

## PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – October 24, 2019  
PB 2019-10

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

Presiding: Bill Conrad, Chairman

Conrad: Good evening everyone. I welcome you all to the October meeting of the Town of Lewiston Planning Board.

Roll Call

**A motion to approve the minutes of June 2019 was made by Lilly, seconded by Baker and carried.**

**A motion to approve the minutes of July 2019 was made by Taczak, seconded by Craft and carried.**

Conrad: We have two items on the agenda tonight. One is a little bigger than the other. I would like to go out of order here.

Our Lady of Peace, 5285 Lewiston Road, 115.00-1-2.12.

Conrad: If you would come on up and let us know what you are doing.

Johnathan Hart, I'm the Executive Director. With me is Kenneth Swain, the Director of Facilities. We are requesting permission for .... the first request is to increase our fire lane in the rear of the building. We had a drill over the summer and it was found that the access road back there was too small if we had to evacuate out the rear of the building and had to get a fire truck and ambulance back there. We want to expand that by 4' back towards the rear of the building. The second project is a storage garage. We know there is a 20' setback that we would have to design the building around. The garage is for the storage of equipment and a secured storage for records. The final project is a request from our resident counsel, in the western side of the property next to the Lewiston Queenston Bridge we want to build a residential walk-way with some places for them to sit so during the warm months they can enjoy time out there with a park like setting, maybe go to Duty Free while they are there and enjoy the summer. That is what we are here asking permission for. We have drawings to show you where.....

PB 2019-10A

Taczak: We have that. You mentioned and I'm trying to figure out how it is going to be possible that they can walk to the Duty Free?

Hart: I was just joking.

Conrad: Tim, did you want to bring up the easement issue?

Masters: I think I sent you an email today. When I was going through the original plan whenever it was designed there is a water main that runs between Military Road and Lewiston Road. There is a 20' Town of Lewiston easement on it that you will not be able to put pavement or a building over top of it.

Swain: I pulled up the plans after we got that. If we set that back, it looks like the water main from the center of the road is where they have the easement, 20' from the center of our curb road. I moved the garage back that far 20' which is 13' off the center of the road. The current design of the garage if we did a 24'x30' would put that about 6' away from our tree line. We could change the garage if needed and make it a shallower garage and make it a 3-bay instead of 2-bay. This was the first step to get something to see where we could put it. We can alter the design to fit the footprint.

Masters: It looks like the further west you go the more centered on the fire lane the water line easement is. The further east you go the more northerly it goes.

Swain: Yes.

Hart: We would make sure our design wouldn't encroach upon the easement.

Seaman: Right now, it's right on top of it.

Swain: The road goes, the water line is down the center of the paved road. That's where I took my measurement off to get the garage.

Masters: The easement is not the water line. The water line is approximately 10' to the north of the pavement.

Swain: We would have to move it 23' instead of 13'.

Masters: Which then brings up the next question I guess for the Planning Board is when that was approved the old PD-1 required.... prior to 2012 we had PD-1, 2, 3 & 4. Hospitals and nursing homes were PD-1, and they required in the Town Code at the time for a 100' buffer area between their stuff and the residential properties on Meadowbrook. The new PUD law

does not have that buffer restriction in there which basically leaves it up to the Planning Board to make their best decision.

Hart: This is just a storage garage. It will be for records.

Taczak: How heavy is the tree line?

Lilly: How wide is that tree line? There is the black top edge of what you call a road and then a lawn area of 40' or so perhaps and then the trees start. How wide is that thick tree line before you actually hit the back of somebody's property?

Conrad: It varies a little bit I would imagine.

Swain: Anywhere from 30'-60' depending on how it goes down the property line.

Lilly: Let's just say where your garage is going behind that how far, how dense or thick would that wooded area be?

Hart: It's dense.

Swain: Anywhere from 30'-60' deep.

Hart: Where we are looking is probably right in the middle of that 45'.

Swain: The current design, if we change the garage a little bit and made it shallower, we would still try to stay 6'-10' away from the tree line. We don't have to go in to it, we don't want to butt up against it. We want to respect the neighbor's privacy. It's not a mechanical garage, it's a storage garage. It's not like we are going to be working on the trucks in there. We would still, if we go more towards Mount St. Mary's we get more space there. We can alter and move it along that line.

Lilly: This is for paper records you said?

Hart: It would be for small equipment, snow blowers, all kinds of things and medical records.

Conrad: What type of material would you be building it out of?

Swain: It would be stick built, siding.

Taczak: What about utilities, electricity going to be coming in underground?

Swain: Yes, from the building. It would not be heated.

Taczak: All you are looking at is electricity, no water then?

Swain: Right.

Waechter: On that tree line are they living or dead because that will make a difference as far as in the future. If the Dutch elm have to come out at any time. Also, too, have you been in contact with any of the residents and what are their feelings about it if it comes that close to the property line?

Swain: It's not close to the property line. It's close to the original easement or buffer zone. The property line is like you said anywhere along that line is probably 80'-100' from the road way. Some spots probably 120'. There are some spots we could actually 120' to the road. As they come around towards the church side away from the hospital it gets down to about 100' at the edge of the road give or take a couple feet. To the property line there is quite a bit of difference.

Waechter: As far as if anything were to happen to the tree line it would be difficult for anybody in their homes to be able to see the garage?

Swain: You cannot see through it right now.

Hart: We aren't altering the shrubs or tree line back there at all.

Lilly: You mentioned you are going to store a snow blower and medical records?

Swain: They would be bayed out.

Lilly: It just seems like a wrong place to have those combinations because I'm thinking about gasoline with the snow blower?

Swain: Originally what we were going to do is a support wall with concrete between the 2 cinderblocks between the 2 bays. If we have to go to 3 bays, we will.... one of them with cinderblock and then records will go on the outside.

Hart: We may use it for our emergency storage of linens. We are very tight on storage. I have to have x number of days of linen in case we are in a disaster situation. We could keep our disaster supplies in there, easily accessible. Right now, they are down Witmer Road.

Conrad: You would have to keep it heated then.

Hart: Not for storage.

PB 2019-10D

Swain: We wouldn't do the emergency food storage there. It would be the linens and paper goods.

Conrad: Just a single-story gable roof type? It will look like a residential garage I guess is the question?

Swain: Absolutely. It would be a loft in the middle, a little taller in the middle to store x-mas' decorations or stuff up on top.

Conrad: Any other question about the garage itself from the Board? What about the walking path? Let's talk about the fire lane. Tim do you have any issues with the widening of that?

Masters: I love the idea of widening the fire lane and so does Pat but Dan doesn't.

Conrad: What are your thoughts on that Dan?

Zahno: The water line will be underneath the black top. If we have to dig that up it will be a huge problem. Remember we just had a problem behind the church, Sacred Heart Villa. Look what that turned in to. We're trying to avoid that.

Lilly: Is this the same water line that broke over there?

Zahno: Yes. That's a main feed between the hospital, nursing home, that school and Lewiston Road.

Lilly: How big is that?

Zahno: Behind Our Lady of Peace is 8". Then once it goes behind the school to Lewiston Road it goes to 10".

Conrad: Is that all pressurized?

Zahno: Yes. Ask the church, their basement was full of water.

Swain: Do you have the exact measurement from the center of the road to that? We're only going 4'.

Zahno: I would have to look at my map in my office.

Craft: Why are you only going 4'?

PB 2019-10E

Swain: Just enough to make the fire truck and ambulance turn. Also, there is, we have residents from the hospital and residents from OLP and their families that walk right down the middle of the road now.

Martin: The current standard is a minimum of 20'. Why aren't you going to 10'?

Swain: We could.

Martin: I'm just bringing this up because when this was put in there was no standard. Currently there is a standard, it's a minimum width of 20'.

Hart: We can go. We have no problem with that.

Swain: Going wider doesn't bother us. We just didn't want to infringe on some things that popped up in the past so we figured 4' was enough for a wheel chair but we can go 5' no problem.

Seaman: Is that the same water line easement that we were talking about with the garage or is that a different one?

Conrad: Same.

Seaman: Is it right up against the pavement right now?

Zahno: Can you go the other way?

Masters: It's actually in to the pavement a little bit.

Hart: You mean towards the nursing home? We could.

Conrad: To a point.

Swain: There is a fire hydrant there and then you couldn't widen it next to the building. There is nothing next to the building right now.

Seaman: Can you locate that line Dan?

Zahno: Yes.

Seaman: So, it might be anywhere in that 20' easement. It's probably about half way the actual line.

Zahno: I would have to look. I don't know without it in front of me. I can find it for sure.

Conrad: If you could find that out then maybe they could adjust their plan accordingly and make some sort of compromise so they can do whatever you can and still not....

Lilly: Dan, if you have to work on that how much real room to access the 20', do you need all 20' or is 10' enough for your back hoe and equipment?

Zahno: We need everything. Just to make it safe.

Conrad: How deep is it?

Zahno: I want to say 6' deep. That's what it was behind Sacred Villa. It has to be similar.

Swain: Worst case scenario is if we had to work around, we could cut off the sidewalk towards Our Lady of Peace, cross over by the fire hydrant and then come across that way. That's really where we need the most of the walk way anyhow for the turn. It still provides a walking path for the residents, still helps with the turn and it should stay away from the water line all the way down until the corner by the....

Hart: Our preference would be to keep the whole, the fire lane all on one side just because in a disaster situation that's really what we are looking for is if I have a school bus and an ambulance because we are readjusting our stop over point hopefully to Niagara University. We are in conversation with them right now.

Conrad: It sounds like you need to get some field work done so we can come back and take another crack at this.

Hart: When it's time for our permit, we'll make sure, right now we are just seeking approval to go ahead so we can file the permits.

Conrad: Understood but you will need a plan and everything first.

Swain: Whatever the findings are we will adjust and .....

Hart: We didn't want to pay for plans if.....

Conrad: The other issue is the walking path. Any issues with that Tim? What is the material you would use for this?

Hart: Asphalt.

PB 2019-10G

Conrad: Same issue, right?

Masters: On the back side of the building there is an issue.

Swain: There is nothing over there that would show up on any of the plans.

Conrad: Any questions from the Board on the walking path?

Waechter: I just have a question about your safety features. At your cross walk because the entrance, off of Lewiston Road is highly utilized and I noticed that your pedestrian pathway goes right across that entrance. What is the proposed safety.....

Swain: We would curb cut everything and make it ramp handy-cap accessible and stripe it. If there are any other precautions that you would want us to.....

Waechter: Are you not proposing any signage or anything like that?

Swain: Not additional. Where we are doing it there is a stop sign there now.

Hart: As far as the walking path we are going to put in a call system, if somebody is back there and needs assistance.

Waechter: Is it going to be wide enough for 2 lanes to accommodate motorized scooters?

Swain: On that side we were going to go at least 5'.

Hart: Maybe 6' depending on the topography.

Waechter: I'm just envisioning potential collisions between pedestrians and scooters. I just want to make sure there is enough area that they both can proceed safely.

Swain: The minimum because there was nothing else there was the 5' that you brought up is where we wanted to go. The back side was because of the buffer we went 4'.

Hart: We will have seating and emergency call systems. We aren't going to put any lighting out there. I don't want anybody out there at night.

Taczak: When you do your final, you will have to let us know where your seating is going to be. If it's going to be on the inside where your parking lot is or is it going to be the outside where...toward the bridge towards the south, where the seating is going to be.



PB 2019-10H

Swain: A question for you, do you propose to go to 6' and then when we do the plan, we will do 6' and a bump out for the....

Waechter: I would love to see that, because I think that accommodates any of your assisted devices that are going to be utilized.

Swain: We will go 6' with dedicated bump outs on the plan.

Conrad: How much use do you think you are going to get?

Swain: Quite a bit. We have all summer residents from Our Lady of Peace plus the hospital. We get a lot from the hospital. Not to mention the staff that are walking in the street right now. It's a safety effort for the whole campus.

Conrad: It makes good sense then. Any other questions from the Board?

Baker: Are these parking spaces or is that a parking lot next to the garage that is depicted here? They would be over the easement too.

Swain: Those are already there.

Baker: Paved?

Swain: Yes.

Taczak: That's probably over the water line then.

Swain: It's definitely over the water line. I wasn't here when it was built so I'm assuming it was there.

Conrad: Any other questions from the Board on any of the 3 items discussed? I don't really think there is an issue with the walking path. I think we need to get the information on the water line, adjust your plan and come back to us. Then we will take another crack at it.

Swain: As far as the garage goes, wait until the water line then alter the plans?

Conrad: I think that is best is to do that, that way you won't be wasting your time and effort.

Lilly: Is the Board okay with them moving the building back further and closer to the woods?

Conrad: I think it just depends on where that water line is. Even if they move it back, they will still have to pave over to get to it.

Lilly: I'm fine with moving the building back closer to the tree line but maybe you want to know that before you start doing too much drawings.

Conrad: That's what I said, if they get the information from Dan on where that water line is.

Lilly: Which then puts their building back in to the buffer which is another issue. I think Tim eluded the new PUD the buffer is less restrictive. In other words, if they move their building then it moves it in to another question for us is what I'm getting at.

Swain: I will tell you it will be in the original buffer that Tim is talking about. With the change we make no plans to come close to the tree line. We do respect our neighbors wishes. I know there was some concern way back when. Our Lady of Peace has done some abatement on sound so we don't want to interrupt that at all so we will stay, whatever the water line dictates.

Conrad: It may not be a bad idea to invite them over.

Waechter: I would rather have that.

Seaman: Do you want to give them some direction on how much, what do you want to see as far as measurements and locate the easement on the next plan they bring?

Conrad: I think the easement definitely has to be on there so we can all make an educated.....

Seaman: Some measurements to the property line and things like that.

Masters: Hopefully that water line is in the northerly portion of the easement.

Conrad: Anything else.

Swain: Thank you for your time.

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

Conrad: I'm sorry, I thought that was going to be a lot quicker.

The next item on the agenda was a site plan review, David Giusiana, 5/4 Development, Washington Drive.

Giusiana: It started out 30 years ago there were 5 of my 6 siblings, 5/4 development. That is where we are with the project right now, my brothers and I, my brother Joe, my brother John and I are the 3 primary owners of the property. We are also the architect and engineers. That is our 30-year-old name. When we acquired the property, we actually acquired 88 acres at the time. We sold off property to the south that is still undeveloped and then the other property that is now Woods at Blairville. We sold it to a private developer and developed it to what is there now. At the time we actually had proposed over a 200-unit apartment complex. Unfortunately, back when there was a fairly substantial shift in the Army Corps, regulations for wetlands and we got stopped. We actually the development and the most frightening day ever was to see a sign posting saying continuing to work would cost us \$10,000. a day. So, we mothballed it. Our other professional lives kind of got in the way and now we have more time to resurrect this and now we are here. We are looking for 176 units, 16-unit buildings, 11 of them. The subdivision originally where Madison and Jefferson are on and Washington was designed actually to create the same kind of loop where the 2 little stub streets that are there, the 66' rights-of-way were designed in the original subdivision in mind that there would be a large loop that would go through. Your drawing shows a pretty clear delineation of what we were suffering wetland wise. We're not looking to do anything other than a very minimal amount of intrusion to wetlands to loop the road together. We do have crossings. We will be doing very minimal .....to create a culvert and crossing. Our first proposal we recently had there were a lot of issues so we made some adjustments to the plan that you see now. We separated out the parking area, they were butted right up to the roadways. Now we buffered them so there will be a reasonable area for water lines and gas lines and things to be separate from the road and the parking area itself. The intention is to pave the roads all under town specs. We have no intention of subdividing but this gives the ability to then pull services relative to access.

Conrad: This is zoned R-2. Multi-family as you know isn't a permitted use in that zoning.

Giusiana: We've proposed this as a PUD.

Conrad: Any questions from the Board?

Lilly: There is an email here from the Town Engineer Dave, I don't know if you saw with some of the things that were missing on your drawings? There are 10 items, sidewalks, off sets, is he able to take a look at this?

Masters: Yes, he can look at it. Bob was a little confused on the purpose of tonight's meeting though.

Giusiana: These are final submissions and this is kind of a sketch plan. Water line size and all, we are not even close to that.

PB 2019-10K

Masters: When he originally wrote that he thought it was going to be a more detailed plan approval tonight. I called him and told him no Bob this is strictly conceptual. They are looking for feedback on the original design here. None of that would come in on the sketch plan.

Lilly: This is a little pre-mature.

Masters: Next time they come back they will have all those details on it.

Conrad: How long ago was the Woods at Blairville? How long ago was that PD approved?

Giusiana: Over 20 years because....

VanUden: Maybe 1995, 96'?

Joe Giusiana: I think Woods at Blairville was the late 80's, operating under the 1986 Army Corps. rules and regs and then we were moving thru design. We already sold off Woods at Blairville, then we got pinched in the Army Corps. of Engineers so it was probably 1991, 92.

Seaman: Any State Wetlands?

Giusiana: No.

Conrad: It's Federal right.

Seaman: There is a lot of wetlands there. I don't know when they were last delineated.

Joe Giusiana: It's been fully delineated probably 18 months ago.

Seaman: No State Wetlands?

Joe Giusiana: Right.

Waechter: Do you have the information?

Joe Giusiana: I have Army Corp. documentation that identifies what is regulated.

Waechter: Has that information been submitted?

Dave Giusiana: Again, we are not there yet. There is a big miscommunication as what we are looking for.

Conrad: We're just looking at a sketch plan.

Dave Giusiana: We've done all the search, we have a full topographic survey, we have all the wetlands, again the reason we haven't put that forth is that we're just looking to see the configuration of the buildings and the parking, sidewalk configuration. Again, I think I said that prior to our conversation with Tim and Pat had some feedback and we've already sort of flexed the design a little bit from when we first submitted about 9 months ago. We're making changes to accommodate all of the practical realities of getting this built. That's why we are here today to say we're moving this through the process. We really can't commit to trench details and drainage plans until we know that this is going to fly.

Waechter: What are the sublots, subplot 30, 29, are those existing housing for?

Dave Giusiana: That's historically from when it was multiple.....

Waechter: The ones that sit in front of unit 16 and the club house?

Joe Giusiana: Those are all existing units on Washington Drive.

Dave Giusiana: There are 2 eight families....

Joe Giusiana: 8-unit buildings on Washington and then there are 2 additional lots here that are sized for 8-unit buildings.

Waechter: They are sized for 8-unit buildings or they have?

Dave Giusiana: They are approved and they are with the old subdivision.

Waechter: So, in addition to the 179, there is a possibility there is going to be 4.....

Dave Giusiana: Those are separately owned parcels; separate from the proposal we're putting forth today.

Waechter: It's just for my benefit and my knowledge so that I'm aware of how many people will be coming in and coming out potentially.

Dave Giusiana: If you drive down Washington you can see the actual sections of Washington that is developed. On the west side it's completely developed. On the east side only about two thirds of the lots are currently with buildings on them. There is another lot farther to the south that is also approved but undeveloped.

PB 2019-10M

Conrad: Google earth showed what is out there.

Masters: Dave you are proposing all these be town roads?

Dave Giusiana: Yes.

Masters: When I was talking on the telephone today, this is what Dave Trane (map) was having a question about. You see that, that's a town road.

Dave Giusiana: After we talked to him, I understand exactly what it is. I think the intention of those sections after each one of the bends that it would be more private drive than the road.

Masters: He was trying to figure out how to negotiate a tandem in there with a fixed blade plow.

Dave Giusiana: I think what I'll do in the re-design here is sort of chunk those down so they look more like private. The intention is the town services would just do the big loops and that's it.

Burg: You're talking about the drive off of Washington?

Dave Giusiana: If you drive off of Washington and the main big loops and then the connector piece between them, that would all be town spec paved roads. All the other drives that facilitate the parking areas and the garages then would be private drive to the apartment complex. We would maintain that. That is our intent. I think the graphics make it seem like we're suggesting that more of that site is town responsibility. I'll make a distinction between what is the town to maintain and what we will maintain.

Seaman: The town may decide that no we don't want to take any of it. That's a good possibility that no this is private roads.

Dave Giusiana: I think one of the reasons we're doing this and expending the extra cost for this is that again maybe Pat can speak to this the whole idea that this kind of facility to be fully protected fire wise. We're looking to have full and clear access for fire trucks of every size.

Seaman: Sure, you can still do that but it doesn't mean the town has to accept dedication of the roadway.

Conrad: Can you tell the board why you would like to pursue a PUD versus developing within the code as two-family homes?

PB 2019-10N

Dave Giusiana: Well I think that clearly the market doesn't ....to that type of development. As you can see back to the actual make-up of the neighborhood as it is, the lion shares of the lots that have remained vacant are in fact duplex lots. We haven't been able to sell those, we sold quite a few of them but people have not chosen to develop them because the cost of development for essentially creating rental property but then projects like the Massaro project will tell you that these type of 16 unit buildings especially with 8 units on the ground, mostly 2-bedroom units are marketable to every extent. The PUD affords a certain more luxury for us relative to developers to make it worth to fit our needs.

Conrad: When you look at the Town Code, the PUD, the....I'm sorry I have a really bad taste in my mouth over PUD just because of experiences that this Town has had over the years and basically how it's been abused. The Code, the last line in this one portion of the code says to encourage imaginative design and combination of development. I guess that is one of the things I'm looking for here is when you think in school a PUD you have some retail you have some residential, maybe a little light industrial, like a combination of things to create the essence of what a PUD is. Here we are looking at apartment homes but it really is not the essence of what the purpose of a PUD is for. I guess that's what is lacking as far as what I see.

Dave Giusiana: The fact you're using the reference of school and stuff if you're talking about ....like Sea Side and things where there is a very dense concentrated housing that can support a commercial district and can support certain alternative office and industrial stuff. I don't think that Lewiston has ever really got their mindset around that. I think in a lot of ways the notion that to deter or detract from the Village and the rest of the areas of the Town aren't commercially developed. I don't think we would ever find someone that would want to put a convenience store in a 176-unit apartment complex. In terms of marketability and feasibility of it, these alternative uses other than the residential uses. I think again the merits of the neighborhood and character of the neighborhood and Creek Road and Woods at Blairville is to have a sleepy multi-family residential kind of character. We are just promoting more and more of that.

Conrad: We had other proposals in here from other developers and we talked about what.....we don't have full occupancy in our apartments but the market is calling for these duplexes so we're doing single story duplexes along Mountain View Drive or whatever it was. Everybody has an argument to support what they are pursuing. That argument was we can't fill our apartments, multi-tenant apartment so we're going to do this. This is what the market will bear. This is what the market is looking for. That's what we don't have in Lewiston. Now here on the other side we're hearing the other argument that no this is what Lewiston needs; we need more multi-family apartments.

Dave Giusiana: I think my argument I think is evidenced clearly by the actual nature of the rest of that neighborhood. If you look at the two vacant lots on Madison and two vacant lots on the end of Washington on the north end, the one vacant lot on Washington on the south end.

Those are all zoned for duplexes and were sold as duplexes. Those owners have chosen over all the years that they owned them never to build duplexes because the rents and the cost of building first and what the subsequent rent you will get for a duplex is just not warranted. That is a very hard physical evidence. I'm not speculating on this. You can drive down there and see that. All the other 6-unit and 8-unit buildings that are there all fully rented and again we're using the evidence of Massaro's property just down the road. They're not even finished with construction and he's got them rented. We very much see that as the market study in a lot of ways. I should have modeled the floor plans and elevations....which again are very similar to the Massaro proposal project. The two-bedroom, two full bath type units that market both to people with young families or then also people that want to live jointly together. What we've essentially done is two masters. It's a market that Lewiston is selling. That is what we are designing around.

Conrad: Any other questions from the Board?

Burg: Are you going to be proposing any phases on this? What is your time frame once you break ground?

Dave Giusiana: The problem with being your client is that a lot of time.....it really hasn't been a big prep so now we're kind of back in to it.

Joe Giusiana: I think there are a lot of variables in this. Obviously, interest rates are a factor. We are cognizant of what the market demand is so we don't want to over build and suddenly we have the cost to worry about. We're looking at this really and kind of as it was set up originally as two separate entities. It could have been phased. It could be a phase now with 3 or 4 buildings are put up and then 3 or 4 more buildings. Again, it's going to be market driven. It's the cost of money, the cost for .....

Dave Giusiana: We know for sure though it's relative to the public safety issues that we know that the development at minimum would be the full paved loop for sure. Then whether all the buildings got built directly thereafter, that would be the question.

Burg: I would imagine we would get some feedback from the public in regards to traffic coming off of Washington. That came up when they were going to extend Blairville. That was a big, there was a lot of noise about the additional traffic. That project didn't go forward. I guess I would be prepared for that.

Joe Giusiana: The one thing just to point out there would be 3 means of egress from the site. There is Madison, Jefferson Way and then there's also Washington that loops out and comes out in the front of Woods at Blairville. There are multiple ways. We're not really surcharging if you will or over loading one particular means of egress. There are 3 means of egress from the site.



Burg: Washington goes to Madison, now right?

Joe Giusiana: Washington runs across.

Dave Giusiana: Both Jefferson and Madison tee in to Washington. I think one of the things too about that where the one access in to the back property of our proposal doesn't come directly off of Jefferson. There is actually an offset. There is not a situation where you will get high speed traffic coming out or into this complex because you will have to stop, make a turn, stop again, make a turn before you even get out to Creek Road.

Burg: What about the extension on Madison? It looks like you're just going to extend Madison right through.....

Dave Giusiana: That will be more direct. Again, there will be stop signs there.

Conrad: Mr. Jacoby, Mr. Jacoby is our Town Board member and liaison. Do you have anything?

Jacoby: Do you get some advantage in density by being a PUD?

Dave Giusiana: No.

Jacoby: Does it offer you an advantage as far as compliance with wetlands?

Dave Giusiana: No that's totally separate...

Jacoby: I know another development where you are allowed to put so many in and they allowed them to compact it in to a smaller area.

Seaman: A PUD has no regulations as far as that goes. When you say PUD you basically open the door up to anything. There is no....you have to have a certain amount of frontage like in an R-1 or R-2. That is true, those things go away in a PUD and you start fresh.

Jacoby: I don't mean that as a negative. It came to our attention on another project. That's all I have.

Conrad: Any other questions or comments from the Board?

Waechter: My concern also is the traffic load on Creek Road. If you are adding all of those vehicles you would think maybe 2 vehicles per household and then plus the potential to, I just looked it up on google maps, I think there are 2 8-units right now and the potential if that gets developed into all those lots become 8 units. You have an awful lot of traffic that is going to be

PB 2019-10Q

dumping out on Creek Road during peak time. I just look at it from the aspect that it's a major route for school buses and what not.

Conrad: You don't plan it to be senior housing or anything like that, is that correct?

Dave Giusiana: We're not looking for any kind of government monies or anything of that nature.

Burg: The neighbors on Creek are going to bring up the traffic discussion, because they did before.

Conrad: Tim, any other comments?

Masters: I forwarded you all the comments from the different departments. Dave's was pretty clear which I think Dave is going to address. Pat had a couple...

Pat Martin: I just wanted to say, it really doesn't concern me but the parking plan as being presented, the Code is going to require that all these buildings have a sprinkler system installed. With that parking plan that you have proposed, you can expect to lose two spots just because the Fire Dept. has to be accessible and visible. When the parking is right up against the building that's going to present a little problem. Probably two of those parking spots won't be in the actual construction.

Conrad: Are you talking two per building?

Martin: Yes.

Dave Giusiana: That's not a problem. We'll still have plenty of space. It's not an issue.

Joe Giusiana: If I could point out too, one thing that we are trying to do if you are familiar with the site, it's heavily wooded. We're trying to be sensitive to the amount of trees that are on that site. Certainly, we could go in there and grub everything and have a whole different dynamic but we're trying to be sensitive to the environment. That I believe maintaining the trees will help with some privacy for the Woods at Blairville and the neighbors that are in front and the neighbors to the north and the 3F is behind us.

Seaman: How many parking spots do you have per unit as it's laid out?

Dave Giusiana: It varies depending on the building and whether it turns or not. I don't have a count.

PB 2019-10R

Seaman: It looks like 1 or less than 1.

Dave Giusiana: No, it should be 2 plus. We have garages as well.

Joe Giusiana: We are proposing 10 bays of garages per building.

Lilly: Can you show us on your map?

(map)

Dave Giusiana: Back to what is selling and what's not selling. Enclosed parking is not really selling all that well. Even in some of the other competition are getting \$50. a month for a garage model. It just isn't cost effective to build 176 garages. We would never get our money back.

Lilly: Any bio ponds on this? I don't see any illustrated. I would assume they are going to be required?

Dave Giusiana: Relative to the filed drainage plan we are working on some of this stuff as we will actually have the ability to do some of our storm water drainage in to the wetlands area. We utilized some of that. I think as my brother was saying is there is plenty of raw area to create drainage for retention.

Joe Giusiana: The DEC has certainly changed our requirements ....storm now as opposed to a 25-year storm for retention. We are well versed in that criteria and that will be incorporated in the engineering design.

Conrad: What is the topography? I can't tell by looking at the plan. The general lay of the land is flat?

Dave Giusiana: A south to north fall off but not significant. A little bit of fall off towards the north east towards the 3F Club a little bit. Then there is one big angulation. There used to be a haul road that with the history of the site the haul road that actually did the excavation of the clay from the 3F pond, it actually created this road and then over time it actually acted as a damn. That's why we had the significant property to the south of it that's wetlands. Essentially the construction of that road itself was.....according to the amount of wetlands.

Zahno: The only concern I would have is no dead-end water lines, everything looped.

Dave Giusiana: I think that's just.....of the design itself.

PB 2019-10S

Zahno: No individual meters. One meter per building. Woods at Blairville is a disaster. They call daily for finals. It's not feasible for us at all. Hopefully not on any roads, keep it in the grass as much as possible for future problems for us.

Dave Giusiana: When we get closer to water lines, I will talk to you.

Zahno: It's way early I know that. Those are my concerns.

Dave Giusiana: Not a problem at all.

Masters: Dave, what is your idea for the club house?

Dave Giusiana: Normal, community room, not a gym, I think we are avoiding the whole pool idea because of liability insurance.

Waechter: As far as water and sewer, you don't anticipate any issue or increased burden as far as that goes?

Zahno: I'm just the water guy. I can't speak for sewer. He will have all the water he will need.

Dave Giusiana: I'm sorry if I didn't clearly explain the way that the front development, Madison, Jefferson and Washington were part of this larger development originally. Storm sewer, sanitary sewer, the water for this particular project was developed and designed 30 years ago in anticipation that it was going to happen 30 years ago. We had some storm water changes in regulations but as far as domestic water and sanitary sewer are more than capable to handle this project.

Masters: I talked to Jeff Ritter and he said he had no capacity issues.

Taczak: Do you plan on a walking area or is it you drive up, park and go in and.....do you plan on walking areas to the club house or just in the whole development area at all?

Dave Giusiana: We will add some more sidewalks to make things more the ability to communicate and get towards the club house.

Taczak: I know it's down the road but I'm just trying to get a concept in my head.

Dave Giusiana: I understand what you're looking for. Yes, we can incorporate some more communal walks like that. It would be prohibited for them to walk through the wetlands but other than that. Because of the nature of vacant land in Western New York there's .....

PB 2019-10T

Craft: Any projected cost on the apartments?

Dave Giusiana: More than we want to spend. Again, the architectural plans are newly developed. We are still working on that. Again, another thing we are feeling our way through this is, is what level of finish is it going to take to get to the rentals that we want to get to, to make the whole project work.

Conrad: Any other questions from the Board? Legal?

Seaman: The legal issue that I have is the same thing you brought up Bill is that it's a stretch if you look at the language of the PUD if you call this a PUD as it is, there is no combination of uses, there's not like a single-family home with some other things. That is the challenge I guess is to sell it as a creative innovative use of the property that.....rather than asking the Town Board to rezone this property to multi-family district, calling it a PUD that's what jumped out at me about it.

Lilly: Who decides what it's called? Who declares it a PUD or not?

Seaman: A PUD is rezoning a parcel into a specific plan. You're saying it's zoned right now for R-2, we're rezoning it to this very specific plan that's being offered and that is the only thing you are allowed to build in there now is rezoned to this plan.

Lilly: The Town Board would have to do that. Wouldn't they have to go to the Town Board before they come back to us?

Seaman: There is a step by step procedure of what it has to go through. It goes here first then the Town Board.

Baker: It's rather subjective then as to the division of the space regarding use for a PUD? It was mentioned that they are generally partially commercial, whatever, not just residential or multi-family. There is no real definition for that then?

Seaman: There's not. The whole idea is that it gives the Town some flexibility if someone comes in and says your zoning says this but we've got this kind of innovation or this different thing that we think will make this part of Town better than what the zoning is. That is what a PUD is for, it gives the Town flexibility to allow that and not be super rigid and you can only have houses here, you can only have business here. That is the idea of it.

Conrad: It should be an enrichment of the area, not just for the development. That is the intent.

PB 2019-10U

Seaman: There is a whole bunch of different if you look at the Code these are the goals of the PUD.

Conrad: It's 360-122 if anybody cares to take a look.

Dave Giusiana: We'll look at it. We'll discuss the idea of potentially making it more.....

Lilly: You would have to sell the Town Board on this PUD it would appear to me, not the Planning Board.

Seaman: You have to sell this Board and the Town Board. You have to sell both. The Planning Board generally gives a recommendation to the Town Board on something like this. The Town Board ultimately decides. They have to sell both Boards.

Lilly: You are trying to sell the PUD to us tonight?

Dave Giusiana: No, we're only trying to .....

Lilly: The way the definition of the PUD, I don't see this being light industry or a Tim Horton's in this particular area either, which I don't think you want either.

Dave Giusiana: Especially in light of the conversation that the traffic is going to be the biggest concern. If all of a sudden, we do put a Tim Horton's there and then all of a sudden there are cars coming in to this area that aren't even a party to the residents. There would be an increase in traffic there. The idea of maybe expanding the club house as a bigger facility where maybe it is a gym for membership type site that would allow other people like Woods at Blairville and the residents at President's Park to use as a paid membership would be a commercial entity so maybe we could look in to something like that. Again, I would be afraid of having an office park integrated with this residential piece would make the traffic issue even worse.

Joe Giusiana: The bigger issue there is what is the demand for office space off Creek Road.

Conrad: Right you are making arguments to support what we are saying that maybe a PUD is not the way to go. Maybe PUD is not the fit. Again, that's down the road, I guess. Any other questions from the Board, comments?

Lilly: As far as the comments go, I think the units you have proposed here kind of go with what's been established there with the Woods at Blairville and some of the other 8-unit buildings that either you own or other people own. I think it goes with the character. If that's a good thing or bad thing I guess everybody can decide on their own. No industrial office space

PB 2019-10V

and continue with the residential building, apartments in that particular area would be my comment.

Craft: I only have one comment about apartments, I live in the Village, we have a lot of elderly people that are dying to get out of their homes. They can get money for them, where do you go if you want to stay in the area. We have people that are going out of the area to get apartments for someplace to go. I hear a lot of that in the Village. I live there and a lot of people would love to down size because their house is too much. Where do they go in the area? It's tough.

Dave Giusiana: Again, that's why we're using the model of the 16-unit building where there are 8-units below and 8-units above. The 8-units below will be fully handy-cap accessible, fully marketable more to sort of the elderly crowd. I'm not saying it's subsidized.

Taczak: So, you're not thinking about elevators or anything for this second floor?

Dave Giusiana: Out of the total number we are looking at 80 plus units that would be ground level and 80 plus....

Waechter: Aren't they supposed to be ADA compliant and aren't you supposed to have access with an elevator?

Masters: There is only a certain portion of the building that would have to be fully accessible.

Waechter: I guess I will speak. It's currently zoned residential correct, R-2? I do not like the use of the PUD. I think it's something that we've used way too heavily here in Lewiston. I don't agree with it. I think that it probably should seek a rezoning.

Masters: If you were going to rezone, what would you rezone it to?

Waechter: Wouldn't it be multi-family?

Masters: The only multi-family we have is the business district.

Waechter: What is Woods at Blairville? Is that a PUD also?

Masters: Yes.

Waechter: I guess we would have to look at the Code and figure out what fits.

Seaman: The Town Board would have to say look, we need to have some demand for apartments in the Town. We should designate some areas of the Town for it. That would be

their argument to them. They would have to decide yes, it is and this is a good place for it. That would be one route to go other than a PUD would be .....route to have them look at this and say it was supposed to be apartments back in the 80's or 90's, it went to R-2 and we maybe we want to create a zone for apartments and make this part of the.....I don't know if they do or not but that would be how it would be presented to them.

Masters: What is their direction now?

Waechter: I think they would have to do a motion to rezone and motion on the vote if it has to go through us first.

Conrad: This is just sketch. They are looking for input.

Lilly: How can we approve a sketch if we believe it should be zoned something different?

Conrad: We don't approve a sketch; we're looking for input.

Lilly: But we don't want to give them input on something that they can't do.

Waechter: Any thought as far as patio homes? Like single family patio or does that make the project not viable?

Dave Giusiana: It absolutely wouldn't. We wouldn't do it.

Waechter: You wouldn't maintain it as a condo complex?

Dave Giusiana: Patio homes are the single most expensive way to build other than single attached single-family homes. Ranches all you're doing is gaining one common wall. Other than that, it's too expensive for them to do it as a rental market. There is not.....return on the investment. A patio home complex where you really are marketing to seniors, absolutely but that's more properties for sale than for rent. I think we see the value in long-term ownership than rental.

Conrad: I think maybe what needs to happen is John maybe you can go to members of the Town Board and get a feel for what direction they would prefer to go.

John Jacoby: I sort of planned that. I'm here tonight for Rob. Rob is helping his son move. Past experience suggests that we should look really carefully at this. I'm not saying that I'm opposed to the project. I have a reputation as an anti-development but I'm not. I think we should tread carefully with this. I will go back to the Board individually and probably talk to Steve first.



Conrad: Just get a feel. That way we can give you better direction as far as how you want to proceed. I think right now we are kind of scattered.

Dave Giusiana: Okay, I appreciate your time.

Conrad: I wish we had more concise opinions.

Lilly: I gave my opinion. Why don't we go down the line, so they pursue with what they have, whatever that means, changing the zoning or should they pursue doing something else.

Burg: I don't think any action is taken. I think this meeting is more exploratory. It's up to Dave and Joe to make their own decision based on information that we gave them. They have the information. We know what hurdles that we may come across. They need to move forward with that information.

Conrad: If John gets some feedback from the Town Board that they would be a meanable to a PUD zoning for the area, then we can come back here and give our input on that type of plan.

Joe Giusiana: Whether it's PUD or multi-family those are the options?

Conrad: We want to figure that out so we don't have you guys spinning your wheels needlessly.

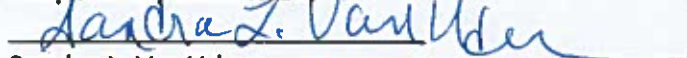
Burg: We can't put the designation on it. That's the big thing.

Conrad: Thank you for bringing your plan forward. We'll try to be as accommodating as we can as far as getting the information in a timely manner. John and I speak frequently. Thank you. Almost all of us went to the training session so make sure you get your diploma's in to Sandy.

The next meeting will be November 21, 2019, at 6:30 P.M.

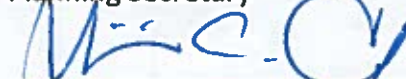
**A motion to adjourn was made by Lilly seconded by Waechter and carried.**

Respectfully submitted,



Sandra L. VanUden

Planning Secretary



William Conrad

Planning Chairman