

TOWN OF PENDLETON
PLANNING BOARD MINUTES
AUGUST 19, 2014

MEMBERS PRESENT: Joe McCaffrey, Joe Kania, Dave Naus,
John Lavrich, Joe Killion and Tom Edbauer

Members Excused: Dan Vivian

Others Present: N/A

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

2. Informal Business

Administrative Assistant Kania advised Members on a number of issues:

1. Training for Local Boards providing four hours of classes at Niagara County Community College on October 9, 2014.
2. Planning Board reviewed Town of Amherst proposed Town Code Amendment - Hydrofracking. All agreed that language contained in said Code Amendment was too prohibitive because it restricted all drilling. Board authorizes Admin. Assistant Kania to draft a letter to Town of Amherst reflecting Pendleton Planning Board position.
3. Admin Assistant Kania advised the Board that he just received the Tax Map Revision on the Lemieux Two lot Minor Subdivision approved in August 2013. The lot depth approved was 400' but when surveyed and recorded the depth was erroneously measured from center of road as opposed to right of way and was recorded at 367'. All Board Members agreed that this did not constitute a major change in the Minor Subdivision and the Subdivision meets all Town Code requirements thus Subdivision can remain as recorded.

3. July 15, 2014 Meeting Minutes

A motion was made by Dave Naus and seconded by Tom Edbauer

to approve the Minutes of the July 15, 2014 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Majewski - Two Lot Minor Subdivision - 5916 Fisk Road

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision located at 5916 Fisk Road.

It is noted that property owners Paul and Jeanette Majewski were in attendance.

The Subdivision consists of cutting a 200' wide by 400' deep lot from a 12.07 acre parcel. The remaining parcel will have 165' road frontage on Fisk Road and be approximately 1223' deep.

No one in attendance had any questions on said subdivision, so on a motion by Tom Edbauer and seconded by Joe Killion the Public Hearing was closed at 7:50PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dave Naus and seconded by Tom Edbauer a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed

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

5. Dan & Craig D'Angelo Major Subdivision - 4214 Beach Ridge Rd. - Sketch Plan

HISTORY: Taken from the July 15, 2014 Planning Board Meeting Minutes

Administrative Assistant Kania advised the Board that the awaited Variance was approved by the Zoning Board of Appeals at its June Meeting.

The Applicant can now proceed to file a Preliminary Plat

Application, pay required fees and then go before the Planning Board with Preliminary Plat Engineered Drawings to commence with the Preliminary Plat Review stage of the Major Subdivision Review Process.

Tabled to the August 19, 2014 Planning Board Meeting awaiting Preliminary Plat Application and Engineered Drawings

CURRENT:

Administrative Assistant Kania advised the Board that he received an E-Mail from Kristin Savard of Advanced Design Group which stated that she would not be in attendance at the August 19, 2014 Meeting and which further stated " we have completed the field effort for the survey and are finishing the mapping. We intend to have a Preliminary Plat submission in the near future."

It is noted that Preliminary Plat Application along with appropriate fees must be submitted prior to the October 21, 2014 Planning Board Meeting in order to avoid the possible "Timing Out" of the Major Subdivision Sketch Plan.

6. Public Hearing - 8:00 - Librocks/Porter - Two Lot Minor Subdivision/Resubdivision - Tonawanda Creek Road.

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision/Resubdivision on the north side of Tonawanda Creek Road approximately 1 mile east of Campbell Blvd.

It is noted that Neal Librocks and Charles Porter were in attendance.

The Subdivision/Resubdivision consists of splitting a 54 acre parcel into two 27 acre parcels. Parcel #1 will be 27 acres and have 10' of Tonawanda Creek Road Frontage and will be attached to the adjacent lot to the east owned by Charles Porter. Mr. Porters' lot will measure 122' wide after Resubdivision.

Parcel #2 will be 27 acres and have 140' Tonawanda Creek Road Frontage. This parcel will be owned by Neal Librocks and has both Agriculture and Residential Zoning. The Parcel contains a structure which Mr. Librocks verbally certified would be used

for storage of Agricultural Equipment.

No one in attendance had any questions on said Subdivision, so on a motion by Joe Killion and seconded by Tom Edbauer the Public Hearing was closed at 8:06PM. All agreed.

SEQR: The Planning Board then 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.

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

7. Public Hearing - 8:15PM - Lederhouse - Two Lot Minor Subdivision/Resubdivision - Fiegle Rd.

A Public Hearing was opened at 8:15PM for a Two Lot Minor Subdivision/Resubdivision on the north side of Fiegle Road between East Canal and Sheetram Road.

The Subdivision/Resubdivision consists of splitting 183' wide by 100' deep parcel from a forty seven (47) acre parcel owned by Robert Lederhouse and will be attached to the adjacent lot to the south owned by Chris Rathman. Mr. Rathmans' lot will measure 183' wide (fronting Fiegle Road) by 533' deep after Resubdivision.

No one in attendance had any questions on said Subdivision, so on a motion by Dave Naus and seconded by Joe Killion the Public Hearing was closed at 8:20PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Tom Edbauer and seconded by Dave Naus a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

A motion was then made by Joe Killion and seconded by Joe Kania to approve the Subdivision conditioned on proper survey

and filing deed description with Niagara County within one year of today's date. All agreed.

8. Hidden Oak Phase 2 - Major Subdivision - Final Plat

HISTORY: Taken from the June 17, 2014 Planning Board Meeting Minutes

Al Hopkins of Metzger Engineers was in attendance to give the Board an update on the progress of the Hidden Oak Major Subdivision Conditional Final Plat Approval. Mr. Hopkins advised the Board that Niagara County Health Department Approval has been received for the project. He further advised that full sets of Engineered Drawings will be provided to the Planning Board and Town Engineer for their files.

All agreed that the "Cover Map" for the Hidden Oak Major Subdivision can now be signed by the Planning Board Chairman and Town Engineer and then be recorded with Niagara County.

HISTORY: Taken from the July 15, 2014 Planning Board Meeting Minutes

Mike Metzger of Metzger Engineers asked to be placed on the July 15, 2014 Planning Board Meeting Agenda so that he along with the Applicant could discuss certain aspects of the Conditional Final Plat Approval that was granted on December 17, 2013.

Mr. Metzger was in attendance and advised the Board that the Applicant was unable to attend this Meeting and asked the Board to be placed on the August 19, 2014 Planning Board Meeting Agenda.

All agreed. Tabled to the August 19, 2014 Planning Board Meeting.

CURRENT:

Mike Metzger of Metzger Engineers along with the Applicant (owners of E&R General Construction) were in attendance to discuss one of the conditions contained in the Hidden Oak Major Subdivision Conditional Final Plat Approval.

Mr. Metzger proceeded to give the Board a presentation on the difficulties the Applicant would encounter in bringing in the large amount of fill necessary to "balance" the complete site prior to building homes.

After discussion all Board Members agreed that they understood the Applicants difficulties, however, experience gained by dealing with other Major Subdivisions in the Town along with flatness throughout the Town gave the Board very little latitude in giving exceptions to fill policy reflected in Final Plat Conditional Approval. All Agreed that the Conditional Final Plat Approval For the Hidden Oak Major Subdivision will stand as originally approved.

9. Public/Press Comments and Questions

None

10. 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 September 16, 2014 PLANNING BOARD MEETING.