

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – March 18, 2021
PB 2021-3

Present: Baker, Burg, Conrad, Lilly, Taczak

Absent: Waechter

Presiding: William Conrad, Chairman

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

A motion to approve the minutes of November 2020 was made by Lilly, seconded by Burg, motion carried. 1 abstention

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

The first item on the agenda was a sketch plan review, LMK Realty, Ridge Road, SBL# 101.12-1-1.4.

Nicholas Massaro, LMK Realty, 5094 Country Club Trail is my personal residence. I'm here to present the sketch plan for a multi-family development at the corner of Northridge Drive and Ridge Road. Essentially; they are going to be rental units, a mix of 1-, 2- & 3-bedroom units. I think on your sketch plan only 2- & 3-bedroom units are reflected but we are going to change the composition of that pending market demand and pending municipal approval, how far we go with this. The idea here is to get the current parcel incorporated in to the adjacent planned unit development which is Ridgeview at Lewiston. That's a PUD that was established some 35 years ago. We think it's a nice natural incorporation in to the PUD multi-family. It's a 2.68-acre parcel. We would need a PUD designation in order to achieve the density that we desire in order to build the units that we want in order to make this development a worthwhile and profitable. I'd be happy to answer any questions about the preliminary sketch that you have in front of you.

Conrad: There was some question about the amount of green space that you had. Is there any discussion that you had back at the office trying to work on that? It sounds like you might be a little light on green space.

Massaro: We talked to Bob and Tim earlier in the week and I think there was a requirement based on the current zoning of R-1, something like over 11,000 square feet of living space per unit. We're obviously nowhere near that. We would like the PUD designations assuming that we can get this either rezoned or incorporated in to the adjacent PUD to stand. I think the PUD guidelines for the Town of Lewiston is 20% green space or 20% open space, it might be 25%. We achieve over 42% open space on that plan that you have in front of you right there.

Conrad: When you say open space, you're talking non-building?

Massaro: Non-building, non-pavement.

Conrad: The PUD designation or re-zoning it would be kind of a deal breaker would you say if that didn't happen, you would have to have that first obviously.

Massaro: If we're held to the R-1 guidelines, I would say yes absolutely because on that calculation we're going to get 10 units and that's without any access points. So, we are thinking 46 units and that's kind of like a non-starter for us.

Conrad: Any questions from the Board? Any comments? Is there anyone here that would like to speak either for or against the project, LMK Realty project on Ridge Road. This is sketch plan review. There is really no action to take, it's sketch plan. If no one has any questions then we'll accept the sketch plan and other comments can be forwarded to the Building Dept.

Lilly: I guess my question would be to the Town Attorney what would be required of the applicant to change it to a PUD and what effect that would have or the bearing it would have?

Seaman: They would have to start a whole new PUD application. It would start fresh as if it were a new PUD. They could incorporate it eventually but it wouldn't be a minor modification, it would be a major modification that requires the full PUD. You would go through concept plan, detailed plan. It's somewhat similar to a major subdivision but it's a little bit different. The PUD is a change in the zoning of that parcel. It's a re-zoned parcel as a PUD parcel. There are public hearings that would take place. It's an extensive application that would really require....

Lilly: It would be the burden on the applicant to do all that?

Seaman: Yes, if that's how they want to proceed. I would suggest to the applicant that really the open space is largely an issue. I think you've had an opportunity to speak with the Town Engineer, the Building Inspector already with regards to some of the other issues in terms of the steepness of the hill. I know I see a letter in there from our Fire Marshall that indicated that there are some problems with that as well.

Massaro: I think the Fire Marshall may have had an issue with the access points, the road ways leading from Northridge in to the development and I think we gave Tim and Bob some assurance that those access points are going to be relatively level. We have one on the south bend of the development and one at the very bottom of the Northridge hill. There is the natural slope to this property that we're talking about. It drops down about 30-35' but we would put some fill in there obviously to ease the grading a little bit, to make whatever type of roadway improvements, more passable.

Conrad: Tim, do you have any comments?

Masters: We met the other day and I gave him what my thoughts were but I think the open space is going to be the biggest hurdle with it. If it gets rezoned PUD, the PUD Law states it has to meet the underlying zones density requirements so there is no way to get around the 1 dwelling unit per 11,250. square feet. It's how you cluster them on a PUD is the difference. There really isn't any way whether you go PUD, R-1 or whatever it is, you're not going to get away from that. They didn't have all the open space, in the existing how much extra they have. They didn't have that developed at this time.

Conrad: If it were to be combined then the existing PUD would be blended in to that and then you would have an overall calculation is that correct?

Masters: Yes.

Seaman: Possibly. There needs to be some legal analysis done on whether or not you can do that. We would have to pull the original PUD application and approval and see what the conditions were on that. It's possible that you could include open space from an existing PUD but it's not something I'm prepared to tell you, you can or can't do right now.

Massaro: If it is possible, I would make the strong assumption that what we have in the development plan in terms of green space percentage is at least on par as to what you see green space percentage wise at the existing PUD Ridgeview at Lewiston.

Conrad: Anyone else from the Board?

Lannon: Can you say that again please?

Massaro: Green space for our current development is 42%.

Lannon: The current PUD?

Massaro: The current PUD at Ridgeview I don't have that green space percentage. I just know that there are about 11 units per square acre at Ridgeview and our development calls for also exactly about 11 units per square acre. I don't know the sidewalk, roadway, driveway composition and how that factors in to the overall greenspace percentage but I'm just making an assumption that it's going to be very similar to what we have proposed on this new development.

Lannon: It sounds like that is going to be a critical point.

Massaro: It's a matter of if you want to look at it from an R-1 basis or a PUD basis. I don't know what that 14.5-acre property that we call Ridgeview at Lewiston now was originally zoned back in the 1980. I assume it wasn't commercial. I assume it didn't call for a higher density development. I'm not saying it was R-1 and I don't know what the parameters were back then but we're looking at this as strictly an R-1. It's kind of like a non-starter for us if we have to adhere to this 11,000 square feet of green space per unit. We're hoping there will be some sort of compromise here even if like the attorney said if we have to establish a new PUD if possible and then ultimately get it incorporated in to the existing one.

Conrad: We can accept the sketch plan as presented.

Seaman: There is no action that has been asked for or requested tonight, correct?

Massaro: The next step in the process if this is going to be acceptable. I don't know if this will go to the Town Board for review. We want to know if we need to go back to our architects and engineers and flush out and start producing more detailed drawings should this development be viable to us and to the Town.

Conrad: It sounds like there is a lot of.....

Massaro: So, I guess my question is what would be the next step in the process?

Seaman: Take a look at what's required in the Town Code for a PUD. It's a major application in front of the Planning Board and ultimately requires public hearings, full engineering, full analysis, a recommendation from the Planning Board to the Town Board, another public hearing at that point in time. It's a full application, if that's what you're intending to do. I would recommend to you is that you have some legal analysis, some engineering analysis's done with regards to green space and determine whether or not you want to build out that full application as a PUD application. See if you can figure out where the hiccups are going to be. It seems to me like there may be some here. Obviously, that's a lot of engineering to get it in front of this Board for a PUD modification. As far as what the Board is doing tonight there is really nothing in front of you being requested other than your comments and feedback at this point in time. You don't have an application in front of you at this point in time. You don't have an application in front of you that is a complete application for a PUD modification, nothing even close to that. There is no action that can be taken tonight.

Massaro: There is no recommendation to incorporate it in to the existing PUD? That separate PUD that we're talking about needs to be established in order for anything to move forward here?

Seaman: That's where you need to consider yourself how you want to proceed on that. It sounds to me like it's that you're trying to incorporate it in to the current PUD so you can utilize the current PUD greenspace? We don't have an application for that in front of us tonight. The Town Planning Board isn't going to be able to make a recommendation for how you proceed legally and development wise for your project. They can only at this point give you some comments and feedback. There is not an application in front of them that they can make a motion to decide on right now.

Masters: I think Tom's point is you should get legal advice and you should get engineering advise preliminarily to say okay it's viable to do as a stand-alone PUD or it's viable in our best interest to do it this way before we spend a lot of money on engineering and head down the road that way and then 2 miles down the road you discover that it's not viable. Do that initial look in to right now, legal and engineering and then make your decision which way you want to go and then come back to us.

Massaro: Would it be a possibility of applying formally for a green space variance should it come to that. Is that a separate process....

Seaman: Something like that would be incorporated in to your PUD application. I'm not sure as I sit here to what degree the code allows for that. Again, there is a lot of legal analysis that might need to go in to this project.

Dominic Massaro, 4697 Jason Court. Our family has owned this piece of property for going on 4 decades so we're just basically trying to convert it from a vacant parcel to something that is more useful. I think I just want to be sure I'm understanding and I'm not an attorney, I'm asking for an opinion, if we do go through this and we get legal opinion and our engineer basically or architect analysis the green space requirement, from the preliminary discussions we had with Bob and Tim the other day, is the over-riding principal the re-zoning from R-1 to a PUD, are we able to basically utilize the lesser requirement in the PUD for green space if we achieve that re-zoning or are we locked in to maintaining the amount of green space that exists in an R-1 and incorporating that in to this new parcel? If the latter is true, there is no economic sense to doing this.

Masters: The latter is true. The PUD law as it stands today says you cannot go above the R-1 density which is your underlying district. It says that in the current PUD law.

Massaro: There is no way to apply for a variance or anything to that affect?

Seaman: I understand your question and I'm going to tell you truthfully; I'm not prepared to answer your question on your behalf. You have to retain an attorney that can help you work through that. I'm here to represent the Town. I'm not going to give you legal advice on your project from this seat right now in open court scenario. There are some legal questions that require some real legal analysis on that. That sounds like a critical question that you need answered and a resolution reached on that.

Massaro: If you are familiar with the parcel there is a general business parcel that is adjacent to the entry to the Robert Moses Pkwy. The general shape of the parcel under consideration that we're asking you to look at on the sketch plan is an L-shape. Is it a simpler approach, this might be a difficult approach to basically get it in to a PUD? It's a simpler approach to basically try to subdivide that property to expand the general business approach along 104. There are 2 distinct pieces of property there now. One is general business and one is R-1, so essentially at the top of the hill on 104, there is a general business parcel for about 145' and then there's another 160-170' right next to Northridge Drive, you go down the hill in to our development and then the L-shaped parcel is R-1, that's the one we are trying to incorporate in to the PUD if it is at all possible. The question then becomes if that is not possible, is it an easier approach or something that the Board might consider to try to use the property to get it on to the tax rolls so that we may be able to market it to basically extend the general business portion of the parcel that only goes half way down the hill. It doesn't go all the way down the hill. We own the property below, there is the parkway right there and then there's Northridge Drive. It would be an ideal piece; it would be the only piece at the juncture of the Town and the Village and it would be ideally suited for a professional building or a restaurant or something like that. Is that a simpler approach than the PUD, a simple re-zoning request?

Seaman: It's an alternate approach. I don't know if it's simpler. You've got a Town Board that is going to make a determination upon zoning within your Town.

Massaro: I get it, this is not my first rodeo.

Seaman: I cannot speak to the Town Board's feelings on that property.

Massaro: The object here is we have a vacant piece of property there for 40 years. Obviously, it's not only in our interest but it will assist the Town in achieving, right now the Town is taxing it as vacant land. If we can develop it and make it in to a reasonable parcel that makes more sense for all of us. It's good for the Town and it's good for us.

Seaman: If the Town agrees with that exact analysis, then maybe they will change it to business.

Massaro: We will have to convince them of that. I just wanted to throw that out there because if we are going to be pigeon holed in to that approach and I respect what Mr. Masters is telling me and that's why I wanted an understanding of that so I know how to approach it going forward. Thank you very much.

Masters: Can I just clear up one thing, just so everybody is not confused, there is a difference between open space and density. Open space is 25%, but the density is how many dwelling units you can have per acre. They are 2 completely separate topics and they are both addressed in the PUD law.

The next item on the agenda was a request from Alexis Stopa-Weiss, Porter Center Road.

Alexis Stopa-Weiss, 4379 Porter Center Road. What I want to do is parcel off another lot on our property, 125'x200'.

Conrad: Any questions from the Board on this action?

A motion to classify the subdivision as a minor and treat it as a minor was made by Taczak, seconded by Burg and carried.

Conrad: How far is it, what is the distance between, 5.74-acre parcel and the new?

Weiss: 520'. There is a driveway in the center of that, that goes to the back of the property. There is a stable in the back.

Conrad: Any questions from the Board? Anybody in the audience want to comment about the subdivision?

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

A motion to recommend approval of the subdivision as presented was made by Lilly, seconded by Burg and carried.

The next item on the agenda was a Preliminary Plat Review, Perry Subdivision, West Park Drive, SBL# 87.00-1-21.

Kristin Savard, I am the owner and President of Advanced Design Group. We are engineers and surveyors that do site development. Most of you are familiar with our work. We've been retained by the Perri family to assist them with the preliminary plat subdivision for their property on Vrooman and West Park Drive. I do have a board with plans that I could put up there. Seeing this is preliminary and I know you have plans in front of you and you have a big agenda, I will keep them back there until you need them. Where we are in the process right now is we started the concept review about a year ago, ran that by the Planning Board, ran it by department heads and came up with a plan that worked for everybody to that point. We submitted the preliminary plat to the Town to start the process. We went to the Niagara County Planning Board and received Niagara County Planning Board approval. We have done the downstream sewer capacity analysis. We've done a number of studies to support our submission. The plans you have in front of you are the layouts we would like to move forward with. We will be submitting after tonight's meeting the final engineers report, SWPPP and SPEDES information so the Town Engineer and Building Inspector can do their review. Our goal tonight is just to reintroduce the project to you. It's been about a year, to talk to you about some of the design elements that we've incorporated with this revised design and hopefully leave here tonight with some direction of how the Board feels about the project, make sure there are no significant changes that we would need to make and then roll right in to the official preliminary plat review at your next meeting and carry on through to hopefully the final plat. Their goal if all works well is to do construction sometime this summer, late summer if possible. The parcel itself is about 36 acres it's zoned R-1. It's on Vrooman Drive and is an L-

shaped parcel that comes off of Vrooman Drive and heads to the east and is dog legged to the south that then ties in to West Park Drive. West Park Drive currently terminates there. It's just a dead end, there is no turn around, no cul-de-sac or anything. There are utilities that terminate there and there are a couple of driveways on West Park Drive. The proposal would include about 400' extension of West Park Drive, right off the current dead end. We're looking to put in 11 new lots. This would be in terms a 12-lot subdivision, 11 new lots and then 1 lot to be remaining land that we would leave behind. As I said the project site itself in its entirety is about 36 acres. Our project would incorporate about 13 acres that would be disturbed during construction. All of the improvements, infrastructure, roads, utilities would all be PIP permits and turned over to the Town afterwards. They've all been designed and drawn and will be constructed to Town standards. There are no variances required for the project except that we would like a variance for the sidewalk or waiver or however the Town currently handles that. All of the storm water would be NYS DEC SPEDES compliant. We do have wetlands on site that are at the north end of the site. They have been delineated and flagged. They are on the plans. We are not proposing any disturbance to those wetlands but they are there. They are only Army Corp. Wetlands. There are no DEC Wetlands, therefore, there's no 100' buffer. We do have for SEQRA the need to do a SHIPO as soon as the ground is ready. We plan on having Can American out there to do a Phase 1A. Hopefully that will be the end of the archeological concern. Some of the things that came up as part of this project that we are aware of is that due to the NYS Building Code Appendix D, we would have to put sprinklers in these houses because we have more than 30 houses on a dead end. We are aware, the developer is aware and home builders will be aware that it is required. There are some utilities on site that currently are not in easements. Our plans include the creation of those easements for the Town. We know the water line is there and not within an easement. We will be creating that easement for the Town. There are some drainage ditches that currently receive water from off site, so we will be putting those in to public drainage easements in favor of the Town. We've tried to clean up a lot of things that are going on in the area as well as provide an attractive simple straight forward project. That's the project in an overview. I can answer any questions you may have.

Burg: Is this part of a grander plan?

Savard: No, there are a number of reasons why, due to the maximum length of a cul-de-sac in the Town we can only go so far. I think it's 600'. When we started this design, we looked how far could we go and where did that 600' start and based on the way we all interpreted the Code, we talked with Masters about it, that 600' should really start down by Morgan Drive and where West Park and Morgan Drive are so that would be a 600' cul-de-sac. We can't go in any further than that. To go all the way in and maybe to the left and come out on Vrooman, we have wetlands we would have to contend with. We don't want to deal with that. In addition, there is a very nice parcel that is south of this that is currently owned by another family and that family is not interested in selling. We did work with them a few years ago about doing a subdivision and that did not come to fruition. This is to create houses for the Perri family and then some of their friends. There are a few lots left that are not technically spoken for. There is already some interest in it. We're seeing people that live in the Morgan Farm area that want to have a bigger home. They want to have a newer home but don't want to leave the community. They don't want to leave that development. We're expecting to see a fairly quick turn-around.

Conrad: What will the average size be of these homes?

Savard: The boxes that were drawn on there are 40x60, that is what we're seeing as an industry standard. We've also made the lots a little bit wider. Your code requires a 75' wide lot. We're providing 85' and in some cases we have 95'. You're probably looking at a 2,500-3,500 square foot house.

Conrad: Any questions from the Board, any comments? On this I noticed....since I've done subdivisions myself, the dimensions on the rear of the property, could that be added because it's just not here and I don't see it on any other plans.

Savard: The rear of the parcels?

Conrad: The dimensions.

Savard: We can put them on there. Typically, if the side yard lines are parallel, we don't dimension them. But we can. That's fine. The final mylar absolutely will have that.

Conrad: Also, the angles, these aren't 90 degrees, right?

Savard: Some of them might be, some might not be.

Conrad: It looks like the upper corners might be but....I didn't see....just a couple of little items like that just for record. The only other question that I had was the drainage for your storm. You said this pond will be part of the new development, correct? But it's on the other parcel.

Savard: Right now, that is the way it's drawn. There is potential interest from a buyer that may want to own the pond. We might change that line a little bit as we go through this process. That will be owned, unless the Town has changed their policy, you guys don't want ownership of it right?

Conrad: No.

Savard: It will be a storm water association or a Homeowner's Association will maintain it and it will be on private property and there will be access all the way around the perimeter of it in the event there needs to be town intervention at some point for maintenance or something.

Lannon: The pond will be privately maintained?

Savard: Yes, in a Homeowner's Association. Unless you do a storm water district. I don't know where the Town is right now with that.

Lannon: They're not.

Conrad: The way I read this right now is that it will day light here and this drainage will go in to the pond?

Savard: It will be a wet pond, with a bioretention area and storm water treatment chamber.

Conrad: The other side of it goes.....this is all tied together?

Savard: Yes. Along that north property line, the wetlands that are there is a ditch that is associated with that. The ditch is relatively flat. If you look at the grading plan you can see it. Whether its man made or it's been there forever is yet to be determined but it doesn't necessarily matter. Everything drains there right now and we will continue to drain there but the purpose of the detention pond first of all to generate fill so we don't have to import and also to meet the SPEDES regulations for water quality detention.

Burg: You show 2 different style curb details?

Savard: The reason we did that is because there is some curbing in the existing street or lack of and we weren't sure which way that was going. We have the curbing we want to put in the subdivision. Right now, I believe we are in upright curbing within the subdivision.

Conrad: Is that the Town standard?

Lannon: Yes.

Savard: I think there is some gutter curbing repair that may end up being done which is why we put those details. The existing road, if we interfere with any of it, we wanted to have that detail in case it had to be fixed.

Burg: At the intersection of Morgan?

Savard: I don't know if we're going that far but there is some curbing back in that may be affected.

Conrad: Is there anyone else?

Masters: My only question would be how you make the blend which may not be there yet with the drawings, but how do you make the blend between what's there now on West Park and the new upright curb and what that transition looks like. I know Dan has an issue with the water.

Savard: I think we need a site visit with GHD and the Highway Superintendent to see.

Dan Zahno: The only issue I have is all these houses have to be sprinklered. We don't know how big these houses are going to be or what size services we will need. I just don't want to put in all 1-inch services and dig it back up again and say we want a 2 inch, then we have all these extra holes in the line. In my mind either tap everything 2-inch along the lot lines or don't do anything and when they buy them, they do it as needed.

Savard: I would think we would tap 2 inches as part of the PIP and put it right to the right-of-way line. We will be doing hydrotesting as soon as the weather breaks so we know what we are dealing with pressures and flows.

Lannon: It will be a whole lot different. We're installing the new line.

Savard: As part of the install is there a pressure test required where you can generate that info or are we going to have to do a pressure test on our own.

Lannon: I don't want to do anything until after the improvements are made. I know we talked about this in the past. It shows here that you are going to tap off a valve and put another valve right thereI think I'll talk to Dan aboutwe are coming down West Park with a 12" to connect back in to the 6". I don't want to go 12", 6", 8" ...we'll go 12" and then we'll reconnect and maybe leave you with an 8". The valve we put in we'll plant it on the other side and we'll just connect it to go forward.

Savard: The 6" goes under the Parkway?

Lannon: It must. I lose a little detail....

Savard: We talked about doing a test pit to check it out.

Zahno: The 6" comes out at West Park. That will all be 12".

Lannon: 12" on West Park but where does the 6" end?

Zahno: It goes down Morgan. That will all be eliminated.

Savard: What about under the Parkway? Is that going to stay 6"?

Zahno: No, that's not 6", that's 12".

Savard: We can get together after. Are we looking at a 12", 12" 8" tee?

Zahno: Yes. I believe so.

Lannon: No, we're coming right down West Park and connecting back in to the 6".

Zahno: I don't think that's right.

Lannon: We can talk. It's a minor detail.

Savard: Ideally, we don't want re-dig stuff up that you put in. I want to get everything nailed so it can all go in when you're doing your water line.

Lannon: It's going on right now.

Savard: You started?

Zahno: 2 crews.

Lannon: That's a minor detail.

Seaman: Minor detail with a minor cost. A cost that is going to be associated with an on-going capital project that's going to need a minor adjustment.

Savard: They would have to provide materials or the cost difference of the....the installation costs should be the same. We are also going to provide an easement for that. There is no easement for that line right now. We will want to coordinate with you on how you want the language of that. Right now, I just have a public utility and assets easement shown. It doesn't exist right now. It will be on the subdivision plan but we want to make sure we file the mylars as adequately described.

Conrad: Is there any further discussion? I'll go back to the audience, is there anyone that wants to speak?

Savard: I'm assuming this will go to public hearing?

Conrad: Yes. This was already classified as a major subdivision at the December 2019 meeting. Now we need a recommendation for SEQRA.

Savard: I don't know that we want to start SEQRA only because GHD doesn't have the full engineering. I would rather do the 30-day review with the complete information. The one thing I do want to ask is other than your Environmental Commission, are there any other commissions that we need to go to?

Conrad: You already went to Niagara County.

Savard: I just don't want to miss a Board. Is the sidewalk a variance or a waiver?

Masters: Waiver.

Savard: Which we included in the letter. What about lighting? Is there a lighting Board or lighting district we need to start talking about?

Lannon: No. If you could delete that off your drawing. If it's consistent of how we've handled this in the past, the cul-de-sac will get a street light, but it will be between Grid and the Town.

Savard: Does going to Niagara County Planning take care of the fact we are adjacent to the Parkway? Is there any sort of notification we need to do to State Parks or Parkway, the SEQRA?

Lannon: You are going to provide that easement to the Park, right? There is going to have to be some sort of communication there.

Savard: Will that happen as part of SEQRA and will that make the State Parks involved as interested for the coordinated review?

Seaman: It may, I'm not sure.

Savard: I just want to make sure we don't miss that.

Lannon: We can talk to Parks on that.

Savard: Thank you.

The next item on the agenda was a site plan revision for Schultz on Ridge Road.

Michael Dowd, I'm here representing the family. The Reiters are here. They are the owners of Schultz Enterprises. I don't know if Mr. Gallucci is here. I know he's made some presentations previously. I had a pre-meeting with Mr. Masters and Mr. Lannon. I hopefully simplified the plan to the extent the Board might consider making a determination tonight. We're proposing to change the use of the building next door in to in-door storage. It's a permitted use. We thought about combining that parcel with the restaurant parcel. After discussions from a legal perspective, it doesn't make sense because that would ham string my client in the future if they wanted to sell one of the operations versus the other. What we've done, I indicated in my correspondence, if you read, we will provide shared parking between the change in use building and the diner so that will alleviate the parking problem which would necessarily have to be done because they're essentially

a prior non-conforming use. We want to make sure the Town is aware we are going to provide ample parking and hopefully my earlier correspondence has clarified the questions to the satisfaction of the Engineer and Building Inspector and we ask for the approval of the change in use.

Conrad: Would that be a legal agreement for the parking?

Dowd: One of the concerns was that the easement apparently, we were concerned about the existing easement and it is shown on the survey that when the plat was filed that the existing easement is shown in the County. I know I will have to work with Mr. Seaman to provide language once approved for the additional easement. I'll do a metes and bounds description. That additional easement will be reported in the County Clerk's Office. The agreement for parking would be between Schultz Enterprises and its tenant. We can certainly provide that to Mr. Seaman so he knows that that's going to be put in place. We want to get the approval before we start preparing all these documents.

Conrad: As far as the parking, you mentioned in the future you may sell that property off, what happens to the easement for parking if that parcel is sold? Does it go with the land?

Dowd: First of all, I would work with Mr. Seaman on that. I think it would be difficult because our agreement would be with the tenant. We don't know what's going to happen 20 years from now. We would certainly provide language that would satisfy the Town so long as there is a diner there operating. They would have the use of that property. I don't know there would be anything recorded but it would be an agreement that we would share with the Town.

Conrad: Questions from the Board?

Taczak: I have a question in regards to the Fire Inspector's letter where the 16 pads that come back and come in at an angle sort of northwest from the front of the lot, he makes a note that the gap when you get near the last 3-4 is only 21' which is definitely not in line, it's not wide enough for a fire apparatus and a hose if it's deployed from the on-site fire hydrant.

Dowd: I'm taking a look at the map; we're talking about the RV parking at the back?

Taczak: Along the east northeast. It's more toward the rear.

Dowd: Since it's not, that can be moved over. That can be shifted. We have 56' to the building.

Taczak: That's exactly what he mentioned if you shift the entire thing over.

Dowd: Instead of being 21.6' we could perhaps get as much as 27-28. We could certainly work with the Town to do that. It might require an installation of some stone or something for the parking area in the back. We do have 56' to the west. We could move it over a little bit. I'm talking where it shows existing pavement and then there's a block of parking. We need to move that towards the west so there's more room on the east. We would be happy to do that as well.

Conrad: Anyone in the audience care to speak for or against the project?

A motion to recommend approval of the use change was made by Lilly,

Seaman: On this one it's going to be a recommendation obviously to the Town Board. I would suggest that you do condition it on the change of that parking that you just suggested to allow for additional of more than 21' on that northeastern corner and also condition on attorney review and or filing of the new easement for the ingress and egress. You could condition your approval recommendation to the Town Board based on those and the applicant can those things together for the Town Board when it goes there for approval.

Motion with the condition that the access of 21' be a minimum of 27'...

Dowd: If I can suggest maybe an opportunity to talk to the Fire Inspector and the Building Inspector because we have enough room. Whatever the minimum is they would require we will meet if that works. Mr. Reiter is telling me that today from the prior layout they needed 27'. Whatever the minimum is we will give it. If it's 27' we will make sure that is what it is.

Masters: Pat's concern the way it is right now with the 21', if we get an RV in there that's a little extra long or they have a trailer pull behind and all of a sudden we have no cushion.

Dowd: We will make sure that we have enough room. We will get that approved with the Building Inspector and Mr. Seaman before the Town Board meeting.

Motion for the easement documented with the attorney review was made by Lilly, seconded by Taczak and carried.

The next item on the agenda was a Site Plan Review, Special Use Permit, solar array, Kilmer, Townline Road.

Jared Perram with Saturn Power. 393 West Delavan, Buffalo, New York. We are here proposing a 5-megawatt AC solar project at 4616 Townline Road. The land is currently owned by Maryanne Kilmer. Her son Dan is here as well. A little bit of history on the project itself, we had achievedin 2019. It took a little while to get the engineering and utilities on board, world implosion, moratorium, we ended up coming to the ZBA in early February with a plan that we had originally drafted up. At that time, we were seeking a variance for the 700' from the right-of-way of Albright and Townline Road. That was declined. We reconfigured our system and we've come back in accordance with all of the setback ordinances are in place with 700' from Townline and well off from Albright as well. Again, just a couple project details, 5-megawatt AC solar project, no battery storage or anything like that associated on this one. It will have trackers incorporated to the rackings; so the modules will actually articulate from east to west and follow the path of the sun in the sky. Invested pretty heavily in the vegetive screening all around the project. Any sort of line of site that you have from neighbor's houses or the right-of-way itself is very well vegetated. We did meet with the Niagara County Planning Board on Monday. Our project was approved with a couple of stipulations in regard to the access road shape and some additional screening. I had some preliminary renderings put together. I shot them over to Tim. I don't know if he had a chance to email those out to everyone? I have a couple larger ones here if you would like to have a closer look. We're here really looking for a recommendation for a site plan approval to the Town Board.

Conrad: When you had to reconfigure, how did you achieve.....you changed the footprint obviously but did you reduce the number of panels? How were you able to do that?

Perram: The number of modules is decreased slightly but we upped the panel class to full visibility in solar module that we anticipate coming out sometime in 2022 or late 2021. We're able to increase our production

and by doing that we are actually to decrease the row of spacing just slightly. Anything that we're losing in terms of the number of modules we're actually making up for in module wattage and decrease the row spaces.

Conrad: Your overall power output will be the same?

Perram: It will be a little bit less. We're still at that 5 MW AC and I know you guys are somewhat familiar with these projects. The DC size actually went down slightly so the overbuild has dropped pretty significantly.

Conrad: Questions or comments from the Board?

Lilly: In your paperwork you refer to the Town of Gaines?

Perram: On which paperwork I'm sorry?

Lilly: Several of the paper documents.

Perram: That is embarrassing. We are doing a project in Gaines.

Lilly: I didn't mean to embarrass you but it needs to be changed.

Conrad: Any other comments about the project?

Burg: We don't have anything as far as signage? Would that be on the final plan?

Perram: We would put that all together for the special permit submission.

Masters: This meeting is the special permit and the site plan all wrapped in one.

Perram: A lot of municipalities will be able to work with them to get a site plan approval and then whatever kind of contingency we would have to work for, for that actual issuance of the special permit. We've come up, when we were seeking the variance obviously the project was declined. We would like to get some feedback from the municipality, if we have to make some changes then we can make those changes and put those erosion sediment control plans and any additional road detail, fencing detail, whatever that looks like. Those plans are currently in process. It's a timing thing.

Seaman: Lewiston will typically keep those two things together. On a project like this special use permit/site plan review is going to be completed simultaneously.

Perram: My apologies on not fully understanding the process. Is it the Town Board that actually issues the special permit? We will be looking for it then.

Conrad: We make a recommendation to them.

Perram: We would be looking for that recommendation. Whatever stipulations you wanted to put on that we would be happy to make those changes and present that to the Board.

Conrad: You said you met with the Niagara County Planning Board already?

Perram: Correct on Monday.

Conrad: I don't know how much the shape of the driveway on Townline Road will hurt you because it's such a flat parcel. The S-shaped driveway you are aware of that. The (1) 700' setback it showed the arc but it didn't show the structure it was a setback from. Is that the barn that it's 700' from or is it the dwelling? The dwelling is 700' by the solar law and it's 500' from any other building or structure on the property. I couldn't see where it was generated from.

Perram: On Maryanne Kilmer's property we're 250' from her home and any structure there and the adjoining properties we are 500', I believe it's a barn or livestock related and 700' from the closest dwelling.

Conrad: Topsoil, this is something I want to bring up with all of these. Are there any plans for removal of topsoil?

Perram: No, it's aclass site and we won't have to do much grading and any grading that we do would be very minimal for the road and that will be skirted out. No topsoil will be brought in and nothing will be trucked out.

Conrad: Any overhead electrical lines planned for it?

Perram: Everything is underground until you get to the poles at the street where the utility will have to connect.

Conrad: What sub-station are you tying in to?

Adam Rowels, also representing Saturn Power. Shawnee 76.

Taczak: Have you seen the letter from the Fire Inspector about the what he calls a knox box for the key?

Perram: I have not seen that letter but that's typically part of our operation and maintenance and emergency plan that we would submit as whoever needs a key for that gate at the road, we would be happy to provide a key.

Conrad: Anybody from the Departments? Tim?

Masters: I gave you all my comments in that letter.

Conrad: Do you want to comment on any of those?

Burg: What is the plan for storage and removal of access material such as panel supports, excess wire and such?

Perram: The majority of waste that will be on site is recyclable. We are looking at wooden pallets, cardboard, metal ribbon, that kind of thing. It's all recyclable.

Burg: It won't be stored on site?

Perram: No.

Conrad: Site lighting?

Perram: None.

Conrad: What about a maintenance shed or anything?

Perram: Maintenance would be done during the day.

Conrad: I will open it up to the audience.

Seaman: Are you impacting any wetlands?

Perram: They are USAC wetlands where it's a minimal impact, just our driven posts and we got the access road going over a small wetland area but we got all the jurisdictional determinations in with USAC.

Seaman: You've provided all of that to the Town?

Perram: We did provide a wetland delineation report.

Seaman: Just procedurally so you understand the Board needs to make a recommendation for SEQRA and that's going to require a coordinated review. A coordinated review is something that the Board will likely ask their Town Engineer to work with them on. That coordinated review all the different entities that may have some interest in it. It takes at least 30 days for that. Just so you understand time wise what I would anticipate happening tonight is the Board continuing this conversation to try to outline for you what other information they may want or require so that they consider this application to be complete. Also likely is a motion from them declaring this to be a Type 1 action under SEQRA which it is and also a motion from them requesting the Town Engineer to work with the Town with regard to helping them make determinations relative to SEQRA and coordinating the review. That's likely all you will have tonight other than there has obviously been a public hearing noticed and there will be a public hearing held here in the near future, a few minutes. That public hearing will be left open then, it's been called for pretty early in this process. Typically, a utility level solar application going through the Town like this would take several months to get everything they want together, there is obviously the SEQRA analysis that needs to be done, with a determination whether it's a negative or positive declaration. Then it will proceed from there. They will likely leave the public hearing open as well. That's how I expect today to go for you.

Perram: We submitted all the SEQRA documentation. I guess I was under the impression it had already been submitted?

Masters: Bob has it. Since nobody wants to answer my questions, I will read them. I just want them on the record. That's why I put them in there. Let me just read them and then you can comment on them. Some of the things were already mentioned was maintenance and documents that talks about emergency notification, talks about the Town of Gaines, Monroe County emergency management. That needs to be cleared up and switched to the Town of Lewiston in Niagara County. There was not a sign package associated in the

documents we got with regards to electrical shock hazards, location shut offs. There wasn't anything on intended maintenance throughout the year. How often will the grass be cut? Will it be cut, won't it be cut, access drive clearing? You already know the driveway needs to have an s-curve according to our law. I think you've already given the detail on the landscaping at the s-curve and at the pole farm which will need to be incorporated in to the main plan. There was no fence detail in there. Is there barbed wire?

Perram: There is not typically.

Masters: We don't want barbed wire but I was asking because it's not on the detail. It was silent on whether or not there would be earth tone slats in the fence or not. Our code requires that so we need to get that in there. There needs to be a construction schedule on when things are going to happen and when the landscaping is going to go in. Army Corp., DEC, wetlands all need to be done. There wasn't detail on the fire access road, whether it's able to carry 80,000 lbs. in all weather conditions. Do you have a DOT approval for the culvert at Townline Road?

Perram: No, we've started those conversations with DOT.

Masters: Will there be a sign at the street?

Perram: There will be. That will be part of the fencing and signage detail.

Masters: Those are my comments.

Perram: All of that is exactly right on....

Conrad: At this time, we will start the public hearing.

A motion to open the public hearing was made by Lilly, seconded by Taczak and carried.

Conrad: At this point we will open it up to the public. If you would step forward, introduce yourself and give us your address if you want to make a comment either for or against this project.

Charlotte Patterson, 4611 Townline Road, right across the street from the proposed solar farm. We just bought this property in October. Had I known there was a solar farm going in we would not have bought this property. Talking to real estate professionals in the area, this solar farm going in, any property close to this solar farm, our property value is going down automatically. If the solar farm is going in, I have a few questions both for the applicant and the Town, what can we do to compromise here to make my investment in my property worth while? The fencing, barbed wire, I can't even imagine looking out my window and seeing barbed wire. The proposed fencing, I haven't seen the plan. Can someone explain to me what the proposed fencing is, what the earth tone slats mean, what the vegetative screening is. I don't want to see solar panels. I don't want to see fencing either. Maybe someone could ease my mind in that, that would be wonderful. What is the long-term plan for the property? There is a residence there. I know the gentleman drives from Grand Island, wherever he mentioned last time. He's not the property owner. At some point is the house going to be sold? Is the property going to be sold with it? Is it going to be an empty house? I don't know if these are questions that I can ask in this venue? But they are questions as a homeowner living across the street with children that I wonder about 10 year from now. I don't know if you can answer my questions?

Conrad: With a public hearing what we do is we take in all the questions and comments and then at the next meeting we can prepare responses. Right now, it's to get all the information and questions fielded so we can have an appropriate response for you.

Patterson: I appreciate it, thank you.

Masters: I can let you know though if you want to take a drive down Moore Road, the fence you see in front of Moore Road is an 8' chain link fence with the slats in it and that will give you an idea of what you will look at.

Patterson: Is the vegetative screening in front of that already?

Masters: Yes. No barbed wire.

Rob Hoover, 6030 Hoover Road. I'm actually in the Town of Wheatfield. We own land in Lewiston and in Cambria. We actually have land across the street from the project. A few questions I have is what is the life of this project, 20-25 years, at that point does it get reconfigured for more panels on to it or is it decommissioned at that point? Is there a set aside funding to take care of that to have it removed? You said the power was going to the Shawnee Road site, so does that mean that and this is sort of a broad question, but we have a power project here that at one time was the largest in the world and now it's 12 or 13. That's going to the grid with transmission lines, they are not at capacity, nowhere near it because the transmission lines can't even handle the amount of power they could be putting out. They are putting these solar things all over the place. What is the gain for the communities? Ag and Markets at one point changed their mind....i know the one gentleman Bob Sommers has retired out of Albany but at one time his thing was that once it is solar it's not going back in to Ag. We do have a ton of Brown sites in the County. That would be perfect for that. You're not going to be putting a park or home you won't be putting any of that but yet it's a Brown site. Is this going to be a Brown site for years to come? I have children growing up. Like I said we love our community, we love what it is because of the openness of ag oriented in parts. There are a lot of questions of what the future hold for spots like this. I think we really need to look at it. Is there State money coming in to it? I know that was the one thing they are talking about over in Cambria that there are millions of dollars coming to that. Is this being funded by the regime in Albany? My dad a few years ago wanted to put wind mills up. We went around Western New York, 4 different farms that had wind mills. They had gotten quite a bit of subsidies to put these wind mills up. I talked to the salesman after and asked if he was making out with this, is it making out for you like you were told and every single one of them told me no way. If they hadn't gotten the government subsidies, they wouldn't have done it because it's not feasible. I know just like with anything every day the technology does change. What is the efficiency on these panels? If it's going to 21 or 22, what is the efficiencies that they're getting? Thank you.

Conrad: Anyone else wish to speak?

Susan Mielke: 4552 Townline Road. This is going to butt up to the back end of my property. My biggest concern is I have horses, my neighbor has horses. This is 100' off my pasture for my animals. We don't know what kind of water seepage is coming through? I know they talked about wetlands and that. In the spring of the year the water flows through those solar panels through the neighbor's yard, over in to my yard, out in to the front ditch. I don't think anybody knows what kind of seepage is going in there. What is seeping in to my hay field or the pond? What kind of hazard is that causing for my animals? My biggest concern with this whole thing is the fire hazard. If that place starts on fire which they do and I've talked to different people

about them. Usually, they just let them burn on their own and hope they go out. In the meantime, anybody that lives in a 5-mile radius of that has to evacuate. Again, I don't know where I would evacuate for 5-miles, let alone chase all my barn critters down the road with me to get them out and be out of danger. That is a concern of mine. Not to mention they say it's obviously an eye sore. Nobody wants to sit in their back yard in the country and look at a big solar farm. They say they are going to plant shrubs and put-up trees and do this. Drive around there are solar panels now, they are not maintaining them. They are not mowing the grass. The shrubs are this big. By the time the shrubs are hiding that fence it's going to be time to tear down the solar system. It's not a feasible thing. My property value, there is no way my property value isn't going to decrease by having this put up behind my house. Grant it it's their property, they can do what they want with it, but not if it's decreasing my property value. How do they get to do what they want on their property and be making all their money on this without any regards to the neighbors? It will decrease my property value. It will be 100' off the back of my lot where my pasture is and my hay field is. I was approached by the solar people. I didn't even have to think about it, I told them no we don't want this in the country. That's why we live where we live. This is a big chunk of land. My poor neighbors, they are going to be blocked in all around with it. They have a lot more animals than I have. Where do we go with our animals? Where do people within a 5-mile radius of that farm go with their animals? I say keep it a residential area and don't go forward with this.

Conrad: Thank you. Anyone else?

Andrew Kloda, 4584 Townline Road. I live right next door to this project. The same thing, I bought my property 2 years ago. If I knew there were solar panels going in, I would have never bought my property. I think Tim can attest I've sunk a lot of money in to my property since I owned it. I never would have done any of that. What is going to happen to my property value, it's going to decrease and where is my compensation for my loss? My taxes are still going to be the same. I was looking to pay \$7,000-\$8,000. A year in taxes for property that is worth nothing. Where is my compensation? With my pond, will the run off affect my pond? My animals drink out of my pond. Is there going to be environmental studies on that as to what's going in to my pond? The run off from that property goes to my pond. I'm definitely opposed to this.

Conrad: Thank you sir. Anyone else want to speak either for or against the project? Anyone care to make a motion to close the public hearing?

Seaman: Leave the public hearing. Leave it open as to such time as the Planning Board makes another notice of an additional public hearing or determines to close it.

Perram: I would be happy to address some of the questions.

Seaman: I think it's a good idea.

Perram: I have some notes here on my phone. Barbed wire, I think we've covered that, that there certainly won't be any barbed wire. Charlotte, I would love to give you my card after this. I would love to be able to come to your home to understand what your view scape looks like and we can walk through the screening plans together to find something that will resonate with both of us and like you said to try and find a happy medium. I would be more than happy to do that. The lifetime of the project, 25-30 years is what we would be looking at. What happens after the lifetime of the system, decommission and I do believe we will be having a bond with the Town of Lewiston to make sure all that.....can be covered. More than happy to do that. The energy where does it go? Actually, it's because we are hooking up to the distribution utility grid, we do have

the opportunity to provide that energy savings to the folks in the Town of Lewiston and the surrounding areas. Anybody that is serviced by National Grid. There is some benefit to the community in terms of energy savings, not to mention we don't have to get in to the particulars but the pilot agreement. We pay a lot of taxes and we pay a lot of money for these projects to be put in to the Towns and there is a great economic stimulus that would go to the Town of Lewiston within that pilot. State money, yes, we are subsidized slightly for sure but I think a lot of things are, Natural Gas I think are subsidized and I think a lot of things are subsidized by the State or Federally. Not as much as they used to. Technology is improving. We don't have quite the amount of money that needs to come in to these projects, especially when you are trying to compare that with wind which is unbelievably expensive. I'm hearing a lot about run off and seepage which again I totally understand. However, there is really nothing in solar panels or the steel that we are putting in to the ground that has any sort of chemical or corrosive nature. We have to go through really rigorous analysis for the DEC and US Army Corp. of Engineers and SHIPPO. We spend tens of thousands of dollars to make sure that won't happen. Full SWPPP reports to make sure nothing is going in to your ponds or anything along those lines. After 30 years is rested and is ready to farm. There is no question about it. Efficiency of modules, 85-90% efficient. Fire issues, so this comes often and I'm happy to work with the Fire Marshall. I can throw out there. We've made some contingencies in the past where we put gravel around the fence lines to make sure that if there was a fire under any circumstance it wouldn't have that carry over in to other people's homes or properties. There are no batteries. Looking at some of the older solar fields, I agree they are crazy ugly. The municipalities now are making it so much more difficult for us to be able to build projects. They want full O&M plans and they want decommissioning plans, they want the high level of detail, how often is the grass going to be cut? These are all things we are putting together and we will certainly submit to the Town. We have to adhere to it, otherwise the Town can say hey, you're not holding up your end of the bargain. Decommission the system with the money you have already given us. Then we are pinned against the wall and we have to decommission the system. We are held to a very high regard and really tough stipulations when it comes to a lot of this stuff. I pass by solar fields all the time that are ugly as sin and it drives me nuts as well. I totally agree. That's all I have. I just wanted to hit you guys with my thoughts on some of the questions that they had. We really do want to work with you. Of course, we want the project to build. It's what we do. We believe in green energy; we believe in solar. We believe in giving back to the community. We want to work with you. I want to be able you are able to sit on the front porch, have coffee, have a glass of wine and not have to stare at solar panels 100%.

Conrad: Any other comments?

Bob Hoover, 6030 Hoover Road. The questions I have, how long is it going to take for this project to be built?

Perram: From start of construction 6 months.

Hoover: I watched another project go up in the Town of Wheatfield and they were over a year putting it in. It's up and running. The amount of stone that was brought in for the driveways was astronomical. Is stone going to be brought for driveways?

Perram: There is.

Hoover: The stone to remove the stone in all of that, if he says 6 months, the other project I saw was over a year. You're going to tell me that you can tear this all down, take all that stone out and return it to farm land? It's not going to happen. Do you know what the cost would be to put that back in to farm land is astronomical? Sewer is going through our property and where the sewer line went through, the main trunk

lines, that land, you might as well say it's useless. It's never turned back. The stone and everything that they did putting it in, you can level it off with a dozer and everything looks pretty but when you go to work it, you're constantly fighting with stone and stuff that was over turned during the project. To put a road way in, how do you get that back with all the stone that's going have to be taken. You can't work ground, plant crops or do anything with stone. Especially with driveways like that. To take it back out and put it back plus however these, the poles and everything, are they concreted in?

Perram: Pounded straight in.

Hoover: We will see. In 20 years, I'll be dead and gone. Anybody that's around here, it remains to be seen. Personally, my feeling on these solar projects, you talk about the monies coming from our State and who's money, is it? All of ours. It's all our money in taxes being used for this. I'm thinking long down the road and I'm wondering, I may never see it, but all these projects through the State after they get every project they want to get in, I have a feeling the State is going to come, eminent domain and give everybody a buck for their property and the State will have a new power authority. It will be called wind and solar power authority of the State of New York. That is my feeling, long run.

Conrad: Thank you sir. Anyone else? We will leave this public hearing open. As far as the plan itself, we've given some direction. Tom, at this point...

Seaman: The only thing you can do is, you can declare it as a Type 1 action under SEQRA, you do a motion for that. Then you can do a motion for a coordinated review. You can do a motion declaring the Town Board Lead Agency for SEQRA and also a motion directing GHD, Town Engineers to assist in the completion of the SEQRA requirements and analysis including the coordinated review. So, it's 3 motions there.

Motion to make the application a Type 1 SEQRA action was made by Burg, seconded by Lilly and carried. Motion that the Town Board to become Lead Agency for the coordinated review was made by Burg, seconded by Lilly and carried.

Motion for GHD to assist with the coordinated review and SEQRA was made by Taczak, seconded by Burg and carried.

The next item on the agenda was a solar application Thompson, Ridge Road, SBL# 76.00-2-12.1.

Chris Georgiadis: I work for Next Era Resources, the developer on this project. I'm accompanied by Drazen Gasic, LaBella Associates right here. He is our project manager and engineer.

Drazen Gasic: I was looking to install a 5mw AC 7.5 DC solar energy system in the Town of Lewiston.

Conrad: I just don't want anybody in the audience to be upset about the plans being faced this way. We will turn them around for you in a few minutes. We want them to do their initial presentation to the Board so that we can see them and then we will turn them around for the rest of you.

Georgiadis: We are one of the largest renewal mining companies in the world. The reason we've come so far is because we are what's called an owner operator. Whenever we develop a solar project, our business moto is to own and operate the project through the life cycle of the project. So, you're stuck with us from beginning to end. We've worked with several Town's and Counties in the State of New York to have projects

successfully permitted and approved. This will be part of the New York Community Solar Program which will offer local residents a cost savings of approximately 10%. The property is 113.1 acres in size and is zoned RR. It's located at 2645 Ridge Road, Ransomville New York. The expected fenced project will be around 27 acres in size and will contain an 8' chain link fence, no barbed wire per Town Code. We expect to access the project off of Ridge Road for all heavy equipment during construction. I know this was a very controversial topic last time I was here in December there were a lot of members of the community that spoke out, not against the project but against us using Moore Road as a construction access point. We've adjusted our site plans to coming off of Ridge Road now. There will be a small access point off of Moore Road. That is only for small utility vehicles. The small National Grid vehicle as they have to put up poles there. They have to maintain the lines. That's solely it. Once the project is up and running, there won't be an increase in traffic expected. We have not proposed any vegetative screening on the site due to the existing tree lines and vegetation that already surround the project. We are in a very fortunate case. The nearest home is over 1,500' away from the closest point of the project. Typically, that's not always the case but in this case that's how things worked out. That sums up my introduction. I'll open things up to the Board.

Conrad: You can turn those around for the audience please.

Gasic: I just want to make one continuation on what Chris said, on Moore Road the access to be provided is required by the utility company in order for them to access the poles associated with the project. That's the only reason we have that access road there for the utility company.

Conrad: Let's start with questions from the Board. Any questions or comments on the project?

Baker: I have not had the opportunity to drive by the site and look at it but from your discussion there's a natural vegetation out there that screens the project in accordance with the Town Code. Is there any provision in case that the vegetation should die? We are experiencing a die off of Ash trees right now and I don't know what's in the future, nobody else does. If something were to happen whether it be fire or some pest infestation and that vegetation dies off to the point where it's no longer screening the project, what would happen?

Georgiadis: At this point there is nothing proposed in that manner. We are just using the existing vegetation that's already there.

Baker: Will you have a plan?

Georgiadis: Not at this moment. We are open to ideas and suggestions from the Board.

Baker: The suggestion is you comply with the Code whether it's now or 5 years from now or 10 years from now or whatever the length of the project.

Gasic: That does make sense. The only part in the Code, it doesn't really specify vegetation coverage, type, cause like you said let's say 10 years from now we have an infestation.....let's say the trees we were to propose now would be contradictory at that time. Unless it's something that can be discussed as an O&M with the developer to implement or add vegetation for good neighbor screening.

Georgiadis: In other words, it can be part of the operation and maintenance plan as.....

Baker: All I'm saying is I believe it somehow needs to be defined and become part of the project. I'm not proposing a solution at this point. I'm just saying it needs to be considered.

Gasic: I think a good venue for that might be some language in the O&M we would like to see in there that could be approved.

Seaman: Right now, you say you are going to keep vegetation practical. That's all you provided to the Board in terms of language. That means very little. You haven't defined the amount of footage of vegetation. You haven't defined in any way what that....there is existing vegetation there but you haven't defined in any way how much you are going to keep. There is no visual impact study at all in terms of what the current site lines are or what the current vegetation is. It hasn't been provided to the Board at all.

Gasic: Typically, a request for visual impacts will be brought up at a point like this where a neighbor has a concern because of proximity or the Town has a concern because of proximity to a neighbor that they would like to view. In this case 1,700' or so is roughly the nearest residential property. The location of the solar array in the drawings is centrally located in the field that is surrounded by forested vegetation coverage. It's not like you have a row of trees and then there is the array, it's a good depth of forested tree cover that is currently providing a visual barrier in a central location of a lot where the nearest residential property is 1,700'. It's a good distance with forested established natural covering.

Seaman: What I'm suggesting is the Board could benefit from at least, if nothing else a full visual impact study from the closest residence, at least some type of visualyour application shows what the current vegetation is.

Gasic: I could do a bird's eye view and bring it up to the neighboring property and all you will see is tree cover. We can provide that too.

Seaman: That's a good idea. Along with some definition as to how much vegetation you intend to keep. That's absolutely going to be required as part of this, what footage and depth of the forested area you are going to keep. I expect the Board would want to see that.

Conrad: Especially along the western border of the array it appears in this drawing C-200 that there is literally what appears to be a single row of trees. Then again as the Town Attorney pointed out is there any plans for the future for the rest of the tree line on west side. Is that going to be turned in to farming or developed in to something else down the road? The Town has no assurance of any of that.

Gasic: The lease agreement is within the foot print of the fence limit and what they are proposing to clear. If the farmer decided to clear trees for some reason that is out of the control of the applicant, but from the applicant's perspective they are proposing what is currently shown as the amount of clearing. They are not intending to clear anything more than what is required or needed for them to meet their production.....

Conrad: That really doesn't help the Town though.

Gasic: You stated in the O&M agreement that the applicant can't clear what is outside of their limit. It's outside of their actual agreed limit of control. It would be the land owner that would need to comply and not.....

Georgiadis: Speaking on the operations and maintenance side this is something we can incorporate in to our application and what it may be. We just have not proposed any vegetation due to the existing vegetation that's already there. We can work on O&M plans that will help keep the existing vegetation healthy. If there is something that happens, we can plant trees down the line.

Conrad: This is the thing. Say this sits here for 5 years and then like I said some farming develops. Now we are starting from square 1 on a 5-year-old array for the plantings to start to mature. We're behind the 8 ball and we're trying to stay ahead of it and that's why we ask those questions and ask for the things are required within the solar law.

Seaman: If you are going to use existing vegetation as your screen then you need to have some control over that working for you for years going forward. It's as simple as that. So, either you gain access and rights to that property or you figure out some other way to make sure there will be screening that's adequate for the Board.

Georgiadis: Is there something that the Town typically says likely 20' off of the fence line if there is natural vegetation that has to be maintained and kept in place? Is it 50'? Is there something...

Seaman: It's a good question and I can tell you I don't think there has been a standard developed in terms of a solar project that has come through. We had other ones that have had existing vegetation that have been conditioned on simply keeping that existing vegetation. If you were thinking of proposing something along those lines.....

Lilly: Some of the solar farms that are in existence right now, the off the fence line is about 25' that there is a row of trees or shrubbery, in that sort of range. My experience is if it's too close it might create shade for the array. Obviously if it's too far away now you're on to someone else's property. I think that's something you guys have to come up with.

Gasic: In our design we indicate the tree clearing that is needed in order to not impact the shading. Any of the natural existing vegetation that is shown is to remain. That could be incorporated in the O&M as we want it to remain.

Lilly: Did I see 7 acres to be removed?

Gasic: 7-acres with regards to the foot print of the array but also the setback that is needed so shading doesn't impact the project. It's a lot of brush cover there.

Lilly: Will you be removing the stumps as well?

Gasic: Inside the fence limit?

Lilly: Inside the 7 acres or whatever brush or trees?

Gasic: Inside the fence we typically remove the stumps. Outside the fence we typically leave the stumps.

Burg: I have questions from the Building Dept., one is the permanent site access shown entering off of Ridge Road. Did we move that away from your neighbor to the east?

Gasic: Yes.

Burg: The poles and the transformers are located on Moore Road. Can we get some additional screening there to try to block the view from the neighbors to the west?

Georgiadis: Yes. How would you like that vegetation, would you like it along the road?

Janet Fraas: We're also looking at what protects us from the power. There are trees there now. There are trees all along the ditch right now.

Georgiadis: I think the Town is referring to the right by the access road adding vegetation here between....

Fraas: Do you own the other array on Moore Road?

Georgiadis: We don't own it. We acquired it after it was developed. The project was developed and we acquired it after it was fully running.

Fraas: You're not hooking the new project in to this one?

Georgiadis: No.

Burg: Does the construction access off 104 require DOT approvals?

Georgiadis: Yes, it does.

Burg: Have they been applied for?

Georgiadis: It hasn't been applied for yet. We are in the process of filling out applications.

Burg: On that topic the drive has a slight s-curve? Can we get more, a little more curve on there and are you going to achieve the 80,000 lb. requirement you need for.....

Gasic: Can I get a little clarification on this s-curve?

Conrad: It's all part of the screening as you have some wooded areas here, if you take the road and make the s-curve, it's not a direct line of sight in to the solar array. That was the intent of that.

Gasic: I think there are turns in the access portion on to the site or within the property?

Conrad: Within the property so you can't stand on the road and look right down the road and see the array.

Burg: There is possible drainage required on the east side of the driveway entrance on Ridge Road.

Masters: I didn't know what the elevation difference was between the newly installed road and their property. What I don't want is drainage coming off of that in to their property.

Burg: When do you plan on putting in the screening? The construction schedule doesn't have screening going in at the beginning of construction? Is that going to be at the end or at the beginning?

Georgiadis: That's something that depends and I've actually spoke with several nurseries on other projects. It all depends on timing. You want to put trees in whenever they're going to have the highest success of growth and resilience. Usually that time period for trees to be planted is April and May. That's something that every....you can talk to Cornell Cooperative Ext.....they suggest planting in April and May.

Burg: Your signage is indicating you're havingwith batteries but batteries aren't allowed. No over-head wires?

Conrad: There won't be. They're not allowed. It's right in the solar law.

Gasic: It's all underground from the point of the utility to the solar. The utilities are overhead from pole to pole that is through an interconnection. Everything else is underground. Everything on site is underground.

Conrad: The plans said 1,275'. That is what the solar law calls for. That is what we want.

Burg: The fence slat cover, that would have to be brown.

Georgiadis: I don't think there is slats for this fence but we can definitely add it.

Gasic: Is it usually on the frontage that you want the slats? In our case here we're surrounded by vegetation. Do we still need the slats even in that case or is it....?

Burg: I believe it's the entire fence isn't it, Tim?

Masters: It's the entire fence and it all goes back to Pat's question on how....this is a solar site in the middle of existing vegetation and how do we control everything else around us. The solar law says you will put slats in the fence. It doesn't say unless it's naturally screened or anything else. The other thing is, to get back to Moore Road site entrance there, it doesn't matter if Cornell Cooperative says April and May, the solar law says you will screen this on day one in some way shape or form whether temporarily or permanent. So, in July you determine you can't plant your trees you have to come up with some alternate acceptable means to the Town to screen it for the neighbors until it's complete and you can get your trees in the fall.

Georgiadis: We will add slats to the fence.

Burg: As far as the property clean-up. You have a half-demolished barn and the abandoned house. Do you have a plan for those structures? I believe it's on the west closer to Ridge Road, 104.

Georgiadis: We don't have any plans to touch any of those. We are leaving them as is.

Masters: The reason I put that on there is the Planning Board made Mr. Piva clean up his whole property and I didn't know if the same scenario is going to apply to Mr. Thompson?

Burg: I think it's a fair question because what are those properties going to look like in 12 years? What are those structures going to look like?

Masters: The one house is abandoned and we have an open barn permit on it that the barn was demolishedI know it's not under their control but in my mind, my opinion Mr. Thompson should make his property cleaned up if he wants to improve it with this. That's just my opinion. We have talked to him before privately. Piva had that demolished barn, half demolished on his property and we made him clean that up. You can't have a non-conforming nasty looking property and then want to improve it.

Gasic: Is that a condition of the approval or how would that be handled? That's the owner of the property, not the applicant.

Burg: I think it's fair to make it a condition upon approval.

Gasic: The condition will then carry with the applicant not

Georgiadis: You're carrying it on my behalf and not the landowner's behalf.

Masters: You're linked to them.

Lilly: The landowner is benefiting from this, correct?

Gasic: What we are wondering is shouldn't it be a Code Enforcement Officer to contact him and let the owner know there is an abandoned structure here, you should be removing this.

Conrad: Tim have you ever talked to him?

Seaman: Or it could be you guys contacting the person you have the lease with and tell him hey we need to take care of some stuff on your property.

Conrad: It would be in his best interest.

Taczak: Before we get approval, this has to be done.

Seaman: In a previous application that came through I believe it was conditioned on the clean-up of that property. I also believe that the solar company worked with that individual and they did it together. That's how it's previously been done.

Gasic: If we convey that to the landowner that this is a condition and they say no, what would happen in that case?

Seaman: Maybe you need to look for a new landowner and lease.

Georgiadis: We entered in to a lease hold.....we're not purchasing his property.

Seaman: It's contingent on approvals is it not?

Gasic: It's just a unique contingency. The applicant is not the owner of the facility that it's a requirement to be torn down in order for this construction.

Lannon: I think it's something the Town expects you to work out with them.

Baker: It's to your benefit too to advance the project.

Burg: I don't think you want the liability of abandoned buildings on the parcel that you're leasing.

Seaman: I think you need to understand you're asking for a project to occur on a parcel. The entirety of the parcel is considered. It's a site plan approval. I know you guys have a lease relative to a portion of that but the Planning Board is considering a parcel with property here. Just because you have a particular lease with certain rights to certain parts of the property, that's not really the overall analysis the Planning Board is going to take when they consider a site plan approval and special use permit relative to a parcel of property that's owned by somebody within the Town.

Georgiadis: This area could be an exclusionary on our lease hold with the land owner and the land owner might not want us to touch this piece of property. If he already has an exclusion on this piece of property right here where we signed a lease with him at the beginning of the solar project, then we're really in a strain.

Seaman: Nothing has been conditioned yet. Explore this with your land lord.

Georgiadis: We will definitely explore it.

Burg: Anything from the Army Corp. Of Engineers?

Georgiadis: We are in the process of submitting a nationwide permit because of the impact of wetlands. Whenever we do get the nationwide permit response back, we will provide it to the Town.

Burg: Is there an operational maintenance plan?

Georgiadis: I will have to double check that. I did not have one in my hand whenever I walked in here. Let me check on the O&M plan. I believe it was more or less outlined on the site plan itself. We didn't really give any detail with that because we didn't propose any existing vegetation. Right now, I think there is a landscaping section, section C-600 maybe on how we are going to provide lawn care and lawn maintenance of the existing solar site.

Burg: Will we have a sign at the entrance on Ridge Road?

Georgiadis: Like a sign showing Next Era Energy?

Conrad: Any kind of sign, permanent sign.

Masters: How do you plan on identifying the site for emergency services?

Georgiadis: We usually have something on the gate.

Masters: Where will the gate be? If I'm in an ambulance going to pick your butt up because you had a heart attack, how would I know where to go?

Georgiadis: We can put one out front if that's....

Gasic: I guess the question is would you want a sign there...we can add one in.

Masters: You're going to have to have one there with the street address on it.

Gasic: The size? We typically have an emergency phone tag with the name on the fence but we can also put one out.....

Masters: I can send you that because the size and contrasting colors are in the fire code and I can send that, but I imagine you have it. That is my list.

Gasic: One thing we ask in regards to fire access, fire coordination, is there an established entity within your town that does local training that we can provide some additional material to? Sometimes Next Era likes to meet with them to let them know this is how the facility operates, this is where the access is, this is how the knox boxes are, this is who you contact and we usually have a training. We didn't know if that is something that there is a specific entity that they would need to coordinate with or if that is or the Fire Marshall....

Conrad: Would that be the County or local?

Masters: We had Pat and Les and Ed go out to the one on Moore Road and they went over everything and showed us where the shut offs were and they relayed that to the fire chiefs.

Conrad: Bill do you have anything of your own? Any other members of the Board have any comments or questions? It's noted on your plans that this property lies within the New York Heritage Erie Canal Corridor? That's a NYS DEC....do you have any idea what part of that you would be affecting if any?

Gasic: Nothing is showing on our maps. It's not provided on the EAF.

Conrad: It was on your plan. Somebody must have it.

Georgiadis: The National Heritage Program received from the State of New York, the Environmental Conservation on October 16, 2019, indicated that they have no records of known occurrences of rare or State listed animals and plants significant, natural communities or other habitats at the Niagara Project site or vicinity.

Conrad: The other one was the Niagara County Farmland Protection Plan that's within that area as well.

Georgiadis: I know I will have to be submitting to that. We are in the process of finishing the application. The only portion of soil groups 1-4 is what they're focused on. The only portion that affects the solar is group 1-4 is the access road.

Conrad: The lithium-ion batteries. No plans for them, right?

Georgiadis: No.

Conrad: Which sub-station is this tying in to?

Georgiadis: I don't have my utility information with me. I will double check that.

Conrad: Forward that when you have a chance, please. As far as top soil, is there going to be any removal of top soil there other than to the road? No plan to sell any top soil?

Gasic: No, we don't want to strip. We want to keep it.

Masters: When you say road and equipment patterns?

Gasic: There is a 25/12

Masters: How about the soil all the way in from Ridge all the way to the panels?

Gasic: The road yes, in addition to the road.

Masters: The whole entire road which is a lot of soil.

Gasic: We're going to box it out to the road. In order to comply with the 80,000...

Masters: This has to be reflected in the removal bond.

Gasic: De-commission?

Masters: To bring the top soil back if you're going to get rid of it.

Conrad: The solar law requires to be restored back to its previous condition. I don't know what that's going to cost in 30 years. Trucking is expensive now so....

Lilly: Just to be clear when you put this driveway in you will be removing the soil off the site?

Gasic: We would prefer to keep it on site. There is enough land there you could box it out and spread it out next to it but we would typically only box out

Lilly: So, you won't be removing any soil off the site?

Gasic: No intention. We're moving the box out and then move it off the site....

Masters: It will stay on site just out of the roadway. You're not selling it off.

Gasic: No.

Masters: The reason I'm asking is across the street for that one, it's gone.

Conrad: You are well over 700' from the closest residence, right?

Georgiadis: 1,500 plus feet.

Conrad: You talk about in your grading notes about sheeting? Could you explain the term because I'm not familiar with it?

Gasic: Sheet flow, surface.

Conrad: Okay, it said sheeting is required.

Gasic: Surface sheet flow, existing contours.

Conrad: Any other questions from the Board? Any questions or comments from the engineer?

Lannon: There is a lot of the discussion you're going to put back on the drawings. We will take a closer look. My concern is I want to make sure the screening is...it looks like there will be enough screening on all 4 sides. We have to make sure we maintain it.

Conrad: If there are no more questions or comments, I'm going to open the public hearing.

Seaman: Your process will be the same with this, the same as your previous. There is obviously quite a bit of information that the Board has raised in terms of what they would like the applicant to come back with some additional information. There are a number of entities that we are waiting to hear back from them. You will still need to do the SEQR review. That won't be able to be issued from Mr. Lannon's office until enough of a complete application is in front of him that he can do the coordinated review. Your process will be the same in terms of what you are able to do tonight.

A motion to open the public hearing was made by Taczak, seconded by Burg and carried.

Conrad: I will now entertain questions from the audience, the residents. If you want to step forward and introduce yourself. Give us your address please and make your comments.

Mark Schmitt, 2666 Ridge Road. My driveway would be directly across from the entrance that they're proposing to this. I am pro solar but I like it better on the roofs of people's houses rather than a 7-acre field. There is a lot of stuff you should probably know about Kevin's land. Kevin doesn't live there. He lives in Canandaigua. He inherited that from his dad about 10 years ago and I've been watching it while he's in absence for it. For one the field behind my house is known as head waters of 4-mile Creek. The culvert that goes right next to Kevin's house is considered the main feeder for that creek. It breaks up in to a bunch of wetlands. That is one thing. The property is actually in about 4 different parcels. Kevin is actively trying to sell 2 or 3 of the parcels. It's a house that he rents out with the crooked chimney to the east. His big stone ranch, that is still powered and active right now. He comes back about twice a year to cut the lawn. I came here mainly to make sure it wasn't going to be right in front of my house which would be horrific. There is nothing pleasing about a solar farm. I wish I could say there was. Mrs. Yandian is my next-door neighbor. I'm glad she's here. I foresee all sorts of legal issues. If these guys lease this parcel, he has 2 or 3 other parcels he's actively marketing right now for sale. What happens with the egress and the proximity to this farm that is going to be stuck there for the next 30 years. You might be opening a giant can of worms for yourself. I'm just trying to save you some money. I'm at least pleased, there is a little woods there but that's a thin farmed hedge row that's shown on your drawing. It's only that hedge row shown is really only half as wide, because half of that is on the other land owner. What happens if you get Mr. Milleville who wants to plow right to the edge of his property? All of a sudden you have a 6' border now. The vegetation would be key around it.

Again, getting it to grow in quick enough so you're not getting a glare. I'm all for these solar farms but they have to be in a good spot and they have to be protected by laws that can be upheld. There is so much mucky muck with the different parcels that I can't see how you would defend against that. If Kevin sells one out from under you, suddenly everything is wide open right now. Are you following me? You're looking at it as 116-acre parcel, but it actually is a 6, a 20 and a 30 I believe.

Masters: Not on the tax map.

Schmitt: I have emails that he's trying to sell pieces of it. Food for thought, that's about all I got. I'm not a giant fan and at least it sits back and if we could encapsulate it. I'm all for a person's right to use their land for what they want. There comes a time like those other people said where it's going to detract from your property value. I'm not sure how much but food for thought. Thank you.

Eugene Fucarino: I own the property next door at 2603 Ridge Road. It would be the west side of the property we are talking about. I'm not a big component person of solar so I really don't want it in my neighborhood to be honest. Again, they're showing on all the vegetation and all of that. Like the gentleman said if you look over there, there's narrow hedge rows. They are not pine trees or anything like that. On the one side yes but on the left also because the property butts up to mine, they logged the heck out of it last year. What he's showing you on that is not really what you are seeing now. It's not current. The solar panels are going a little further back in the row, more towards Moore but there is open land now too. I think you would need to put something that's going to stay all year on some of these sections. The property is like a junk yard. I did walk the property. There must be 15 plus abandoned cars, trees growing in to the cars, you have 50-70 tractor tires laying around. You have about 6-8 tractors laying around. You have so much farm equipment abandoned. You should probably clean it up like you were saying before you proceed to allow this which I hope you don't. That road going in, that's a lot of dirt to strip out for a road. It has to be maybe 1,500' or better. If you're coming off.....when you go to strip the road out are you putting any fabric down or how much stone is going in?

Conrad: They will put fabric down.

Fucarino: At the end it would be easier to clean up but still it's a huge area. 20' wide, that's a lot of dirt coming out. Where are you going to put the top soil? That's all I have to say. I'm really not for it.

Conrad: It has to stay on the site.

Barbara Yandian, 2642 Ridge Road. I'm directly across from Kevin. I'm not here for mechanics. I don't understand all that stuff. I'm here for the esthetic value. I've been there 35 years now and each year it gets a little worse. There is always something going along the Ridge. Clay mining, we've been doing that for years. I can't sit on my porch anymore because it's too dusty, the dirt, debris, everything and now this. The private land has become a public highway. I'm just tired of it. I would like to be able to sit on my porch and enjoy my property. I'm not able to do that.

Conrad: Understood. Thank you, ma'am.

Janet Fraas, 2592 Moore: We are very happy that they are not coming in off Moore Road anymore. Our concern is with the 5 power poles and how close they are going to be to our property and if there is going to be any screening to protect us from this. We have a young family right across the street that would also be

affected by this. We are concerned about the power and any health issues that would interrupt our WIFI. We're already experiencing excessive amounts of power outages on our road. We are concerned about that sort of thing.

Conrad: Thank you. Anyone else? Any other questions or concerns from the Board?

A motion to classify the project as a Type 1 SEQRA was made by Taczak, seconded by Burg and carried.

A motion to make the Town Board Lead Agency for SEQRA was made by Burg, seconded by Taczak and carried.


A motion to have GHD do the Coordinated Review was made by Lilly, seconded by Baker and carried.

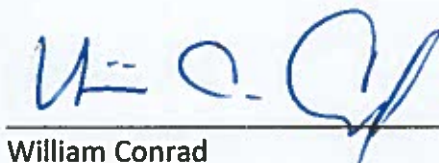
A motion to leave the Public Hearing open was made by Taczak, seconded by Burg and carried.

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

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

Respectfully submitted,


Sandra L. VanUden
Planning Secretary


William Conrad
Planning 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 March 18, 2021, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following applications:	
Mary Ann Kilmer, 4616 Townline Road, SBL# 90.00-3.32, 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.	
Kevan Thompson, Janelle Underitz, 2845 Ridge Road, SBL# 76.00-2-12.1, to consider application for a Special Use Permit and Site Plan Approval for a 5MW AC Solar Energy System on said premises. The property is presently zoned RR, rural residential.	
Information concerning these requests are 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 #N280895	3/11/2021