

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
6:30 P.M. - December 19, 2019
PB 2019-12

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

Presiding: Bill Conrad, Chairman

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

Roll Call

A motion to approve the minutes of November 2019 was made by Burg, seconded by Taczak and carried.

The first item on the agenda was a sketch plan review from Advanced Design Group representing Mark Perry, Vrooman Drive.

Good evening, Kristin Savard, Owner and President of Advanced Design Group. Some of you I don't think I've met before. Our firm has been around for about 15 years. We do work all over the United States. We do residential, commercial, industrial site development, construction management survey engineering. I am the president of the company. I'm a licensed civil engineer. I have been retained and my firm has been retained by Mr. Perry and his family to represent them on a single-family residential subdivision. You have plans in front of you I believe. I also have a board here that I can show you if you need me to illustrate anything. The project itself is here before you for a concept review. The intent would be to leave here tonight with any feedback that the Board may have. We would like to roll right back here as quickly as we can with a preliminary plat and then hopefully on to a final plat for a 12-13 lot single-family residential subdivision. The project site is located at the end of Morgan Drive. You would go down to the east end of Morgan Drive and right at the end there is West Park Drive. West Park Drive currently has a little T-road that comes up. It doesn't quite meet Town standards but it is there. The applicant is requesting to subdivide off a section of that parcel that he owns and create 12-13 lots off the end of West Park Drive. The parcel we're subdividing as you can see on the plan is actually a large parcel that has frontage on Vrooman. That is currently where Mr. & Mrs. Perry live. The parcel itself is one of your typical shot gun parcels that goes all the way

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out to the parkway. They would subdivide off this piece in the back and it attaches to West Park Drive. The lots themselves will all be conforming to R-1 zoning. We are not needing any variances or anything. The layout we have in front of you, the smallest lot is 75' wide which is what your code requires. We're getting a little bit of feedback that they might want 85' wide lots, some of the builders that are interested. That would result in us probably losing one lot if we decided to go that route. The length of the road that we're showing there is within the Town Code standard of a 650' maximum. What we're showing there is about 425' of road. We are anticipating that we're going to have to improve the existing section of West Park Drive because it does not meet town standards. We do have wetlands on the site. We've had them delineated. They are US Army Corp. Wetlands. They are shown on the plan. We are hoping to get a JD completed in the spring. All the improvements will be PIP improvements. Everything would eventually be turned over to the Town. It really is a straight forward subdivision. I know the applicant's family has goals of living on a couple of these parcels and then there are some other people already in the neighborhood and some people from out of Lewiston that are interested in moving in to Lewiston to move in to the neighborhood. That's it in a nut shell. We're here tonight to answer any questions you may have. Again, we would like to leave here with any feedback that we can incorporate in to our preliminary plat application.

Conrad: Questions from the Board?

Taczak: I have a question. My question is going to be directly involving Mr. Martin. Emails have been flying around and some of the developments that we've had prior involved fire access and everything else so I'll defer to him because he's the fire guy.

Martin: The problem that develops is it's an extension of Morgan Drive which was developed years ago. However, Morgan Drive goes quite extensively back to North Fifth Street which becomes a dead end road way. Fire Code now addresses single and two-family multiple developments in it and its pretty much straight forward if you can't come in with a second way in, you're going to have to sprinkler the houses. It's similar with what we had to do with the Rubino project on Upper Mountain Road. They are inheriting a bad design that was done years ago but because of the regulation they would have to commit to all of the homes being having residential sprinklers put in to it. Advanced Design was made aware of that a couple of weeks ago.

Savard: We were aware of that. I'm currently President of the NY State Builders Association for 2019-2020. We are very active in the building code process and we're in the process of adopting the new International Building Code. One of the items that we were very vocal about and active in is Appendix D of the new building code. Appendix D is what you're referring to. We are well aware of it. It's part of what we've been considering with this whole thing. Essentially what it means just so they understand is that you cannot have more than 30 single-family units on a street that only has one point of access without sprinkling the homes. What we are seeing in most cases where this is being mandated in a situation like this is, we're seeing

applicants apply for variances from the State Building Department. We intend to do that. I don't know that we will get that. If we do it's a plus but we will go through that process and deal with it. If we don't then it's just something that every builder is going to have to deal with in there. What it appears to mean is that a typical single-family home that would be a \$300,000-\$400,000. home, you're looking anywhere depending the way it's constructed an add of about \$5,000.-\$10,000. To the cost of the home to put the sprinklers in upfront but then in the long run your insurance and other things come down. We're not overwhelmed by that requirement.

Conrad: It's easier to do when it's open right, brand new.

Savard: Yes.

Conrad: Are the utilities the sewer and everything in that area adequate to take on the new burden?

Savard: We're going to cross the threshold for the I&I mitigation2,500 gallons per day. We will be obligated to do the metering and down sewer capacity analysis. We will work with the Town on that. I'm not sure if the Town has a new plan in place? Is it per gallon pay or is it a job?

Lannon: It's work in progress.

Savard: What we usually do in most communities is we identify what our peak flows are going to be which is 16 times the daily flow and then we would have to create a mitigation plan that is accepted by the Health Dept. and the DEC and the Town. That is either in the form of a fee or we have mitigation projects that would be either contracted or paid for. It's all part of the development plan.

Conrad: What about plans for street lighting, sidewalks, anything?

Savard: At this point in time we haven't really given that much thought to it. I know what we went through with French Landing and Riverwalk and Oak Run so I would expect we would go along the same path.

Lannon: This would qualify for one street light at the end of the cul-de-sac. That has nothing to do with the developer. That is between the Town and National Grid. I would expect consistency to be one street light at the end and maybe at a T-intersection.

Savard: The one thing we are considering to include when we come in is if you look at the way the.....comes in and you look to the west you will see there is a strip of land that is currently owned I believe by the Rufrano family. There has been talk, we did a concept plan years ago

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about possibly putting a subdivision in there. What we may do is we might leave a little right-of-way in case something ever happens in there so there ends up being other access points. We are just thinking ahead.

Lannon: From the water perspective, the big water line project that is out to bid right now has a brand new 12" line going right down Morgan to West Park Drive. There will be no problem with water.

Savard: We haven't done the boundary yet but is there an easement in place for that? I heard it's coming under the parkway?

Lannon: There is a 12" line at the end, it comes out Morgan, goes north on West Park and then there's a dead-end on that but then T's off and goes under the parkway with a 12".

Savard: Is it already in?

Lannon: The existing is already in, the 12" existing goes under the parkway. That's not part of the water project. What is part of the water project is a 12" on Morgan and an improvement on West Park.

Savard: So, the 12" that goes under the parkway.....we're going to find that's in an easement and that's there? We haven't done the boundary topo yet.

Lannon: Good luck. It should be but when it goes under the Parkway, all bets are off, I'm not trying to be a wise guy but we had to recreate an easement with NYS Parks because down on Pletcher is where the line goes through. We had to recreate it even though we had a drawing that showed the easement. NYS Parks couldn't produce the hard copy so we had to recreate it for them.

Savard: This will be an opportunity to clean that up too. We can throw that in to our plat map if there is no easement, we can get it on there.

Lannon: That would be fine.

Savard: Why are you saying it like that?

Lannon: I've already dealt with Parks once on easements and it's not pleasant.

Savard: I thought it was coming through our property?

Lannon: All the proposed improvements we have for the water line is all within a public right-of-way.

Looking at map

Lannon: This goes down at the end of West Park.....

Savard: I was told this line is actually on our property.

Lannon: That I don't know. That 12" is coming across the parkway. If there is an easement or not, I don't know.

Savard: If this is on the subject property and there is no easement, this is an opportunity to clean that up.

Lannon: That would be great.

Savard: I didn't realize it was down here. We'll have to see.

Lannon: We can have more discussion on that later.

Conrad: Can you point out what your conversation was on the larger plan please?

Savard: This is West Park and I was under the impression the water line comes under here and then terminates.

Lannon: It's a 12" reduced to a 6" in West Park.

Savard: I was under the impression it was here but because we haven't done the boundary yet I don't know if an easement exists. He just had it schematically drawn which may not be to scale or in the right spot. His little sketch showed it here which would be on the neighbor's property, not on ours. Either way we will run the line up here. But because we have that trunk line water pressure and flows should not be an issue.

Lannon: Where it does go east across the parkway, we could put in a T.....

Martin: Kristin, the other part of the exception that would allow you to sprinkle the houses also has something in there that you would have to show if you can connect to a future development it has to be done now.

Savard: Putting the stub road in I don't believe just by creating that paper street I don't believe that that would preclude us from needing to put the sprinklers in the house. We would actually have to put that in so that it was rounded and completed and a full secondary access. That's not the intent.

Martin: What I'm saying is you don't have the secondary access now but if there is a chance that it could be done in the future you have to allow for that to take place.

Savard: Correct.

Martin: That is in addition to sprinkling all the homes unless you get the variance from the State.

Savard: Yes. I don't know that we're going to throw the secondary access in the Town of Lewiston on a corner lot, we'd have two corner lots so it's not as simple as putting in a 66' right-of-way. We then lose the additional distance of front yard setbacks.

Craft: If you have sprinklers, do they have to be on a separate line than the fire hydrants?

Savard: You bring a line in to the house and then it splits in the house.

Craft: Do you have a 6" line coming in?

Savard: No.

Lannon: I think you would want no less than a 2" sprinkler.

Martin: You can divide it off or you can do it as a single line. But usually a 2" line is preferred.

Savard: And then split once you get in before the meter.

Martin: There are a couple of ways you can do that.

Lannon: That's a design detail though.

Conrad: Anyone else? Anyone in the audience care to speak? Any questions of us?

Savard: No. I wanted to make sure we vetted out the sprinkler issue to make sure there was nothing else the Board had before the next step which is a big investment in terms of plans and submittals. We just want to make sure we are on the right track and there is nothing we are missing.

A motion to classify the subdivision as a major was made by Lilly, seconded by Craft.

The next item on the agenda was a Site Plan Review for Modern, True Star Energy, Model City Road.

Conrad: Please introduce yourself and let us know what your plan is.

Maria Cortez: I'm with Tru Star Energy. We're here representing Modern Disposal on their expansion of the CNG station. They currently have a CNG station to fuel 60 vehicles. We are doing an expansion of an additional 60.

Burg: It's not a replacement it is an expansion, right?

Cortez: Correct. Currently there are 3 anti-compressors a dryer and 60 stations and we are just expanding. I'm sorry, there is existing 60 and there is an additional 50.

Conrad: When was the first 60 installed?

Cortez: 7 years ago. The station has been running for 7 years and was installed by our company as well.

Conrad: What about regulations and safety requirements? Has anything changed in those 7 years that's going to affect the expansion?

Cortez: No, nothing really. Everything is still the same. There is nothing major that has impacted any changes.

Conrad: Is fire suppression required for that?

Cortez: Yes, the gas line and everything is already installed. We are just connecting to that existing gas line. There is nothing new to it.

Conrad: That capacity is fine for what you need?

Cortez: Yes.

Conrad: As far as fire suppression?

Cortez: There is none required.

Conrad: In the case of a leak or something like that, how is that handled?

Cortez: The compressors andare set up with ESB's which is emergency shut down switches and at each one there is also a fire extinguisher. In the event of any leak it automatically releases it and you can press it and it stops the entire system. If the compressor detects any gas and it would stop it automatically. They would have to be.....before they go back on.

Conrad: Are those manually operated fire extinguishers

Cortez: Yes, they are manually operated.

Conrad: Are they monitored by an individual or is it just the system that monitors itself or how does that work?

Cortez: There will be a communication panel that we monitor through our system. So, it's automatically detected. There are notifications that they send out as well to the personnel. The station itself also has 24-hour security as well.

Conrad: Any questions from the Board?

Burg: The need for the extra 50 stations, is that a capacity issue or more of an efficiency?

Cortez: They are switching over their diesel vehicles in to CNG to better the environment. They will be cleaner vehicles.

Burg: You're not increasing the fleet?

Cortez: No.

Waechter: I have a question as far as your drainage plans or SWPPP. I understand the site has grown over the past 15 years and those have not been submitted in the past? I'm just wondering if this project has them?

Allan Davis, Modern Corporation: We have a SWPPP for that property and a SPEDES permit under the State for all of that property. None of the property has been expanded, we're not adding anything, there is no drainage changes taking place or anything. It's just the pillars being put up in the area so the trucks can be fueled from gas instead of diesel. We are in full compliance with all those permits. We do quarterly inspections, semi-annual testing and all that and it's available at our site.

Lilly: All the drainage is taken care of by you folks on your own property then?

Davis: Yes. This affect no drainage. There won't be any drainage handled for this at all.

Waechter: Are there any issues with the surrounding areas right now with drainage?

Davis: No, not that we are aware of. We work very closely with the Highway Superintendent with all of our properties with any drainage issues or ditch cleaning as needed. I actually spoke with Dave Trane myself to make sure I wasn't missing anything. He said we're good.

Conrad: I guess the question came up because there was a note from the Building Dept. saying they believe that there was in the past some drainage on to some adjacent properties. If that becomes an issue is that something that you can take care of as part of this?

Michael McInerney: Absolutely. That came up in our meeting with the Environmental Committee last week. Alan followed up with Dave Trane to make sure to see if there was anything that was outstanding. There wasn't. He said everything had been inspected. We aren't aware of any issues. But if there are, we will certainly take care of it.

Craft: In the past you've expanded your parking area from what I see correct?

McInerney: Yes, over several years.

Craft: Did you get a permit to do that?

McInerney: I'm not aware.

Craft: According to my records there is no permit or drainage either, you just didn't get them. That's what we're looking at. We want to make sure.

McInerney: This is not an expansion of any parking spots. It's a truck that's already parked there will be switched from diesel it will use gas. You have to run the gas lines over to the trucks. There is no expansion of the parking lot, no drainage changes or anything.

Conrad: I was reading through the engineer report, on the whole sizemec end of things, obviously you know thisliterally on a fault line which seems hard to believe. What do you have to do as far as requirements to mitigate that issue as far as the sizemec requirements on a facility like this to make sure it's all safe?

Cortez: We do structural calculations as well and we always also use the worst-case scenario especially coming from California if there is any particular structural calcs that are required here then we definitely will submit those and they will all be designed per the requirements. We gave a soils report as well. We take a look at all that.

Conrad: Not really a concern but it was interesting in your reports I just wanted to make note of it. Any other questions from the Board?

Baker: I have a question for the engineer. Just reading through this information which something caught my eye. If you look at theit may be nothing, I don't know but appendix B, the short environmental assessment form page 3, item 19, the no box was checked, relative to whether or not the proposed site has had any active land filling operations going on? If you look at the geo technical report on page 4, surface materials and fill, in my mind and I might be

incorrect the statement in the third paragraph kind of conflicts with the information that is checked on item 19 on the other form. I'm not sure whether that raises a flag or it's a non-issue.

Conrad: I think if we were going in to the ground with foundations or something like that it would be more of an issue.

Baker: I mean from an environmental standpoint. You don't think it has the potential to be an environmental issue?

Conrad: Most of your work is basically above ground, right?

Cortez: Correct.

Burg: You're not putting a canopy over this right?

Cortez: No. There is a small trench.

Baker: So, you won't be down to those depths anyways is what you're saying?

Cortez: Correct.

Conrad: Anyone else?

Martin: The final page of the plans submitted show a nice road way system. Is that something that is going to be newly installed? When you get over there it's actually one big parking lot area that frequently has cars parked on it and depending on....it becomes a storage area. These roadways need to be maintained as access roads. I'm curious how you plan on doing that?

Cortez: The drawing is a fire lane; it shows a path that is available to show the clearance that is there. As far as....

Martin: I wanted to make sure you are aware of it because you're not doing it right now. That gate that sits next to the building is being shown as an access point. It gets plowed regularly and it wouldn't open in the middle of January or February if you needed to. If you're going to incorporate that as part of your plan you need to start maintaining that, not allowing cars to be parked there and making sure we have those spaces available. You have to remember also there is no water back there so if you do get a fire, they will have to stretch a lot of hose line across that area and jog it around vehicles, dumpsters and such is not beneficial.

Looking at plans

Lannon: I just have a question on the drawing, if you have that fire lane drawing out F-200, on the western most end the lane that you have tagged as north/south, what are those, in the middle of that lane and then also east of that, it looks, I would think they are street lights but I know they're not street lights. What are those?

Cortez: Block heaters.

Lannon: They get plugged in?

Davis: The truck in the winter time. They are in the same station area as the filling station. When a truck is parked for the night the cords hang down, they plug it in to the block heater and then the slow fill for the CNG is also connected to the truck.

Looking at plans

Davis: Right now, we park the trucks there.

Lannon: They don't appear to be shown in the right location.

Conrad: Is it just a graphics?

Cortez: I think it's an error within the survey location.

Taczak: Something that was just said and it struck me big time, you're saying that these block heaters, the trucks come in and plug in to these block heaters. Then in the same vein you also said that CNG is a slow fill. I have a problem with live electricity and slow fill natural gas in close proximity to each other. I have a big-time problem with that, especially with the comment that there's not water available.....I have a big problem with that.

Cortez: It is by Code. The Code allows us to have the block heaters within 5' away or any electrical 5' away so there is a classified area. They will be located within that. The block heaters will be with seal offs. It is allowed by Code. On the construction drawings there is a classified plan that will be submitted that will show the location and then the classified area that each....has and the location of the block heaters which allows the clearance.

Lilly: The Code says 5'. Is your project further than 5'?

Cortez: They are in the center of each, they are off set in 12' centers so that they are in the middle....they are off set.

Davis: That is the system we've been operating for 7 years.

Lilly: You have the existing system going on right now and this is just an expansion of that?

Cortez: They have the same type of scenario and same type of layout as well.

Waechter: I just have 2 additional questions. One is with page 3 of the short form, it's question #2, can you explain because it's marked as a moderate to large impact. Can you please explain how they may result in the use of the intensity of the land use? The question is will the proposed action result in a change in the use or intensity of use of the land. It's marked as a moderate to large impact. I just want to know if you can please explain that.

Lannon: That's actually Part II of the Short Form that was filled out by Tim based on the information that the applicant had filled out in Part I. I've not spoken to Tim about this particular question but what I would presume is if there are 40 trucks there now, there's going to be 50 more,...

Davis: There is no increase in the number of trucks. We will be replacing over time diesel trucks with compressed natural gas trucks. As the diesel trucks phase out, we will put in the compressed natural gas and they will be replaced. There are no additional trucks.

Conrad: It's already paved there, anyway right?

Davis: It's paved with fill. It's not black top, it's millings.

Lannon: Where are the diesel trucks filled now?

Cortez: On site.

Lannon: Same site?

Cortez: Yes.

Conrad: You will be reducing the diesel on the site, right?

Cortez: Correct.

Davis: The diesel flow will be reduced.

Conrad: Any other questions from the Board?

Waechter: The only thing I guess would be the procedural as far as the drainage. If we are able to ask for an official paper trail as far as knowing the drainage is okay, to actually have documentation. I would feel more comfortable with that.

Lannon: I spoke to Dave Trane and he indicated he had no problem with the site at all.

Conrad: We will follow up with Dave and document it so we have it. Any other questions from the Board?

Seaman: You guys are going to need to do a motion relative to SEQRA, which Tim hasn't completely filled out. He didn't make a recommendation for you whether or not it's a negative declaration or not. We need to do a motion recommending to the Town Board whether or not it's going to be a negative declaration for SEQRA and also a recommendation relative to your approval or not of the site plan. With regard to that second motion relative to their approval or not of the site plan you could put the contingency that they present the additional drainage and SWPPP information to the Town Board before Town approval is one way you can do it.

A motion to recommend a negative declaration for the SEQRA was made by Lilly, seconded by Taczak and carried.

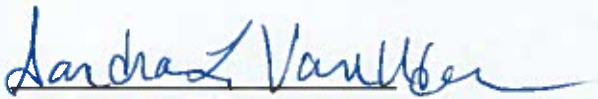
A motion to recommend approval of the site plan as presented with documentation of drainage concerns and the SWPPP was made by Lilly, seconded by Craft and carried.

Seaman: It will be on the Town Board agenda for the 30th of this month.

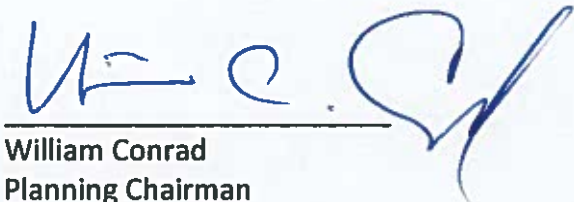
The next meeting will be January 16, 2020, at 6:30 P.M.

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

Respectfully submitted,



Sandra L. VanUden
Planning Secretary



William Conrad
Planning Chairman