

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**APRIL 19, 2016**

MEMBERS PRESENT : Joe McCaffrey, Dan Vivian, Joe Killion  
John Lavrich and David Kantor

Members Excused: Dave Naus and Tom Edbauer

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. March 15 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Joe Killion to approve the Minutes of the March 15, 2016 Planning Board Meeting. All agreed.

4. Littlefield - Two Lot Minor Subdivision -  
7381 Bear Ridge Road

SEQR Action

7:45 Public Hearing

SEQR Action

SEQR: The Planning Board initiated review of the Short Environmental Assessment Form.

On a motion by Joe Killion and seconded by Dave Kantor 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 at 7381 Bear Ridge Road. The Subdivision consists of splitting 102.41' wide by 588.2' deep lot from an approximately 4.3 acre acre parcel.

The following will be constitute conditions for approval of the Minor Subdivision:

It is noted that Richard Littlefield will own both parcels after Subdivision and intends to build a home on the newly created lot. It is further noted that the newly created lot would contain a garage along with two accessory structures which Mr. Littlefield agrees to remove within one year of Subdivision Approval. Mr. Littlefield also agreed that the aforementioned three structures would immediately be removed if the newly created lot is put on the market for sale.

There were no questions from those in attendance on said Subdivision , so on a motion by Joe Killion and seconded by Dave Kantor the Public Hearing was closed at 7:58PM. All agreed.

A motion was then made by John Lavrich and seconded by Dan Vivian to approve the Subdivision conditioned on proper survey and filing deed description with Niagara County within one year of today's date along with all additional conditions stated above. All agreed.

5. RIC Plumbing - Rick Kuhns - Site Plan Review - 5984 Dunnigan Road

SEQR Action

8:00 Public Hearing

SEQR Action

SEQR: The Planning Board initiated review of the Short Environmental Assessment Form.

On a motion by Dan Vivian and seconded by Dave Kantor a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

8:00 Public Hearing

A Public Hearing was opened at 8:00 for a Site Plan Review for R.I.C. Plumbing located at 5984 Dunnigan Road.

Site Plan Application along with Engineered Site Plan Drawings for proposed construction of a 50'x 100' Storage Building was received and reviewed by the Board.

It is noted that Applicant Rick Kuhns and Scott Kuhns were in attendance.

Town Engineer Dave Britton stated that the drawings are in substantial accordance with the Town Code and this constitutes completion of our review.

No one in attendance had any questions on said Site Plan so on a motion by Dan Vivian and seconded by Joe Killion the Public Hearing was closed at 8:03PM. All agreed

A motion was then made by Joe Killion and seconded by Dave Kantor to approve the Site Plan. All agreed.

6. Eagle Self Storage - Joseph McEachon - Site Plan Review - 6448 S. Transit Road

HISTORY: Taken from the February 16, 2016 Planning Board Meeting Minutes in part

Request for Site Sketch Review was received from Joseph McEachon

representing Eagle Self Storage for proposed construction of a number of Storage Buildings.

The proposed buildings would be located on an approximately five acre parcel at 6448 S. Transit Road which is on the west side of S. Transit Road just north of Fisk Road.

HISTORY: Taken from the March 19, 2016 Planning Board Meeting Minutes

Applicant Joseph McEachon advised the Planning Board via telephone conversation that he was in the process of securing an Engineering Firm which he expects to be accomplished very shortly. Full Site Plan Application along with Engineered Drawings will then be filed.

Tabled to the April 19, 2016 Planning Board Meeting.

CURRENT:

It was first noted that Site Plan Application with Fees along with Engineered Drawings were filed in the Office of the Planning Board.

Applicant Joseph McEachon along with Wayne Giambrone, PE representing Eagle Self Storage came before the Board to give an update on the status of the project along with a presentation on the Engineered Drawings.

Some items discussed included:

1. Storm Management
2. Snow Removal
3. Sewer Connection (Niagara County Health Dept.)
4. Fencing
5. Knox Box Switch at Entrance
6. SPDES Permit ( Over 1 Acre Disturbance.)

Niagara County Referral was then discussed. All agreed to authorize the Planning Board Administrative Assistant to prepare the Niagara County Referral Form in time for the Niagara County Planning Board Meeting scheduled for May 6, 2016.

Tabled to the May 17, 2016 Planning Board Meeting.

7. The Meadows at Pendleton North - Major Subdivision Sketch Plan  
Campbell Blvd. between Fiegle Rd and Bear Ridge Road

Sean Hopkins, Esq. and Kenneth Zollitch of GPI both representing the Applicant came before the Board with a Major Subdivision Sketch Plan. The proposed Major Subdivision would have 54 lots on a 51 acre parcel located on the east side of Campbell Blvd. south of Fiegle Road.

Upon review of the Sketch, some items discussed included:

1. Lot Size
2. Drainage Easements
3. Both State and Federal Wetlands
4. Entrance width
5. T Turnaround vs. cul-de-sak (Note: Town Highway Superintendent has advised the Planning Board that plowing and maintaining cul-de-saks is a much greater burden on the Town both in manpower hours and over all cost. The T turnaround is preferred.)

Kenneth Zollitch then advised the Board that he would work on revising the Major Subdivision Sketch Plan taking items discussed into consideration.

Major Subdivision Site Sketch will remain open to the May 17, 2016 Planning Board Meeting.

8. Heritage Landings - Major Subdivision (Modified) - Fiegle and Bear Ridge Road

HISTORY: Taken from the February 16, 2016 Planning Board Meeting Minutes

It is first noted that an E-Mail was received from Richard Haight PE of Advanced Design Group stating: " At this point we are waiting Engineering review comments. Therefore, we will not be attending the meeting tonight."

Town Engineer Dave Britton distributed a copy of the first draft of the comments/questions for the Major Subdivision Engineered Drawings which will be sent to the Applicant's engineer. Dave Britton then solicited Planning Board Member input on a number of items on said draft:

1. Drainage easement between Lots 31&32.
2. Sewer line extensions toward Fiegle Road.
3. Paving of Stub Roads - Plowing
4. Turn Around - Plowing.

After Discussion, Town Engineer Britton advised the Board that Planning Board input would be incorporated into letter.

Tabled to the March 15, 2016 Planning Board Meeting.

HISTORY: Taken from the March 15, 2016 Planning Board Meeting Minutes

It is first noted that an E-Mail was received from Richard Haight PE of Advanced Design Group stating that he was in process of reviewing Town Engineer comments/question and will not be attending the meeting tonight.

Planning Board along with Town Engineer Britton then proceeded to review a portion of the Major Subdivision Engineered Drawings focusing on most desirable access to the northwest area of the property for maintenance purposes.

All agreed that utilizing the "Paper Street" located on west side of Major Subdivision then increasing drainage easement from 10' to 20' on the back of one of the lots would be best alternative. This will be passed along to Applicant for consideration.

Tabled to the April 19, 2016 Planning Board Meeting.

CURRENT:

Chairman McCaffrey advised the Board that an E-Mail was received from Richard Haight PE of Advanced Design Group stating " In regards to Heritage Landings, as of now, we will not be attending the April 19, 2016 Planning Board meeting. The owner is evaluating the impact of the Town staff's comments and we are awaiting his direction on how he would like to proceed before finalizing plans and preparing a response."

Tabled to the May 17, 2016 Planning Board Meeting.

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

HISTORY: Taken from the February 16, 2016 Planning Board Meeting Minutes

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 to update the Planning Board on the 22,000 horsepower gas compressor station project.

Mr. Walters first advised Board that Air Quality comments/questions that were received from Town Engineer Britton have been addressed and sent to Britton for his review.

Town Engineer/Planning Board Site Plan comments/questions were also discussed. Mr. Walters indicated that response to comments/questions is anticipated to be accomplished in time for next Planning Board Meeting discussion.

Tabled to the April 19, 2016 Planning Board Meeting.

CURRENT:

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 to update the Planning Board on the 22,000 horsepower gas compressor station project.

Town Engineer/Planning Board Site Plan outstanding comments/questions were discussed. Mr. Walters indicated that response to the remaining outstanding comments/questions were being finalized and he expected that response would be ready in time for next Planning Board Meeting discussion.

Tabled to the May 17, 2016 Planning Board Meeting.

10. Tonawandas Sportsman's Club, Inc. - Two Lot Minor Subdivision - Killion Road

HISTORY: Taken from the February 16, 2016 Planning Board Meeting Minutes

Adam Walters of Phillips Lytle LLP and representing the Tonawandas Sportsman's Club, Inc. was in attendance to discuss the status of the Minor Subdivision.

The following was first announced by Chairman McCaffrey:

Please be advised that after review of pertinent Sections of New York State Town Law and New York State "SEQR" Regulations, it is the opinion of the Planning Board that the Application for the Tonawandas Sportsman's Club, Inc (Killian Road/Empire) Two Lot Minor Subdivision is not "Complete" and setting of a Public Hearing would be premature. Therefore, the Planning Board will not be holding the above referenced Public Hearing at the February 16, 2016 Planning Board Meeting.

It is further noted that the Applicant believes that the Application is in fact complete and Public Hearing should be held within 62 days from Application filing with Planning Board.

The difference of opinion stems from the need of a Negative Declaration on the Short Form SEQRA Form on which the Planning Board is acting as Lead Agency.

Chairman McCaffrey outlined a number of ways the Applicant may be able to satisfy the Board and thus issue the Negative Declaration in accordance with NYS SEQRA Regulations.

Tabled to next Planning Board Meeting to continue discussion.

HISTORY: Taken from the March 15, 2016 Planning Board Meeting Minutes

Letter dated March 14, 2016 from Adam S. Walter, Phillips Lytle LLP, acting as agent for the Applicant, Tonawandas Sportsman's Club, Inc. stated in part: " At the Planning Board's March 3, 2016 work session, we appeared to discuss the above referenced matter. To summarize our discussions regarding the



scheduling of the public hearing, it is Empire's position that the Planning Board is obligated to hold a public hearing within 62 days of the filing of its complete subdivision application on January 4, 2016, while it is the Planning Board's position that the application is not complete and no hearing need be scheduled yet. In order to preserve the status quo, and subject to full reservation of rights by both Empire and the Planning Board, the parties have mutually agreed, to extent necessary, to extend the time period to schedule the public hearing until the Planning Board's next work session on April 7, 2016.

It was then noted that mutual agreement to extend time periods for Subdivision Actions are allowable under Section 276 (8) of New York State Town Law.

A motion was then made by Dan Vivian and seconded by Dave Naus to mutually agree to extend the time period for consideration of setting a Minor Subdivision Public Hearing for the above referenced Applicant to the April 7, 2016 Planning Board Work Meeting. All agreed.

CURRENT:

Letter dated April 19, 2016 from Adam S. Walter, Phillips Lytle LLP, acting as agent for the Applicant, Tonawandas Sportsman's Club, Inc. stated in part: " Previously, in order to preserve the status quo, and subject to full reservation of rights by both Empire and the Planning Board, the parties have mutually agreed, to extent necessary, to extend the time period to schedule the public hearing until the Planning Board's next work session on April 7, 2016. Please allow this letter to confirm that at the work session, the parties mutually agreed to extend the time period to schedule the public hearing until the Planning Board's work session on May 5, 2016.

It was then noted that mutual agreement to extend time periods for Subdivision Actions are allowable under Section 276 (8) of New York State Town Law.

A motion was then made by John Lavrich and seconded by Dan Vivian to mutually agree to extend the time period for consideration of setting a Minor Subdivision Public Hearing for the above referenced Applicant to the May 5, 2016 Planning Board Work Meeting. All agreed.

11. Acacia Park Cemetery - Site Sketch review -  
4215 Tonawanda Creek Road

It is first noted that Richard Winter was present representing Acacia Park Cemetery.

Acacia Park Cemetery made application for a Site Sketch Plan to construct a proposed 34'-0" by 15'-10" Mausoleum with a 7' walkway around the building.

Mr Winter then assured the Board that their Engineer was aware of potential Flood Plain issues with location of the building and measures will be taken to insure that building is outside of said flood plain.

Motion was then made by Joe Killion and seconded by Dave Kantor to approve the Site Sketch Plan.  
All agreed

12. Public/Press Comments and Questions

None

12. Adjourn

Meeting adjourned at 9:05PM

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 May 17, 2016 PLANNING BOARD MEETING.

