

## PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – December 17, 2020  
PB 2021

Present: Baker, Burg, Conrad, Craft, Lilly, Taczak, Waechter

Presiding: William Conrad, Chairman

Conrad: Good evening everyone. I want to welcome everyone to the December meeting of the Planning Board of the Town of Lewiston. The Lower River Road item has been removed from the agenda.

The next item on the agenda was a review for Reiter, Ridge Road, alteration of the site plan and change of use for the restaurant. There was no one present.

The next item on the agenda was a Sketch Plan for Christ Centered Properties, 2874 Niagara Street, SBL# 133.08-2-39.

Paul Wendt, Christ Centered Properties, 5910 Ward Road, Sanborn.

Joseph Gannon, his attorney.

Conrad: If you would review for us the scope of your project please.

Gannon: Basically, we just want to split the lot in half. If you look at the survey provided, to your left of the survey is a block building that is a separate lot. All we want to do is that lot that has a concrete block building, we just want to move the west one foot over so the building is solely on that lot. Whatever happened 150 years ago, that building is over the line. We just want to move it a foot. The next lot to your right of the survey, that is the lot we want to split off, going from the west line, we want to take about 100' and make that one lot and leave the rest of the lots. The corner lot would have one building on it and the remaining lot would have the metal building and the two-story frame building. The corner building is just a pole barn. There is nothing in there.

Conrad: What would the use be for that building afterwards?

Wendt: Just personal use. My son and I, I would like to put an old Bronco in there, his lawnmower, his snowmobile and some odds and ends. Your garage is never big enough. Strictly personal use. Nothing will get rented out.

Conrad: On the Environmental Assessment Form, on page 1 you talk about the description, the last sentence in there, only impact would be a creation of a separate parcel from property for tax purposes. Is that an intentional thing?

Wendt: No, nothing is changing.

Conrad: I didn't want to read anything in to that.

Wendt: We are not trying to save money on taxes.

Conrad: You said it's just going to be for your personal use? You're not going to rent out?

Wendt: No, guaranteed.

Conrad: Any questions from the Board?

Lilly: What is the underlying purpose for going through all of this if it's all your property and you want to use the one building for storage? You can do that right now right?

Wendt: I can do it right now but with the possibility that later on down the road somebody would want to buy the other properties. In all honestly sir I've been a land lord long enough, I'd just like to get rid of some properties. A gentleman just moved out of the pole barn. It would be nice to keep it for our own personal use.

Conrad: What about parking? There are obviously setbacks that were made when this whole thing was created.

Gannon: The only real thing we're doing is splitting that lot. There's still almost 40'. The only new yard we're creating, I'm calling it a yard because that's what the Code calls it, basically there is 80' between those 2 buildings. Each building has almost 40'. I think those are well over the limits, you have to have a minimum yard in the district and they are well beyond that.

Tom Seaman: I'm the Town Attorney. The issues that I see with your plan are that you've got a piece of property here that already has been grandfathered in terms of how close everything is to your property lines. When you consider that as a complete parcel with all these different buildings on it and if you go ahead and try to split it, you're no longer grandfathered in. You have new issues with each parcel as to whether or not those buildings would fit within the required setbacks. You've got buildings that would potentially having no setbacks at all or barely any setbacks on the back end. I think if you split it you would lose your grandfathering in of those area setbacks and you would have to....for that issue you would have to go to the ZBA and make a request that they allow for that. I don't know, the ZBA makes their own decisions but I think you might have some trouble there in terms of getting that approval. There are a

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couple of other things too though that I think you should be aware of. That building on the left that you say you're keeping the bronco in, it's my understanding, correct me if I'm wrong it doesn't have water or sewer. As of right now the way that it would be looked at is a whole parcel, that it's an accessory building to this other parcel but now when you're splitting it on to a new lot in of in itself is not an accessory building anymore. Now you've got just a pole barn on a parcel which is not normally allowed within the Town. Then you would have to think not only would I need an area variance with regards to that, I need to have a use variance as well. That's another application to the Zoning Board. Use variances are very very difficult to obtain, just to let you know. The final thing is the fact that that building doesn't have the water or sewer. That would be contemplated as well. I would think what you need to do if you want to do this is contemplate whether or not you can get through the Planning Board and the Zoning Board in regards to those applications. I think you would have a lot of trouble doing so to be honest with you. You will lose your grandfathering. That is so tight on these pieces of property that unfortunately the way the Code is drafted you don't get to keep it and cut pieces off without a new vision being applied to it. There is a new site plan review that would have to occur for each one. We have something coming up tonight that is seeking to do a little something different within the Town on their business parcel and they have to make an application for a site plan review for this Board to review it. That would be similar. You would have to go through that process as well. It wouldn't just be a subdivision. It would be subdivision, site plan review of both of them and both of them would probably have to go before the ZBA for both area variances and use variances. You would lose all of your grandfathering of what it had.

Gannon: To do this we would have to lose the grandfathering?

Seaman: I don't see any way around that.

Gannon: My thought on it was since there is so much room between those two buildings.

Seaman: Yes, there but what about the setbacks here and setbacks here? The building on right on the street.

Gannon: That's why I thought the grandfather would kick in because we haven't changed anything. The Town of Lewiston allowed it before.

Seaman: 150 years ago. That is how I view it unless there is something else for me to look at in terms of a case law or something. As soon as you try to do something on this everything has to come in to compliance or you have to get the proper variances from the Zoning Board to allow for it. Special Use Permits are very difficult to obtain. Area variances, the Zoning Board of Appeals has some ability to make some judgement calls. A Special Use Permits is a list of 5 things. If you don't check one of them and they're really tough, you don't get it by law. That is

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how the law is written up. In the State of New York Special Use Variances are less than 5% of them ever get approved.

Gannon: We would have to talk to Tim along the way even if we get around the grandfather issue, we have to talk to him about plumbing.

Conrad: Tim did you want to say anything?

Masters: My whole thing is basically if you move it forward with a split the use is going to basically be everything. Depending on what the use is, if it's going to be a personal storage building or if it's going to be whatever in the middle to me that will dictate the path. It's a tough parcel because everything is basically on the lot line. It was okay when it was Calkin's Lumber Company before the Zoning Code was in play. Now it's more difficult.

Conrad: Mr. Martin did you want to add anything?

Martin: What I was going to mention sort of parallels with what the attorney and Mr. Masters says, if they go through and establish these as separate lots, these buildings are going to pretty much stay as they are. If they try to sell it off to somebody else at a later date and change it in to another building it's just not going to work. It's going to be parking, the new regulations for a change of occupancy to change a building in to other than what it was originally created would make it extremely prohibitive.

Conrad: Anyone else have comment or anyone from the audience?

Craft: If they split that up can he use it as storage? If he did split it up or sell it the people that buy it would have to go through that.

Seaman: That's not the way the Town Code is written. Your Town Code is drafted that even to split a single parcel one time you have to come before this Planning Board. Not every Town Code is drafted that way. That's why they're here today is because of that reason. It's not something from my view as the Town's Attorney that you would be able to do and kick down the road to a new buyer to deal with.

Conrad: We could be blamed for not doing our due diligence and creating a situation which could cause him not to be able to sell the building.

Seaman: I think all of those things need to be considered really. First off tonight you would consider whether you are going to classify it. You can take a motion to classify it but I wouldn't recommend making it, taking a motion to approve it for the Town Board without having all of these other things considered as to whether or not the applicant wants to go through with all of that.

Conrad: I agree.

Burg: Maybe just classify it as a minor subdivision.

Seaman: You could probably do that and then table it to see if the applicant wants us to move forward at a later date. Just table it for now would probably be the right move.

Lilly: Would it be worth classifying it here this evening though?

Seaman: It's not necessary. Because of all the complications it probably wouldn't survive a minor subdivision. A major subdivision is anything more than 4 lots and or anything that has a lot of complicated issues. I recommend you don't classify it right now. If you classify it as anything, I would recommend you classify it as a major and you don't want that classification yet. That changes everything for you. What you want them to do is table it and then you think about how you want to proceed.

Conrad: As far as the clock ticking for them, if we table it....

Seaman: If you table it once, it's not going to tick.

Conrad: That's what I prefer.

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

The next item on the agenda was a detailed site plan for the helipad at Mount St. Mary's Hospital, Military Road, SBL# 115.00-1-2.11.

Ned Perlman, McGavern, McGavern. I'm accompanied by Victor O'Brien and Janet Faulhaber. Janet is from Catholic Health; Victor O'Brien is the architect. CJ Earl from St. Mary's Hospital is also here. We're here with the detailed drawing aspects of the project. It shows the elevations, demolition, drainage and lighting. I think CS-100 is the overall site plan. We were here for the concept phase and it was given a recommendation for approval and was approved by the Town Board. We are back now with the detailed drawing. Nothing changed, there are 736 parking spaces, 696 are required, based upon occupancy and use. One of the legends on the overall site plan show the allocation of the parking spaces. We are going to lose 40 parking spaces with the construction of the helipad but we have 696 which still meets the minimum requirement for parking for the hospital and the day care center also and the medical arts building also.

Conrad: Any questions from the Board?

Burg: Is there any contingent plans for future parking if needed?

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Perlman: There are some spots available if we had too. There are some grass areas to the west.

Faulhaber: There is some grass area to the west that could be parking. There is also parking right along Military Road that we could possibly add a little bit of parking there as well. This site is pretty full. At this point in time, we don't see the hospital expanding at all as a structure, nor the medical arts building. We don't see any major additions coming in the near future so we shouldn't have the need based upon the building as it stands today.

Conrad: Mr. Seaman, any questions?

Seaman: No, I don't have any questions really. The role for the Planning Board tonight, you guys have already approved their concept plan. It went to the Town Board where it was approved and now, they are here with their detailed plan. You really just need to make a motion as to whether or not the detailed plan is in substantial conformity with the concept plan. If it is, then it's recommended for approval to the Town Board.

Faulhaber: The only thing that shifted a little bit was the approach angle for the flight and the departure angle. It was a matter of, there were some light poles at the Duty Free that we didn't have complete clearance.

O'Brien: Down along here this departure was shifted this way and it went over to Duty Free but they have tall light poles along here and we can't have those in the approach base. We just shifted the departure more to the west than to the southwest.

Faulhaber: The departure angle will be more over our parking lot than over the Duty Free.

Conrad: Tim, the easement along the bottom, is that a 25' easement to St. Mary's Day Care, could you remind me again what, obviously this encroaches upon it.

Faulhaber: National Grid, it's the electric service to the Day Care Center.

Conrad: Are we going to be okay?

Masters: As far as I know. Victor should have that on the drawing.

Victor: It's shown on the drawing but really where we do encroach it's already paved there. We're really not....we're adding a little bit of pavement along here. We're not putting any structures on it.

Conrad: The fence posts would be on it correct and the one light pole?

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Victor: Sure. I think there was a light pole there anyway already.

Lilly: This is their only utilities correct?

Victor: That was thought.

Lilly: I think this came out before. It's your problem now and it will be your problem in the future.

Conrad: If they are your own utilities why would they need an easement?

Victor: Was this a separate parcel.

Faulhaber: It's a separate deed. It has a separate deed for National Grid. The feeder from Grid in to the building. Up until the meter Grid will always ask for an easement on their property. We have another easement that comes up Military going to the new sub-station in the Doctor's parking lot. That was a new easement when we did the electrical project.

Conrad: We are all very happy with what's been done. I want to make sure we don't create some kind of situation with those structures on that easement. If it's important or not I don't know. Tom, what is your opinion? Do we need something from Niagara Mohawk saying that that's okay? Over all I'm very happy with the plan. That is the one thing that's been sticking to me.

Seaman: I wouldn't think so. If it's Niagara Mohawk easement over their property, I don't think the Town needs to worry about it. It's not the Town's easement. If it was the Town's easement, I would probably pull the language of the easement and make sure that it's in the deed properly. People can put driveways over easements, so.....are those fences and light poles already on that area?

Falhaber: Not the fence. But there are light poles there, along the edge of the parking lot now there is just light poles.

Conrad: Is that going to be replaced or a new head?

Victor: The one that's there is too tall. These are new lights that will be on a shorter pole and they will have a different throw to illuminate the pad without being in the air space.

Conrad: Are you going to replace the base for it?

Victor: That one will be. There are a couple other light poles we are moving around too. We have to get them out of the approach.

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Faulhaber: That easement is relatively new. I think it was about 2015 when they did the addition on the day care center which is shortly after Catholic Health purchased Mount St. Mary's.

Conrad: Pat, do you have any comments on this?

Martin: Actually, from where we were when it was first proposed, we've made a lot of work and improvements from a fire aspect. We moved it away from the emergency entrance, we've moved it away from the hospital. The hospital has been cooperative and improved some of their fire lanes for us. I'm happy with what we've achieved.

Conrad: Bob Lannon do you have any comments?

Lannon: Good to go.

Conrad: Any other questions or comments from the Board for the applicant? Is there anyone in the audience that wants to speak for or against this project please stand up and come to the microphone.

**A motion to approve the detailed site plan was made by Lilly, seconded by Craft and carried.**

The next item on the agenda was Steve Reiter, Ridge Road, for a storage facility

Conrad: Please state your name and address for the record please.

Steven Reiter, 1451 Ridge Road and the project is 1437 Ridge Road.

Conrad: Can you give us a rough synopsis of what you're trying to do with your plan?

Reiter: Originally, I'm going back and forth here a bit. Originally, we had planned to put several buildings parallel to each other. Then there was one building that was going to be on the Hillview property, both of which are in my brother, sister and my name. It's under Schultz Enterprises, which is my mom's maiden name. They are all storage buildings, outdoor storage buildings. We want to look at splitting that building behind Hillview in half instead of having just one building. That way I can provide more parking for the Hillview Restaurant on that property. It would also give me an access of a one-way route from the parking lot from Hillview to go inside the fence to make an access out. All our lanes are at least 26'. That is what the Fire Company told me to do. Based on what we're doing our site plan really hasn't changed other than we split the one building in half. We planned on running parallel buildings. When we went for our concept approval a long time ago, we showed how the buildings would be laid out. The bar building. Can we call it a bar building instead of the restaurant because the other one is a restaurant too and I get confused? The bar building, we would like to lower the usage from a



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restaurant to indoor storage. We know that we have to work with the Fire Inspector and the Building Inspector and the Water Superintendent for the sprinkler system. We know that, originally, we had plans because we owned all the property and we combined the bar property with the storage property. We had planned an easement there. We can still do an easement, that's not a problem. When the Town advised me to split the property, they made it so I had frontage which is farther over by my mother's house, on the east end of the property. The property is zoned appropriately for it. It's all zoned business. It's low impact. It won't have any impact on your water system, your sewer system. It won't have any impact on the school system. The current building, we have is full. We actually have a waiting list for units. We just would like to continue our project. We're trying to find a use for that bar building other than a restaurant. Restaurants have not succeeded there. There have been 3 or 4 attempts. I would also like to say if you notice we've resided the Hillview. We put a new roof on. We put new mechanicals in. We also are doing the same on the bar building. We started on the side, doing some siding. Part of our plan is to tear that front porch off and do a nicer presentation of that building. I'm here to answer questions.

Conrad: Why don't we start with the Board. Any questions from the Board? Any comments?

Waechter: I have an issue with the fire lane, in regards to those. As you look right now the parking between the bar building and the restaurant, that's currently a fire lane. I understand at times it gets a little muddled as far as the parking for the.....and the restaurant. Also, too, you have your other access on the other side of the Hillview. My concern is if you continue on with the project, you're not going to be able to get the fire trucks back in there and then turn around. There's not a lot of maneuverability, especially back behind the restaurant if you're going to be pulling those buildings closer.

Reiter: Not to confuse the situation but that's why I'm making that access road where the parking spots are. We are putting a lane through there. We've also left a black topped lane around the whole what used to be the driveway to my grandmother's house that we have demolished. We've left that open for access for the fire trucks. As far as muddled, I've talked to the people at Hillview. If you want, I'll call the police and they can ticket them, I don't care. It's not us as business owner, it's the property owners that are parking cars there and its mostly delivery trucks and stuff like that. I can talk to the operator of the restaurant and have the delivery trucks go to another side. That's not a problem. All they have to do is shift to the left a little bit.

Waechter: My other concern comes to Hillview if it stays as its own property and then the whole storage unit area becomes its own property. If there ever is a decision to sell off the Hillview, we've potentially created an issue.

Reiter: As I stated earlier, I'm more than willing to make an easement there to do the fire lanes. Or we can combine the 2 properties and if we ever do get a separate offer for the Hillview we

can come to this Board and approach the Board on the proper access and egress. That's my brother and sister right there. We met with Linda Johnson yesterday because we had some concerns as to what we should do as far as taxing my property and stuff like that. She told us how to combine the 2 properties. We did that originally at Tim's request when we did the electricity for the storage building in the back. The bar building was a separate parcel. We've combined it as, because we ran the electricity to the same meter. Tim asked that we combined the 2 which we were happy to do and we're happy to combine the 2 right now. My sister would probably thank you for doing that because it would be easier for her to pay the taxes. If that's a contingency you want, I will start on it tomorrow.

Waechter: Another question that I had is that you're planning on doing open storage as far as for recreational vehicles, boats, what not.

Reiter: We are hoping the open storage goes away as we add more buildings.

Waechter: So that's the future plan, it's not just these buildings, you want to continue on?

Reiter: Our original presentation showed, the site plan showed 1 building but all the facilities were developed for example the drainage system and the lighting system and the placement of the fire hydrant was for additional buildings.

Waechter: I do believe there is a special use isn't there for the open? That's what we were discussing earlier for the open-air vehicles.

Seaman: I haven't seen it to be honest with you. I didn't get a chance to review it. The approval you got in 2015, did that application include an application for outdoor vehicle storage?

Reiter: I don't know if we discussed it or not.

Seaman: Does this application include a provision that you are requesting for outdoor vehicles?

Reiter: Yes, we showed the area. On the one smaller plan it shows an area for outside storage.

Seaman: I do believe for outdoor storage you need to get a special use permit. Your proposed revised boundary, what is that?

Reiter: That's our fence.

Seaman: That's just a fence? You just plan on moving the fence a little bit?

Reiter: No, I can't. There is a creek bank there. It's a very steep drop. I can move the fence but you and I would struggle to get it down.

Seaman: Why are you proposing a new boundary?

Reiter: That's the property that we proposed the boundary. He just wrote it that way.

Seaman: You're not, in this application intending to split this eastern portion off? It's not a subdivision? I needed to be clear on that.

Lannon: The drawing is listed as a master plan? That might be why some of us.....

Reiter: It was taken off the other plan.

Lannon: These aren't drawings for construction.

Reiter: No, we planned....we have to give detailed plans, with the lighting and all that.

Seaman: As far as outdoor storage though, the Town does have a special use permit that requires some level of screening.

Reiter: We have fence.

Seaman: Opaque screening to obstruct the views of it.

Reiter: Ok. I see outdoor storage down the street, they don't have anything. I see storage on Meyers Hill, they don't have it.

Seaman: I would have to go back and review....

Reiter: If it's just putting stripping in the fence, we will do that if you're going to ask us to. I just want to say I would assume everybody else would have to do it also.

Seaman: You're here seeking to modify a site plan. As the Town's Attorney just advising you as to what the codes are. I'm not personally imposing anything on you.

Reiter: I'm just saying if that's required, I'm willing to do it.

Lilly: What would be the true definition of screening? Would it be fencing or would it be landscaping?

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Seaman: That's a good question. The Planning Board should be screening quite a bit in the future when it comes to some of the solar applications that come through. Screening is going to be your new favorite word. To a certain extent it's at the discretion of the Planning Board. One of my points is that if a portion of your revised site plan application includes outdoor vehicle storage, I do believe you'd have to apply for a special use permit.

Reiter: I'm willing to do that.

Conrad: Pat, have you been able to review this?

Martin: We've incorporated some changes already in to this plan. I guess the one thing that I would like to see if you're going to approve the outdoor storage that we get some sort of commitment on how many vehicles are going to be put on the site. It's been a little hap hazard the last several months the way it is now. If we could commit to having a certain number of vehicles. I believe you had that on the initial plan. If we could just get that on the record if that's going to be approved, how many we are going to allow.

Conrad: That would have to go to the Zoning Board first though for the variance.

Masters: I don't see it needing a variance.

Conrad: For outdoor storage?

Masters: I'm looking at the B district right now. I don't see outdoor storage, uses permitted by special permit, gasoline service station, automotive sales, small animal hospital, lumber building supply companies, child care, commercial car wash, commercial recreation. There isn't anything about outdoor storage. It is silent on it, in the allowed uses and uses by special permit. Under the allowed uses its private clubs, personal service establishments, restaurants, retail sales, retail nurseries and green houses are allowed by right. Custom trade, public heating, electrical shops, general commercial business including farm machinery and service establishments all allowed by right.

Conrad: With that criteria outdoor storage isn't allowed.

Masters: Are you asking my opinion?

Conrad: Logically, if it's not allowed in the district, it's not allowed by special permit, how can you allow it?

Masters: It's not specially stated. My own personal opinion is it would be in line with some of the other uses in that district though. That's my opinion.

Lilly: Can you read those uses again?

Masters: Allowed uses: a professional office, a financial institution, a medical office and clinic, a private club and lodge, a personal service establishment, restaurants with indoor seating, funeral homes and mortuaries, retail service establishments, retail nurseries and green houses, hotel, motels, art dance, music school and photography studio, dry cleaners and commercial laundries, custom trade, plumbing, heating and electrical shops, general commercial business including farm machinery and service establishments and one family dwellings.

Conrad: You believe that's in line with the outdoor storage?

Masters: I'm just thinking if I'm going to sell farm machinery and service establishment, I'm going to have the combine sitting outside of the farm service. That's all I'm thinking.

Waechter: Somebody is not paying to lease that spot. That is your own inventory. This isn't personal inventory.

Craft: I think we are splitting hairs. I see a lot of storage places with building outside. Just like Steve said, I see fences without screening. I do see screening if it's in a residential area but I don't know.

Conrad: Most of those things could have been approved and probably were approved before the more recent.

Waechter: Those places are not in front of the Board right now. This plan is in front of the Board. I think if it's something that contributes to the benefit of our community then you do it.

Masters: The landscaping requirement in that business district says, landscaping treatments, such as trees and shrubbery shall be located as directed by the Planning Board.

Reiter: As of this time I have not been directed to put in anything. Once again for screening purposes that's not a problem.

Conrad: It's procedurally, I just want to make sure we are doing things in the right manner here.

Reiter: I just want to make it clear that I haven't ignored anything

Conrad: Oh no, you are doing great.

Lilly: I think the outdoor storage is fine with some screening. I think that covers both those bases for the applicant as well as the public. We allow outdoor storage, toy haulers, campers

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and such and they can put landscaped screening or some sort of fencing. It protects the public as well as the applicant.

Conrad: Like Tim said, there is nowhere in the Code that covers outdoor storage.

Lilly: We talked about machinery. His opinion was that machinery would then classify to the outdoor storage and I agree with that.

Seaman: Tim's list also didn't include general storage at all. In their current application, it did go through so it must have been considered under the general business practices. The Board can do a few things. They can ask for a little more information. They can ask for some things to be updated. They can ask for some information that Mr. Martin asked for. A commitment to either combine the properties or draft an easement. One or the other probably at the pleasure of the applicant. It would seem to me in my personal opinion, it seems to me it would make more sense to have a site plan approval applied to all of the parcels as one. Maybe...the Board can move along those actions in that way and ask for more information. Alternatively, you could always I suppose, you guys are a recommending Board. You are recommending this to the Town Board anyhow, so you could make those conditions in the future. You're kicking the can down the road. The Town Board can address it in that scenario.

Conrad: When we're talking about combining properties, we're talking about the Hillview and the current storage facility right?

Reiter: Yes sir.

Seaman: It's through the Hillview property that the road access has to that back property has to run. There is no other access point for it.

Reiter: No, that's not true.

Seaman: Where else can you get to it?

Reiter: (map) right from here. This is why we did away with the easement. I don't mean to be pointing and talking, we were originally talking about doing an easement at that time but then we didn't have to because we combined this property, the bar building property with the main property because that was at one time a separate property also. We were going to do an easement because we thought the Hillview was going to be the property so technically part of the fire easement is on both properties....I don't mind combining the Hillview and I don't mind providing an easement. I would even leave it up to the Board's pleasure. My brother, sister and I have talked about this. We met with Linda yesterday because we wanted to see what parameters they wanted. To give you a little history on that, the reason the Hillview isn't part of....because that was all one parcel at one time with about 50 acres. The reason it was split up

was because the Town Assessor, Mr. Virtuoso at the time was frustrated that we had different parcels doing different things and wanted to separate them. My father at the time did separate it for Mr. Virtuoso. I was a town employee at the time that happened and I remember the discussions my father had with Mr. Virtuoso and they were friendly discussions. There was not a problem but my dad said what difference does it make and Mr. Virtuoso said it makes it easier for the Town, so my father split them up at that time. Mrs. Johnson did not seem to be concerned if we joined them or not. It's an administrative, I'm going to call it administrative action that we have to have an attorney and he would have to approve it. It wouldn't have to go to the County or anything like that is the way I understand it.

Conrad: Mr. Martin, when you look at the fire access here, are you satisfied with the layout that's proposed on that smaller drawing? We had talked about or I thought we had mentioned that another lane would have to come up on the other side of Hillview?

Martin: Currently there is that automatic slide gate to the west between the old bar building and the Hillview. As far as I know the fencing included a gate that's just a normal gate that you pad lock. Because of the crowdedness of the parking and all that we've asked to put that other road in. I think that's the best you will be able to do with the available property that you have.

Burg: Are you talking about the road that is west of the bar building?

Martin: Currently between Hillview and the bar building there is a roadway that goes through and there is an automatic gate. It's very crazy there sometimes and it becomes a little congested with what's going on there so....we're requiring the second access in just in case we have a problem. The way the property sits I think that's the only way we can get that back there.

Conrad: The way this is illustrated here, there is already an access road here and this is newly proposed?

Reiter: It's there. This road is here. This was actually the driveway to this house and the gate is right here. This is where the driveway went around.

Martin: His latest plan is actually improving what we have today.

Conrad: So, you are satisfied?

Martin: Yes.

Conrad: Anybody else from the Board would like to comment on this?

PB 2021-O

Taczak: With the proposed smaller 200' building going in, is that going to infringe at all on Fire Dept. access to the back of the 300' building?

Reiter: No, we are maintaining the 26'.

Taczak: If you maintain that 26' how's that truck.....is that truck going to back out?

Reiter: At the back end they have a turnaround. The drawing is confusing.

Discussion

Waechter: I personally would like to see it delineated a little bit better. There is a lot of this is what we're going to do.....I think it would help this Board to be able to actually see a little bit more of the actual proposed road going in and where you're actually going to propose the buildings and where you want a future expansion. I also have a question as how that future building that's right in back of the Hillview is going to impact your parking. When you have those 3 boxes on top of each other, it almost looks like you're putting a row of 3 units back there but the middle one is just the delineated unit and it looks like the parking behind that is actually just for that storage facility. I'm fearful that by doing that we're creating a parking issue, which there already exists a parking issue around Hillview.

Masters: You are going to lose a couple parking spaces with the new configuration of the fire lane coming in on the east side.

Reiter: No, we won't. There is still room there.

Masters: Not according to Gallucci's drawing. He took off 4 parking spaces.

Waechter: I think for me I would like to see the whole site delineated a little bit better.

Reiter: If I could just.....the only thing I'm really concerned about tonight is....I would be glad to update all of that. The thing that is timely in me and my brother and sister's concerns are we would like to be able to start doing some work on the other building. I held up tearing off that porch because I didn't want buy a demo permit for the porch of the building and then have a permit that would include the demo plus the remodeling of it. I'm sure you have some concerns about when people change uses of buildings and what they might end up using it for filing. The only thing we are interested in doing is, I don't know if you want to slap a contingency on it or something like that. The only thing we're interested in doing is a storage business. I would be glad on a list from this Board of what the requirements you would like to see if we could be allowed.....



PB 2021-P

Lilly: You are referring to the indoor storage of the old bar restaurant to kind of start some sort of construction?

Reiter: If we could proceed on that.....

Lilly: You're not changing the foot print; you're actually taking away from the front porch but other than that everything is going to be...plus inside?

Reiter: 99.9% of it is inside. We're going to do something over the front of it. I just don't know what yet.

Lilly: That would be more decorative than anything?

Reiter: Yes, it won't anywhere near.....

Lilly: How about the other storage building that's the 20'x200', would that be the next logical start?

Reiter: Yes, we have time on that. We have until the spring anyway. We have concrete being poured and things of that nature. By that time, I figure we could work those other issues out with you.

Conrad: My opinion is that you're presenting a full plan here. That one storage unit is probably what's causing all the discussion. We haven't discussed anything about the other building that you're trying to fix up.

Reiter: We were trying to give you a whole scenario of what we are doing.

Conrad: Absolutely.

Reiter: I don't know if you are allowed to piece meal it at all or not?

Seaman: I think from a legal point here, I think it would be difficult for the Board to construct a motion that they can do to contingently allow you to start constructing a building that may or may not be part of a future approval of the site plan. That being said, I don't know what your current site plan exists, would it prevent you from taking down the front porch on your building.

Reiter: How many permits do you want me to buy is what I'm saying. After discussion with Tim I would have to buy a demo permit. We were ready to demolish it recently. Unfortunately, some of the parking problems that we've had would involve that front porch. It needs to be taken down.

PB 2021-Q

Seaman: I understand what you're saying about buying extra permits and stuff. I just don't see...

Reiter: I'll tell you what, we'll buy the, he'll tell you I've already purchased the permit for the....to do the inside work because it was easy for me to pay for this hearing and whatever. I think it's a lower grade of use. There is a lot of work to be done on that building. If he can grant me the permit to start the work and I'll gamble if you're going to allow me to do it. I don't see why you would have a problem as long as we keep working with you. We're willing to do that.

Lilly: How extensive is the work inside and how does that lay out? What size rooms? What size storage?

Reiter: He's got a plan. I can show you on my phone if you want to look at it.

Lilly: It's just two levels in there?

Reiter: No, only one level. There is an upstairs but it's only a small area above the rest rooms.

Lilly: It will be all storage on the first floor?

Reiter: All on the first floor, 8" concrete floor because it was used for cars and things of that nature, repairs. Technically it was storage for painting cars and stuff like that before it was even a restaurant.

Lilly: People would have access to the main front door then after that there's large locker type facilities?

Reiter: They will be like 5'x10' and 10'x10', aisle ways and things of that nature. We have to work out a sprinkler system plan which it is already sprinkled but it's been disconnected. We know we have to reconnect it. That we feel is all part of the building permit process. I don't think this Board has to concern themselves with that.

Craft: Does Mr. Reiter know exactly what we need?

Reiter: I asked for a list from this Board.

Craft: I know we've talked.

Reiter: There have been several conversations here and I would prefer that you give me a check list and I would be glad....

Craft: One of the main things is the fire. I can see that and he doesn't have an objective. I'm in business myself. The way things are going, we don't know how long the Hillview will stay open. When people want to go in to business, we have to make it as quick as possible. He has people waiting. How we can do it I don't know. Let's give him a list.

Conrad: Tom, correct me if you think I'm mistaken here but the way it's being presented to us now, he needs to fix these few things, we talked about screening the outdoor storage.

Reiter: Can we do it with landscaping? I would prefer to do it with landscaping. The reason being is I wanted to break that up so the people sitting in the restaurant anyways. I would rather have some nice tree plantings along the fence line.

Conrad: We don't want a pile of rocks; trees would be good.

Reiter: I understand.

Seaman: Landscaping would work. Get a screening plan.

Baker: I'm wondering if there are any additional lighting requirements? I can't read this, it's so small. The full-size drawing is an old drawing.

Lannon: These drawings are Master Plan drawings. What I would suggest for everybody's clarity including myself is to come back with a full-blown site plan and propose what you want to do. I cannot follow those drawings. I'm not sure if you're asking anything from me to approve. I'm not in a position to approve anything. If we have a full-blown site plan this will become.....a picture is worth a thousand words kind of thing. A landscaping plan, where's the fence, what's the fence going to look like. How is it going to be landscaped or screened? I would suggest and I think Mr. Reiter has offered to combine the lots, I personally think that results in a cleaner site. It's an opinion. I think it will be much easier for the Board and for Mr. Reiter that once that's all clarified we can go through it like that.

Conrad: I believe it's going to have to come to next month's Board meeting.

Waechter: So, if we were to make a motion our motion would be to table pending full site plan map?

Conrad: I would still like to offer him that list. I'm trying to hash out what we have discussed so we can have a nice list.

Site Plan List: Screening for the outdoor storage.

Reiter: That could be either opaque screening or landscape.

**Masters:** Just so you know, if you go under the special use permit for outdoor building storage or other outdoor storage, I'm not sure you can get there from the B district but let's say you were to use that same criteria or if you said you feel it is a special use permit for that use, the criteria is a fence of at least 6' tall or another form of screening approved by the Planning Board. He's correct in the fact that they can have one or the other. The other thing is....

**Reiter:** Does the fence itself have to be chain link?

**Masters:** It could be. It would probably have to have the mesh in it. That Section 361-36, affords you those two options at the discretion of the Planning Board. The other thing it says is vehicle storage must be screened from view from any adjacent residential property. I'm not totally sold on the fact that it necessarily applies to him. If you wanted to air on the side of caution, that's the criteria.

**Conrad:** There are two options I believe, as Tim stated. When you bring back your formal site plan, have screening of some kind illustrated on there. We need you to combine the 2 parcels, the existing Hillview Diner parcel and your existing storage parcel. You need to fully lay out things such as lighting. If there is going to be any new lighting around the building.

**Reiter:** There will be lighting on the building.

**Conrad:** It can be depicted on the plan, but it should be shown. As Bob said we need to have all the details so it can be moved. I would like to give him a complete list.

**Lilly:** Make sure we are in agreement with the Fire Inspector for fire lanes shown on plan. I think the biggest thing was combining the lots. The outdoor screening too. Lighting, fire plan, parking. How many spots are needed for this?

**Reiter:** They park next to their unit.

**Baker:** We don't want people parking in the fire lane.

**Conrad:** I think part of it is where you have your new building shown behind the Hillview, it's not.....it's just an illustrative type of thing where you have the building behind the Hillview, the other lines depicting your drive lanes are so dark. Just for clarity it would help us a lot.

**Waechter:** A better delineation of the full Master Plan as far as the amount of buildings that you are proposing, outdoor storage, the way it will be laid out. Is that that building directly behind that building? Can you have that delineated a little bit better. My recommendation would be to push it back if the properties are going to be combined to allow parking around the Hillview and then you can push that storage building back.

Conrad: You can't put it on the easement.

Waechter: I guess you could probably go on the other side of the easement.

Conrad: That's where the difference in grade is pretty steep.

Waechter: It just seems like you're cutting off a lot of parking by doing that. Those are the things I would like to see. I don't have any problem with the actual improvement that you want to do on the storage building, the bar building, as long as it meets fire code and what not.

Reiter: Once again I'm asking Tim can I go to the Building Inspector and proceed on this?

Conrad: I think the way the Board is sounding is that we're really not opposed to the project, we're just looking for clarity on the plans so that we can move forward. You presented this entire plan to us tonight.

Reiter: I don't have a problem with meeting all your.....this is prime time for indoor work to be done. I'm just asking if we can start that in the first of January or something?

Seaman: The Board can't give you official approval on that.

Reiter: I'm not asking for official approval.

Seaman: The best they can do is something along these lines is anybody on the Board currently have any issues they need to discuss with regards to him converting the bar in to storage?

Lilly: I don't have any issues.

Seaman: No one has really raised any issues, that's as far as you're going to get in terms of this Board.

Reiter: That's what I'm asking for does anybody have an issue with that? I haven't heard anybody yet.

Lilly: The façade on the indoor storage, color schemes and things of that nature, is that going to match the Hillview color scheme and roofing and that sort of thing?

Reiter: Yes.

Lilly: And the new porch or whatever you put out front?

Reiter: Everything has green roofs.....

PB 2021-U

Lilly: You've applied for a demolition permit already?

Reiter: No, I didn't. I have one for the other house.

Conrad: The permit you have now, you said you're doing interior work?

Masters: He paid for it; it's not issued yet.

Reiter: That's why I'm asking for some serious winking.

Lilly: I think you could proceed with the demolition right Tim?

Seaman: Take a look at the law that has to do with the site plan review. There is a list of 32 things that would be on your site plan. Not every one of these things is applicable to yours but it may be a good place to start.

Reiter: Okay.

Conrad: Bob is there anything else in your list that you made, is there anything else that we missed?

Lannon: He said it all, right there. (code) I doubt all 32 will be relevant but I'm sure a lot of it will.

Seaman: Truthfully.....there are town's that will require color schemes, they will want to see dimensions of every building on there. There are town's that will want every single topographical lay out of the drainage, all of that stuff.

Reiter: That's been submitted already. It's on the original site plan. It was set up for all the buildings.

Lilly: So, timing wise the demolition could be executed that permit? Then Mr. Reiter you could start on that and perhaps by next month you could be back with the checklist, Master Plan.

Taczak: Don't say Master Plan, Site Plan.

Lilly: Full blown Site Plan.

**A motion to table the Site Plan Review upon submittal of a full Site Plan was made by Waechter, seconded by Taczak and carried.**

The next meeting will be January 21, 2021, at 6:30 P.M.

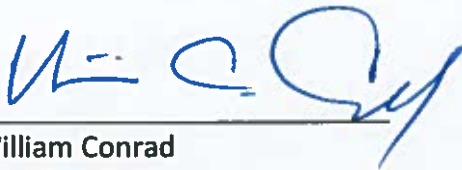
PB 2021-V

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

Respectfully submitted,



Sandra L. VanUden  
Planning Secretary



William Conrad  
Planning Chairman