

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – September 21, 2023

Agenda- Coney- Langdon Road (A), 5/4 Development Corp- Presidents Park Informally (B)

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

Absent: Lattanzio

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning September 21, 2023.

Roll Call

Burg: Ok we have a forum. Has everybody had a chance to review the minutes from last month's meet?

Members: Yes

Burg: Do we have a motion to accept them?

Lilly: I will make a motion to accept the Planning Board meeting minutes from last month.

Conrad: Second

Burg: All in favor

Members: AYE

Burg: We have two items on the agenda this evening. First one is named Coney on Langdon Road. Can you step up and tell us about your project.

Carmen Coney I reside at 4599 Porter Center Road the project is at 1969 Langdon and basically, it's going to be a pole barn warehouse.

Burg: Ok

Coney: I don't know what more to say.

Conrad: What's the use of it sir.

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Coney: Right now, I am helping my son and future daughter in law they are working out of their basement and they are going to put their business in there.

Lilly: What would that business be?

Coney: Sewing cooking products.

Lilly: I am sorry.

Coney: Sewing and cooking products likes a Joanne fabrics.

Daughter in law: No

Coney: But not that big of a scale.

Taczak: Wishful thinking

Coney: Yeah

Daughter in law: I don't want to be that big.

Lilly: Would this business have some sort of hours established or would it just be by appointment? What would you envision it...

Coney: We would probably have hours established.

Lilly: Ok. And what would those hours be you think.

Coney: Probably Monday through Friday. I really don't know the answer to those questions we haven't as a family talked about how we are going to set this up. We are new at this. I am just helping them out because they can't keep working out of the basement.

Waechter: It would basically be your 9-6 or 10-6 on Monday, Wednesday and Friday possibly 10-5 Saturday.

Daughter in law: Yes

Waechter: And then Sunday hours yes or no

Daughter in law: I am not going to have Sunday hours.

Waechter: Ok.

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Daughter in law: I intend to be open Tuesday through Saturday from 10am to 4 pm.

Waechter: Ok. And then do you intend run e commerce out of it?

Daughter in law: Yes. That is already established we have been doing that for 5 years.

Waechter: Ok

Daughter in law: At another location.

Waechter: Ok. Alright.

Burg: You're not going to be manufacturing any products there?

Coney: No

Burg: Strictly distribution.

Coney: Strictly it comes in it goes.

Waechter: Now if I viewed property correct it's the one that currently has like a garage?

Coney: Right now, it has a 45-foot steel building on it that I personally use for myself.

Waechter: Ok. And then the sun shade on the other side. So now is this going to replace that.

Coney: No. It's going to be next door.

Waechter: Ok. Because when I was driving by, I was kind of like I am at the address and I think why would you take that down cause that's nice. But which side of it as your looking at it.

Coney: It would be to the west side.

Waechter: Ok alright so over where that sun shade is.

Coney: Yes.

Waechter: So, the sun shade is going to come down and the building is going to be

Coney: No ma'am. No, it's going to be in front of that.

Waechter: Oh ok.

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Coney: The sun shade is farther enough back.

Waechter: Oh ok.

Coney: It's all in the plan here.

Waechter: I just want to get my bearings with it like visually seeing it as to what...

Coney: The buildings probably going to be 70 feet from the road and that sun shade is well over 100 feet.

Waechter: Ok. Ok. Alright. Thank you!

Coney: Probably 125 150 feet.

Conrad: What about deliveries and things like that what type of vehicles can you see delivering your product?

Coney: UPS FedEx

Daughter in Law: Just the standard that everyone receives residential.

Lilly: This area is zoned industrial correct.

Masters: I 1 yep

Lilly: I think it's pretty straight forward I have no issues. I don't know if there are any other questions.

Members: No, I don't

Lilly: We are ok with the SEQRA? Make a motion to approve SEQRA. On this or

Serianni: I have taken a look at this and in my opinion, I think this falls under the type two action on 617.5C9 it's just a modification of less than 4,000 square feet in its zone is consistent.

Burg: So, we need to make the Town lead agency on it?

Serianni: No further action would be needed.

Burg: Ok

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Lilly: Ok so it's not required.

Serianni: So just a declaration and it's a type two action.

Lilly: Ok. So, I will make a motion that's a type two action and that we approve the applicant's application.

Taczak: I will Second

Lilly: The 30 by 30 Warehouse building.

Burg: I just want to be clear we're not approving the building or the design of the building we are just working on the site plan.

Taczak: Site plan.

Baker: One thing that I would like to ask the town engineer. Were your questions addresses to your satisfaction?

Lannon: Yes. I had made a couple what were very minor comments conveyed those to Tim. I believe Tim conveyed those to the engineer and those were revised and corrected. Pretty straight forward. Not a lot going on.

Burg: So, we have a motion and we have a second.

Baker: Second

Burg: We already have a second

Baker: I will third

Burg: All in favor

Members: AYE

Burg: We are recommending this approval to the Town Board.

Coney: Ok. Thank you I appreciate it.

Waechter: Yep

Burg: Thank you

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Waechter: And good luck.

Members: Good luck

Daughter in law: Thank you!

Waechter: Yep

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Burg: Alright next on the agenda is 5/4 Development Corp.

Taczak: Just a discussion right.

Burg: We are just discussing what would you like to discuss? I need you to state your name for the record.

Masters: I am just going to move this microphone up.

Burg: Ok thank you!

Joe Giusiana: President of 5/4 development. We continue to work on our project one of the biggest challenges we have right now I would state the obvious is the economy. Cost of construction, cost of financing, cost of materials all those things factor into ultimately a successful project and then we have to be congruous of the rental rates to make sure that the math figures out at the end of the day. One of the things we have been doing is looking about the possibility increasing our density. Reading your PUD requirements, it says there's an opportunity for bonus density at the discretion of the Planning Board and Town Board. What we are proposing is basically increasing the number of units per building from 24 to 30 units. We are not proposing adding more building we're not proposing more highway or roadway we are going to add the additional parking for the increased density. The big question is would you consider bonus density? What we are proposing is increasing the current number of units which is 168 what's allowed by code is 180 units we are actually 12 units short of what's allowed by code. Being 8 units per acre we would like to propose increasing that to 210 units' total. So that would be about 9.3 units per acre about 15% increase. With what the existing code allows. As we do the math, we would change the dynamic so it would be a combination of 2-bedroom units and one-bedroom units and that actually helps us increase the cash flow which would help cover our debt service so that's really the first issue. I know Tim sent out an email with certain core bullets that's the first item I would like to discuss.

Burg: Discussions

Conrad: What the market right now as far as one-bedroom apartments and the area and availability and occupancy what you have obviously researched it but I mean what's the market look like right now.

Giusiana: I had a market study done which is helping sort of push a little bit more to adverse make up in terms of units. There's a demand there is really zero occupancy in the Town and in the Village. When you look at what's going on in the immediate areas. They started spilling out goes through Niagara County outside the outer limits of the Town of Lewiston more apartments available but here in the Village and the immediate area of the Town there is zero vacancy. So, there is a demand there. Rental rates probably would be 2 years from now for a two bedroom

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about \$1900 a month and a 1 bedroom about \$1600 a month. So that's the math that starts to work with those rental rates it's a little bit higher than what they are right now. I think that Legacy is about \$1700 a month for a two-bedroom apartment and it usually starts growing at about a percent increase you get to \$1900 pretty quickly.

Taczak: My understanding is that Woods of Blairville has a substantial one bedroom unoccupied that they can't find people to take.

Giusiana: Well, keep in mind that the Woods of Blairville's is a unique ...

Taczak: I realize that but I am just saying. I am just saying you said basically zero Woods of Blairville's got spots available.

Giusiana: I am talking about general market rate.

Lilly: What's unique about Woods of Blairville?

Giusiana: Woods of Blairville is a combination market rate rents and subsidize rents. It has an income thresh hold and also has an H factor that equation. To qualify for subsidies.

Conrad: And you're not planning any of that for this?

Giusiana: No. it will be all market rate apartments.

Lilly: So, these building I think they were 3 stories 2 or 3 stories.

Giusiana: 3 story building.

Lilly: So, the...One of the buildings will have one- and two-bedroom units. Will they all be one unit on the first floor then the second floor would be two units or how would you...

Giusiana: It would be a mix so there...

Lilly: A mix on all floors?

Giusiana: There would be 12 two-bedroom two bath units it would be like 4 per floor, there would be 12 two-bedroom one bath units again 4 per floor and then there would be 4 am I doing my math right no then there would be 6 one-bedroom apartments 2 on each floor. To get to 30 units a building.

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Dave Giusiana: What we are proposing too is there is no change in the foot print the building is not getting any bigger not in height or actual width or depth which is basically repropotion the way that things are lay out. There would be a spread of one and two bedrooms on all 3 floors.

Lilly: So, then it's your belief that a one-bedroom units are more feasible and more attractive to the market place.

Giusiana: Again, based on my market study when they looked across the town there was a demand for one bedroom there's a demand for two bedrooms with one bath and two bedroom two baths so.

Burg: Historically since I have been on the Planning Board, we have not approved a bonus density application. It has been before us twice that I can recall without going through all the minutes and both those times we did not approve it. For me it brings a whole other host of issues it's going to be another DOT referral it's another whole site plan review. And we have a lot of opposition to this project and density and traffic was an issue for all the neighbors and people that are speaking in opposition. Not that I am opposing it but I think that's what we are up against. And this is just an open discussion.

Giusiana: Right, Right and I understand I am not asking for any approval here. I just wanted to get some feedback to find out whether I pursue additional cost with engineering or do I try and live with the project I have here and hope that interest rates come down and the dynamics of the numbers. You know when you go back and look at when we started this project it's going way back, we won't go back that far. Three years ago, interest rates were 3 ½ percent... just the change in interest rates not to mention the cost of building materials and increase in labor cost. Those are the things that are staring us in the face here and trying to move this project forward. So, we are looking at every opportunity. I will just share an example with you we did the math changing our road structure from a rectangular configuration to adding this loop that added 200 feet to the road. The roads about two thousand dollars a foot so you guys in order to appease the planning board it cost us one hundred thousand dollars. Trying to please your objectives. That's something we were not even anticipating when we started the design.

Burg: I appreciate the efforts that you guys went through on the past approval process. I mean we are all pleased with the final plan.

Conrad: I think to this point. To this point it's been you know I think the group of us would agree that you know you have accommodated a lot of the issues that we brought forward. And you have been pretty inimitable to all of them. So, I would agree support that. That to this point you know now there is another nut to crack so. I don't know.

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Waechter: I guess the way that I look at it is your asking us to ummm I guess to ummm adapt like our code because of interest rates. Umm for me I don't like the increase in units it's the bonus density it's the whole bonus density issue. I don't think that's something as far as the planning board. I guess maybe this isn't the right place for that to be approved. I don't know I just it's a lot. It's 16% increase if you go to 180 units, I don't have an issue. To use to your full compacity cause that's within the code that's within the parameters of the project. I guess to come to ask for such an increase just to have to deal with the interest rate issue.

Giusiana: Let's back up a minute

Waechter: For me it just doesn't work.

Giusiana: It's not just interest rates. There is a demand out there for the units based on my marketing study. Done by a professional group out of Buffalo so that's one thing that says if you add more units, we can make them available to the general public and they can be rented. So that's a big...

Waechter: I understand that I apricate that but also too for me it's been confined to the property that's viable for that. Because that's what this property is zoned for the 180 allowable units.

Giusiana: Can you explain to then why is bonus density even in the code?

Waechter: That I don't know I didn't write it.

Giusiana: But you're a decision maker so I am trying to understand if it exists in the code is there some negotiation there some latitude is it...

Members talking

Giusiana: Is it 10 more units?

Taczak: The latitude exists, the latitude exists it says possibly or maybe is the proper terminology I can't remember. But the latitude there and we're using our latitude we're willing to come up to where 180 that's allowed but going beyond that you know. I don't know how everybody else is going feels on it but...

Burg: I feel that we are employed with the task of an advisory board to recommend approval or denial to the Town board who makes the ultimate decision. And it's of no consequence to me if its one-bedroom unit or two-bedroom unit. Again, our responsibilities is make sure when we send it to the Town Board that it achieves that it meets the code. That it's not an issue that it's

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all bundled up nice and tight with a red bow on top. And when it goes the bonus density thing is asking the planning board to approve something beyond what the code allows. And I feel that would be more of a Town Board issue more of a zoning board issue and not the planning boards issue.

Giusiana: So, are you advising that we go to the Town Board with this proposal? I can't understand what...

Burg: Again, this is just a discussion.

Giusiana: Again, I am trying to understand the pathway to...

Conrad: The Planning Board would make a recommendation to the Town Board it's the same process. Again. But the thing that concerns me a little bit is setting the precedent cause it the bonus density is a invidious term I am not fond of it and it's not clearly defined in our code then it puts us in a difficult position to try to argue it one way or another. So, you're not the only developer in Town obviously and you know so we have to consider that as well. If we provide something to you in order for basically for profit, then we would have to consider obviously for the next group that comes in to develop some more property.

Giusiana: I recognize that and every project has its own merit again you pointed it out. Things we have added to the project the additional cost for just that road the additional cost of the basketball courts and so on and so forth. We have done everything that you have asked of us.

Waechter: But I have as a planned use development is what this is. There is a community component so that is why the courts were asked for that's why those additional things asked for as far as walking trails or the walking paths because it is a planned use development. And in that planned use development has to be a community component.

Giusiana: Right

Waechter: It's not just a way to...

Giusiana: It doesn't specifically say walking trails it doesn't specifically say basketball courts it doesn't specifically say a community center.

Waechter: No, No

Giusiana: It doesn't say swimming pools we have a community center we got components there that address the code.

Waechter: Absolutely. But that's...

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Giusiana: I don't want to debate the code with you but you know it seems that's where we are heading here.

Waechter: But that's what a planned use development is. There has to be some type of community component like that.

Giusiana: Right

Waechter: So, it's not something that we just arbitrarily asked for.

Giusiana: No but again let's talk about I can take the cost of the walking trails out I haven't violated the PUD requirements. I can take out the basketball courts that hasn't violated you know when I am looking for ways to skin the cap.

Waechter: Yes, yes but what was your...

Giusiana: I can provide you with the minimum I guess is what I am saying. If that's what you want. I can go back to the rectangular grid system. And then we are back a square one I recognize that.

Waechter: Yeah, then we would be back to square one and it would be the same exact process all over again. So...but that's why we exist here as this board. Is because for something like this you have a lot of community push back on it. And then I hear it throughout the community when other developments that a lot of residents do not like this high-density pack them in because we got a couple of them. That have been built we got one on Bronson Road that's a high density. Pack them in. So

Giusiana: That's totally different anyways.

Waechter: Yes, it is. But you still asking for an increase in density. You're still asking for a lot of people to be on top of each other.

Giusiana: But I guess again when I look at the total acreage of 22 acres here, I am saving 65% of the green space. I can cut that down to 25% ok again there's another compromise.

Waechter: Which you know what maybe that might be better I personally I like the green space I enjoy having a green space but maybe giving yourself breathing room between the buildings if that helps you bottom line you have more room between your buildings.

Giusiana: Well, I don't want to add more roadway I just told you...

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Everyone talking

Burg: I want to stay on task and the issue at hand is for me I don't have an opinion on what the density is what is appropriate or not I do know that as a board we are the custodian of the town code. And for us to exceed or arbitrarily stretch the town code I don't think that's appropriate. Although there is a provision in the code that says we can award based on our discretion arbitrarily bonus density this board historically has not done that we've turned it down at least twice that I can remember off the top of my head. And it's because of that mindset that this board has about being custodian of the town code. There's things in the code that I would like to have rewritten but currently what we have in front of us I look at it as more cut and dry more written in stone than the code may read if that makes sense. I think it's more a definitive number than what the code may say. Because I think code isn't very clear but, in my eyes, I think the code is clear. And when somebody comes to with us with a PUD or even a subdivision or site plan and it exceeds the boundaries or the setbacks the process for them to come to us and ask for an exception to that code has already gone through zoning. And the zoning board of appeals has said yes, we would grant that and this is just again open discussion I think that's the more appropriate step as opposed to the coming to planning first. See if the town not only put the town board on the hook for it but I just don't think that the planning board is going to give you relief on that code. We just have no we have no reason too we have no precedence we have actually precedence of not doing that. And again, it's not that we have a problem with the density or have personal feelings the code is written. Umm and I think that's what you're up against I don't think you are up against us.

Masters: You gotta a hard time sending it back to the zoning board though based on their not asking for an exception to a hard fast rule and number there is a provision in there so I am not sure if I can send it to the zoning board. I think that you all need to let them know how you feel and they make the decision whether they want to come back with that potentially you guys would deny it and send it to the Town Board and the Town board could approve it.

Everyone talking

Masters: I think you issue tonight based on our conversation is you're looking to see how this board feels to know how you want to move forward. I think you just got a jest of how they are feeling.

Giusiana: I understand your personal opinions I guess I am just coming back to the code. And when it says something in there such as bonus density but then there's no second page that say's well bonus density is 10% or this is my engineering thinking because it's 10% of what the density is and 1.5% of density, I am a black and white kind of guy. I am not warm and fuzzy does not work for me.

Burg: Me too I totally agree.

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Giusiana: I understand I hear what you are saying I just think there's more definition of the code. The code could be a...

Burg: I am looking at the code for guidance and the arbitrarily being able to award bonus density is just outside of my round of responsibility.

Members talking

Serianni: What specific section we are talking about on bonus density.

Burg: I know it's in there do you have it in front of you Tim?

Masters: I didn't bring it in but I will look for it in a minute here. Look at 360 125. 360-125 bonus density may be considered for outstanding development as deemed appropriate by the Town Board.

Serianni: What sub section is that

Masters: Ten

Burg: Sounds like that's a Town Board issue

Waechter: That's a Town Board issue

Members talking

Masters: That's their problem their problem is if we could only have the code rewritten in a timely fashion

Waechter: If only

Masters: And that's the only section that you are going to find that term in, in regards to that which is the problem. Not in the definitions it's not...

Serianni: So, the issue is how much bonus density is deemed appropriate is that the question here? How much bonus density is appropriate?

Waechter: If any

Baker: If any

Serianni: If any it's...

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Conrad: You know what I just heard 6 if any's so maybe the opinion of the board.

Serianni: It's the opinion of the board and you're the recommending body so I think frankly we've heard an appropriate response from the board on this question which is we are not comfortable with awarding bonus density at this point. And you're to your point what you're saying here is well why is it included in the code then. Well, it may be considered it may not be considered if the board decides not award that additional bonus density that's within their power as not only the Town Board but the Planning Board is the recommending body here. I think your gaging where the board is right now.

Giusiana: I got that.

Serianni: So, what's the question

Giusiana: The question is why isn't there better definitions of the bonus density?

Serianni: That's a great question.

Burg: That's a very good question

Lilly: Could I umm when you first came you did mention your plan was very ridged square that sort of thing. And then I think we made some recommendations to make some curbs place the buildings at different angles and things of that nature. More of a curb appeal if you will. And adding these other amenities if you will to enhance the project. I guess from your standpoint what kind of client are you trying to attract what kind of level client if you will to this certain project. I see this as being demographically but thank you. I see this as something that is build and someone drives by and says you know what I want to live there. That's what I would think that the developer whenever they develop anything density, bonus density or anything of that nature would want to keep in mind. Is there a study out there that says that two-bedroom apartments are the ideal market single bedrooms are okay three bedrooms are too much is two bedroom the ideal is there a study that...

Conrad: When you said you had a market study.

Giusiana: I had a market study.

Lilly: That said that one unit or one-bedroom units are what the market place is asking for. But are they really?

Giusiana: It's more of a it's not so much as the market study talks about one bedroom two-bedroom three bedroom and four bedroom it talks about absorption rates three bedrooms and four bedrooms you can wait all day for those things to get rented you need a bunch of people

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bunch of college kids' bunch of young adult's professionals whatever before you can rent something that large. One bedroom two-bedroom two bedroom with two bath that's seems to be I mean there are people that want two bedrooms. A single guy might want two bedrooms one bath and so it's young couples young professionals it's typical of the people that live here in Lewiston. You see Massaro's project that's the market we are at. If that answers your question.

Lilly: And some of those are three bedrooms.

Dave Giusiana: It's a conceptual reason that were put up trying to any three bedrooms at all to avoid the large groups or the somewhat different family situations of a lot of them a bunch of unrelated adults living together or a series of kids and things. We are trying to deal with a more professional quieter this is their night time residence not necessarily full-time place to live and work. This is a bedroom type of apartment complex.

Joe Giusiana: And to your point it's the type of person we are going to find isn't necessarily going to be just driving around looking for an apartment. There's a whole marketing component that's put behind these types of projects. Talk about the amenities that are not only on site but also the amenities in whether it has washer and dryer in the apartments whether it's got granite counter tops what other finishes in the interior that justify or generate the interest in living in one of these types of units.

Lilly: And what would you have planned for the interior.

Giusiana: What I just mentioned.

Lilly: The granite counter tops and things of that nature would be part of the construction.

Waecther: Now you also had a question too about phasing as far as phasing your project. I have no problems with that. I think that's a smart idea. That would I think the way to go with it. Is to umm I think we had discussed it the last time the project was before us was to actually phase it and build you know like say if you're going to keep the ball courts or if you're going to keep path. You do the path and you do units one two and three and then down the line you do three four and something else. So, as far as the phasing I think that's a viable option. I have no oppositions...

Masters: Phasing on the road way itself though.

Taczak: Yeah

Waecther: That would have to be highway, I think.

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Burg: It would be another site plan it would be another approval process.

Taczak: You would have to get into the turnaround for fire and everything else.

Masters: I guess what he is wanting to know are you amendable to the idea of bringing the roadway in a certain point bringing the roadway...

Weachter: As long I think as long as fire and highway is okay with, I don't have any issues.

Giusiana: I understand I just want to get that on the table again we are still trying to figure out moving parts of this equation here.

Burg: Providing we still meet code.

Lilly: How many feet is that, that they would be allowed to put a road in is it 600 feet? For some reason that sticks in my mind.

Masters: There's 2 sides in the code ones called a dead end and ones called a cul-de-sac is 600 feet. But in a phasing plan I would have to do a little more research on that. Do you remember what the total footage of the road was?

Giusiana: I think we were talking about like 700 feet by the time we got to the turnaround it would be different sections.

Masters: Are you thinking two or three phases?

Giusiana: Some of that would be market driven.

Dave Giusiana: Probably what you're saying Tim is probably three go in on each side one phase second phase and then connect them in the third and final phase.

Masters: So, I am thinking right around the 600 footish with turnaround would be my guess. But I would have to let you know on that.

Giusiana: I just wanted to get that out again this has been an open discussion.

Taczak: If you're talking about going in the middle doing it from the side and then the middle then we run into the issue that you had years ago with the deck plan.

Giusiana: Yes, I just mentioned that.

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Taczak: I myself know that the hassle my daughter happened to live there for awhile it was a pain in the shorts excuse my language. It took years and years, years to resolve it and I don't want to see the same thing happen here.

Masters: You would have to be comfortable with the phasing plan.

Burg: Of course.

Taczak: Obviously but it's just something that I want to bring out to everybody it's we've been down that road before and we know the results of what that was. I personally don't want to see it happen again.

Giusiana: I guess I bring up the phasing because when I read your code it talks about the project to be completed in one construction season. We know the construction season here could be 6 months construction season could be 4 months it could be 8 months you could get lucky and that's why I bring up phasing the weather complicates things and I got to stop construction you know again we would not put anything in here we have to put a turnaround in but that would be it. But the goal is to get this project finished.

Taczak: I realize that. Everybody realizes that you mean you put a shovel in the ground it's money out of your pocket. You know you want to recoup it as fast as you can. But we also don't want to be left in the lurch.

Giusiana: Understand.

Conrad: How would it affect your utilities as far as insulation of your utilities installing it in 3 phases. How would it effect your infrastructure and sewer water?

Giusiana: I would envision we would have to probably run the water line in run the sewer line you know and put in our infrastructure for the storm and maybe our paving would come in so far. We need to get the water moved in there. So that's different than, I don't know what they did down at Riverwalk but...

Taczak: I don't either. All I know is that it took forever to finish that roadway.

Burg: And then the other issue or the other question that was suppose to be brought up for discussion was the making that road a public road. I would have no problems about that.

Taczak: It beats the highway.

Lannon: Is the rest of it public?

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Masters: Everything is public but that. What they are doing. So, when it can though originally it was private from Washington in what they are proposing is public from there in.

Giusiana: Again, when I go back to the PUD it dictates that the highway roadway if you will has to meet standards so it can't be any less than town standard so I am thinking if it is town standards. We have already allowed the 66 right away in our plan and the right away and utilities so why not put them all as public. The town can maintain the sewer line the water line talking with Tim I think that's a preference of both those entities. I have to look at the town spec on the highway.

Lilly: And if that's the case then that road would have to be complete. It wouldn't be able to be done in phases and connect in the third phase later down the road.

Members talking

Lilly: Wouldn't you want to kind of get that road in dedicate it and let the town start taking care of it. If your phases are market driven you might not be dedicating that to the town for who knows how long.

Burg: That's a business decision they have to make.

Lilly: Well, I am just discussing. I don't know. Just thinking...

Giusiana: We recognize that.

Lilly: Let the town take this road over. Build it and let them take it over and there's... I think that everyone on this board would feel comfortable that we won't have what happen down at Riverwalk.

Taczak: Yeah

Lilly: How expensive would that road be?

Giusiana: As I said earlier it's about two thousand dollars a foot including sewer water and storm to pave it. When you start doing the math...

Lilly: It's a lot of money

Dave Giusiana: Its about 2 million dollars for the road. The road not talking about water sewer 2 million dollars for the road.

Lilly: There's gotta be a better way make a living.

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Conrad: I can see it maybe being the road being 2 phases rather than 3. But...

Members all talking

Conrad: I don't know if everybody else heard what I said I would be more comfortable with two phases of the road than three.

Lilly: So halfway in

Weachter: Yeah

Giusiana: We can certainly look at that but I think getting back to the fire code requirements to the turnaround and so on how far can in to a cul-de-sac to meet the fire code. So that's where the idea of the 3 phases. Because I am limited to how far I can come here just talking out loud here maybe it comes in 700 feet I've got a big turnaround here between these three buildings and the same thing we have a turnaround between these three buildings and then the final. Fire satisfied.

Dave Giusiana: We also have to look at the whole what's the cost of doing the temporary construction to satisfy the fire turnaround and such at that point does it make sense just to spend a little bit more to...

Burg: Pave it.

Dave Giusiana: That's still the numbers were... That's the big problem right now money juggling situation you do this what would happen do that what would happen.

Masters: There is a fire code section on that I am not familiar with it but in the residential code you're only allowed 30 dwellings units on a road with no other exit. Now when you go to multi family I am not sure if there is another sub section to that, that says you're allowed so many multi family that I would have to research that I can let you know.

Burg: Anything else?

Lilly: Umm just backing up the last item was how would this project be looked at hypothetically we were given this bonus density so we could increase the number of units per building does that send us back to the beginning of the starting line or is this just considered an amendment to the original approval what's would be the course of action.

Conrad: Because of the additional parking? Is that what you mean?

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Dave Giusiana: We are not talking about changing the foot print of the building it would be a substantial increase of the parking spaces. It would change the site plan itself.

Everyone talking

Lannon: My thinking would only be that they are not changing the foot print at all they are adding more traffic presuming I just want to have it ran by DOT to make sure that they continue... I would expect that they would but just to take on the side of caution because that was my reciliation those who spoke against it were all based on traffic.

Burg: It would be public hearing.

Serianni: We would have to restart.

Burg: We would not need a whole new set of plans to speak but the process would have to begin.

Giusiana: Would we go through the SEQRA again to add the three units.

Lannon: Just relative to traffic I can't remember if we acted on SEQRA the first time or not.

Giusiana: No one had any comments except the DOT and then they had no comments.

Masters: We acted on SEQRA so we did a long form SEQRA and a review but then it was determined that there was...

Lannon: At the Town Board level

Masters: Correct

Lannon: The Town Board issued a negative Dec

Masters: Yep

Lannon: So then... So, you have a negative dec for your previous project ok now you are making a change to it, because you're not changing the footprint the only real impact as I see it right now would be the additional traffic. So, you can reaffirm the SEQRA with just an eye on the traffic. You won't have to go through a coordinate review I don't believe. But you just have to readdress the traffic because that's...

Giusiana: Go back to the DOT

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Lannon: Yeah. I wouldn't think that would be I'd be offlay surprised if the DOT said oh now there's so much traffic I just...

Master: But then you would also want to check the box on the long form SEQRA in regards to you will be putting in more sewer down the drain and water consumption but it will revision on that long form.

Giusiana: Yeah. Ok that's great. Thanks very much for your time.

Burg: Thank you!

Weachter: Thank you!

Giusiana: Any other questions

Members No

Burg: Any new business for the board to discuss?

Taczak: If not I make a motion to adjourn the meeting

Conrad: Training there's new ones coming up in Niagara County

Taczak: Yeah, I have the paper right here. Tuesday October 24 Bill and that's at the Niagara County Development in Inducon Drive 5-930

Burg: Make sure we get the training in folks. Ok did we have a second to close the meeting?


Lilly: I will second it

Burg: All in favor

Members: AYE

Burg: Alright thanks folks.

Respectively submitted,



Lisa Wisnieski Building Dept Clerk



William Burg Planning Chairman