

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – January 21, 2021
PB 2021-1

Present: Baker, Bevacqua, Conrad, Lilly, Taczak, Waechter

Absent: Burg

Presiding: William Conrad, Chairman

Conrad: Before we do roll call, I would like to introduce our newest member, Savana Bevacqua. She has just joined the Planning Board, welcome.

Bevacqua: Thank you.

A motion to approve the minutes of December 2020 was made by Taczak, seconded by Lilly and carried.

The first item on the agenda was a Site Plan Review, 4647 Lower River Road, stairway from the street to the deck and floating dock on the river.

Alan Elia: Thank you for taking the time tonight. I am the owner of the property.

Conrad: Can you refresh us on your project and where it stands right now.

Elia: I live at 4647 Lower River Road. I've been there 22 years. We've never had any access down to the water. All my kids are older now so I figured I can have the fun with the dock. I put together this very ambitious project. I've engaged some consultants, Glynn Geotechnical to look at the soils, Ensol to help me with some of the engineering and stuff and Buffalo Tree House who designed the pavilion and steps getting down to the dock. As you can see there is a pavilion at the top that's 24'x32' with an enclosure on part of it, stairs going down to a 16'x32' landing which will be cantilevered out to the water. We have a permit for the erosion protection, shore line protection along the river. We've met with the Environmental Committee and the County; we had a zoom call. The thought process is to get water and sewer, so we would have to bore under the road. We've engaged with a couple of engineers to look and see how feasible that is. We've talked to a couple people. We're just pricing out the job to try to do it in the spring if everything falls in to place.

Conrad: Who would do the cuts in the road?

Lannon: It would be drilled, no cuts.

Elia: They've done a couple in the road recently.

Conrad: From the plans it looks like there would be 2 locations? You have electric and water together and then...

Elia: Water and sewer, electric is on that side of the road.

Lannon: What the plans show, I think you have water and electric coming from your residence to be drilled under the road and then go down to the structure.....adjacent to that will be a grinder pump station to pump up under the road and I believe the sewer is on the east side of River Road.

Elia: They are separate but the electric I think is on that side.

Lannon: The water and electric is on the north side, sewer on the right.

Elia: I'm just not sure if that's right to be honest with you. I know the power is on that side for sure.

Conrad: Are there any questions from the Board or comments?

Taczak: One item that we talked about, one drawing I think S-1, this curve path, item has a curved path and the other item shows a straight path. I wanted to know which is which?

Elia: That drawing, that's a hard scape. We actually had 2 other decks coming out from the top, and then looking at some of the topography there we decided to eliminate the top 2 decks and put a hard scaping down to what I call D-3 which is the third deck. That drawing right there with the hard scaping coming is the most current drawing. All that is on that side of the road is doing some grading and putting some walls in and some stones and stuff. It's just hard scaping, planting stones and a walk way type of thing.

Taczak: This is the one that's going from....

Masters: The one coming out straight is not being done that way.

Taczak: That's what I was asking.

Elia: Looking at the topography when we went out there, I just didn't like the look of having just 3 decks going right down.

Conrad: Did you determine what that material is going to be?

Elia: It's river stone, natural stuff, not the precast. They have a landscape schedule in there.

Conrad: You have a lower retaining wall as well?

Elia: Yes. If you go down there and you look at it you would say okay; we have to think this through. It was a pretty picture they put on the drawing. When you get down there, there are some

Conrad: Any questions or comments from the Board?

Waechter: Where are you with the permitting process with the Army Corp. of Engineers?

Elia: We have the one permit which is the shoreline protection I met already.

Kris Price: We have the regional general permit from the Army Corp. The technical term is Regional Permit 870001. It authorizes the installation of a floating dock or an open pile dock in the river. If you meet certain conditions of the permit it's doesn't require an authorization, a written authorization or notification to the Corp. You just comply with the permit.

Waechter: Do you have that documentation? I didn't see that in here. Do you have it with you?

Price: I have the permit with me. Would you like it?

Waechter: Yes, if we could get copies.

Elia: When we applied for that it had details and the shoreline protection and things like that.

Price: This one doesn't require anything to submit to the Army Corp.

Masters: As long as you do it prescriptively according to the permit correct?

Price: Right.

Lannon: Kris, you know what question I had with....that permit mentions basically 2 types, 1 proceed, go ahead, comply with the permit and once you're done building it within 30 days provide what you did. There are other aspects of that permit that require written affirmation from the Corp. that it is applicable. I'm not sure where this one falls. I didn't dive in to it enough to know. I think the permit is applicable. I just don't know if you need affirmation prior to or if you can do it after.

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Price: I messaged the DEC and the Army Corp back late in the summer and we went over what permits and authorizations would be needed. This is what they said. This is the most simple way and it's appropriate for your project.

Seaman: So just to be clear you are anticipating just doing it and providing the Army Corp with the as-builts afterwards?

Price: Correct.

Elia: Who did we provide those details to for the Shoreline Protection?

Price: That was the DEC.

Seaman: Do you have that as well, that permit available that we could see or copy? That's for some type of stones or shoreline protection that doesn't show up on these images?

Elia: Yes, there are details right in there.

Seaman: Then you don't need anything else from the DEC after you met with them other than that for the project?

Price: We believe we may need another protection of waters permit because the cantilever deck has posts that go in to the water.

Seaman: Where are you on that with the process?

Price: We were waiting for approval from the Town for the project before we permitted that to the DEC.

Seaman: Did they indicate that it would be a problem?

Price: No.

Seaman: Did the DEC say that they need approval from the Town before they would take that application?

Price: No, they didn't.

Conrad: It seems backwards doesn't it, that we should have that before we consider it?

Seaman: You might want it before. Generally, this Planning Board would want to see all of the permits that are applicable to any particular project at this stage.

Elia: We will follow up on that.

Seaman: I'm not sure how long that takes for the DEC to get that to you once you finalize that application and everything.

Elia: That one took 2 weeks.

Seaman: Just in terms of timing sir, you're thinking of breaking ground in the spring time?

Elia: I hope to.

Conrad: Any other questions or comments from the Board?

Lilly: I don't have as much of a question as a comment, we haven't seen presentations that involve 2 engineers, a design firm and a package that has been presented to us as well as this one has been. The information with the DEC and Corp of Engineers, I think some copies of that information you have tonight really puts us in to a better light of moving ahead and being approved. I think there are more questions and other items to be brought up but that's my comment.

Elia: Thank you. I have Kristen to thank for that and the folks from Glynn Geotechnical, I do a lot of business with those guys and they are very good.

Lilly: I see these pictures; it looks like they've crawled all over that embankment.

Elia: Yes, they went out and did borings and such and they've done their research for sure.

Lilly: They're satisfied with their findings, whatever they drew here and proposing that it will hold up in that environment.

Elia: Mark Glynn and his firm literally have done over 100 projects with them, steel sheet piling and foundation work. They're really good. We use them everywhere in the Country for us. Mark Glynn is probably the only man you will ever meet, he's a professional engineer in all 50 States which is insane.

Conrad: Any other comments or questions from the Board? The only utility you had going down to the water side dock is the electrical correct?

Elia: Yes.

Conrad: Is it going to be buried or strapped underneath the staircase?

Elia: Yes.

Conrad: Landscaping, native species, only right?

Elia: Yes.

Seaman: Can you comment on what trees will be removed if any? You are not removing any mature trees?

Elia: No. We've designed around, the survey that I did actually located all the trees. We've done everything.....

Seaman: That's awesome.

Conrad: You said you're using a pile system with the posts. Metal posts above supporting and they are going to be painted?

Elia: I don't know that detail sir. I'm not sure of that.

Conrad: I believe they were going to be painted a black or something, which is fine.

Elia: I'm not sure of that detail, I'm sorry.

Conrad: This was approved by the Niagara County Planning Board already. The Environmental Commission did review the plan and they had no comment.

Elia: They had a lot of questions.

Conrad: Bob, do you have any other comments?

Lannon: I think the plans were well presented, well organized. I think it's a very nice project.

Conrad: Tim do you have anything else?

Masters: My only comment would be and I gave it to you in an email, this is my own personal opinion, whatever you guys want to do with it, it's your business but I feel the Town if we have a subdivision because of elevation and we have to put in grinder pumps the Town takes dedication of them. In this case my opinion would be this should be all private utilities. The Town tax payer shouldn't borne this responsibility on that bank for that grinder pump. That's my own personal opinion.

Seaman: Have you guys considered that at all in terms of a grinder pump for your sewer system in terms of whether you're retaining it as private property or intending to get it dedicated to the Town?

Elia: I have not considered it, no.

Seaman: It sounds like you're planning to keep it yourself then. Which is really ideal. Tim brings up a situation where in a subdivision scenario you might end up a sewer main that might connect to a couple of different properties. Sometimes there is a grinder pump that gets associated with that and gets dedicated to the Town. Then the Town ends up being responsible for maintenance and stuff which is, I think Tim is indicating for it not to happen in this situation.

Elia: If you guys need me to sign something that it's my responsibility, I never even envisioned that being.....

Conrad: I imagine the use would be minimal. The grinder pump would be minimal in size.

Seaman: Just in the future, 20 years down the road, the Town is fixing grinder pumps.

Masters: Every spring and fall we have to hit every grinder pump from the Town with degreaser. We have to clean them, there is a lot of maintenance. Sometimes you have no choice based on elevation. You can't get the sewage where it has to go. Sometimes you have to put a grinder pump in.

Conrad: The chain link fence that's shown on the plan, the upper level, is that an existing chain link fence?

Elia: I'm not aware of a chain link fence.

Conrad: It's new and across the top.....

Elia: I'm not sure.

Bevacqua: That's the only chain link fence. I think that's the neighbor's property. It's a side view of the house.

Elia: There is one of the properties to the north side.

Conrad: Tim I think this is a question more for you, it's a beautiful design, are there any issues from the Code as far as the esthetic view obstructions?

Masters: I didn't see any issue.

Elia: We lowered the elevations to below the top of the road. That shouldn't be an issue.

Conrad: What are the wall materials? Is it glass? The materials of the wall.

Elia: Yes, glass.

Masters: We have a section in our Code that says if you're on the river side and you have 2 houses side by side you can't put something down along the river that would impinge this person's view. This project won't do that. The other question I have Bill which the Town Code is not clear on it. I tried to give everybody a little detail is all the houses on Lower River Road are, the houses that are on the east side and the property on the river side, the Town Zoning Code in the R-1 district does not even say how to handle that situation. Is this front yard? If you strictly went by the R-1 front yard you wouldn't be able to do anything in the front yard accessory structure wise. For the history of the Town, they've always allowed these sorts of things on that side of the road down to the river as a feature.

Conrad: It's a unique condition.

Masters: It kind of goes by you guys to make sure the setbacks are correct.

Lannon: Tim if I may, Kris correct me if I'm wrong, I did a quick scan of that 8700 permit and I believe it mentions about a 10' setback from each side. I think from the property line to the north and south, 10' inward is the setback for the Army Corp. permit.

Elia: We're not even close.

Lannon: That's the only setback that I understand. I understand what you're saying about being the front yard.

Masters: When you say the setback, from where, the neighbor's property?

Lannon: It would essentially be a side yard setback.

Masters: I'm talking about the setback from Lower River Road. It's not addressed in the Code at all.

Conrad: Are there any other comments from the Board, questions from the Board? If we do move forward, if we have a motion, we have to make a recommendation to the Town Board one way or the other about the negative declaration. Do I have a motion to approve?

A motion to recommend approval that the applicant agrees that the grinder pump is one issue that the property owner will maintain and it will be their responsibility. The DEC and

Army Corp. of Engineers is properly notified, it would appear we have their blessing, was made by Lilly

Elia: We may have to follow up on one more thing with the 2 posts out in the river with the cantilever structure, so we will make sure we do that.

A motion with the 3 conditions: 1. Satisfy the DEC permit requirements and Army Corp. requirements. 2. Submit the paperwork once it is received to the Town, seconded by Taczak and carried.

A motion to recommend approval of the site Plan as presented was made by Taczak, seconded by....

Seaman: I thought that was the motion you did with the conditions?

Conrad: That was the negative dec.

A motion to recommend a negative declaration to the Town Board was made by Lilly, seconded by Taczak and carried.

A motion to recommend approval of the site plan as presented with the established conditions was made by Lilly, seconded by Taczak and carried.

Seaman: Once you get your final stuff from the DEC then notify the Town Board to put it on the next agenda and then the Town Board will have final approval.

Elia: Do we have to come back?

Seaman: You won't need to come back to the Planning Board. You should probably come to the Town Board. They will probably have some questions and tell you how beautiful it looks also.

Elia: Thank you very much.

Conrad: The upcoming training, make sure everybody gets their 4 hours in for the year.

The next meeting will be February 18, 2021, at 6:30 P.M.

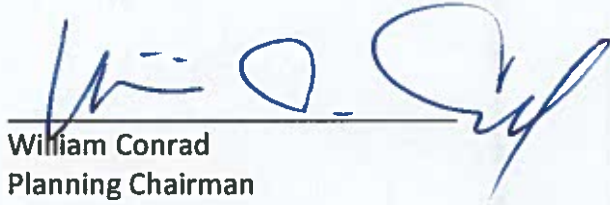
A motion to adjourn was made by Taczak, seconded by Lilly and carried.

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Respectfully submitted



Sandra L. VanUden
Planning Secretary



William Conrad
Planning Chairman