

## PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – October 21, 2021  
PB 2021-10

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

Presiding: Bill Burg, Chairman

Burg: Welcome to the Town of Lewiston Planning Board. We have a public hearing; we have a subdivision on Williams Road and we have a Site Plan Review on Model City Road.

**A motion to approve the minutes of September 2021, was made by Taczak, seconded by Lilly and carried.**

LMK Realty Associates, LLC, requesting approval of a Conceptual Site Plan for property located at the corner of Northridge and Ridge Roads, SBL# 101.12-1-1.4, for two new townhouses and a re-zoning to PUD, Planned Unit Development. The property is presently zoned R-1, one family residential.

Dominic Massaro, LMK Realty: We've been here for the last 6 months and have to the benefit for the folks that are here tonight for the public hearing, we've tried to answer some questions that they brought prior to this meeting and also what we've done at the recommendation of the Planning Board. We originally wanted to put in excess of 30 units and incorporate the entire parcel in to the PUD which currently exists for the Ridgeview Apartment complex. That was deemed unacceptable by the Planning Board due to the density and the proximity of the R-1 homes up on Ridge Road. We've modified that several times. Where we are now is we limited the development to the lower portion of the property below the Ridge Road elevation. As I mentioned to many people here today there is a 30 some foot drop from Ridge Road down to where the apartment complex is. At this time, we only want to develop the lower portion of the property and we've modified our density from in excess of 30 units down to 10 units, apartments to townhomes for rental and to comply with green space requirements by the Town and with the PUD requirements. Engineering wise and architecturally wise from a preliminary conceptual stand point what we have presented meets pretty much the Town Code essentially. The property abuts the apartment complex, the Robert Moses Parkway and also the existing patio home development along Northridge Drive and the vacant parcel, R-1 and GB towards the upper portion at Ridge Road. That's pretty much where we are at. We're down to that smaller foot print which I think is an excellent compromise. I'm pleased to answer any questions the Board may have again tonight. Thank you.

Burg: Have there been any modifications to the last plan we saw?

Massaro: No.

#### Public Hearing Opened

Burg: Would anybody like to speak for or against this project? Please step up to the microphone, state your name for the record.

Nelly Gibbs, 698 Ridge Road which is right across the street from the 2 vacant lots. I'm just concerned about the .....and the density here. Along Ridge Road is single family homes and a quiet area. I want it maintained that way. This is too much going on in that area. He has all these other homes planned and patio homes planned. It's too much. I want to maintain the integrity of Ridge Road and not have it over developed. Thank you.

Burg: Dom, do you have anything to add to that?

Massaro: I would just say that the parcel that we're talking about tonight really does not encroach on Ridge Road. It probably will not be visible from your house on Ridge Road. The density issue and the amount of people has pretty much been addressed by the Planning Board over the last 6 months that we've been presenting this project. The property along Northridge Drive already has been approved for patio homes. Those are selling at 2-4 a year, 2 homes, they are duplexes. The demand has been relatively mild from that standpoint. I don't believe that we are actively causing traffic or density issues with regard to that. That's already been approved. There is a demand however based upon what we've encountered for rental of larger homes versus apartments on an interim basis and that's the reason we're proposing this on a smaller scale to a 5-unit development for 10 homes all together. We kept it close to our apartment complex and by the vacant parcel by the National Grid right-of-way and also the Robert Moses Parkway. You would have limited impact on any of the people that live up on Ridge Road. At the present time the plan is to leave the 2 parcels up above that are closest to your homes, leave those wooded. There's really no activity that's going to go on there. If the development is approved, we would have to maintain that along with the Town Building Department and properly keep that in the shape it's in now until something may be approved otherwise sometime in the future. I can tell you right now and I've expressed this with the Planning Board, we really have no plans to do anything with that particular parcel at this time just because... I don't have anything planned at this time for it.

Burg: Please come to the microphone. All comments need to be directed at the Board.

Carl Lollis, 706 Ridge Road. I don't want to change that. I'd like to see a single-family residence go on that property. If he gets it changed, you can have anything up there, fast food, drive-in theater. There is all kinds of stuff they can put in there. Leave it residential if you don't mind.

Burg: The only thing....

Massaro: We're not speaking about that.

Lollis: I don't care. Be quiet, let everybody else talk.

Burg: The only thing before us today is the PUD. We're not discussing the lots up on Ridge Road. That's not up for consideration. It's not before us today. Any other comments?

Denesh Lingaria, 709 Ridge Road. This especially affects us directly because we are right there where he is going to build. We're on the right side of Northridge and Ridge Road. This on the left side of the street. It will directly affect us regardless if it's on the bottom or on top of the hill. Our land goes from the end all the way to the power line. My question here is what is exactly we will see when the multiple homes are built because as I see on the map the exits are right there where my exit is basically. There is too much traffic. It doesn't matter what time of the day or night. It's just heavy traffic. What exactly is the Planning Board's plan and address that issue. I'm just concerned about that. For me there is too many traffic....that comes in to our driveway because there is too much traffic that comes in to our driveway for whatever reason. Now it's.....I just want to clarify that's my concern. I understand right now, there is nothing for up front but what is going to happen in the back is directly affecting us.

Waechter: I do have a question. Has everyone in the audience seen the plan? Did you get a chance to actually walk up and look at it? I just want to make sure. If we need to put it on an easel so you can all see it, we would be happy to do that.

Massaro: Your driveway is located probably 30-40' off of Ridge Road where it enters the side of your house by your garage. Whereas this drive is located much farther down the hill. There won't be any traffic leaving here that would encroach on your driveway. There is sufficient distance between this access point and your driveway off Northridge Drive. We've already taken that in to consideration and moved everything back. I understand your concern but just to address that, it is far enough away, I know it's difficult to decipher this plan because it's scaled but it doesn't show your driveway. There is sufficient distance.

Lingaria: Just for clarification this is the power line, you can't connect your 2 properties together?

Massaro: Correct. This is a right-of-way National Grid has. I can't do anything here at all.

Gibbs: To me this is like a slippery slope. You start giving him permission to build that and then he's going to use that rationale to get him whatever he wants in however many years to continue changing the other property on Ridge Road with commercial property. That is my concern.

Burg: At such time there would procedural elements in place to get that approved and there would be another public hearing.

Gibbs: He even said himself, at this time we're not planning this. He's already couching his words that yes something will be happening in the future. This just sets a precedence. It's like oh well you want me to do this and you're preventing me from building a gas station or whatever he wants to build over there. This just gets his foot in the door to create more leniency towards him and his goals and what he wants to accomplish.

Burg: For the record the Planning Board has not been lenient. We've refused a couple of plans and made the applicant go back and revise the plan. It's considerably smaller than it was than the initial plan that we've done. I just want to make sure everyone is aware of that. This is not our first meeting on this. Anybody else, please step up to the mic.

John Murnyack, 716 Ridge Road. First off before I make a comment with Dominic what he's proposing here. I'm a little bit concerned because apparently from what Tim Masters is telling people that the Town doesn't do zoning changes anymore and don't do variances anymore. Yet it appears as though zoning change requests and variances do come before the Board for consideration. When a request is made for a zoning change and it never even comes to the Board for discussion or for someone who is proposing a zoning change, when it doesn't even come before the Board, who makes that decision? Is that Tim making those decisions that I don't want this guy to have a zoning change? Is that what goes on or what. It is apparent to me that there is picking and choosing on what goes forward. Since I've retired, I've spent a lot more time in our Town and it's amazing the amount of people that feel that this Town only considers developments that build big expensive homes for the tax dollars. That's a shame that that's the way our residents are looking at this. I don't expect you to give me that answer. Tim knows what I'm talking about.

Masters: I'd be glad to answer the question.

Murnyack: Certain people seem to get; the thing is that certain people seem to get preference. Other people don't even get a day in court. That is my concern. Regarding this proposed development, I personally, nothing against you Dominic, I'm personally against it. You have traffic coming in and out of Northridge on to Ridge Road. It's a dangerous intersection. In the morning people are trying to get out on to Ridge Road. With the amount of traffic coming in to the Town to get to the parkway. It's amazing. This poor man here bought a house right on that corner. Your kids stand out there in the dark in the morning. I see them. It's a shame. I hope nothing happens, but it's a shame with the amount of traffic that's there. At night the amount of people that are trying to make that left hand turn to go down in to that development actually caused a traffic hazard because people are whipping around, driving on the shoulder, trying to pass people. They are actually on the shoulder going past my driveway. I don't want any other developments down there because it's going to cause more people to be there and a traffic

hazard and safety hazard with his particular home here and his kids have to wait for the bus in the dark in the morning. That's my opinion.

Masters: What Mr. Murnyack is talking about is they bought a parcel on Route 31 and they applied for a zoning change to industrial 1 on Route 31 in a residential district. He did get his day in court. It did come to the Town Board. You have 2 Board members sitting right here that you can ask that question. It did go through the process. He got his day in court. The Town Board all 5 said we're not interested in zoning that property to I-1 and they did not act on it. That is how the process works.

Burg: I think I want to go a little farther and remind everybody that this is an advisory board. It's our responsibility to present a plan for approval or denial to the Town Board. If we approve a plan it goes to the Town Board for approval. But before it goes to the Town Board, again it's our responsibility to make sure that it fits the comprehensive plan of the Town of Lewiston. I live in Lewiston, that's why I'm on this Board. I hear all the same concerns; I have all the same concerns that you have. That is our function.

Dave Whitt, 702 Ridge Road: I live right at the cross where Northridge comes up. I've been there 29 years. I've been complaining about the traffic. At one point in the 90's I went to the Town Board and asked them to get a stop light there. They actually approved it. It went to the State and I got the letter back from the State and it basically said nobody has been killed yet. Just to add on to the gentleman that just spoke, just getting my mail literally every day as they drive, they drive on the shoulder. It's literally crash and dash to get my mail. It's been that way for 5-10 years. I've complained about this before. They say well the State is in charge. At some point, here is another 10 families, sooner or later it's not responsible to approve more people going in there until you either get a stop light or another lane there. That's planning for the future. It's been going downhill for 20 years. I literally have been almost hit cutting my grass. Everybody drives on the shoulder. I'm right where it goes from 3 lanes to 2. Frankly, the development itself is not bad but the point is every year you add another 10 or 20 people there and you don't go to the State and say we have to have this. Sooner or later, somebody is going to get killed. It might be me going to my mail box. Sooner or later, somebody has to take that and say okay this is enough. Thank you.

Waechter: I have a question for you. Is it all times of the day or certain times of the day?

Whitt: Obviously morning and night. The people that are going to work and coming home from work. If there is anything at all going on in the village.

Waechter: Probably like 6-10 and then about 3-6?

Whitt: A stop light would help so people can make the left turn. Stop light or like he says the fellow that owns it those 2 lots of Ridge Road he will have trouble doing anything with. One is



R-1 and one is GB. If you want to do something really beneficial put another lane there. Sooner or later, you keep putting more people in less space. Sooner or later, you should do something about it. Thank you.

Massaro: The traffic issue was, is an important issue and I agree with you. It was investigated in depth. They were brought in with the patio home development. There was discussion at that time about the added effect of the homes on Northridge Drive. We have been extremely supportive of the Town and of the Town Police Department. The stop signs that are there on the corner of Northridge Drive and Legacy are there because the people there wanted it, we supported it. I support .....

Whitt: Back when I was here when you wanted to put signs, I suggested they were putting signs for the homes back off of Creek Road and I said to the fellow well good, then you would pay for a stop light there. He just laughed and said no way would we do that. Sooner or later, somebody has to do something.

Massaro: The purpose of me telling you this is that it was determined at the time from an engineering stand point and traffic study stand point that the effect of the additional people along Northridge Drive was not of material effect that would cause additional traffic problem. Right now, you're talking about adding 10 additional homes. As I mentioned when we started this conversation the patio home development has been progressing slowly. Eventually, if it keeps going, I only have one other home sold at the present time and basically nothing is sold from Legacy Drive towards East Eddy as yet on those 2-3 bedrooms lots. There is not a demand for them. We're trying to ascertain the best use of the property. The property has been owned by our family in excess of 35 years and it's been left vacant. I decided that in order to have a best, it will benefit us no question about it. It will also benefit the Town. The Town will receive additional tax dollars over and above what the amount is for vacant property.

Yelling

Massaro: If you put one single family home, I would be pressed to find someone that would want to build adjacent to the parkway on a single-family home. It's not a desirable lot. It's only one parcel. There are going to be 10 parcels that will be taxed here. I maintain and what we've done, working along with the Planning Board, we felt it would be better to put more parcels out there, more places for sale, more places for rent. As Mr. Burg told you they strongly disagreed with us. So, we said what can we do? We want to move something forward. We don't want to leave this parcel to the end of time. It makes no sense for anybody. What is the best possible use? The best possible use is to listen to what the Planning Board said, reduce the amount of people, reduce the amount of density and we've done so. We just limited the parcel what I feel impacts only where we already own, adjacent to our existing apartment complex and the parkway on the one side and other side. For those of you that live up on Ridge Road, you won't even see this development. Will you experience a couple more cars? Yes, I have no control

over how people drive or what they do. That's a common problem. For a standpoint of density and a standpoint of traffic, that's already been reviewed and has been quantified.

Whitt: I would be happy to have a State Trooper or Policeman sit out there someday. They could write a hundred tickets a day.

Massaro: They sit on the corner of Northridge and Legacy.

Whitt: When they have a couple at Model City in front of the Town Hall here and people make turns on the shoulder to go up to the smoke shop, there was a trooper sitting there for a long time. You could put a trooper or town policeman in my driveway and he could write a hundred tickets a day for driving on the shoulder. Sooner or later, it is going to be their problem.

Massaro: What I would like you to consider as well is this, is that I personally put Northridge Drive in 30 years ago when my family got approval to do the lower part. I put the road in myself so I know how to build roads and I know how to put that stuff in. We did the road. The situation is it becomes a connector to Ridge Road. I live in the Town myself. I live on Jason Court. I use that road every day because I come from my Lewistowne Development, I come around East Eddy Drive, Northridge and I go up. It's easier for me to go up that way than it is for everybody in that big development where I live. That's what we do. It's not this little bit here. You are getting everybody that is north of that property.

Whitt: What you're saying is exactly what I told the Town Board in 1990. You're saying the same thing. Everybody is going to start using Creek Road and every time you put another 4-5 houses there, there's another car. Sooner or later the Town or you or somebody has to come up and say, if you want that letter the State sent me that says nobody died yet. Maybe when somebody dies, they will do something.

Lilly: Sir did they use those exact words in that letter you received?

Whitt: Basically, there's been no fatalities. Something like that. They had their traffic counters out there for 3 months.

Taczak: That's how they do the study. Now a days, especially man power, you cannot have somebody park there and count cars. They do it with a traffic study. They measure the traffic on the road. You also have to realize, the entrance off and on Ridge is one of 4 to this development. The one coming off of Creek and 2 coming off of East Eddy. One of 4. I'm not agreeing with Mr. Massaro but I'm also not disagreeing with him. People can use any of them but they don't. It's just the way it is. If you're talking about something on Ridge Road....I have a background with the law. I'm a retired Deputy Sheriff. I will tell you that I know on a State Highway, the State has control of the light. You're talking about Route 18, Creek Road or Ridge Road, the State has control. That's all I have to say. I think this is not the forum to do it. It's a

good start. We are a recommendation Board. We would recommend to the Town Board, who they would in turn, State come on down and give us a study. They already did a study a couple of times.

Whitt: They did a study in the 90's. It's not an unsolvable problem.

Taczak: There's no doubt about it. It's one of many issues.

Lilly: As a Planning Board we don't dictate traffic signals and either does....I agree with you there should be a traffic light because there is an increase in traffic. I think probably everybody would. As we sit here and look at Mr. Massaro's application, I think he's been here 6 times. Each time he started out with a large plan and we downsized it to meet the Town Codes and the Town's densities. He is within his legal limits if you will, approved by the Town Council I think as well that he's within the guidelines that have been set forth by the Town of Lewiston.

Seaman: With bonus density.

Lilly: Right, there were some things that were discussed but it was pared down quite a bit. The traffic signal is a different entity. That would be New York State and I agree that it needs a traffic signal there. We as a Planning Board we can't and we shouldn't deny an applicant based on a traffic light that should be there. That would have to be the DOT that would make that decision.

Resident: So, you wouldn't even make a recommendation to consider it?

Lilly: We make a recommendation to the Town Board. We don't make a recommendation to the DOT. Perhaps the Town Board could. What would be the legal method of getting a traffic light?

Seaman: I'm not going to get in to all of that right now to be honest with you in terms of how you're going to get a traffic light on a State Highway. It's not really the scope of this Board nor is it something as an attorney for the Town I'm just going to spout off on that in a public forum. I will actually note though that you generally in terms of a public hearing you generally allow the public to come up and speak maybe for a set period of time, 5 minutes or so. Most Boards don't generally engage in a qualiiquy back and forth with members of the public for an extended period of time like you are doing. You should keep that in mind. It's a little easier if you don't engage in long conversations with members of the public in terms of various different out shootings of conversation with regard to things that may or may not have anything necessarily to do with what's before the Board. For example, whether or not and what the procedure would be for trying to obtain a traffic light on a State Highway. That being said, there are mechanisms where municipalities are able to reach out to the State and ask for a specific accommodation with regards to State Highways. That is something you might want to



present to the Town Board. The Town Board gives opportunity at every one of their Board meetings for public comment. With regard to this particular project, if it was approved or made a recommendation for approval from this Planning Board, it would go to the Town Board. This particular project would have a public hearing with regard to this particular project in front of the Town Board as well. I will note, generally every single Town Board meeting has an opportunity for the public to come and speak on any concerns, not just the ones that are scheduled for a public hearing. That might be a very good opportunity for the public to come talk with regard to a potential traffic light at that intersection area.

Gibbs: I just want to make one final comment. I can understand Dominic wants to maximize his profit on this land. I can appreciate that but I don't want it to be done at our expense at the residents who live there and all my neighbors here. Apparently, they are a little shy and don't want to talk so that's why I'm up here talking. These are my neighbors and it's going to affect all of us here. Thank you.

Whitt: The traffic idea is the only thing that can solve it. If you simply widen that....

Burg: Procedurally what's in front of us is the plan. Anybody else?

John Teaman, 712 Ridge Road. I understand it's zoned for single residential. Why don't we keep it like that and then all of us can go home? Let's take a vote because it affects us. We're the neighborhood. Let's do that vote right now. We don't want it but you guys are going to vote for it and say okay it's fine. That's how it's going to go, guaranteed. You probably never saw us here ever! You never saw us here. There's a reason why we came, we don't want it. That's why we're here. We'll remember every one of you at election time.

Burg: Anybody else?

Scott Addenbrooke, 722 Ridge Road. I follow my neighbor's sentiment. Something that was brought up earlier, things might have been modified, things might have been.....the direction that is beneficial to the Town, maybe even scaled down but summing it up we don't want it. It was said earlier that if we give this variance, I might not be using the right language but we have some deep lots. Somebody gets some property over there and starts doing the same thing, asking the same questions, can we do this, can we do that? No, the makeup of the neighborhood is single residential and that's how we want it to stay. You said before you make an advisory to the Town Board and it goes to the Town Board. What happens if you say no to the Town Board? Does it still go to the Town Board?

Seaman: Yes, it still goes to the Town Board.

Addenbrooke: This is just an exercise in futility, because this is still going to go to the Town Board and we'll still show up and say we don't want it. He hasn't demonstrated a reason to

have it and you're acting like the Town Board saying well we're not for it but we made him modify it. You're not acting like we are going to listen to you. You're acting like you're going to listen to him.

Burg: That's the function of the public hearing is to get your input.

Addenbrooke: Don't interrupt.

Burg: And we appreciate it.

Addenbrooke: No, you don't. The hell you do!

Teaman: There is a demand for single family homes in the Town as well, is there not?

Burg: Again, the function of the Planning Board is to discuss....

Teaman: I'm just saying it's zoned for single family, keep it that way. There is a demand for single family.

Resident: You're only talking about one lot, that's all we're talking about. Leave it alone.

Burg: Anybody else?

Massaro: May I speak to the property value situation? I'm not trying to diminish anyone's property value; I'm trying to increase your property value.

Teaman: The Town is increasing on it's own without you. You don't need to build one more thing.....

Massaro: With all do respect the homes that have already been constructed, the patio homes down there are selling for in excess of half a million bucks apiece. So essentially from an area wide valuation from assessment value of homes, it's going to drive your house price higher.

Teaman: Why don't you count your money and be happy.

Massaro: Listen, I'm trying to come up with the best use of this particular property.

Teaman: A nice green lot is just fine. Build a house on it and sell the house.

Burg: We're going to get back in line here. Do we have comments from the Board?

Lilly: I think the points that the residents made are good valid points, one being the traffic with a traffic light and that turning lane. Some of the other items, the applicant does own this property and he would like to carry out his wishes. Simply because someone doesn't want it or wants it to be a green lot, doesn't necessarily mean that's what will take place because the applicant does own the property and if he follows the guidelines that are laid out by the Town of Lewiston and other agencies, there very well may be a recommendation for this to be approved to go to the Town Board.

Resident: If he's following the guidelines, then there would be no reason for a public forum....he could just build it. He could go to the Building Inspector; he could go through the process and he wouldn't have to raise any flags at all if he was going through the guidelines. You're asking to modify guidelines and that's what we're concerned with, the modifications to the guidelines.

Burg: No, we are following the guidelines. The fact that there's a public hearing right now is part of the guidelines.

Resident: What I'm speaking to is the guidelines. You say he's following the guidelines and I'm saying no he is not because he wouldn't have to ask us to be here if it....if he could just build because that's what it's zoned for. You wouldn't ask us to be here, am I correct?

Burg: Part of the guidelines is we present the information publicly so the residents, and I am a resident, has an opportunity to voice their objections. That is part of the procedure.

Seaman: You really should not continue this back and forth. It's beyond the bounds of your normal public hearing scenario. Usually someone has an opportunity to speak. There is generally not a back and forth between the Board and those that speak. It's okay that you've allowed it to a certain extent but it not be a quillique back and forth, over and over with people who have already had an opportunity to speak and now you're just engaging. You should try to get some more control as the public hearing moves forward. You have a gentleman standing now that wishes to speak. I would recommend that people that do speak, speak from the podium. The Board isn't prevented from addressing them back but it should be kept at least to a minimum to the person that's at the microphone and the Board. There should be some level of okay that conversation is over and the next person is able to speak. It's very difficult for the record and the minutes to be kept appropriately when generally everyone is speaking from the audience at different levels.

Matt Murynack, 716 Ridge. I guess my question is why Mr. Massaro is so special that the Town is willing to work with him and allow him to build what he wants on his property yet other homeowners and property owners in this Town are flat out told you are not allowed to do anything. I guess if it's all tax dollars why don't you guys come out and say that instead of going through all of this. We want the tax money, at least be honest.

Mrs. Sachs, 713 Ridge Road. I'm just wanted just echo some of the things that were said. I think it is a slippery slope. My concern is not so much the townhouses, it's not the end all be all for me my concern is more the lots in front of it. I know we're not addressing if they're going to be businesses or not tonight but I do think in a few years or months or whatever, if he gets approval for this it's easier to come back later and turn that in to a business lot when there is a town home behind there versus a single-family home or even just a wooded lot.

Burg: If we recommend approval for his extent of the development the whole process starts up again if he wants to do anything on Ridge Road. That's Town law. Again, the Planning Board is an extension of the Town Board in that we are going to advise the Town Board with a complete application and input from the residents and advise them whichever way. It's still going to be ultimately a Town Board decision. Our function is to make sure everything is correct and right and procedurally correct and the Town Board would approve it. Anybody else.

Masters: The public might not understand the process. The gentleman that spoke 3 ago talked about how this is not really going according to process but the Town Code has zones in the Town. You have your R1 zone, you have your business zone and all these zones in the Town with all these listed allowed uses in the zone. The Town also has a code that's been there since 1966 called the PUD Law, Planned Unit Development. If you have over 10 acres in a residential zone you can apply for a Planned Unit Development which is a mixed-use property, which is what Mr. Massaro is asking to do. He has an R-1 parcel, if he combines it with his original, he will have over the 10 acres. By law, if you look up the PUD Law in the Town of Lewiston, he is doing it according to the PUD Law. The Town has the prerogative to approve the zoning change to a PUD if he meets all the requirements of that law or not. It is a mechanism in the Town Code to get to where he is. It's called the PUD Law and I would suggest it's available on line. You can read it. I would suggest you do that and all the green space requirements, all that is listed in there. He is doing it according to the process.

Burg: Thank you. Anybody else?

Resident: If he combines his current lot. That's why we're here saying no.

Burg: Anybody else?

Resident: His current form right now, the size of the lot that he's asking for development questions on. Does the PUD Law apply to that size acreage or less?

Masters: If he didn't have to combine it, it would not.

Resident: Is the mechanism automatic in place combine it or are you asking us here today if we are allowing for him to combine it?



Masters: Both.

Resident: Who has control over that?

Masters: He applied under that law. He filled out all the paper work and crossed all the T's and dotted the I's. It all comes here. The PUD Law says now we're going to hold a public information hearing. You get to speak your mind. This Board and the Town Board take what you say and what he's applied for and are supposed to make what's best for the Town of Lewiston. Not what's the best for you all or him but what's best for the Town as a whole. Does it make sense? The whole neighborhood is against it. The Town Board will make that decision and you will have an opportunity to talk to them at that point in time too. It's not automatic. This can go to the Town Board. Whether they recommend it up or down the Town Board can say yes or no and your opinion, sometimes I know it feels like your opinion doesn't matter but I will tell you your opinion does matter and it weighs, you have the project, does it stand on its own merit. You have public opinion and the Town Board has to make that decision on what is best. What are the wishes of the Town of Lewiston?

Burg: Any input from the Board?

Waechter: I would like to thank the residents for coming out. This is how the government process works. I appreciate you being here, thank you.

Burg: We all do.

Seaman: If there is no one else to speak from the public, there are a few different options for you procedurally. Someone can make a motion ultimately. You are going to need to close the public hearing or you can leave it open if you want to request anything from the applicant or if you want to spend time considering this yourselves now that you've heard nearly an hour of public comment. You do not need to make a determination tonight. You have time to consider and process what you've heard before you make a decision or you can make a determination tonight if you wish to. If you want to make a determination tonight, I would recommend you close the public hearing, then you would be doing a SEQRA recommendation which Tim can speak to with regard to the environmental concern or lack thereof and then a recommendation to the Town Board. Alternatively, if you don't want to make a decision tonight, if you want to consider the public's comments, I would recommend you leave the public hearing open and consider the comments and return in a month and make your determination at that point. You can do either of those procedurally.

Burg: Procedurally I can't make a motion.

Lilly: Mr. Massaro would you like to add anything else before we...

Massaro: I prefer you act on this tonight in terms of a recommendation. We've gone through an extensive process, spent an awful lot of time and an awful lot of money. We're prepared to spend much more money to make this happen and make it beautiful and make it very very nice for the Town and for the neighbors up on Ridge Road. I think that if you drive down Northridge Drive and down Legacy Drive to see what we've done to date, I think you would be very pleased. We produce a very good product and we would do so here. It's not our intent to degrade anything that you have above the hill. I live here as well. I live 3 blocks away from this site. I am a resident and I care about this town very deeply. I would suggest that over the last 6-7 months we've gone through this, we've got it down to a point it's either acceptable or it isn't acceptable from that stand point. We still have to go through the process. If you were to approve it tonight and I would respectfully ask that you do, if you were to do that tonight you still have to go to the Town Board for final approval and everyone will have a chance to speak on it again at that particular time. There is nothing happening up on top of the hill, the property where you all live. Right now, that general business parcel, I told some of you when I came in here tonight, I've been approached by people to buy that property that want to put things there that are not appropriate. I love this Town; I am a resident of this Town and I've done a lot to basically to create other things in this Town to try to be as helpful as possible. I'm not going to disturb that other buffer property up there or put something up there that is going to be detrimental to your properties.

Resident: Why do you need to change it?

Massaro: It's not part of the process tonight. It's just the lower parcel that we're talking about.

Burg: We need to move on. There is a lot of passion in this room. Believe me we all appreciate it. We're all here because we have the same passion for this Town. That's why we are sitting up here.

**A motion to keep the public hearing open based on the public attending was made by Waechter, seconded by Taczak and carried.**

Burg: The public hearing will remain open for another month. We will review it again at the next board meeting on November 18<sup>th</sup> at 6:30 P.M.

Seaman: That is all the action that will happen on that topic, on that item for this evening. The public hearing will remain open.

The next item on the agenda was a one-lot subdivision on Williams Road, SBL# 75.00-1-24.1, for Martin Lauer.

Burg: Is the applicant present?

PB 2021-10N

Evelyn Lauer, 4300 Williams Road. My husband and I live in the Town of Lewiston and we currently own 14.6 acres on Williams Road. Originally, we purchased our acreage because I owned a horse and Lewiston required a minimum of 10 acres for horses. My horse lived on our property to the ripe old age of 36 years old. In the year since her passing we've realized we probably will not have horses again. We've decided to subdivide our property, keeping the house and 2.3 acres, splitting off the remaining 12.3 acres and these amounts will be confirmed when we have the property surveyed. This way when we sell the larger portion the buyer could still have horses in that area if they want to. We are respectfully requesting the Planning Board approve our application to subdivide our property.

Burg: Is anybody here to speak for or against? There is a note on the application, I just want to make sure the note came from you where it says, just as a point of interest the property has the Tennessee Gas Line through it but there is enough space to allow a home to be built without affecting the easement.

Lauer: That is correct.

Burg: Were you aware of the easement?

Lauer: I think that was actually Tim.

Masters: On the SEQRA yes.

Lauer: There is 495' frontage from where we are thinking about splitting off our property. It would be about 220.5', then there would be 150' in the easement which would leave roughly 160' some feet from there to the edge of the property that someone could actually build a house on. There is enough frontage for that. What we would do is have an L-shape going behind our existing house for the rest of the property.

Burg: Do you have a current buyer in mind?

Lauer: Not really.

Lilly: On this survey it says temporary working space?

Lauer: That is when they put in the second pipe line. It's no longer there

Lilly: That was a staging area for the gas company?

Lauer: Yes. When we have a new survey done, we will make sure the person surveying it takes that off.

Lilly: I have no issues with it. It meets all the lot requirements. There is no land lock or anything of that nature. You're basically doing this to downsize.

Lauer: Exactly.

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

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

**A motion to recommend approval of the subdivision was made by Taczak, seconded by Lattanzio and carried.**

The next item on the agenda was a request for Site Plan Review, Model City Road, SBL#102.02-1-9.

Nick Ricchiazzi, 4699 Model City Road. I'm looking to put a fence up around my property there because I have traffic continually going through there. I actually had a tractor trailer go through there, drive right through my property which is pretty intense if you ask me. I just want to prevent this from going on. Also there have been some break-ins across the street at the other landscaping business as well. I'm looking to prevent any kind of break-ins and keep trucks off my property. It's just a fence like the one at Model City across the street. I have an existing fence there now, it's wooden. I'm just going to knock that down and put it in that same area.

Burg: What is before us is a Site Plan approval because it's a change of use. There is no fence on the site plan but we can add that later correct.

Masters: Are you going to fence the whole property in?

Ricchiazzi: Yes, the front building.

Burg: You will be removing that wooden fence?

Ricchiazzi: Yes.

Masters: The new one will be chain link?

Ricchiazzi: Yes.

Masters: How tall?



Ricchiazzi: 6'.

Masters: No barbed wire?

Ricchiazzi: No.

Masters: I have to ask.

Burg: Are you going to be putting up any signs?

Ricchiazzi: No.

Burg: Are you planning on any landscaping, improvements to the building?

Ricchiazzi: I will be siding it.

Lilly: What type of siding or color?

Ricchiazzi: I haven't got that far in to it yet. I'm definitely going to use vinyl siding.

Lilly: On that brick building?

Ricchiazzi: Yes.

Lilly: How about the other building, isn't there another garage in the back here?

Ricchiazzi: I will side that as well.

Lilly: Both the same colors?

Ricchiazzi: Yes.

Burg: Any other comments from the Board?

Lilly: What type of business did you say?

Ricchiazzi: Landscaping.

Burg: Does anybody want to speak for or against the project?

Lilly: Where is the fence again?

Ricchiazzi: Around the building in the front. There is a fence there now, I'm just going to go off that existing one. It's a wooden one. I'm going off that.

Burg: You're taking the wooden one down?

Ricchiazzi: Yes. It was there when I bought the property. I just haven't taken it down yet. I have a plan here if you want to see.

Lilly: How wide will the gate be? It will be off the side street Fenton?

Ricchiazzi: One on Model City and one on the other.

Burg: We're not approving the fence. That would go through the Building Dept. We are approving the Site Plan. You still need a building permit for the fence.

**A motion to recommend a Negative Declaration was made by Taczak, seconded by Lilly and carried.**

**A motion to recommend approval of the Site Plan as presented was made by Waechter, seconded by Lattanzio and carried.**

The next meeting will be November 18, 2021, at 6:30 P.M.

Burg: Is there any other business in front of the Board?

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

Respectfully submitted,



Sandra L. VanUden  
Planning Secretary



William Burg  
Planning Chairman

NOTICE OF PUBLIC HEARING	
Notice is hereby given that a Public Information Hearing will be held by the Planning Board of the Town of Lewiston on October 21, 2021, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:	
LMK Realty Associates, LLC, requesting approval of a Conceptual Site Plan for property located at the corner of Northridge and Ridge Roads, SBL# 101.12-1-1.4, for two new townhouses and a re-zoning to PUD, Planned Unit Development. The property is presently zoned R-1, one family residential.	
Information concerning this request is on file and available for inspection during normal business hours at the above-named office. All citizens and persons of interest will be given an opportunity to be heard.	
Ken Lilly Vice Chairman NW290774	10/14/2021