

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**OCTOBER 18, 2016**

MEMBERS PRESENT :Joe McCaffrey, *Joe Killion, Dave Naus,*  
*John Lavrich, Tom Edbauer* and David Kantor

Members Excused: *Dan Vivian*

Others Present: Town Engineer, Dave Britton

1. Meeting called to order by Chairman McCaffrey at 7:30PM.

2. Informal Business

None

3. September 20, 2016 Meeting Minutes

A motion was made by Tom Edbauer and seconded by Joe Killion to approve the Minutes of the September 20, 2016 Planning Board Meeting. All agreed.

4. Thompson 2016 - Two Lot Minor Subdivision / Resubdivision - Beach Ridge Road

SEQR Action  
7:45 Public Hearing

SEQR Action

SEQR: The Planning Board reviewed the Short Environmental Assessment Form and on a motion by Tom Edbauer and seconded by Joe Killion a Negative Declaration was issued and the Planning

Board Chairman was authorized to sign the SEQR Form.  
All agreed.

7:45 Public Hearing

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision on the north side of Beach Ridge Road adjacent to 4855 Beach Ridge Road.

It is noted that Applicant Thomas Thompson was in attendance.

The Subdivision/Resubdivision consists of splitting an approximately 44 acre parcel from an approximately 46.5 acre parcel (having 104.8' Beach Ridge Road frontage) owned by Thomas and Sandra Thompson. The approximately 44 acre parcel will then be attached to the adjacent lot (4845 Beach Ridge Road) to the west owned by James and Heidemarie Dio.

James and Heidemarie Dio gave the Board written certification that the aforementioned lot would be attached to their lot at 4845 Beach Ridge Road.

On a motion by Dave Kantor and seconded by Joe Killion the Public Hearing was closed at 7:56PM. All agreed.

A motion was then made by Tom Edbauer and seconded by Dave Naus to approve the Subdivision/Resubdivision conditioned on filing deed description with Niagara County within one year of today's date. All agreed.

5. Empire Pipe Line Inc. - Compressor Station Site Plan Review - Killian Road

HISTORY: Taken from the September 20, 2016 Planning Board Meeting Minutes

A Public Hearing was opened at 8:00PM for Empire Pipeline Inc. (National Fuel Gas) Site Plan Review.

It was first noted that Adam Walters of Phillips Lytle LLP and representing National Fuel Gas/Empire Pipe Line, Inc. along with a number of representatives from Empire/National Fuel were

in attendance. In addition approximately forty Town Residence were also in attendance.

Mr. Walters commenced to give the Board and those in attendance a presentation on the proposed 22,000 horsepower gas compressor station project.

Nine of those in attendance Signed In to be heard and Chairman McCaffrey commenced to take questions/comments in order of sign in.

Items commented on and or questioned included: Emissions, Noise, Building Design, Landscaping, Safety, Emergency Response, Fencing and Visibility.

After all those were heard that signed in, Chairman McCaffrey closed the Comment/Question portion of the Public Hearing.

It was then announced that all questions and comments will be taken into consideration and written responses to all said questions and comments will be made available at the October 18, 2016 Planning Board Meeting.

The Public Hearing thus remains open.

CURRENT:

It was first noted that both the Transcript of the Public Hearing on September 20, 2016 and the reply by Empire Pipe, Inc. (National Fuel) to questions and comments were posted to the Town Web Site.

A motion was then made by Dave Naus and seconded by Dave Kantor to close the Public Hearing. All agreed.

In accordance with both New York State Town Law and the Town of Pendleton Zoning Code, the Planning Board now has a maximum of sixty two (62) days to make a decision on the Empire Pipe Line, Inc. ( National Fuel) Site Plan Review.

Tabled to November 15, 2016 Planning Board Meeting.

6. Heritage Landings - Major Subdivision (Modified) - Fiegel and Bear Ridge Road

HISTORY: Taken from the September 20, 2016 Planning Board Meeting Minutes

Richard Haight of Advanced Design and representing the applicant William Hetzenrater advised the Board via E-Mail that: " Neither the owner nor I will be attending the Planning Board meeting tomorrow night (September 20) for Heritage Landings. We are still reviewing the options to make design more cost effective while addressing the Town's comments."

Tabled to the October 2016 Planning Board Meeting.

CURRENT

Administrative Assistant Lavrich advised the Board that he received an E-Mail from Richard Haight stating that the Applicant William Heizenrater was still reviewing the options to make design more cost effective while addressing the Town's comments.

Tabled to the November 15,, 2016 Planning Board Meeting

7. Dollar General - 6726 S. Transit Road at Dunnigan Road - Site Sketch Review

HISTORY: Taken from the September 20, 2016 Planning Board Meeting Minutes

Request for Site Sketch Review was received from David Pawlik representing Creative Structures Services for construction of a Dollar General Store.

The proposed 9,100 sq. ft. building would be located on an approximately 1.4 acre parcel at 6726 S. Transit Road on the west side of S. Transit Road at Dunnigan Road.

The Planning Board acknowledged receipt and then reviewed the Site Sketch Plan. Some items discussed included:

1. Building design and placement on parcel.

2. Wetlands impact making Dunnigan road entrance impractical.

3. Lighting.

All agreed that the Applicant can now proceed to the fully engineered phase of the Site Plan Review Process. Full Site Plan Application along with payment of Site Plan Review Fees need be accomplished in order to initiate the next stage of the Site Plan Review Approval Process.

CURRENT:

It was first noted that Site Plan Review Application, Engineered Drawings, Engineer Report, SEQR along with all fees were received from David Pawlik representing Creative Structures Services for the proposed Dollar General Store

Mr. Pawlik then informed the Board that he had received a list of comments in regards to the Engineered Drawings from Town Engineer Dave Britton and all issues outlined in the "Comment Letter" have been incorporated into said Engineered Drawings.

Mr. Pawlik further informed the Board that he was in attendance at the Niagara County Planning Board Meeting and the Niagara County Planning Board gave a positive recommendation on the Dollar General Site Plan conditioned on the addition of some landscaping. Landscaping has been added to the Site Plan Engineered Drawings.

After discussion, all agreed that all documents were in place so that a Public Hearing could be held at the November 15, 2016 Planning Board Meeting.

A motion was then made by Dave Naus and seconded by Joe Killion to set the Public Hearing for the Dollar General Site Plan at 7:45 November 15, 2016. All agreed.

8. Meadows at Pendleton North - Major Subdivision Sketch Plan Campbell Blvd. between Fiegel Rd and Bear Ridge Road

HISTORY: Taken from the September 20, 2016 Planning Board

## Meeting Minutes

Admin. Assistant Lavrich advised the Board that an updated Sketch Plan reflecting the impact of Wetlands and Storm Water Management will be ready for Planning Board review at the October 6, 2016 Planning Board Work Meeting.

### CURRENT:

Sean Hopkins, Esq. representing the Applicant came before the Board with Major Subdivision Sketch Plans. It is noted that 300' deep Co-1 Commercial Zoning now exists to the front of the Proposed Major Subdivision. The Applicant has expressed interest in pursuing a request to the Town to rezone the front property from Co-1 Commercial to R-2 Residential. The first Sketch Plan shows 47 lots all in the existing R-2 residential zoning district. The second sketch shows 51 lots based upon the aforementioned rezoning.

Mr. Hopkins advised the Board that two properties to the south are zoned Co-1 Commercial but are now Residential Use and he has sent letters to those property owners asking if there is interest in joining a Rezoning Request to the Town.

Tabled to the Nov. 2016 Planning Board Meeting awaiting Applicant decision on Rezoning Request.

### 9. Modified Site Plan Review - Hampton Inn - 6082 S. Transit Road

It is first noted that the Site Plan Plan Review for the Hampton Inn was approved by the Planning Board on July 21, 2015.

The Site Plan was approved with Two(2) entrances off South Transit Road. After approval, upon applying for Curb Cuts, the NYS DOT allowed only one(1) entrance causing conflict with the approved Site Plan. This Modified Site Plan addresses the conflict.

Modified Site Plan Review Engineered Drawings for the Hampton Inn and Parking Lot on a 4.31 acre parcel on the west side of S. Transit Road south of Robinson Road were

received and reviewed

The Modified Site Plan was sent to the Wendelville Fire Chief for comment. As of this date the Planning Board has not received response. Since Fire Dept. response is paramount in making any decision on the Modified Site Plan, action is tabled to the November 15, 2016 Planning Board Meeting.

10. Town Code Revision - Solar Panels - Review Town Board Request

In response to Town Board request, the Planning Board commenced review of the Draft proposal of a Solar Panel Ordinance as prepared and distributed by Town Engineer Dave Britton.

After review and discussion all Members agreed that the Draft was ready for recommendation to Town Board

A motion was then made by David Kantor and seconded by Tom Edbauer to authorize the Planning Board Administrative Assistant to send a letter of recommendation to the Town Board recommending approving the proposed Article Vlll C of Town Code entitled: Solar Energy Systems.

All agreed.

11. Public/Press Comments and Questions

All questions from those in attendance were addressed

12. Adjourn

*On a motion by Tom Edbauer and seconded by Joe Killion the meeting was adjourned at 9:15PM. All agreed.*

Respectfully Submitted

John Lavrich, Secretary  
Planning Board, Town of Pendleton

NOTE: THE ABOVE PLANNING BOARD MINUTES ARE INFORMATIONAL AND FORMAL APPROVAL ACTION WILL NOT TAKE PLACE UNTIL THE November 15, 2016 PLANNING BOARD MEETING.