

TOWN OF PENDLETON
PLANNING BOARD MINUTES
February 17, 2015

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

Members Excused: None

Others Present: Dave Britton, Town Engineer

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

2. Informal Business

Administrative Assistant Kania advised Members on a number of issues that may come before the Planning Board in the near future.

3. January 20, 2015 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the January 20, 2015 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Craig D'Angelo - Excavate a Pond - 4217 Beach Ridge Road

A Public Hearing was opened at 7:45 for a request to excavate a 1.9 acre pond on a 59.2 acre parcel located at 4217 Beach Ridge Road. Setbacks as follows will be maintained:

- A. Front Yard - Approximately 450'
- B. Side Yards - 100' - 150'
- C. Rear Yard - Approximately 75'

It is noted that property owner Craig D'Angelo was in attendance.

The Board then reviewed and discussed the Pond Site Plan.
Some items discussed :

1. Slope extending twelve feet into water on all sides.
2. 12' Pond Depth.
3. Signage required per Zoning Code.
4. Excavated soil to be spread on site per drainage plan and excess soil disposition.
5. Providing Positive Drainage from outfall on to owners property.

A letter dated February 11, 2015 from Town Engineer Dave Britton was then reviewed.

The letter stated in part: " We have completed our review of the Pond application and offer the following conditions for approval:

DRAWINGS AND GENERAL COMMENTS:

- * Add a bench mark and datum for the site and provide a temporary bench mark for use during construction.
- * Call out the top of bank elevation.
- * The pond shall be properly benched for the first 20' from the top bank as approved by the planning board.
- * A spillway elevation shall be provided at the outlet that is a set a minimum of 12" below the top of bank.
- * Land disturbance is greater than 1 ac.; Therefore, a NYSDEC SPDES Construction permit is required. SWPPP shall be prepared to address construction measures that includes EC features such as silt fence and stabilized construction entrance. The SWPPP will need the certification statements and the associated Erosion and Sediment Control drawings. The applicant can use NYSDEC standard details. We request that the document include discussion on site soils just to confirm that the pond is feasible and identify the pond as recreational, not as a post - construction stormwater feature. The SWPPP does need to be stamped by a qualified professional (licensed engineer) because it will not include post - construction stormwater management."

No one in attendance had questions on said Pond Excavation Request, so on a motion by Joe Kania and seconded by Dan Vivian the Public Hearing was closed at 7:55PM. 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 Killion and seconded by Tom Edbauer to approve the Pond Excavation Request conditioned on meeting all conditions set forth in Pond/Storm Water Management Compliance Checklist and stated above.
All agreed.

5. Beach Ridge Meadows - 19 Lot Major Subdivision - 4214 Beach Ridge Rd. - Preliminary Plat

HISTORY: Taken from the January 20, 2015 Planning Board Meeting Minutes

It is first noted that applicants Daniel and Craig D'Angelo along with Kriston Savard of Advanced Design Group were in attendance to discuss the Preliminary Plat Engineered Drawings for the Beach Ridge Meadows Major Subdivision.

Ms. Savard presented an updated Preliminary Plat for Board review and discussion. She then proceeded to give the Board a presentation on the major features contained within the Engineered Drawings. Some of the items presented and discussed included:

1. Green Infrastructure features.
 - A. Sizing of piping.
2. Extending pavement and utilities past Turnaround.
3. Niagara County Planning Board Referral.
4. Street Light at Beach Ridge Road.
5. Status of SEQR
6. Parkland determination.
 - A. Planning Board unanimously authorized Admin. Assistant Kania to draft and send letter to Town Board for their input.

All then agreed that the Preliminary Plat Engineered Drawings were at a point warranting the setting a Public Hearing. A motion was made by Dan Vivian and seconded by Joe Killion to set an 8:00PM Public Hearing on February 17, 2015. All agreed.

CURRENT:

Public Hearing - 8:00PM - Beach Ridge Meadows - 19 Lot Major
Subdivision - 4214 Beach Ridge Rd. - Preliminary Plat

A Public Hearing was opened at 8:00PM for the Beach Ridge Meadows Major Subdivision Preliminary Plat and SEQR. The proposed Major Subdivision is to located 4214 Beach Ridge Road and have a total of 19 lots.

Kristin Savard of Advanced Design was present to give a presentation on the significant features and layout of the Major Subdivision. Applicant Craig D'Angelo was also present.

It is also noted that one resident who lives in the vicinity of the proposed Major Subdivision was also present.

After completion of the presentation, the Chairman announced that comments, concerns and questions would be taken from those present. After all comments and questions were addressed, a motion was made by Tom Edbauer and seconded by Dan Vivian to close the Public Hearing at 8:14PM. All agreed.

A letter dated February 11, 2015 from Town Engineer Dave Britton was then presented to the Board. The letter stated in part: "We have completed our review of the preliminary plat application submitted by Sam D'Angelo & Sons and prepared by Advanced Design Group...."

We offer the following comments:

1. In accordance with Town Code, the applicant must provide the following items which were not included in the reviewed submittal:
 - a. Preliminary earthwork calculations to determine the fill and topsoil needs for the overall site.
 - b. Waterline hydraulic calculations to demonstrate adequate water system capacity for domestic and fire flow demands.
2. The plans must identify the existing or new easement which will be required for existing Niagara County sanitary sewer line on the property.

This constitutes completion of our review."

Admin. Assistant Kania then advised members that the Town Board acted on Parkland Evaluation for the Beach Ridge Meadows Major Subdivision, thus the Planning Board can proceed with its "Findings".

Town Law § 277 requires that you render findings in support of a parkland set aside which include "an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected future population growth to which the particular subdivision plat will contribute."

PLANNING BOARD FINDINGS

After review of Town Board comments made at their January 26 ,2015 Meeting, the following Planning Board Findings on the Beach Ridge Meadows Major Subdivision were formulated as part of the SEQR Review and are documented in the Major Subdivision Checklist.

The projected population growth for the town will increase demand on facilities and programs. The current programs and facilities will have to be improved and new ones developed. As the Town grows, the cost of constructing and operating facilities and programs will impact the Town's fiscal situation.

Existing facilities for active recreation are severely limited and expansion of current facilities to accommodate the needs of Town residents is anticipated.

The Town's efforts to address increased demand for recreational facilities resulting from the population growth is hampered by the constraints of the unavailability of suitable lands and upwardly spiraling land costs. New Major Subdivisions for residential housing place an additional strain on the already limited park and recreational facilities of the Town.

Based on the present and anticipated future need for park and recreational opportunities in the town, and to which the future population of this subdivision will contribute, that parklands should be created as a condition of approval of this subdivision. However, because the lot area and ownership patterns do not suit it to the development of a park suitable to meet the requirements of the site, pursuant to Town Law § 277, the planning board requires that the applicant deliver payment in lieu of parkland dedication.

A motion was the made by Joe Kania and seconded by Tom Edbauer to accept the Planning Board Findings. All agreed.

It was then noted that a Site Plan Review/Zoning Referral Form dated 1/7/2015 was sent to the Niagara County Planning Board.

NCPB ACTION:

"The Niagara County Planning Board recommended approval."

SEQR DETERMINATION: The Board then addressed the State Environmental Assessment Form. Town Engineer Britton outlined and discussed the primary features of the State Environmental Assessment Long Form. After discussion, a motion was made by Dave Naus and seconded by Dan Vivian a Negative SEQ determination was issued and the Planning Board Chairman was given authorization to sign the SEQR Form. All agreed

A motion was then made by Dan Vivian and seconded by Joe Killion to approve the Major Subdivision Preliminary Plat conditioned on the provisions outlined in the Technical Checklist for Plat Approval and stated above. All agreed.

6. Wind Energy Conversion Systems (WECS) - Proposed Ordinance

HISTORY: Taken from the January 20, 2015 Planning Board Meeting Minutes

An updated copy of a Draft dated January 12, 2015 outlining possible provisions of a Wind Energy Conversion Systems Ordinance was distributed to Board Members for review and discussion.

Issues that were discussed included:

1. Setbacks.
2. Height of tower.
3. Noise Levels and distance from adjacent property residences
4. Monopole Construction.
5. Guidelines and safety precautions

Chairman McCaffrey then asked Board Members to review the updated Draft" and be ready to further discuss at the February

2015 Planning Board Work Meeting.

CURRENT:

Admin. Assistant Kania distributed copies of drafts outlining possible provisions of a Wind Energy Conversion Systems Ordinance to all Board Members for review and discussion. Issues that were discussed included:

1. Fees and Costs
2. Abandonment

Chairman McCaffrey then asked Board Members to review the updated material and be ready to further discuss and finalize the proposed Wind Energy Conversion Systems Ordinance at the March 2015 Planning Board Meeting.

7. Public/Press Comments and Questions

None

8. 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 March 17, 2015 PLANNING BOARD MEETING.