

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**DECEMBER 20, 2016**

MEMBERS PRESENT: Joe McCaffrey, Dave Naus, Dan Vivian

*John Lavrich and Tom Edbauer*

Members Excused: David Kantor and Joe Killion

Others Present: None

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

2. Informal Business

All Planning Board Members collectively thank Tom Edbauer for his services as a Planning Board Member for the past six years. All wish Tom the best in his future endeavors.

3. November 15, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the November 15, 2016 Planning Board Meeting. All agreed.

4. Melissa Dilapo - Two Lot Minor Subdivision -  
6869 Campbell Blvd.

SEQR Action

7:45 Public Hearing

SEQR Action

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

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.

7:45 Public Hearing

Applicant/property owner Melissa Dilapo was in attendance.

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision at 6869 Campbell Blvd. at the south east corner of Campbell Blvd. and Bear Ridge Road.

The Subdivision consists of splitting an approximately 5.5 acre parcel with 375' frontage and 628' depth from a 15.8 acre parcel. The remaining lot would then have approximately 10 acres with 502' Campbell Blvd. frontage.

There were no questions from those in attendance on said Subdivision , so on a motion by Dan Vivian and seconded by Tom Edbauer the Public Hearing was closed at 7:50PM. All agreed.

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

5. Site Sketch Plan Review - Acacia Park Cemetery -  
4215 Tonawanda Creek Road

SEQR:

The Planning Board first 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.

Site Sketch Review

It was first noted that Tim Arlington of Apex Consultant and representing the Applicant was in attendance.

Acacia Park Cemetery made Application for a Site Sketch Plan for a proposed 4,000 square foot Equipment and Material Storage Building.

Tim Arlington commenced to give the Board a short presentation on the proposed Storage Facility to be located at 4215 Tonawanda Creek Road.

Upon review of Site Sketch by Planning Board Members, all agreed that the only issues that needed to be addressed were flood plain elevations and adequacy of nearby employee facilities.

It was determined that the proposed Storage Building was out of the Flood Plain and adequate employee facilities were available at a nearby maintenance building.

A motion was then made by Dan Vivian and seconded by Dave Naus to approve the Site Sketch Plan. All agreed.

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

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

Administrative Assistant Lavrich advised the Board that he received an E-Mail from Richard Haight stating that the Applicant William Heizenrater was still reviewing his options.

Tabled to the December 20, 2016 Planning Board Meeting.

CURRENT

Applicant William Heizenrater is still reviewing his options.

Tabled to the January 17, 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 October 18, 2016 Planning Board  
Meeting Minutes

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.

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

Administrative Assistant Lavrich advised the Board that he spoke with Sean Hopkins and was informed that he was still in the process of finalizing a Rezoning Request.

Tabled to the December 20, 2016 Planning Board Meeting.

CURRENT:

Sean Hopkins, Esq. representing the Applicants (Camp-Roll LLC, Richard Sinnott and Richard Sticht) came before the Board with an Application for Rezoning of Property.

Mr. Hopkins commenced to give the Board a presentation on the scope and merits of the Rezoning Request. It was noted that the rezoning (if approved) would convert 5.85 acres which includes the front property of the proposed Meadows of Pendleton North Major Subdivision along with two adjoining properties to the south which are presently Residential Use in a Commercially Zoned district. If the rezoning were to be approved, the frontage of the "Meadows" property would be utilized for single family residences as apposed to Multi-family Dwellings and the properties to the south would be enhanced with transfer and attachment of property and more importantly would become "Conforming Use" R-2 Residential Property. (Both residents to the south are now lacking the dimensions required for Commercial Use and are thus a "Nonconforming Use" at the present time)

After discussion, all Planning Board Members agreed that the rezoning would enhance the surrounding neighborhood and benefit those residing in the vicinity.

A motion was then made by Tom Edbauer and seconded by Dave Naus to authorize the Planning Board Administrative Assistant to draft and forward a letter of recommendation to the Town Board recommending approval of the Rezoning of property described above from Co-1 Commercial to R-2 Residential. All agreed.

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

HISTORY: Taken from the October 18, 2016 Planning Board Meeting Minutes

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.

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

Chairman McCaffrey advised the Board that no further input or information was relieved from either the New York State DOT or Wendelville Fire Department regarding the One vs Two Entrance issue.

After discussion, all agreed that the Planning Board could go no further with the Modified Site Plan until either the DOT amends their decision and allows the second entrance or the Fire Dept. responds setting forth proposed modifications that they deem warranted to insure safety in case of emergency.

Tabled to the December 20, 2016 Planning Board Meeting.

CURRENT:

Awaiting DOT decision on allowing second entrance.

Tabled to the January 17, 2017 Planning Board Meeting.

9. Public/Press Comments and Questions

None

10. Adjourn

*On a motion by Tom Edbauer and seconded by Dan Vivian the meeting was adjourned at 8:15PM. 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  
January 17, 2017 PLANNING BOARD MEETING.

