

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**APRIL 18, 2017**  
**(Revised Item #8)**

MEMBERS PRESENT: Joe McCaffrey, Dan Vivian, Joe Killion, Dave Naus, Dave Kantor, John Lavrich, Nick Kwasniak

Members Excused: None

Others Present: Town Engineer Dave Britton

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

2. Informal Business

None

3. March 21, 2017 Meeting Minutes

A motion was made by Dan Vivian and seconded by Joe Killion to approve the Minutes of the March 21, 2017 Planning Board Meeting. All agreed.

4. JAKS Corporation - Four Lot Minor Subdivision - Lockport 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 Dave Kantor 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

It is first noted that Paul Siuta of Landmark and Surveying Co. acting as Agent for Applicant JAKS Corporation was in attendance.

A Public Hearing was opened at 7:45PM for a Four Lot Minor Subdivision on the south side of Lockport Road approximately 1,000 feet east of Campbell Blvd.

The Subdivision consists of splitting four lots from a 31+ acre parcel. All lots will have Lockport Road Frontage.

Lot #1 will measure 382.03' wide by 1,155.19' deep, lot #2 400' wide by 1,154.90' deep, lot #3 200' wide by 1,154.76' deep and lot #4 will be 200' wide by 1,154.62' deep. All lots meet minimum lot width, depth and area requirements for the SLI - Special Light Industrial Zoning District.

There were no questions from those in attendance on said Subdivision , so on a motion by Dave Naus and seconded by Nick Kwasniak the Public Hearing was closed at 7:52PM.

A motion was then made by Joe Killion and seconded by Dan Vivian to approve the Subdivision conditioned on filing deed description with Niagara County within one year of today's date. All agreed.

5. Eric Bogart - Two Lot Minor Subdivision - Campbell Blvd

SEQR Action  
8:00 Public Hearing

SEQR Action

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

On a motion by Dave Kantor and seconded by Joe Killion a Negative Declaration was issued and the PlanningBoard Chairman was authorized to sign the SEQR Form.  
All agreed.

8:00 Public Hearing

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision on the East side of Campbell Blvd. approximately 500 feet south of Bear Ridge Road.

The Subdivision consists of splitting an approximately 5.5 acre parcel with 375' frontage and 628' depth into two lots of equal area. Both lots #1&2 will measure 187.5 feet wide by 628.51 feet deep. Both lots will have 187.5 feet of Campbell Blvd. frontage.

There were no questions from those in attendance on said Subdivision , so on a motion by Dave Naus and seconded by Nick Kwasniack the Public Hearing was closed at 8:06PM. All agreed.

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

6. Heritage Landings - Major Subdivision (Modified) - Final Plat - Fiegel and Bear Ridge Road - 53 Lots

HISTORY: Taken from the February 21, 2017 Planning Board Meeting Minutes

Richard Haight of Advanced Design Group and representing the Applicant William Heitzenrater came before the Board to update the status of the Heritage Landings Major Subdivision.

Mr. Haight first advised that Applicant William Heitzenrater has made a decision to proceed with the 53 lot Major Subdivision Plat that was under Planning Board Review Process. He further advised that a number of "minor" plat updates (mostly relating to balancing of site) had to be made to the Engineered Drawings.

Since numerous delays have occurred throughout the Major Subdivision Review Process, a determination of the status of permits, wetland delineation and adequacy of review fees paid were then discussed.

1. It was tentatively determined that permits were current

- and wetland delineation was current to Nov. 2019.
2. Review fees for the project have been exhausted and a Final Plat Review Fee in the amount of \$50 per lot must be paid before continuing the Major Subdivision Review Process.
  3. The Applicant will pursue extending the gas from the Major Subdivision to Fiegle Road in lieu of extending the Sewer Line to Fiegle Road.

Tabled to the March 21, 2017 Planning Board Meeting awaiting updated Engineered Drawings and payment of Final Plat Review Fee.

HISTORY: Taken from the March 21, 2017 Planning Board Meeting Minutes

Administrative Assistant Lavrich advised the Board that he received an E-Mail from Richard Haight stating: "Due to our current work load, we will not be able to have revised plans for Heritage Landings for next week's Planning Board meeting. The current time line is to have revised plans in to the Town for the April 18<sup>th</sup> meeting, with revised documents (SWPPP/Design Report, Sanitary and Stormwater Districts Map, Plan & Reports, etc.) and any necessary revisions to the Plans for the May 16<sup>th</sup> meeting".

After short discussion, all agreed to the April/May time frame.

It is noted that a \$50 per lot Final Plat Review Fee must be paid prior to Planning Board and Town Engineer review at the APRIL 18, 2017 Planning Board Meeting.

Tabled to the April 18, 2017 Planning Board Meeting.

CURRENT:

Richard Haight of Advanced Design Group and representing the Applicant William Heitzenrater came before the Board to discuss revised Major Subdivision Engineered Drawings for the Heritage Landings Major Subdivision (Modification).

Some items discussed included:

1. Sewer Lines.
2. Retention Pond.

3. Balancing of Site (Fill).
4. Lot layout.
5. Phasing.
6. Gas availability to Fiegle Road?

Mr. Haight was then reminded that a \$50 per lot Final Plat Review Fee must be paid prior to the Town Engineer commencing his review of the revised Engineered Drawings.

Tabled to the April 18, 2017 Planning Board Meeting

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

HISTORY: Taken from the March 21, 2017 Planning Board  
Meeting Minutes

Sean Hopkins, Esq. and Paul Bliss both representing the Applicant (Camp-Roll LLC) came before the Board with a revised Major Subdivision Sketch Plan. The proposed Major Subdivision Sketch Plan was reworked to limit Variances to the lowest number possible yet allowing for optimum engineering for the Major Subdivision.

Sean Hopkins commenced to give the Board a presentation outlining the the lots that would not meet Town Zoning Code requirements along with reasoning as to why the lots could not be reconfigured to comply. Mr. Hopkins pointed out that the lots not in compliance were almost exclusively due to the Zoning Code provision that requires eliminating ponds, wetlands, wetland buffer areas and easements from the lot depth and area calculation. He further advised that expansion of the Major Subdivision to the north and east was prohibitive due to existence of vast wetlands.

After discussion all Board Members agreed that the only remedy that the Applicant had was to seek Variance relief through the Town Zoning Board of Appeals. Mr. Hopkins acknowledged that Application would be made to the Town Zoning Board Appeals in time for their April 2017 Meeting

The Major Subdivision Review was then tabled pending outcome of Variance Application with the Town Zoning Board of Appeals.

CURRENT:

The Meadows of Pendleton North Major Subdivision Review was tabled to the May 16, 2017 Planning Board Meeting pending outcome of Variance Application with the Town Zoning Board of Appeals.

8. The Meadows at Pendleton - Major Subdivision Campbell Blvd. Topsoil Removal Request

Per a letter dated March 31, 2017 from Campbell Pendleton LLC, the owner/operator of The Meadows at Pendleton Major came before the Planning Board Subdivision, with a request for consideration and approval to remove excess topsoil material stockpiled on lots 72, 73, and 74 (northwest corner of Dublin and Cloverleaf - Phase 3) was opened for discussion and comments.

(It is noted that Paul Bliss representing Campbell Pendleton LLC was in attendance.)

Town Engineer Dave Britton then presented a letter dated April 10, 2017 which stated in part: "We have reviewed their Letter dated March 31, 2017 and are in agreement with their conclusions and quantity estimates. We recommend approval of the request with the following conditions:

1. Permit shall be obtained from the Building Department. The Town Building Department, Highway Superintendent and Town Engineer have stop work authority if it is determined that the operation is not in conformance with the Permit conditions. If such situation occurs, the Town shall work with the project applicant / operator to determine means to rectify the situation prior to resuming work.
2. Hours of operation shall be restricted to weekdays between 7 am to 7 pm and Saturdays from 8am to 12 pm.
3. Material hauling will NOT be permitted during school bus pick-up and drop-off times for the subdivision. The following summarizes the bus schedule.
  - a. Morning Pick-up 1 bus between 7:00 am to 7:30 am

1 bus between 8:00am to 8:30 am

b. Afternoon Drop-off 1 bus at 2:30 pm and 2 busses at 3:30 pm

4. The use of jake brakes is strictly prohibited within the immediate vicinity of the work area.
5. The operator shall take all reasonable measures to control dust on the site and roadways.
6. The operator shall install a clean stone construction entrance of the size necessary to ensure that trucks and equipment do not carry sediment onto the public roadways.
7. The operator shall commit to keep the adjacent roadways clean of sediment and take immediate corrective action if the Town determines a problem has been created. At the completion of the topsoil removal work, Cloverleaf shall be cleared of any debris and sediment remaining as a result of removal activities.”

A motion was then made by Dan Vivian and seconded by Dave Naus to approve the Topsoil Removal Request with the above seven conditions. All agreed.

9. Public/Press Comments and Questions

None

10. Adjourn

*On a motion by Dan Vivian and seconded by Joe Killion the meeting was adjourned at 8:35PM. 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 May 16, 2017 PLANNING BOARD MEETING.