pond?

Haight: A retention pond.

Conrad: Can you just explain the difference.

Haight: A retention pond will have standing water in it. A detention will end up going dry eventually. A detention pond contains the water and then it dissipates over time. A retention pond holds water but it also has enough capacity to free board to store the storm water in a rain event, it discharges.....

Conrad: The detention would be more of a timed release?

Haight: They are both timed released. A detention pond would end up coming dry again, where a retention pond has a standing body of water.

Conrad: Is there going to be any aeration in that of any kind?

Haight: Its regular storm water run-off that would create flow through the pond but it's also deep enough that it meets DEC requirements that it will turn over and not become stagnant. It meets the DEC requirements.

Conrad: Who maintains the retention pond?

Haight: It is the responsibility of the property owner of I believe lot 22. There is also a four bay which is required by the DEC for pre-treatment. That is on lot 21 and it will be their responsibility. That's the way the Town has required it.

Lilly: When you say maintenance, what exactly would be expected of the property owner. What would be the maintenance they would have to do?

Haight: On the four bay, once that becomes sediment laden to a certain degree that would have to be cleaned out. It could take 30-40 years depending on how much sediment gets in to the pond. Ultimately the pond would have to be drained. That's long term. That is what the Town has required.

Masters: When this subdivision was originally started the DEC controlled the storm water regulations. When this was half way done the DEC in 2008 transferred responsibility of storm water to the Town of Lewiston and other municipalities in an unfunded mandate. That is when we got our drainage code and all this stuff. They came in a couple of years later and said now you have to have a signed agreement who is going to take care of this stuff. Whenever they originally started this, they had no mechanism for taking care of this. We have a pond at the other end that nobody takes care of. 30 years from now it will become an issue for somebody. This is not new; we're trying to make a good thing out of something the DEC handed over to us.

Conrad: I didn't mean to make light of it. It's going to be a task.

Masters: Here's the good news, that person is going to own the property and he's going to have to manage that pond. He won't have any restrictions on where he can put the shed like Wolf Run. Those people are all screaming at me because the Town won't let them put a shed back there or a swimming pool back there because it's all public drainage easement. Three quarters of their yard is public drainage easement. At least here he can do what he wants with his lawn in exchange for some pond maintenance.

Conrad: Is there anyone in the audience that wants to talk about this matter for or against the project? Any comments from the Board? Any questions?

**A motion to recommend approval of the re-approval of the revisions to phase 4 & 5 was made by Lilly, seconded by Craft and carried.**

Burg: Do we want to amend that motion and state the fact that this is a reapproval of a previously approved plan and that we met the updated Town Codes?

Conrad: I think that's on the record already.

The next item on the agenda was the River Front Overlay, John Lang Designs, 4577 Lower River Road.

Conrad: Please step forward, introduce yourself and describe your project.

John Lang, John Lang Designs. I'm representing Kristin Quiett, 4577 Lower River Road. I submitted an application for a permit as well as a short EAF Form for a set of stairs that go down to the river bank, a small deck at the bottom of the river bank and then a 12' dock to go in to the river that is retractable. That was reviewed this Monday with Niagara County and they approved it. The construction material is all steel including the dock that goes in to the river. I will be designing that and fabricating that on site. That's where we are at right now.

Conrad: Any comments or questions from the Board on the plan?

Lilly: How far does that drop from the top of the first landing to the dock itself?

Lang: The first landing to the bottom landing is 52'. It's all built per NYS Residential Code. I have a handrail height that's up to Code, the pass-through gaps on that is below 4". The steps rise and rung are per NYS Building Code.

Lilly: Which is how much?

Lang: It varies. They allow you 7 ¾ to 8.5 I believe. The steps can be anywhere from 9-11 inches in depth. We have to have a landing at the top and bottom which we met that requirement and a minimum of 36 inches on the.....I anchor everything to the, I drill through the top soil which there is primarily clay. I did some test holes. It varies from like 6" to 12", below that is shall and dolomite, so what I do is anchor it to that. Once I have access to that by removing the top soil in that area, then I drill it to that and I pin using epoxy and that's what locks that leg in to that river bank.

Conrad: What about the distance from landing to landing? I know as far as the Code is concerned, normally in the residential Code it's 12.7, just tell me what your reasoning is between not making it meet that. I just want to know.

Lang: My interpretation was that that's residential. That's for off of a deck or inside a home. When it's outside the property they don't have a requirement to my knowledge for that distance. They just require a landing at the top for that distance. They require a landing at the top and a landing at the bottom.

Conrad: What would you think would happen to somebody who stumbles from that upper landing and then starts tumbling down those stairs?

Lang: It has railings on both sides with the mesh that encloses it so there's plenty to grab on to if you lose your footing.

Conrad: To me that is one of my biggest concerns is that distance.

Lang: If you look at State Parks and things like that, their outdoor parks, they have stairs that go on for 50-100' on park trails and with edges and things like that. I've never seen it required that where every 20' or something they require a landing. It's no different than a State Park if you will.

Conrad: This wouldn't be a means of devil's advocate here, if there is, I assume the dock is big enough at the bottom, you will have a boat or two. If there is a fire or something that happens down there where these people need to get out of that area, would that not be considered an egress? I want to make sure that we're doing the right thing.

Lang: What would not be considered egress?

Conrad: The stairs.

Lang: They are, the beach is egress as well. The beach is accessible so they can go to the beach if they need to as well.

Conrad: There is a second means there if they need to get out.

Lang: Yes, the entire beach. You have 2 means of escaping a boat fire. The dock to the land or the dock to the beach or you could go in to the water.

Conrad: One of the things that when I was looking up the State Code, are you sure you're referencing the right residential section of the Code because mine is updated to May 2020. The stairs portion was R-311.7.3. The two you referenced are for smoke detection.

Lang: I have the book, that's what's in it yes. R312, 313, 314.

Conrad: You might want to double check. I don't want to accept plans; I don't want the Building Dept. to accept plans if you don't have the correct reference on there.

Lang: I actually have the book NYS Residential Building Code. I have the book with all the pages in it. I can change it.

Conrad: I just want to see it correct.

Masters: It's 311.

Conrad: I have it electronically and it's updated constantly because I work for the State.

Lang: Do you want me to update the drawing then and send you the drawing and I'll refer to 311?

Conrad: Yes.

Masters: I was going to take care of that when he got the permit.

Conrad: Do you want to go through your comments Tim, you sent me an email.

Masters: I personally don't have an issue with it as long as, I don't know what your schedule is for Army Corp. and DEC approval? Have you gotten anything back from them?

Lang: Yes, they like it. They are asking me to fill out one form, the Dept. of State. It's basically the same questions as the EAF, so it's kind of strange that they're asking for the same information. I will provide that and other than that they like it.

Masters: Are you going to get written confirmation on that? Do you know when that's coming?

Lang: I don't know yet. The DEC contact Carrie, said 2 weeks usually is all it takes. They said it's very simple. It's a set of stairs that both the neighbors have the same thing already. They said you are good to go and that is that. They can't deny access to the river.

Masters: Do you think you will have that before the second Monday of September?

Lang: I think so unless there is a delay that she isn't expecting. They've already been responding. We've already gotten okays in emails from some of the representatives. I don't see why it wouldn't happen by the 2<sup>nd</sup> week in September.

Masters: The reason I was asking that was for the Board meeting.

Conrad: Are there any other questions from the Planning Board members?

Lilly: You are designing it as well as building it?

Lang: Yes.

Conrad: Is there anyone in the audience here to speak for or against the project? I need a motion for a negative declaration.

**A motion to recommend a negative declaration was made by Lilly, seconded by Craft and carried.**

**A motion to recommend approval of the Site Plan Review was made by Lilly, seconded by Burg and carried, with the approval of the DEC and Army Corp. of Engineers.**

The next item on the agenda was a request from Mount St. Mary's Hospital, Military Road for a Site Plan Review, for a Helipad.

Ned Perlman representing Mount St. Mary's Hospital. This is a matter that was tabled for 2 months so O'Brien Engineering and Janet Faulhaber from Catholic Health. We submitted concept #9.

**A motion to take the request off the table was made by Burg, seconded by Craft and carried.**

Perlman: We had an opportunity at the previous meeting, concerns were raised by Mr. Martin, rightfully so as to the maintenance of the fire lane during helicopter presence and use. We've gone back and now we've submitted concept #9 where the helipad has been moved to the southern edge of the property. We've also agreed to maintain and expand the fire lane. We've had opportunity to meet with Mr. Martin and Mr. Masters to go over this before it was finalized. We've submitted it in advance and asked if they had any comments. I suspect you will want to ask Mr. Martin about comments. The spaces maintained total required spaces are 696 and that's exactly what we are going to get. 78 are being lost to the construction of the helipad because you can see moving it down, we had to have a walk way and we've lost parking spaces on the south side of the property. We're adding 4 new on the west side of the property. Initially we had 736 spaces. We lost 78, we're adding 4 new and meeting the minimum requirement 696.

Conrad: You also submitted your letter from the Air Force saying they had no issue.

Perlman: We conferred with the Air Base to make sure everything is fine. With the cooperation of Mercy Flight also, they communicated also on our behalf.

Conrad: Any questions from the Board?

Seaman: I have a quick question procedurally, are you submitting this as a Concept Plan and Detailed Plan simultaneously?

O'Brien: It's just concept at this point. We still have to get detailed topography and actual construction drawings.

Seaman: I just want to be clear when you do it that way you end up in front of the Town Board on 2 different public hearings. It goes through as a concept plan and then you come back with the detailed plan and do it again.

O'Brien: I wouldn't expect that plan and layout to change at all. We would just address things like where we need to add drainage, elevations.....

Conrad: You will have a set of plans with more detail.

Seaman: It does sound like it does need to be separate then.

Conrad: I'm just curious about the easements that your building is going to impact. Do you know if they are active easements? One says Old Niagara Mohawk.

Haulhaber: That goes to the day care building. What we would be building over it would be the fence.

O'Brien: Essentially, its pavement going where pavement is now and it's fencing. It's really not structures per say other than the fence.

Conrad: Mr. Masters, do you have an opinion on having fencing in that area over the easements?

Masters: I didn't worry about it only because I figured it's all St. Mary's property, the day care is St. Mary's property, everything is St. Mary's property now. The only thing that's changing is the fence which we will have access inside and outside so I didn't really see it as being a problem.

Conrad: Good, I just wanted clarification.

Haulhaber: The purpose of that easement is to get the main power feed in to the building.

Conrad: Pat, did you want to mention anything about those parking spots?

Martin: Once we received a new set of plans....the facility director and actually the President of the hospital and do a walk around. The fire lanes have various dimensions throughout the hospital. I appreciate the fact that we're taking out some curbing in the front and removing some direct to extend that area. We did run in to a little bit of an issue with and it's been suggested by the hospital but we talked a little bit about aerial access to the existing hospital and how it's situated with buildings that have been built out around it. It was suggested in the back of the hospital there is another fire circle, a circle for traffic and that could work and it can work. The one problem we run in to and it happens quite a bit is that's also where the maintenance car of the hospital sits. They get a lot of deliveries there. Even while we were talking trucks were parked in the fire lane. What we tried to do is come up with how can we make this work and, on that plan, they're showing a little stripped area for parking. I think what we discussed is if we could make that a little bit larger; we could get trucks in there and the deliveries could be taken from there in to the hospital. I think we would need to eliminate these parallel parking spots there. I think there are 8. I wasn't aware of it at the time but you're right at that limit. I don't know if you can come up with 8 spots someplace. I think it's



critical to eliminate these parking spots, the poles are there for the lighting and perfect spots to put fire lanes on.

Haulhaber: We have 23' here. The deliveries that would come to this would be strictly boiler room, maintenance type deliveries. The loading dock is down here. The bulk of deliveries would be down here.

Martin: I can tell you Mr. Masters and I go through there quite a bit. There is always something parked there.

Haulhaber: When I was there yesterday morning their maintenance truck was parked there.

Martin: We discussed that as far as getting that out of the way. I think these 8 spots need to be incorporated in to the fire lane. I don't know procedure for getting you under those spots. I think it will be well worth the safety of everybody if you can't find 8 spots to have somebody consider that.

Perlman: We can put 8 spots Pat. We are adding 4 spots to the west side of the property, the 4 new spots. We can add them to the west side where we are proposing 4 additional spots, we can add an additional 8 spots there to replace the spots on this side.

Martin: I think that works.

Conrad: Any other comments or questions from anyone here?

Lilly: The fencing on the gate will still be manually required to be opened? There is no electronic opening? Someone has to be there to open it?

Haulhaber: It wouldn't be blocking any drives anymore. It's just a fenced in helipad area now.

Conrad: Does anyone want to make a motion either way on this? I think they've done their due diligence in what we've asked, what the engineer asked and Mr. Tim Masters and what Pat has asked. Are you here to speak on the project?

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

**A motion to recommend approval of the conceptual plan for the helipad was made by Burg, seconded by Craft, with the contingency that the 8 spots on the north side of the property and replace it by adding 4 spots to the west side of the property and adding 4 additional spots, motion carried.**

Conrad: When we move forward with this, can we please just clean it up and simplify it because I know the difficulties of doing it.

O'Brien: What we did was we wanted to just draw the new stripping and everything on top of the old stuff. The actual construction drawings....you have an existing condition plan and you have the proposed conditions. Here you have one over the other.

Conrad: Please give us your name and address.

Kelsey Bielli, 4464 Model City Road. I just wanted to say I've been informed that Ensol has withdrawn their permit. I am completely overjoyed to receive that news. I would like to thank all of you for listening to all of our concerns. It's greatly appreciated that you allowed us all to speak. If I may give you a petition of about 400 signatures of people that did not want that project to go ahead. I will email a copy to the Board members also.

Conrad: If you would please on behalf of the Board just thank them for their zest and interest in the project and coming out to voice their opinion on it. It helps us a lot. You did a great job, thank you very much. Is there any other business before the Board tonight?

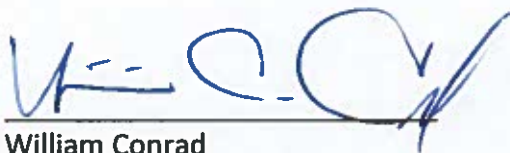
The next meeting will be September 17, 2020, at 6:30 P.M.

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

Respectfully submitted,



Sandra L. VanUden  
Planning Secretary



William Conrad  
Planning Chairman