

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – November 21, 2019
PB 2019-11

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

Presiding: William Conrad, Chairman

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

Roll Call

Conrad: From the agenda, one item that is being taken from the agenda this evening, we're not going to be hearing a Site Plan/Special Use Permit for Borrego Solar, Ridge Road location. That has been pulled from the agenda. We will not be hearing anything on it tonight because the Town Board has introduced a moratorium for six months. If anyone is here for that you don't need to bother wasting your evening.

Resident: Can I ask a question; will you notify us if it changes so we can be aware to come back?

Conrad: Yes, there will have to be notice. If it does change it will have to be put in the paper, right?

Seaman: How did you find out about this one?

Resident: From me which, I wasn't notified.

Seaman: It is in the paper.

Resident: What paper?

Seaman: The Niagara Gazette.

Resident: Does anybody read the newspaper anymore.

Seaman: The answer to the question is the Town will publish exactly as they always do for all notifications for all legal things that happen within the Town. If and when a new application comes, so right now the Town has imposed a 6-month moratorium, it pauses everything. Any entity that is making an application or has made an application for solar will have to re-apply. It will have to start the process over again and the Town will go through the same process it always does in terms of notifications.

Masters: There is a mailing before a public hearing, everybody within 500' of the parcel the solar farm is going on will get a notice in the mail, before the public hearing. If you fall within 500' of the project those people will get a mailing.

Resident: One more quick question, so the moratorium I was told wasn't in effect. Now a law from Albany is the fact they could squeeze this in before it becomes a law?

Seaman: The way the moratorium is structured is that the only things that are not included in the moratorium are projects that have previously been approved by the Town Board. From start to finish from the solar applicant to get to an approval of the Town Board takes several months. It goes through a long process. Technically the Town Board has approved that local law, it's probably in the mail right now to the State to be filed. In a very technical sense, the moratorium is not effective until it's filed with the State. If it didn't happen today it will happen tomorrow and practically nothing is going to be slipping in through the cracks prior to the moratorium going in to place. Does that make sense?

Resident: This won't be a topic for December 9th then for the Town Board?

Conrad: It will not.

Resident: Thank you very much.

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

The first item on the agenda was a site plan review for Our Lady of Peace.

Ken Swain, Director of Facilities for Our Lady of Peace.

Conrad: We have received a revised plan with recommendations that were laid out in the last meeting. Does anybody from the Board have questions or comments?

Burg: Did we identify where that water line is yet?

Swain: We did. We talked to Dan Zahno. Do you see how the plans were altered? The way it tapers away from the water line on the left side of the path is close but not over. We had it moved from north to south of the roadway because that would have been right over the water line, so we moved part of the water line on the inside, the rest of it on the outside. It would not be over the water line.

Conrad: I know Mr. Zahno had mentioned that going forward he wants us to, if there is a motion to approve that we make sure there is a provision in there that the Town should anything happen over there that the Town will not be replacing or paying for placement of your sidewalk or hard surfaces of asphalt, anything that is involved.

Swain: We discussed that yes.

Conrad: I just want to make sure that's part of the minutes. Any other questions from the Board? Tim did you have anything you wanted to add to it?

Masters: Pat Martin did look at it. He talked to Ken; Dan had been up there. They identified where it is so both of them said they are fine with what's happening right now the way it's laid out on the plan.

Conrad: Tom anything?

Seaman: No, I don't have anything.

Conrad: Any further discussion from the Board? Anyone want to make a motion?

A motion to approve the Sketch Plan with the condition that OLP is responsible for restoring any damage the Town of Lewiston has to do to service their water line, was made by Lilly,

Swain: Would we put the provision in or would Mr. Seaman put that in writing?

Conrad: This will go to the Town Board eventually. That will be part of that motion. We will make it part of our motion so the Town Board can follow up with that.

Motion seconded by Burg,

Seaman: The only other thing I would ask you guys to address is the SEQRA which is in there. I think there is a recommendation, I believe it went before the Environmental Commission.

Conrad: It did.

Seaman: Never the less there is a recommendation in there from Mr. Masters that it be declared a negative declaration on SEQRA which is ultimately the Town Board's decision. In terms of your making your written recommendation for the Town Board contingent on those you should also include your SEQRA written recommendation.

Conrad: Can we amend your motion?

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

The next item on the agenda was a one-lot subdivision request from George Oriold, Creek Road, SBL# 88.00-1-48.12

No one was present for the request.

Seaman: If anyone has any questions on the next one, I would recommend you table it but I'm under the impression that no one is going to be here for this subdivision. I think it's a subdivision that the Board could consider if they want to and take action on it. It's a scenario where you make a recommendation to the Town Board.

Lilly: We could classify it as a minor this evening. The lot sizes are appropriate, 75'x150' and these exceed that.

Conrad: Can we have a motion to classify it as a minor subdivision?

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

Conrad: Does anyone have any concerns or questions on the layout of the application?

Masters: This one did go to the Environmental Commission.

Waechter: There are a couple of missed points on SEQRA, I don't know if you want to call it an incomplete application or whatever. On Page 1 they did not add the total acreage of the proposed action. That information is missing. On Page 2 of 3 and I know it's knit picky but they failed to check the box "are public transportation services available at or near the site of the proposed action?" I would figure that we would want this completed before we take action.

Baker: It's over an acre so they need a SWPPP.

Masters: They won't. Each individual lot if they build a house on it will be its own separate lot and each one will be less than an acre.

PB 2019-11D

Conrad: Really what we are doing here is a legal matter. They aren't going to be building anything so we really wouldn't be involved until....

Masters: It might never be built you never know.....

Conrad: It's basically a legal action. Even though that part of the application on the transportation for this instance really isn't going to be relevant. Whatever the Board's pleasure on that item. I think again because we are talking about lot lines and not actually doing construction out there, we could over look that if we wish. Any other discussion on the matter?

John Jacoby: What subdivision is this?

Conrad: This is Oriold, Creek Road. It is basically just farm property having some small lots being cut out of it.

Lilly: It's south of Swann Road.

Conrad: Single family size.

Masters: All 3 lots combined would be under 2 acres.

Seaman: The application actually has the total site area on the second page of the application for Site Plan Review, although it's not on the SEQRA it's on that listed as 1.462 acres.

Conrad: Any further discussion? Any other questions?

Seaman: Why don't you first take a vote since it's been brought up, although not in motion form that someone has suggested tabling it, why don't you guys take a vote whether or not you want to table it. If the vote is to not table it, then you've already determined it's a minor subdivision. You would need to address SEQRA and then it's a recommendation or not a recommendation.

A motion to recommend approval of the subdivision and a Negative Declaration on SEQRA was made by Lilly, seconded by Taczak and carried.

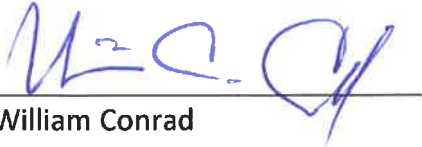
The next meeting will be December 19, 2019, at 6:30 P.M.

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

Respectfully submitted,



Sandra L. VanUden
Planning Secretary



William Conrad
Planning Chairman