

Planning Board
Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday - October 18, 2018

Present: Burg, Casale, Conrad, Craft, Lilly, Taczak, Waechter, Attorney Parisi

Presiding: William Conrad, Chairman

Conrad: Good evening. I would like to welcome everyone to the October Planning Board meeting for the Town of Lewiston.

Roll Call

Taczak: There was one change and I notified Sandy on it.

A motion to approve the minutes of September 2018 was made by Lilly with a spelling correction, seconded by Taczak and carried.

A motion to move the last item on the agenda to before the Detailed Plan Review was made by Casale, seconded by Lilly and carried.

The first item on the agenda was a Special Use Permit for Varisco, Saunders Settlement Road. No one was present to represent.

The next item on the agenda was a Special Use Permit for Lewiston #2 Fire Company, Saunders Settlement Road for a sign.

Conrad: Full disclosure this is my cousin.

Richard Lamar: Just requesting permission to change the sign that we currently have to an electronic sign.

Conrad: It's about the same size as the one that's there?

Lamar: Exact same size.

Conrad: Going in the same spot. The only thing you're changing is the equipment itself.

Lamar: Correct.

Conrad: Any questions from the Board? Anyone from the audience want to comment either for or against the project?

A motion to recommend approval of the Special Use Permit sign request as presented was made by Burg, seconded by Craft and carried, to comply with Section 360-184 of the signage law of the Town for LED signs.

The next item on the agenda was a request from Adam Bowman, Lower River Road, Site Plan Review.

Conrad: If you would introduce yourself please and describe your project.

Olga Kislyuk, KCB Architecture, with me I have Ed Lauber from Glynn Group Engineering. We have Adam Bowman the owner and Marty Schwarzkopf, KCB Architecture

Kislyuk: We are requesting your approval for a site plan for a 2 story residential property on Lower River Road. It has 3 bedrooms, a walk out basement in the back and it's located along the gorge.

Conrad: Nothing on site right now?

Kislyuk: No.

Conrad: Any questions from the Board?

Lilly: The retaining wall that you have, what is that going to be constructed of?

Schwarzkopf: We're likely going to construct with from gabion baskets. We're not 100% sure yet. We're exploring options. Gabion baskets seem like they are most economical and esthetically pleasing.

Lilly: That's a 15' tall wall of gabion baskets that you're speaking of then?

Schwarzkopf: Correct.

Lilly: Would the engineer be okay with that?

Jarrell: The final plans should be appropriate stamped but otherwise we would be fine with that. Gabion baskets are designed for a stabilized kind of slope. They should work.

Masters: Will that be basically 16' tall?

Schwarzkopf: Yes they would probably be staged or steps.

Conrad: As a non-engineer I just have a question as far as the esthetic feel for the baskets of stones. What I don't want to have is it looking like an industrial foundation from the river. It's a very popular place, very important to the Town of Lewiston.

Schwarzkopf: I don't think it will. You can plant ivy in that. It could be vegetated at some point down the road.

Conrad: I would like that to happen if the Board agrees that something should be planted as part of that to make it blend in with the rest of the escarpment. Does anybody have any opposition to that?

Lilly: Not at all.

Taczak: Great idea.

Conrad: Are there any other questions or concerns from the Board?

Burg: On the application for the Site Plan Review you're asking for a 21' setback when the Code requires 50'?

Kislyuk: Yes we actually met with the Zoning Board last week and that was approved.

Burg: On the assessment form it says you're asking for a 10' setback?

Kislyuk: That was the original submission. We submitted a revised submission with a 21' setback.

Conrad: The slope of the site is pretty dramatic which is obviously why you need to move the building forward or to keep it so far forward on the site. What about as far as being able to maintain growth there while it's anchoring the soils that exist....is it going to be grass and a yard? What is going to keep the soils from slipping down the slope in to the river after it's developed?

Schwarzkopf: Once we have the retaining wall installed the site will basically be flat above the retaining wall.

Conrad: The retaining wall isn't completely surrounding the site; it's just behind the house.

Schwarzkopf: There will be steep slopes on the side of the property I'm sure.

Conrad: That is what I'm concerned about if the growth is cut down or removed, trees or shrubs or whatever, what is going to stabilize that soil is my concern?

Schwarzkopf: We can install an erosion control mat to reestablish vegetation once construction is finished.

Conrad: I think that would be a good idea. You don't want to lose anything that is there because it's valuable. Any other questions from the Board?

Lilly: Could the gabion baskets be fanned out a little further on both the north and south property to have it more of a gentle slope?

Schwarzkopf: We are just dealing with concepts at this point. We don't really have the final topography set in stone.

Burg: In your application you're asking for the change in the setback because you're trying to avoid a deep pier foundation correct? The 21' setback will enable you to do that or you don't know if you're going to be able to utilize a regular foundation as opposed to a deep pier foundation?

Schwarzkopf: When we did the soil boring in 2016 we noticed from the soil boring that with depth the strength of the soils decreased with depth. If we took thisfrom the soil boring projected it out horizontally once we got near the bottom of the slope the soils were getting, the soils were getting border line soft. We're trying to stay out of putting foundations in that area. I'm confident that now where the house is positioned we can successfully do it with spread footings. Possible we might use some helical piles depending on if we want to advance those spread footings down to native soil or put the spread footings in the structural fill. If we put the spread footings in the structural fill we might use helical piles. That would be the extent of the foundations.

Lilly: Would you anticipate any future stair case or steps going down to the waters edge?

Bowman: I would like there to be yes. Right now in the concept it has stairs going beyond the walk out area just below it. Eventually, it's not in the works with building the house and the concept right now but eventually we would like stairs down to the water.

Conrad: What about protection for the top of the retaining wall like a fence or railing?

Kislyuk: We intend to install a railing.

Conrad: I would definitely think that needs to be part of this because it's a long drop. Anything else from the Board? Is there anyone in the audience that cares to comment for or against this project? Does anyone care to make a motion?

Masters: The engineer has a couple of comments about being able to leak through the stone fence....

Jarrell: The front yard drains towards the road and they have a stone and iron fence. We just want to make sure some drain holes are put in so that water doesn't build up behind that wall. I think my only other comment was on erosion protection during construction to make sure that the disturbed soil doesn't get washed down in to the water.

A motion to approve was made by Lilly, seconded by Taczak with the following conditions:

- 1. Greenery to be provided on the retaining wall.**
- 2. Railing required along the top of the retaining wall.**
- 3. Drainage pipes or holes to be installed behind the fence line, per Engineer letter dated Oct. 2018.**
- 4. Provide erosion and sediment controls for the construction area.**
- 5. Erosion control matt post construction.**

Masters: Just so you know that did go to the Niagara County Planning Board and the Environmental Commission did review and did recommend to the Town Board.

Conrad: You got a response from the County?

VanUden: Yes, I spoke to them today.

The next item on the agenda was a Detailed Plan Review, Rubino Brothers, Upper Mountain Road.

Conrad: Please introduce yourself again.

Michael Metzger, Metzger Civil Engineering, 8235 Sheridan Drive, Williamsville. With me tonight is my client, Joseph Rubino. The last you folks saw this project was August of last year. At that time you did recommend to the Town Board a negative declaration on SEQRA and a recommendation of approval of the planned unit development concept plan which is the colored map that I have on the easel. I brought that along just to make sure it is clear that what was approved by this Board and recommended for approval by the Town Board is in fact that same layout as what you see before you for the development plan which is the state we're at now. Following your recommendation in August we went on to the Town Board, the Town Board in November of last year held a public hearing and upon review of all comments received issued a negative declaration and then approved the finding and development concept plan which is the one in color on the board. With the PUD what that effectively does is it memorializes the layout that solidifies the layout, it's set, the lot number, the lot configuration, road configuration. That is all set with the PUD concept plan. The way I always look at it and it helps me to understand it a little better with a PUD it's almost like that becomes the zoning map for the project. From that point forward then the onus is on us to prepare a set of construction plans that is compliant with the Town's codes as well as State and County regulations, Federal regulations. That is what we've been working on since November of last year. We've created those plans. They've been reviewed by the Town Engineer and various Town Departments as well as outside agencies. We are at the point now where we feel we

have a set of plans which is compliant with the Planned Unit Development, development plan requirements. What we've done, the difference between what you saw last year that you recommended approval and the Town Board ultimately approved and today I refer to as the nuts and bolts. Camie and I and her organization, Tim and the various departments have been working on solidifying the plans to build it. That is what you have in front of you.

Conrad: The original concept which was 4 phases correct?

Metzger: I believe we had 4 originally.

Conrad: Because of the wetland impact can you refresh everyone on that because it's been a while.

Metzger: This area (map) effectively remained the same. The townhomes have some minor configuration changes here but the largest difference was this area. This area here we had shown with another road that came out to Upper Mountain Road as well as this one and there were homes within this development. We currently are showing 91 patio homes and 16 townhomes. By code, again as a refresher it's not really relevant to what we're doing tonight but it helps everybody understand it but by code with a PUD we could put 272 units in here in total. There is an existing 70 units as part of the development that were previously developed by others. When you add 107 units that we are proposing to the 70 units that are already there will make for a total of 177 units on this entire property including what's already been developed. Again by code there could be as many as 272. We previously had proposed at one point 176 units. It's been drastically reduced to the point where we are at a density of 2.2 dwelling units per acre. The open space requirements for PUD are 25%, we're at 46%, almost of the land will be open space when about a quarter is required by code. That kind of gives you a little bit of history of how we got to this point for the approved plans.

Conrad: Any questions from the Board?

Waechter: As far as the variety of homes how do you propose doing the homes? I'm going to assume that they are going to be modified to be different and they're not going to be row houses?

Joe Rubino: They will be individual homes on each lot. There will be a variety of homes. Mostly fair market ranch homes but there will be I'm sure a few people that will have either 1.5 story of some sort of modification with a 2 story home. Yes I will go on the record as saying they will not be cookie cutter homes. They won't be all the same. Elevations are not all going to be the same color and again that's something that we take pride in.

Lilly: Will there be any brick or stone used on some of the homes?

Rubino: Absolutely. I would be surprised if any of them did not have that feature.

Conrad: Is there a typical elevation or example of what any of the homes would look like?

Rubino: I do have, I don't have anything to put on the monitor but I have these from some previous homes. They have nice roof lines. Not typical, just real nice features on these homes.

Conrad: If any of these homes that the facades repeat in style, what would be the closest proximity? Other developments we've had in the town we put a requirement on them to be that you couldn't repeat within 500', 300'.

Rubino: Being more of a patio home type development association. There will be some houses that will look similar but again we're not saying sell the lots individually, go to your architect and go to Tim and have your planned approved. Typically we will have 5-6 different models. People will come in and choose it. No one chooses the same brick, stone. Some developers will go in and buy a few tandom loads of stone material and that's what you're going to use. They will do the same thing with the roofing and the so on and so forth. Typically we'll have 5-6 different style houses. People will pick out the lot they like first. You're not going to be building exactly next to each other.

Craft: What would the average price be?

Rubino: I've mentioned at a few meetings it would be tough to build these homes under \$300,000. Will there be something under \$300,000., it's possible. Typically between \$300,000.-\$400,000. And upwards.

Lilly: These pictures are from a development you....

Rubino: Those are from Clarence, Amber Meadows.

Conrad: They will be similar in style then to these?

Rubino: Yes. I think you can see what's going on too, a lot of people, empty nesters and even snow birds. Basically you can see what Forbes is doing on Wolf Run. All of a sudden they are starting to build some ranches up there. They are selling. That is our market.

Conrad: Are there variations available as far as the fasads of the homes, like a roof pitch or a different style of window?

Rubino: Yes.

Conrad: Is that something that the owner would be able to choose from like a laundry list?

Rubino: I think the renderings or those pictures of the houses that are built show that.

Conrad: Is there any way you can, I know you say that the owner is going to pick all these things out, what if for some reason there are 2 properties adjacent to each other that like very similar things? What would you do in that case? Would you advise them that hey Jack and Jill have the same look?

Rubino: From general experience I don't think people want their house to look like their neighbor's. This is an opportunity for them to put their stamp on it. When I deal with customers, when I deal with people building a house I can tell right away and my line is if they have a hard time picking out the roof color then I have a lot of work to do. I suggest at that point to pick black, come and see me again, let's go to the next stage. Most people don't want their home to look exactly like their neighbor.

Conrad: Is that something you would advise them if you know because they may not know.

Rubino: I will bring up Forbes again over at Wolf Run; there might be 7-8 houses built right now. There is not one that looks the same.

Conrad: From my experience I just want to be assured that it's not going to happen.

Rubino: Absolutely. However I need to do that. I think I know what you're leaning at where in Riverwalk there is a bunch that look the same. Maybe that didn't help them in their sales. It's very affordable to build homes that way. Like I mentioned you can buy things in quantity and it's easier for the builder especially if you're a national builder to not give a lot of choices. That helps them with their costs.

Casale: Can you walk through a time line of infrastructure and stuff? I know we talked about it a year ago, just in the event the economy changes and you're selling 50 homes and then you come back and say the market wasn't there and we weren't able to build out. We want to make sure all the infrastructure is in and there has to be something to make sure this proceeds forward?

Metzger: We have a phasing plan and there was a phasing plan as part of the concept plan. There is a phasing plan in the planned set that is under consideration right now. It is showing the same configuration. That hasn't changed. The first phase would be right here (map) coming in off of Bronson. That is 30 homes in the first phase. The second phase there would be 35. With the first phase we will be putting in a storm water detention pond here and then the infrastructure with the storm sewer to carry the water from this development over to that phase. The second phase will be 35 new building lots and 16 town homes. That is phase 2. Along with that is another small retention pond. There are actually 3 detention ponds in the project. One of which handles everything on this side of the creek as far as the individual homes are concerned and then there is another pond here that is to serve the town homes. The third phase which would be the phase off of Upper Mountain Road, the last 22 lots and that will be have storm water detention pond constructed for it as well.

Casale: With the town homes that will be a separate tax parcel and you will own or you will sell?

Rubino: They are for sale.

Casale: The town homes are?

Rubino: Everything is for sale.

Metzger: The town homes will be a separate association.

Parisi: Tim, the Town has had issues in the past with the phasing of developments and not being finished, basically you need the rest of the phasing to be finished in order for it to be a complete development. The Town has taken steps to make sure that each phase can stand on its own. Has that been contemplated on this one?

Conrad: We have done that. I said that personally that that's what we need to do. That whole evolution of the roadways and fire safety were things that we said all along and preached that all these phases have to be able to stand alone.

Parisi: That was part of the concept plan?

Conrad: Yes.

Metzger: As the Chairman said there was a lot of work on the phasing and one of the biggest things was the fire code. That's why the first phase is limited to 30 lots because that's a requirement of the fire code. We can't have any more than that without a secondary access. Once phase II is constructed that will provide this secondary access that will make it compliant with the fire code.

Parisi: I'm sorry if I missed it but there is a haul road included with Phase I as well correct?

Metzger: Yes, that runs out to Upper Mountain Road.

Parisi: What happens with the haul road in between phases?

Metzger: Good question. I guess it's just not utilized at that point. Are you concerned about access?

Parisi: I guess access from Upper Mountain Road when it's not a finished road at that point and those sorts of things. I'm not sure if that's been contemplated.

Metzger: There hasn't been any discussion on that but if there is a concern there about people inappropriately using that when it's not being used as a construction road we can certainly put up some temporary baracades.

Parisi: Obviously it's the developers property just like any other people's property would be.

Lilly: Will that haul road be stone during construction or some sort of paving binder?

Metzger: Stone.

Conrad: That stone will remain as the base for the paving?

Metzger: If it's in a reasonable condition at that time.

Parisi: If market forces don't dictate that future phasing occurs would the plan be to remove that road?

Metzger: That is something that can be considered. No one has that expectation but it's something that can be contemplated on or I'm not sure why it couldn't stay for the potential future. People have driveways and road areas all over the place but it's something we can talk about then if it came up. In the unlikely event that it comes up.

Conrad: We have to recognize to that putting that road in is a requirement from the Town Board. We asked them to do that. Anything else from the Board?

Waechter: I just have another question. It may have been answered in one of the correspondences that had gone back and forth but I just want to have a clarification. As far as draining issues and also with the base flood elevation that's pending the FEMA approval. That would be on parcels 73-78 and 81-84, I think there was a discussion if I'm not correct about those and that maybe they were taken off or there was something changed?

Jarrell: The requirements you're talking about is still a FEMA approval for filling in a flood plain. There is a study that goes with that, basically an analysis that is done about base flood elevations and the.....construction and we have requested that they do that. Because all of that property is on Phase III we agreed it can be done for Phase III.

Waechter: What my concern is that if Phase III does go through, I understand there is going to be some changes in the elevations and I am worried about the potential run off, if you're building up that property a little bit higher than the other properties around it, there is that potential for the run off or flooding in to the basement.

Metzger: I see your concerns.

Waechter: My concern is for people that have already built up to that point, now you have a house at a higher elevation, based on the FEMA approval and now you have a neighbor that's higher and now you're next to him and you're flooded.

Metzger: Our plans trust me, Camie and our group have spent a lot of time working on that to make sure that at full build out anything up to and including full build out we are not going to be creating any drainage issues for others. As a matter of fact I'm quite proud to say that we're actually going to be resolving a few existing drainage problems with this project. There is quite a bit of issue with the existing town homes over here because this whole land area just goes down and the water rushes down in to the town homes. We are going to be picking up almost all of that existingand carrying it through the storm water management system.

Waechter: That retention pond was going to be built in Phase I correct?

Metzger: Right off the bat that is going in.

Lilly: Without a crystal ball what is your projected time line for all these phases, worse case scenario, best case scenario?

Rubino: Ultimately spring time we would like to hit this running hard with the infrastructure. There is a good 3-4 months before we can get the first phase in and get it approved and dedicated. From there hit it hard with some models. Basically the first year is always the toughest because you start in the spring. You have quite a few months to get the infrastructure in and by the time you get the models in you're fighting with the weather. You get it all landscaped by this time next year and you start your sales. Again that is our goal is by the spring to get it up and running as far as infrastructure. Since the last time we spoke we had a purchase contract on the property. We closed on it a few months ago. Don Smith is out, we own the property.

Conrad: Anything else from the Board? Anything else Mr. Metzger? We can open this up to the audience. Anyone here to speak on the behalf or against the project? Step forward, introduce yourself and give us your address please.

Dan Venuto, 5216 Paddock Lane: I have a question, the third retention pond, where is that going?

Metzger: The third pond is going over here (map). It's

Motion for Rubino, Upper Mountain Road was made by Taczak, seconded by Lilly with the following conditions:

Email chain originally started on October 12, 2018 at 3:40 P.M. by Tim Masters and the responses provided by GHD, Town Engineer on October 16, 2018 1:54 P.M. and the developer on October 16, 2018 at 10:57 P.M. All the issues that were brought up in the email will be resolved to the satisfaction of the Building Department and Town Attorney, Town Engineer. Additionally there was a letter dated October 9, 2018 with some of the same issues from GHD, where those issues would have to be resolved to the satisfaction, also to be satisfied to the liking of the Building Department, Town Engineer and Town Attorney. Mr. Metzger is to meet with the Highway Superintendent to work out a landscaping plan for Mrs. Dimino, to the satisfaction of the Highway Superintendent Building Dept., Town Engineer and Town Attorney. The easements need to be reflected on the map cover. Update the traffic study to include Phase II. HOA's will maintain the right-of-ways at the entrance ways off of Bronson Drive and Upper Mountain Road when that gets constructed.

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