

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – September 16, 2021
PB 2021-9

Present: Burg, Baker, Lilly, Taczak, Waechter

Presiding: Ken Lilly, Vice Chairman

Lilly: Welcome to the Town of Lewiston Planning Board meeting, Thursday September 16, 2021.

Roll Call

Lilly: We have one item on the agenda tonight, LMK Realty Associates. Please come to the microphone, identify yourself and give us a review of where we left off last month.

Nick Massaro, LMK Realty. Thank you for allowing us to present again. When we were last month. we presented a scaled back multi-family development for our Ridge Road parcel. Right now, the Ridge Road parcel, subdivided as it is, is a little over 1.8 acres and the proposed development calls for 10 town homes that will be available exclusively for rent. I'm sure you remember the original proposal back in March, April and subsequent months. We had 30 and 26 units that we wanted to develop but we took the Planning Board's recommendation to heart and we spoke with Councilman Morreale and Supervisor Broderick and they conveyed to us that a reduced density development would be preferable at this juncture. We think coming down from 30 to 26 to ultimately 10 is a very nice concession. We think the layout there of the proposed development works well on the site. The one issue from last time around was the lack of engineering details that we can flush out after this concept. This drawing is a little more comprehensive. We drew in the retention pond. There is another fire hydrant that we will install so that road is within 500' of the end of any building. We have proposed access points for some of the critical utilities, electric, water, sanitary sewer and things of that nature. All the utility infrastructure is there and easily accessible because we have a multi-family directly to the north which is existing utility infrastructure supports that. We still meet the green space requirements very comfortably even with the addition of the retention pond and retaining wall. The green space percentage if you will that we had indicated last time around has not changed. I think we are still at 60%. We think it's a nice proposal, a nice compromise from the previous discussions that we've had. Ultimately, we think it's a very good improvement to this property that would probably otherwise go unused and unimproved. I can go in to the fact that there is an enormous market demand for this type of product be that as it may. We think this is a win,

win for everybody. There's really no other surrounding parcel in which neighboring residents would be directly affected because we control the property all around the parcel in question here. This is general business (map), this is R-1 right now. We have inclinations to get this rezoned to general business. Most importantly we are looking for a positive recommendation on the site plan of what you see in front of you here which is up and down 10 town houses. I guess there is a rezoning that is also associated with this presentation because right now it is R-1, so it would have to go in to a PUD and then the PUD will get incorporated in to the existing PUD which is Ridgeview to the north to meet the area requirements of 10 acres.

Lilly: For tonight you are aware of what we are going to be looking at is just simply the concept and the sketch plan that you are putting forward. You mentioned the engineering details have to be hashed out. Not a whole lot of engineering details on the plan as of yet. It could be quite expensive. We're assuming that you realize that. The other thing just looking at the plan is the change in grade. You have a retaining wall in a small portion of it. Perhaps that retaining wall may need to be larger or longer in length going basically from east to west behind what would be the general business properties and before the parking lot.

Massaro: We made the grading lines a little bit clearer on this presentation. You can see there is a distinct drop there. What's nice.....the subdivision and parceling it off so that we focus on general business up here and keep it less dense down here and just focus on the one residential development that we have a line of demarcation where it really does drop off about 15.....385 elevation to about 370 which is probably right around the grade that we will establish here for this development. That's something that we will obviously consider and if that's what's required of us, we can extend the retaining wall.

Lilly: The density from day one until today is much closer to the Town Code but it's still a little bit above which I think seems to be acceptable.

Massaro: If you are going by gross residential statistics for R-1 zoning which at this point I should realize that we obviously are, yes, I think you are allowed 7 and based on the new area that we have here,

Burg: If we incorporate it in to the existing PUD.

Massaro: We want to incorporate it in to the existing PUD. If you look at this rectangle here it's 1.82 acres. If you do the math, you get a little over 7. We are 7 residential units. This project is not feasible at 7 unfortunately, we need 10. We are respectfully asking for a variance of 3 additional units, a lot less than what we were asking for previously. It's allowed with the Planning Board's discretion in the Code.

Burg: I certainly appreciate the concessions you've made in those points.

Massaro: A 67% reduction in units since the first time we spoke.

Burg: In my view it's certainly more palatable. I'm more comfortable with that density, I like the plan. I think our next step would be to open up a public hearing. I know that you are in receipt of the email from Tim Masters on the 30th addressing all the engineering concerns and we will address those in a more comprehensive plan.

Seaman: During the detailed plans phase.

Dom Massaro: We plan to do that. We're just looking for conceptual approval that everyone is okay with the general concept. We know there is a lot of engineering to be done and we have to do that. We're prepared to spend that money to do it. The whole purpose of this was to get to this point to make everyone comfortable. With a possible recommendation we would request an approval or recommendation to the Town Board pending the detailed plans and specifications that would be acceptable to the Town Engineer, Town Building Dept. and also the Town Board. That's what we would do. We're prepared to do that. I think in what we have now with the property basically in the northern portion of the property that we own, we're the contingent land owner all the way around. Other than on the Robert Moses or the Parkway on the west side. It really impacts no one contingent to the property other than ourself.

Massaro: We're not necessarily talking about the south properties that abut Ridge Road. I was under the general impression, and I could be wrong but a town hearing wouldn't be necessary because there is no different adjacent property owner to the development site.

Masters: It doesn't matter. Any approval the Town Code requires public hearings here and at the Town Board.

Seaman: Procedurally let me walk you through this real quick. The Planning Board would call for a public hearing and it would take place at the next meeting. At that point there would be some considerations done for SEQRA. This is a recommending Board so let's assume everything goes smoothly for you. They would call for a public hearing, the public hearing takes place next Board meeting. They could be prepared to make to consider Tim and or Bob's conversations with regard to SEQRA determination. If it's a negative dec., they would make a recommendation for a negative dec. on that and they may make a recommendation for approval of the concept plan that will go to the Town Board. Then the Town Board would have to hold a public hearing as well. Then they would approve, assuming they're approving, they would approve the concept plan. Now it would be in your hands to do all of the engineering that actually needs to be done to get to the detailed plan. You come back through again, detailed plan back through the Planning Board, hold a public hearing and recommendations back up to the Town Board for final determination on the detailed plan. That would be the whole multiple step scenario. There is one other thing I want to address. Your application brings forward the idea that you would like to re-zone the southern southeastern portion to

business. That is an application that goes straight to the Town Board. That is not before the Planning Board for tonight.

Dom Massaro: I said at the last meeting let's just basically orphan off this piece at this time. Essentially consider this because then the impact on any of the surrounding, I'm assuming there may not be any public outcry against this but who knows. The fact of the matter is we are all surrounding property. We will handle this separately. As I said before we have nothing there planned. My personal opinion of that piece on the south is that it begs for a complete general business from a stand point. It would greatly benefit us from that stand point. It would also benefit the Town in that it would create a larger parcel which would be much more valuable in terms of appraised value and taxation going forward. There is a plus to everything there. I don't think we can build a house there or sell it as a residential piece but that's up to the Town. If the Town decides they don't want anything done up there, that's their prerogative.

Massaro: Upon approval from the Town Board at the concept stage if and when that happens then you guys would enact that local law and amend the actual zoning map?

Seaman: That would be after detailed plan, for the PUD? Yes.

Masters: When the whole thing is approved then that map will get reconfigured.

Massaro: Not after concept? Ok.

Waechter: I thank you. I think this is a much better plan. I think it works a little bit better. I do want to see the engineering as far as with the drainage issues because I think you are going to have water issues coming from north and south coming off that ridge and coming from your existing development. Also, there are some hydrants that aren't connected, sewers that aren't connected. At the next meeting I think it would benefit you to have that. There is a correction on the SEQRA that needs to be made. Question #5, the one that talks about zoning. It talks about is this within the zoning requirement and currently as the project sits it is not. My personal preference would be to have a corrected form or an amended form.

Massaro: We could change 1 to yes, is the proposed action involve a legislative plan, local law, ordinance, administrative rule, or regulation?

Waechter: Yes.

Lilly: Town Engineer do you have any comments regarding the concept or sketch plan at this time?

Lannon: Just one, are you going to have an engineer do the engineering drawings or are you going to have an architect do them?

Dom Massaro: We may get Tredo involved like we have before which I believe is acceptable to you?

Lannon: More than an architect. With all due respect to your architect.

Dom Massaro: I understand, I know they have limitations and especially with this site. I get it. No problem.

Seaman: One side note that I want to make for the record is that I want to note this is essentially one lot that you are talking about dividing. In conversations with Mr. Masters, you would not have to apply for a subdivision approval for this because it would be anticipated that the top lot would be incorporated in to the PUD and would take over that PUD's SBL#. The way that the Town views that is.... a single lot subdividing is creating a new SBL# then you do need to apply for a subdivision approval. The best scenario is you would not have to. I'm just making that note for the record.

Massaro: So, if the 1.82 acres in the development site retains whatever SBL# Ridgeview at Lewiston it will be incorporated in to that?

Seaman: Yes.

Lilly: Tim, anything from the Building Inspector's that you want noted?

Masters: Do you know what the building type is going to be, two-story, up and down apartments, condos?

Dom Massaro: They are going to be homes for rent, town homes. They will be rentals.

Masters: You are retaining ownership?

Dom Massaro: Correct. Similar to what we've done throughout. Like I mentioned at the last meeting we are getting inquiries concerning the patio homes that are under construction for sale. We've been getting inquiries that people want to rent those on a yearly basis and that kind of thing. We're trying to answer that market segment.

Masters: One of the things to mark down is when you come back for the detailed plan there will be a Fire Dept. connection on there somewhere. Just make sure there is access from the parking lot to it. One on each building.

Waechter: The parking is adequate, correct? There is 2 per building plus the handy-caps?

Masters: I think he's providing 11.

Dom Massaro: Can I ask a question as it relates to bonus density and everything else. I appreciate everyone's comments. If you can answer this question, are you generally comfortable with what we've proposed here? I'm prepared to start tomorrow and I know the steps I have to go through. I'm prepared to start tomorrow with the engineering and get that going. I just want to make sure everyone is comfortable with our request with the bonus density for the 10 units because that's what makes the project viable. I don't want to come back and we have to revisit this again. I'm requesting that we basically be allowed this in terms of this concept approval that probably won't happen tonight but may happen at the next meeting.

Seaman: It couldn't happen tonight without a public hearing. Let me give you a general answer to that. If I was you, I wouldn't spend any money until the public hearing takes place. There is going to be a public hearing here and a public hearing at the Town Board level. Public hearings mean something to the Town, to the Boards and they mean something to the Town Board. Without taking the temperature of the general community, if I was you, I wouldn't be spending dollars on engineering tomorrow. I would wait a month and see how things start to go. That is my general answer for you.

Massaro: A general question in regards to that, who gets notified about the public hearing?

Seaman: It's put in the paper.

Lilly: Tom, would letters go out to nearby residents?

Seaman: Not typically, I don't think Tim on the Planning Board agenda we mail letters out to adjacent?

Masters: We go 500'.

Taczak: You would have a few on Ridge Road.

Lilly: Getting back to your feeling of the temperature of this group here in this room, the Town Board could be something different I personally don't have any problem with the density and things of that nature. The other folks on the Planning Board can speak for themselves.

Baker: I agree.

Taczak: I think we can.

Burg: I'm up to moving forward with opening up the public hearing.

Lilly: I still think Tom's advice is spot on too.

Waechter: Will you entertain a motion as far as.....

Lilly: There is nothing else to go over is there at this stage of the game?

Rob Morreale: My question was about the parking and I'm happy with the plan.

Seaman: All you can really do tonight then is call for a public hearing at the next Board meeting.

A motion to call for a public hearing was made by Waechter, seconded by Taczak and carried.

A motion to approve the minutes of June 2021, was made by Taczak, seconded by Waechter and carried.

Masters: Does anyone know anybody that would be interested in the Planning Board to be a Planning Board member and in-particular the Town Code would like a farmer representative on the Board. If you could come up with any names, we can contact them.

Burg: Randy Staub lives right down the street I've been leaning on him.

Lilly: I've asked a few people.

Masters: Helen Haseley did it for year and years. She was always our farm representative.

Lilly: It doesn't have to be a farmer?

Masters: If we don't have one, we don't but we need 2 members.

Baker: What about Sanger down the street from you Tim?

Masters: He doesn't talk to me anymore with the solar farm.

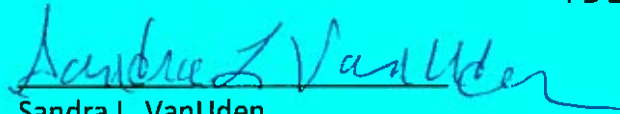
Lilly: Any other business that we need to go over before we adjourn?

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

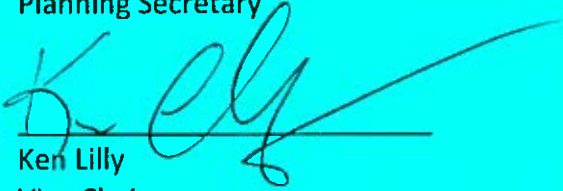
A motion to adjourn was made by Taczak, seconded by Baker and carried.

Respectfully submitted,

PB 2021-9G



Sandra L. VanUden
Planning Secretary



Ken Lilly
Vice Chairman