

PLANNING BOARD

Town Hall 1375 Ridge Road Lewiston New York
Thursday – June 17, 2021
PB 2021-6

Present: Baker, Taczak, Waechter, Burg

Absent: Conrad, Lilly

Presiding: William Taczak, Acting Chairman

Taczak: Welcome to the Town of Lewiston Planning Board for June 2021.

Roll Call

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

The first item on the agenda was a Site Plan Review/Solar, Saunders Settlement Road, SBL# 118.00-1-2.1.

Please step up and tell us what you want to do.

Marc Kenward with Urban Anthony Consulting Engineers, we're the Engineers for record. We're assisting Borrego with the Site Plan approval for the subject site, 2481 Saunders Settlement Road. To start the public hearing, I will give a brief over view. They will construct and operate a 5-megawatt ground mounted community solar system at 2481 Saunders Settlement Road in the Town of Lewiston. It is located on the north side of the road approximately 2,400 feet deep road off Chew Road. The site historically has been used as actively tilled farm land. For the last 2-3 years the northern portion has remained (fell) and is reverting back to brush. The project site area is on a 97.6 parcel of land. It has 441' of frontage on Saunders Settlement and is approximately 3,960' deep. The project encompasses approximately 25 acres on the southern portion nearest Saunders Settlement Road. The 2 fenced arrays total 13.5 acres. There is .828 acres of access driveway from Saunders Settlement Road, .25 acres of permanent top soil storage and 24 acres of vegetative screening along the south and west sides of the arrays. No tree clearing is needed. Access to the fenced array will be by way of a 20' wide crushed stone driveway off of Saunders Settlement Road that follows the same alignment as an existing 20' wide gravel driveway that extends all the way to the storm water pump stations at the rear of the property. Poles and electrical wires needed for the interconnection with National Grid will extend approximately 150' in to the site from Saunders Settlement along the access driveway. Solar projects such as this one is allowed and regulated in the Town of Lewiston Zoning Code. The proposed site lay out is designed and

laid out in accordance with the Town of Lewiston Solar Energy Zoning Code, Section 360-220. The requirements include a minimum lot size of 5 acres and a maximum lot area of 100. As I mentioned the project is 97.58-acre lot. The Code requires a minimum front set back of 700' and the proposed Saunders Settlement Road front is 834'. The required minimum side setback is 100' and the proposed minimum side setback defined here will also be 100'. The required minimum rear setback is 100' and the proposed rear setback for this site is 2,161'. There is also a minimum required setback to existing dwellings. The Code requires 250' to any existing dwellings on the subject parcel. The distance to the land owner's residence is 621'. The Code requires 700' to any existing dwellings on adjoining lots. The distance to the nearest dwelling on the adjoining lot is 709'. Lastly the Code requires 500' to any existing structures on adjoining land. The distance to the nearest structure on the adjoining lot is 538'. The maximum height from grade is 20' from grade and this site the maximum height is 12'. The Town Code and Zoning Code also requires provisions tovisual impact. As I mentioned a moment ago vegetative screening in the form of 9 – 10' high evergreen trees are proposed along the west and south side of the southern array which is the larger array. In addition, heavy screening is proposed for the entire south fence line, west fence line and eastern fence line. Other Town requirements put in decommissioning plan which has been submitted and recently revised and resubmitted. During construction the project will generate approximately 50 vehicle trips per day, 25 arriving, 25 exiting. This includes construction related deliveries and employees. Once it is in operation it will generate no traffic, no noise, no neighboring receptors and no adverse glares. There is also no night time site lighting. Lastly, maintenance activity is limited to mowing up to 2 times per year and an occasional visit by electrical service technicians. Thank you.

Taczak: Before we look for comments, I want to read something in to the record. The Chairman, Mr. Conrad received an email from one of the neighbors and I would like to read it: Mr. Conrad, please accept this email for tonight's meeting to be heard in place of me personally attending the meeting as I have a business meeting out of Town and with a few days' notice of the meeting I was unable to attend. I am in strong opposition to the proposed solar field that would be unsightly and directly out my back door and would be seen every time I would enter or exit my home as I live directly next to and in front of this property at 2471 Saunders Settlement. I am also greatly opposed to the noise and disturbance that this would cause during construction and maintenance of the field as the access road that the Town of Lewiston upkeeps for the pumps. It is 20' from my home and wraps around my property and would be used to access the site. Many other worries are rain runoff and flooding, risk of fire especially close to the school, toxins from site and panels and site clean up after the project was completed and after it's time when it expires. The property is zoned rural residential and I believe these projects should be for commercial lots. If we let fields continue as you drive down Route 31 in Lewiston, Sanborn to Cambria, you would see nothing but solar panels.
Jeremy Genter

Taczak: Are there any other residents that want to speak? Any of the neighbors that want to speak on this Saunders Settlement solar array? Please give us your name and address for the record.

Linda Kroening, 2435 Saunders Settlement Road. I have a couple questions about what the gentleman said about the surveying of the property. Are they going to use the whole 90 sum acres to put the solar panels in or just the front part of the actual property? The back property is all trees. As I recall, being a farmer that lived there for 3 generations next to this property, that that land is muck land, also deemed for wetlands in the back. Plus, it has a canal that runs in the back to take water from the pumping station to relieve the water that builds over the community when it rains so there is no flooding. Those are my questions right now. Will that be rezoned if you do put panels in from a residential area to a commercial when all the homes and facilities around there are nice residential homes to continue to be a residential area and not commercial. Thank you.

Taczak: Is there anybody else?

Justin Genter, Saunders Settlement Road but down a way. Jeremy is my son. I'm here tonight to see how it works. They are proposing the same thing in our Town. The thing of it is I'm guessing but I don't know this for sure because we don't have information what so ever but as far as I can tell you're going to have somewhere in the neighborhood of 200 tractor trailers of merchandise bringing back to the solar field area. The thing of it is the driveway runs right down the side of his lot. He said it's 20', it's not even that far away actually. It runs from Saunders Settlement Road right along his lot line and across the back of his lot line and then goes back to the pump stations. We can't see what's going to happen to his whole area, lawn wise, house wise, everything with 200 tractor trailers driving by there to get this thing set up. That's not even counting all the people that will be working back there. There will probably be around 60 people I'm guessing. It just seems to me this is not the place to put this thing. It's going to be really detrimental to his property. I'm thinking there will probably be upwards of 50% reduction in his property value because of what they're doing here and the fact this road wraps right around his house. It's going to be unlivable. I have a lot more to say but I can't say it because I don't have the information.

Taczak: Thank you. Is there anybody else? Mr. Kenward do you want to speak to some of the comments?

Kenward: It's going on the front southern portion of the site where it's actively tilled. There is nothing going back beyond the wooded area that lies just north of the drainage ditch. It's a 25-acre area towards the southern portion of the site. Nothing on the back. It's all towards the south end. It's set back from Saunders Settlement Road approximately 700'. It encompasses only 25 acres on the southern portion.

Kroening: Can we see this map? I can't see it. I live very close.

Taczak: While she's looking are there any other comments from anybody else?

Steve Long, Borrego Solar: I just want to address a couple of the comments. As far as re-zone, we don't have to re-zone this. It's an allowed use in the zone and we're meeting all the required setbacks and requirements for that zone so no variance is required, no re-zone required. As far as the road going around the adjacent neighbor's property, we're expanding an existing road. The construction will happen over a period of the big trucks will take the first couple months to deliver all the materials. After that it will be workers to the site so it will just be cars. For this site we will have to have a SWPPP. As part of that SWPPP that's dust control. As far as dirt flying everywhere, it can't happen. Those will be inspections on site as part of the SWPPP. That should not happen.

Burg: Are you able to relocate that access road?

Long: It's an existing drive that's used by the Town. It's there already. We looked at it as the best spot for it. After it's constructed, we're only going to use it 2-3 times a year. Construction, maybe we could do something different but it's a driveway that exists for the Town already.

Taczak: Any other comments from the general public in this public hearing? Name and address for the record please.

Donna Stevens, 2445 Saunders Settlement Road. I'm kind of upset because all I keep hearing is our property value is going to go down because of this. Yet we're not going to gain anything by having that solar behind us. It's not going to affect our electricity. It's not going to go down because it's there. Yet if our property value goes down, are our taxes going to go down? We should have some sort of compensation if this is going to be affecting our house. We're going to be in that same boat, we're going to look out every day and see that electric, every day.

Taczak: Thank you. Anybody else?

Steven Smith, Morgan Edwards my fiancé, 2459 Saunders Settlement Road. We just bought this house, brand new build, just met some awesome neighbors. We're young obviously, about to start a family. We were originally going to go further south, Williamsville area. We didn't want to look at it. We came out to the country to see the country. I didn't really care to come here tonight but I'm glad I did and I'm definitely opposed for this to happen. We moved out here and talking property value too, we spent almost \$400,000. on this brand-new house. If the property value goes down, where is our investment? Thank you.

Taczak: Thank you. Welcome to the Town of Lewiston.

Seaman: We've been leaving your public hearings open on these as they proceed through this. That is the precedence we have set on the last couple applicants. You don't need to close the public hearing. I do believe Mr. Lannon can at least give a little update. He's still working through SEQRA coordinated review, correct?

Lannon: Yes, that's correct. It will conclude on July 7th.

Taczak: Where would that put us?

Lannon: We would be able to discuss SEQRA at the next meeting, July 15th.

Seaman: If there is anything else from the Board for the applicant, anymore requests or comments, I would say this, even though Mr. Lannon may be prepared to discuss SEQRA at the next meeting I don't necessarily take that as a promise. They may be prepared but as you can see, we have a Board tonight that is only 4 members when it's usually 7. There may be an opportunity for some of the other Board members meeting to review and make some further requests. What I'm trying to set up here is the fact the Planning Board is not tied in to any particular time line in terms of how we proceed.

Taczak: Procedure has to be followed. One comment that I have. It was just from hearing from the people, neighbors next door, Mr. Genter and the roadway, is there a possibility that some further, I know you are going to add some trees and plantings by the solar array itself. Any consideration to plantings on the road so he doesn't have to see trucks and whatever? Just a thought.

Long: I can say we can do some additional plantings. There is a solid fence there too. We can enhance that yes.

Taczak: One other thing that I did see is the Town Code in the solar array said that there should be covered fencing all the way around the site. I realize the north is.....

Kenward: The north side is wooded wetlands.

Taczak: We realize that.

Baker: Is it part of the project site?

Kenward: It's in front of the woods.

Baker: I didn't ask you that. I asked you is that land part of the project, part of the leased land?

Long: No.

Baker: So, you have no control over it.

Taczak: Even though what they said it's muck land but that's exactly.....Mr. Baker you are right. It's just a thought and we're working through this.

Long: I don't think we need to put the screening, the slots in the fence along that side of it?

Taczak: We're just looking at what the Town Code says.

Long: If that's what the Board would prefer. Nobody will ever develop that part.

Taczak: Never say never.

Long: That's true.

Burg: The concern remains if something does happen to that parcel of land behind there then you have an exposed site.

Long: We will put the screening in the fence.

Burg: Are you able to share the line of site renditions with the audience so they can see the rendition of what the solar panels will look like once they are complete and the screening is in place?

Kenward: They are 11x17 but I can pass them around.

Burg: Part of the Town Code states we do require the solar array farms to provide screening in the way of trees and bushes so that you can't see the solar farm from your back windows so to speak.

Kenward: There are 4 view sheds that were taken and there are 2 or 3 visual simulations that were done. The first one is the view of the solar with no screening, then the landscape with 1 year growth, landscape with 5-year growth. I believe there were 4 locations taken along Saunders Settlement Road looking towards the site. The tree screening, we are using vegetative screening in the form of trees along the western side and the southern side. There is a hedge screening slat that looks like pine garland that is woven into the fence fabric.

Waechter: I do have a question as far as the live matter that is used for screening the trees. Say for example you may be past this growing season, probably about a year to two years you find that you have maybe a 25% die off. Are you going to be coming back and replacing those trees?

Long: There is an O&M that will mow and they will check the trees. If something is dead or dying, they will replace it.

Waechter: Thank you. That is something I don't think we've ever brought up in our conversations about these.

Kenward: The special use permit is renewable every year. Through the special use renewal, you have some measures to make sure that the screening is maintained and in place.

Kroening: How many years is this lease for?

Long: It's for 25 years.

Kroening: What happens after 25 years?

Long: The Town holds money for that decommissioning to occur which is approved by the Town Engineer. We put a bond up front before we start construction.

Kroening: How hard are those panels to dispose of?

Long: We put aright in there so they're.....on decommissioning we're paying for the panels used and disposed of. They are taken by a licensed hauler and disposed of.

Resident: As of right now where are you disposing them?

Long: Right now, we haven't had a disposal. We haven't decommissioned any.

Resident: There is one place in the country in the United States that does this. They would have to be hauled all the way to Louisiana.

Long: We have....for sure. If you pay somebody to take them away. Maybe they go there after but we pay a fee to be taken off our site. From there maybe they're being shipped somewhere else.

Resident: Is the land owner responsible for any of that?

Long: No.

Taczak: Anything else folks? Mr. Masters do you have anything before we move on?

Masters: I will say for the audience's sake, the New York Planning Federation has put up some good review criteria for Towns and municipalities and public to be aware of. If you go on the

NY Planning Federation web site, they posted videos. They just had another one yesterday. In that last presentation they give you what the panels are made of, what's in them, how they're grinding them in to powder, what they're using them for. If you are concerned, I would highly suggest you watch that video and get yourself informed about what the real story is. They talk about what the real story is. They talk about every subject from soup to nuts. It would be good for everybody to watch it. My only comment, they've addressed all the comments that I have. They've addressed the comments the Fire Inspector had. They opened up the ditch in the middle for the maintenance of it a little easier. I would agree with you Bill, I think there should be some more screening immediately around the immediate neighbor's house. I did like the south and west side layout. I do think there should be something closer to that neighbor's house immediately to the west.

Long: A comment that came up last time was the piles that were out there. They've been removed. All the tires and brush are gone.

Masters: I saw that in the package where the homeowner was going to address it. Good.

Taczak: Thank you. Is there anything else on this issue? I understand all we are waiting for is the SEQRA before we can really do anything.

Seaman: You really don't have to do anything. The public hearing is left open and it will be on your agenda for the next meeting. If there is nothing further on this agenda item you can just move on.

Taczak: Thank you folks. We are done with the Saunders Settlement issue.

The next item on the agenda was a sketch plan review, LMK Realty Associates, Ridge Road, SBL# 101.12-1-14.

Nick Massaro, 5094 Country Club Trail. Anthony Mussachio from Mussachio Architects, my father Dom, principal of LMK Realty Associates. We're here again to present our proposal for apartments, multi-family development at the top of Northridge Drive and Ridge Road. It's a conceptual site plan. We would like to expand the existing Ridgeview PUD so as to incorporate our proposed multi-family development on the 2.6-acre parcel. In order for the PUD to be viable for the Town of Lewiston according to Code, the area needs to be at least 10 acres. We're working with much less than that. We'd like to incorporate the 2.6-acre parcel that is currently zoned R-1, in to our existing apartments PUD Ridgeview at Lewiston that was established some 40 years ago. Since our last submission we took the guidance from Planning Board members and we've lowered the number of units so as to water down the density. Now we're planning to construct 26 apartments, a mix of 1, 2 & 3 bedrooms across 4 buildings. The building closest to Ridge Road would be the least obtrusive. It will be 1 story. The other buildings will be 2 stories in height. 26 units total combined with the Ridgeview at Lewiston

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PUD you're looking at 190 units over 16 buildings, a little over 17 square acres of land. Also, since the last submission we refined the concept plan to include more dimensional aspects of the roadways. Utility markers will be grading and adding a little more detail to the exiting PUD Ridgeview at Lewiston. The purpose of the presentation is to respectfully ask for additional density if our current parcel is being I guess observed or looked at under R-1 guidance which allows for 1 unit per every 11,250 square feet of space. Based on that calculation our 2.6 acres we could fit close to 10 units if we have the appropriate rezoning. That unfortunately isn't feasible for this development. We had it at 30, we scaled it down to 26. We hope this is acceptable to the Planning Board. We think this is a nice improvement to the property. We're not going to do anything else to this big irregular shaped 2.6-acre parcel. I don't think anybody else will. I know that's not incentive enough to rezone it and smack a bunch of apartments on this piece but we do think it's a nice compliment to the exiting Town of Lewiston Comprehensive Plan. A nice garden style apartment directly adjacent to what we're proposing. It will provide for a nice flow of density. The big thing is there is a definitive market demand for this product. We're in the process of bringing to market 32 apartments currently right on Legacy Drive and Creek Road there. The last time we spoke we had 2 or 4 that had yet to be pre-leased. Those are all pre-leased now. We're still 6-7 weeks away from opening up the first building. All 32 units are spoken for. We have less than 3% vacancy. At our other we have 270 units across Historical Square and Ridgeview. I get calls pretty much every other day asking to rent the patio homes that we're currently developing along Northridge Drive. That's written in to our offering plan that we could sell those. We are not renting those at this point. I can't rent it to them. We are running out of land to build rentable units. The price of construction is going up. We could offer a patio home for close to \$500,000. And we're not going to get that ready market demand that we need to make a decent margin just in one sale. Here there is a market and can advertise our cost over an extended period of time. Market demand I think is the big driver behind this development idea. I will open up the floor to questions and comments.

Taczak: Anybody want to start?

Waechter: I guess I'll start. First of all, I appreciate the work that you've done but I still have a concern with the density. According to you scaling it back to the 26 units which I still believe is awfully high, you would need 6.7 acres to actually do the project. Right now, it's currently I think listed at 2.6 acres. It probably should be cut in to a third which is either 8 units. However, you want to do those 8 units but also too I don't think that even if you were to do that, you're not going to be meeting that 25% green space even if this does get incorporated in to the entire current PUD you're going to be missing out on that requirement. Also, from the drawing there is no unloading zones, there's no handy-cap parking. If you were to look at your middle unit, you've got either 7 or 8 spaces that are off of building 2. The rest of the parking will be relegated to a hike up the incline or building 1. I think originally this original PUD was actually at a higher density to begin with. Those are my concerns with the project.

Massaro: For parking we have 13 and 7 spaces that are going to service the first 2 buildings. We only have 2 units here in the front building and then you have 8-units here. 2 units per space. You're not traversing any slope or anything like that. The parking for building 2 is simply right across the way here.

Waechter: Which one are those going to be handy-cap, you're going to lose your parking.

Massaro: We haven't really flushed that out yet.

Mussachio: We just simply haven't gone that far because we don't know if we have a shot at getting this. We understand that we have to meet all the green space, all of the detail requirements. If it was a full site plan review obviously, we would have done all that. We're trying to get the concept through with the understanding that we're going to file. We're not looking for any variances or exceptions from that kind of.....or any other regulations. We've also added the note to make sure the incline of the slope which is here does not exceed 10% which is what the Fire Marshall is looking for, for traversing by their trucks. We will address all of that and add them as required.

Waechter: To clarify then, my concern is with the density. As it sits right now, I am not in favor of the project.

Massaro: The green space requirement to one of your points is actually met as is right now. This was a PUD standalone site. We have almost 39% open space. The PUD requirement is 20.5 I think you said. If you combine it with Ridgeview, we're at 57%. On a units per acre basis and an area per unit basis this proposal and the combined proposal is actually less concentrated in what you see now at Ridgeview. What we're proposing is 11 units per acre. When the site gets incorporated in to Ridgeview, stand alone is 10, right now Ridgeview is 11 units per acre but it's only allowing 3,855 square feet per unit. Our new site you're getting 4,355 square feet per unit. You're getting more space per unit. It's less concentrated. The green space requirements are met by at least 13%. If you look at the site by itself it's met by 22% if you incorporate it in to Ridgeview which is what we're looking to do.

Dominic Massaro, 4697 Jason Court. In regard to the density that you brought up, if you look at how the site is configured, essentially the least dense units are on the south side adjacent to Ridge Road which comes near the residential portion of the properties across the street. To the west is the Niagara Scenic Parkway that affects no one. The densest units are right down adjacent to the existing PUD that exists now. To the east on this side, you come against Northridge Drive. On the other side of Northridge Drive are our current patio homes. The impacting of density, irrespective of the numbers, the impact of the density of these units really doesn't impact anyone. This existing unit,

Waechter: I do understand that but according to our Town Code, based on the amount of units you want to put in, you are required to have 6.7 acres of land to do the development.

Dom Massaro: I'm asking you to basically review the....

Waechter: I'm not for it. I don't know how the other Board members feel, I'm not for it. That's what I'm trying to tell you. Based on what I'm here to do, you have 2.6 acres to work with. You're giving me numbers for 6.7 acres.

Dom Massaro: The project makes no economic sense without the density.

Waechter: That's not my issue. My issue is to protect the Town Code.

Taczak: Before we get in to a shouting match. A couple of things, the density that we have to worry about is Town Code. We're here to handle the Town Codes and make sure that they are followed. If we want to go in to a SEQRA type situation and to determine if it's feasible that's something that

Seaman: Your process that we're in front of tonight would require SEQR review at this point. Which I believe would be a coordinated review after speaking with Mr. Lannon. The process the Planning Board could proceed with would be to call for a public hearing to direct their Town Engineer to work through the SEQRA process with your engineer, to do a coordinated review and move forward in that respect. You can do a public hearing likely at the next meeting date, coordinated review would likely be done at that point in time. It would be a couple months out then before you would end up having this Planning Board which is a recommending Board makes recommendations to the Town Board.

Dom Massaro: We've been here 3 times. We're trying to get through that with all due respect. We're trying to get to that point. We're trying to address the concerns with density and everything else. It's not perfect. It's not going to dove tail in to the Town Code. I'll be the first one to admit it today. I don't know what else we are going to do with this piece of property other than leave it until the end of time or basically try to expand the general business portion. This is zoned general business. We can put anything up there that general business allows.

Waechter: Those options are up to you.

Dom Massaro: We're trying to put housing there to basically blend in to what is currently adjacent to the site. We're not trying to drop this in to an area it doesn't belong. If this development doesn't belong here I don't know where it belongs. My own personal opinion because of how it's located against this other area that we already currently own. I think it's a perfect fit if you want my personal opinion. Does it dove tail to the Town Code in terms of what Mr. Masters has told us? No. We were expecting that you would look at it from a realistic

stand point that it makes sense from the Town for the usage stand point to increase the value to the Town for additional residents to come in that want to come here. My son has made it clear that there is a demand for this. We've purposely left this single-family home at the top of the hill so it's not an obtrusive thing along Ridge Road and adjacent to the other homes across the street. It blends in perfectly with the apartments across the street. Essentially, we're looking for you to approve this in the manner that we've shown it or disapprove it. Whatever you want to do. I don't know what else to put here in terms of making it happen. It seems like this is the best and most optimal use of this particular Town for both our perspective and also the Town's perspective.

Waechter: I think your options at this point are I don't know the opinion of my fellow Board members but it's either you go ahead and have the expense of the SEQRA if that's what you wish to do to pursue this. What I'm voicing the opinion of, I'm not in support of the project. I'm trying to save you money here. If you would like to continue on with the SEQRA process that's up to you.

Nick Massaro: Is the SEQRA the process to hash out the environmental concerns?

Burg: Essentially, we're not in a position to approve or deny it. We're just an advisory board. We could agree on all fronts and it gets in front of the Town Board and it can get knocked down anyway. Our job, we are like the custodian of the Town Code. It puts us in a tough spot to recommend to the Town Board that they approve something that doesn't hit code.

Nick Massaro: We realize that and we're asking for a modification as this project....similar to what Ridgeview at Lewiston was allowed 40 years ago. Those were 2 R-1 parcels and they became a PUD so there is precedent there.

Burg: We're not going to change the Code. The opportunity to change the Code would be in front of the Town Board. They only action that we can take today is make a motion to put it in to SEQRA, designate the Town as Lead Agency and designate GHD as a facilitator of the SEQRA. That's the only action that we can take today.

Seaman: If I was the applicant, I would be looking for you to do something at least along the lines of what Sarah has done which is give some kind of feedback on whether or not they want to move forward.

Dom Massaro: When I was here last time with all due respect, I heard some people say well...I said no one is going to build a home here. Someone said Dom is right, no one is really going to build a home here so I said OKAY; I will back off and I think we are finally getting people to understand what we're trying to do here. I want to push this thing and I want to get the engineering drawings. I want to get in front of the Town but I can't do it if we are here every month. I'm looking for assistance and guidance from all of you. If you're all against it, let us

know right now and we will go back to the drawing board. I don't believe you are all against it. I know you are against it with all due respect.

Waechter: Based on density. If you to walk in here, density following Code, now we're talking.

Dom Massaro: We're just trying to do what we did years ago and it doesn't fit in to the Code today.

Waechter: It doesn't and that's today's Code and I'm sorry about that.

Taczak: We are care takers of the Code.

Mussachio: I think the other aspect we are missing here partially because I'm talking about an approval made here last month that it is in form of an approval. We're not looking for site plan approval.

Taczak: No, we are far from there right now.

Mussachio: We are simply looking for the concept and if we can meet everything else and again everybody is entitled to their opinions on each of these subjects. However, it will be a vote of the entire Board I presume. It doesn't need to be a unanimous approval.

Taczak: Obviously you heard Mr. Seaman at the beginning. There is only 4 of us right now. There are 2 others that we would still like to hear from. We can still say ok, let's do the SEQRA, go the SEQRA route if that's an expense you would want to do? You know how one member feels.

Dom Massaro: Can I ask you is the density an over-riding concern of each of you?

Burg: It would be tough in good conscious to recommend it for approval when it's over the density.

Baker: I concur.

Taczak: I guess I don't even need to speak but my back ground has always been whatever the law and the Code is, is the way we go.

Dom Massaro: Fine, I guess we're done here.

Mussachio: Our option now is if we want to pursue this further, we would have to go through SEQRA?

Seaman: What your options I suppose considering what you've heard from this group of 4 from the Planning Board, their options, the Planning Board after hearing SEQRA and doing a public hearing could make a recommendation to the Town Board to not approve the project. You would still go up to the Town Board. There would be another public hearing and your Town Board would then ultimately make a determination. You have now a good understanding as to what this Board is feeling. Maybe make a phone call to one of your Town Board members because that might save you all a lot of time. That brings me back to a point that I would like to ask you now, should we call for a public hearing for the next meeting? I would suggest not but it's up you guys. You are here now. That would be the next step is to have, this Board would direct GHD to start doing the SEQRA things. It would require some money. You will have your engineer be working with GHD to put together a coordinated review, there will be a public hearing. Would you like us to hold off on that at this point?

Dom Massaro: No. Let's move it forward. I'll spend the money on the SEQRA and we'll do it at the same time. I want to try and move this project. With all due respect I like everybody in the room but I don't like coming here every month. I want to try to get this thing moving forward if it's meant to be moved forward. We went through the same process with the patio homes. The patio homes were given a negative review here and then we went to the Town Board and the Town Board approved it then because we were able to convince them it made sense at that particular time. I really believe this project makes sense for the Town. It makes sense for us as well. I mentioned that last time. This is something that is good for us as well. It is also very good for the Town of Lewiston. I think we've been....we'll just continue to make that case.

Seaman: So, what the Planning Board will need to do, if there is anything else you want to talk to this applicant specifically about this project as it exists now would certainly be the time. Other than that, you will take a motion to call for a public hearing and you're going to do a motion to direct GHD to begin the SEQRA review process for you. A motion for the Town Board to be Lead Agency.

Burg: This would be Type 1 SEQRA?

A motion that a public hearing be scheduled for July 2021, to designate the Town of Lewiston as Lead Agency and direct the Town Engineer to begin the SEQRA process was made by Waechter,

Taczak: Should we wait till the SEQRA is done before we do the public hearing?

Seaman: You can do the public hearing and you can always leave it open like you have with the solar if necessary.

Lannon: SEQRA won't be done for the next meeting.

Motion seconded by Burg and carried.

The next item on the agenda was Site Plan Review/special Use Permit solar array, Thompson, Ridge Road, SBL# 76.00-2-12.1.

Chris Georgiadis, our project is 2645 Ridge Road, Ransomville. Kevan Thompson is the property owner. Where we left off last time, I guess the 2 outstanding concerns was the violation issued against the land owner. Our land owner has made some progress in the recent weeks in cleaning up his property. As a matter of fact, he told me he's out there every day. The 4 times I've been at the property he's actually been there. He has been working. We knew he would try. The 2 cars that were on the property are now gone. I think that was one of the violation issues. As for the rest of it including the dilapidated pole barn, I think that what the reference in the violation, and a few other items like debris that are listed on there and the rubble. I've spoken with Mr. Thompson extensively about this and we both came to the conclusion that it was out of Mr. Thompson's financial capabilities to afford this clean-up so we've offered to front the financial investment to essentially see to the violation that's outstanding against him. The capital is definitely significant. It's not, it's definitely not as simple as putting everything in to a pole barn. It's a little bit more extensive than that. I went out with a group of consultants from WSP and ESP, an environmental service group to get an evaluation estimate on what the removal would be. As a result, I was advised to understand the following thing and I quote from one of our consultants: We need to understand what the Town is looking for. We can sit here all day and miss something as simple as a pile of wood. We suggest having a representative from the Town come out with you and see what they're seeing so you can accurately clear the violation." With that said, we're filling Mr. Thompson's shoes in this role and I'm asking if someone would be willing to maybe come out with me and take a look at the property and see exactly what is defining the violation because again, in the violation it says, 2 cars, it calls out the dilapidated pole barn. It also refers to rubble and debris I believe. We want to make sure it's done right. It is a significant capital investment coming at risk. I'm asking if anybody would be willing to do that with us?

Taczak: Mr. Masters just raised his hand.

Masters: I've been out there so I'm very aware.

Taczak: There is some farm equipment too besides the cars.

Georgiadis: Thank you for agreeing.

Masters: Call and make an appointment and we would be happy to come down.

Georgiadis: I know I'm asking this for a second time and it's okay if we're not able to do this but we have a set plan in place to get this remediated. We would like to ask for a second time

because of the upfront capital investment to get this done, if we're able to condition this as a condition of a special use permit provided that we provide you with all of the details of the property clean-up in accordance with the building report whenever we go out and look at it.

Gasic: Essentially that list would be part of the condition list in order to proceed to the Town Board.

Baker: It's a separate issue, isn't it?

Seaman: I wouldn't see that as....you could probably do it conditioned on, if you have an actual plan in place, especially if you have a contractor or somebody is involved.

Georgiadis: We do, we have a plan in place.

Seaman: There has been some precedent for this Board doing something along those lines before is conditioning your approvals on clean-up of the property. Yes, that could be done.

Georgiadis: We have a quote but they aren't certain on some items.

Waechter: If there is an agreement, we would like to have that for our record. We would like to have a copy of that.

Georgiadis: Ok.

Gasic: I think the agreement will be finalized once we know the full list.

Waechter: Absolutely as long as we have a copy of it for the record.

Georgiadis: Great, thank you.

Gasic: I don't know if there are any formal comments that you typically distribute for projects? We usually get comments and then I respond to them before the meeting. I just haven't gotten anything. I was wondering if there are formal comments that get circulated? The only ones that I have gotten were from the Code Enforcement Officer which we've incorporated and designed. But I didn't know if there was anything coming from Planning Board or Engineer or anybody else that we need to formally respond to and say here is what you've asked for. Usually, it's been us writing it down.

Taczak: Generally, comments are on public record. Those are readily available.

Lannon: Do you have a photo sym?

Georgiadis: Yes, there was. You wanted all of the wiring and decommissioning taken out. I know the decommissioning estimate right now does not reflect all the wiring coming out. But I will tell you that it will all be out. We just need to have LaBella update it. Yes, the visual assessment was the second item on the agenda. I don't know if you've had a chance to look at it.

Baker: I looked at it but wasn't sure that it incorporated some of the comments that we had previously made regarding the landscaping, screening barrier planting and the fence slats or some similar slat like the other company had. I don't think it was reflected in the photo syms.

Georgiadis: It's in there. The slat fence....

Baker: There was some contention about whether or not, you didn't think the trees needed to be planted where existing wooded land already screened the project even though that wooded land wasn't incorporated in to the parcel that the project sat on. In other words, it wasn't leased to you. It was under somebody else's control. Our comment was that you do need to screen that.

Burg: Specifically in the rendition that you have listed as ornate would.....

Georgiadis: I saw that and we will add a tier of trees in that area that's left open. We are clearing some trees and that rendition was a specific area that we were clearing. That is the only area on this site plan that is not surrounded by vegetation. In accordance to what you had said about the vegetation, we are leasing extended areas from Mr. Thompson so that will be the vegetation so the tree lines will be under a lease contract with us. We will maintain those existing trees.

Waechter: If they get cut down you will replace them.

Baker: That doesn't provide screening during every season of the year, do they?

Georgiadis: No, they don't but the brush is thick enough that even in the winter you can't see it. You're looking at from Ridge Road it's like 1,500' and there's vegetation all along that area. It stretches back.

Gasic: We've updated even the access road portion to preserve even more of the vegetation that's there where in the previous plan had more vegetation being taken out in order to align the road. We relocated the road so it's more of an s-curve and off to the side preserving as much of the vegetation as we can in those areas. I think if we can get comments like this just so we can formally respond to them so we have a record. This same comment came up at the last meeting about the bordering vegetation and that we added a lease agreement to preserve it. If we can formally respond to it and have it as a response on record.

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Taczak: The s-curve, what about the fire access limit, the 80,000 lbs.?

Gasic: That's in the design detail. The road base is going to be 80,000 lbs.

Taczak: One sheet shows it being 20' wide and another sheet shows it's 24' wide.

Gasic: That should have been updated with this set indicating that there is a 20' wide.

Taczak: We didn't get that.

Georgiadis: I made a submission for the May meeting and we tabled the May meeting. You actually do have these site plans, probably at home?

Waechter: These would not be updated based on comments we have, correct? These are the ones I have for the May meeting.

Georgiadis: It should be updated.

Waechter: I have no updated page. This is what I originally brought to that meeting.

Georgiadis: Looking at plans. You are up to date. Sorry about the confusion.

Burg: If we're making a motion how many conditions are we putting on approval of the site plan with the appropriate roads for fire, decommission plan to include the conduit....

Seaman: I don't think you guys are ready to make a motion today?

Burg: That's what I was asking.

Seaman: You still need to get through SEQRA. As far as the clean-up of the property, that might be one condition but you haven't submitted an updated decommissioning plan. There are a couple other things that were mentioned that haven't been updated yet. I don't believe GHD is in a position to walk you guys through Part II & III of the SEQRA yet. Possibly at the next meeting. You don't have, they're not going to condition something today on the clean-up of the property without first you going out there and having Tim go out there and getting an actual plan together and a contract together with somebody that is viable to condition it on. We had that conversation but I wouldn't see anything happening today in terms of approval if that's what you were anticipating.

Georgiadis: Don't we have to go to the Town Board and Environmental Committee too?

Seaman: Yes.

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Georgiadis: If we were approved would that be our next step or could we go forward to that?

Seaman: This Planning Board doesn't recommend something to the Town Board that's not fully ready. This Planning Board is seriously intended to do a full review so that when it gets to the Town Board, the Town Board knows that everything has been vetted.

Gasic: SEQRA will happen before the Planning Board with a recommendation of the Town Board as Lead Agency and Part II & III will be done at the Town Board level?

Seaman: it will be done here with a recommendation to the Town Board.

Gasic: At what point do we go to the Environmental Commission who would I assume have some input with the SEQRA?

Seaman: Typically, between when you get approved here and it goes up between then and the next time the Town Board would cycle through if the timing works out properly.

Gasic: Part II & III will be done here but then the Environmental Committee will have supplemental information that will be added to it?

Seaman: Possibly, they'll have their own positions that will be, if they're anything different than what the Planning sent. SEQRA will be prepared and recommended by the Town's Engineer both at this Board and the Environmental Board and Town Board. There may be some additional comments from the Environmental Commission with regards to SEQRA and ultimatelyto the Town Board is the one who makes the SEQRA determination, site plan approval.

Georgiadis: Are we going to come back here next month?

Seaman: I would say so. I would think if everything is ready to go next month maybe....

Gasic: We did start the circulation of the SEQRA right, we've already been to the 60 day...

Seaman: You've been through the 30-day coordinated review. I believe it's been to the County Planning Board.

Lannon: It would be ready to review at the next meeting.

Seaman: Unless there are any real big outstanding issues. For example, you told us yes, we have these other deciduous trees around under lease but this is the first we've heard about that. That needs to be submitted.

Baker: Is that noted on the drawings, the current set? I don't have it.

VanUden: You got it last month Pat but then they tabled it. You have it at home.

Waechter: I don't believe there is a buffer zone or anything like that.

Baker: The new lease agreement.

Waechter: You may want to indicate that.

Schedule

Baker: Was there a project drawing included in that drawing set?

Gasic: It usually mirrors what the SWPPP says.

Baker: The first thing just to refresh your memory is that it requires screening to take place, visual screening early on in the project. It has to be done before the trailer hits the site.

Taczak: The previous one we went through, what a nice screening, I don't know if you guys are familiar with this?

Georgiadis: I did review that. It would make sense to do it on the other projects but we are so far back in the woods here. There is a small portion of the project you can see.

Taczak: Just remember the Code says you have to be fenced all the way around.

Georgiadis: We have that.

Taczak: This fits in the fencing.

Georgiadis: I understand that. We have a fabric screener.

Gasic: Last time we said we were going to do the fake pine trees that the Planning Board Chair loved.

Georgiadis: The new drawings for June....will be the same thing with the decommissioning with June on it so that way it's just that one.

Taczak: Make sure the road width says 20'.

Seaman: Can you remind me how you guys were dealing with; don't you have some federal wetlands on this?

PB 2021-6T

Georgiadis: Yes, we've submitted....we don't have the permit yet, we submitted for an issue permit so we get a response back from the US Army Corp. of Engineers.

Seaman: Do you have a time line on when you think you will be getting that?

Georgiadis: It takes a while, 45-60 days.

Seaman: You submitted that already?

Georgiadis: Yes.

Seaman: When did you submit it?

Georgiadis: Last week. Ultimately for us to follow the State guidelines, we have to abide by it.

Gasic: It typically....part of the building permit review to make sure it's in hand when we receive the building permit.

Masters: How much could that possibly change the layout?

Gasic: We're really avoiding the impacts there.

Taczak: Anything else?

Georgiadis: Just so I have this, vegetation, leasing, road update,

Seaman: Meet with the Building Dept. and review the land and get a contract together for clean-up.

Burg: A copy of the lease agreement of the adjacent owner.

Georgiadis: Vegetation for a leasing agreement, road at 20', contact building Dept., I just want to make sure I have everything down.

Burg: The update to include the removal of the wire on the decommissioning plan.

Seaman: One note for the record, we will continue to leave the public hearing open on this open still which is fine. They will be back next month and if everything is in order then I would anticipate SEQRA and possibly have some recommendations.

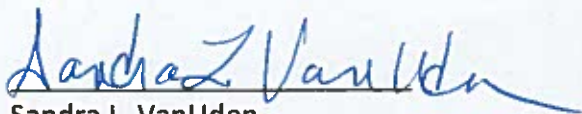
Georgiadis: Thank you.

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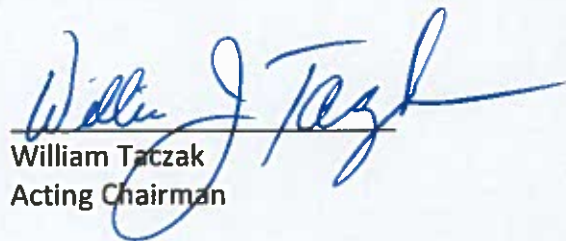
The next meeting will be July 15, 2021, at 6:30 P.M.

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

Respectfully submitted



Sandra L. VanUden
Planning Secretary



William Taczak
Acting Chairman

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Board of the Town of Lewiston on June 17, 2021, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Lisa Caldwell, 2481 Saunders Settlement Road, SBL# 118.00-1-2.1, to consider application for a Special Use Permit and Site Plan Approval for a 5MW AC Community Solar Farm on said premises. The property is presently zoned RR, rural residential.

Information concerning this request is on file and available for inspection during normal business hours at the above-named office. All citizens and persons of interest will be given an opportunity to be heard.

William Conrad
Planning Chairman
#N285117

6/10/2021