

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**FEBRUARY 16, 2016**

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

Members Excused: None

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

A. Chairman McCaffrey advised that Supervisor Joel Maerten requested that a Planning Board Member be provided to attend South Transit Road Focus Group Meetings. David Kantor will attend.

B. Thomas Thompson representing the the Pendleton Veterans Association was in attendance and voiced concern about the potentiality of disturbing unmarked burial sites in the vicinity of Poole Cemetery located on Beach Ridge Road due to possible land development.

Chairman McCaffrey assured Mr. Thompson that the Planning Board was very much aware of this issue and would require very extensive environmental and historical preservation studies to be undertaken to insure that the remains of those laid to rest in that area are not disturbed.

3. January 19, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the January 19, 2016 Planning Board Meeting. All agreed.

4. Site Sketch Plan Review - Mon Cheri Childcare Inc. - Lisa Kankolenski - 6255 Campbell Blvd.

SEQR:

The Planning Board first reviewed the Short Environmental Assessment Form and on a motion by Joe Killion and seconded by Dan Vivian, a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

Site Sketch Review

Mon Cheri Childcare Inc. made Application for a Site Sketch Plan due to change of use from Beauty Salon to Daycare.

Upon review of Site Sketch by all Planning Board Members, all agreed that the only issue that needed to be addressed was adequacy of parking spaces for both employees and customers. After discussion all agreed that an adequate parking area was available for both employees and customers.

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

5. Eagle Self Storage - Joseph McEachon - Site Sketch/Site Plan - 6448 S. Transit Road

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 on the west side of S. Transit Road just north of Fisk Road.

The Planning Board acknowledged receipt and then reviewed the Site Sketch Plan and all agreed that the Applicant can now proceed to the fully engineered phase of the Site Plan Review

Process.

Full Site Plan Application along with payment of Site Plan Review Fees need be accomplished in order to initiate the next stage of the Site Plan Review approval Process.

6. Meadows at Pendleton Major Subdivision - Final Plat Amendment - Pond on Phase 3 of Subdivision - off Campbell Blvd.

Kenneth Zollitch of GPI and representing the Applicant presented a letter to the Board proposing the excavation of a pond to be located at the southeastern area of Phase 3 of the Major Subdivision. The pond is being proposed to generate adequate fill to complete Phase 3.

Chairman McCaffrey then explained that the Planning Board would first have to make a determination as to whether this proposal constituted a major or minor amendment to the Final Plat.

After discussion of impacts of the proposal, a motion was made by Joe Killion and seconded by Tom Edbauer to designate the proposed pond as a minor amendment to the Final Plat. All agreed. Engineered Drawings can now be completed by Applicant's Engineer.

A letter dated February 16, 2016 from Town Engineer Dave Britton was then passed to Kenneth Zollitch of GPI and Planning Board Members. The letter stated in part: " The purpose of this letter is to request a review fee in the amount \$1,200 to cover additional engineering review costs associated with the submission of amended Final Plat....."

Mr. Zollitch will submit proposal to Applicant for approval.

Tabled to the March 15, 2016 Planning Board Meeting.

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

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

Richard Haight of Advanced Design was in attendance to present

and discuss an updated Modified Final Plat for the approved Major Subdivision named Heritage Landings.

Mr. Haight proceeded to distribute Engineered Drawings and design report/SWPPPP. He then gave a short presentation on the "Modification" which would reduce the size of the Major Subdivision from 91 lots as approved down to 53 lots. Some of the other major changes included:

1. Two entrances on Fiegle Road. The Bear Ridge Road entrance would be eliminated.
2. One Retention Pond.
3. One instead of two Pump Stations.

Some further issues were then discussed:

1. Phasing of the Major Subdivision
2. Extending gravity sewer line to Fiegle Road.
3. Pump Station
4. Power line easement issues
5. Fill

It was then decided that the Modified Plat and SWPPP report would be forwarded to Town Engineer Dave Britton for review. Tabled to the February 16, 2016 Planning Board Meeting.

CURRENT:

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.

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

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

It was first noted that Site Plan Application and appropriate fees along with a \$7,500 payment that was placed in escrow for estimated additional Town Engineer review fees were all received.

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 informed the Board that a set of the large version of Engineered Drawings would be forwarded to the office of the Town of Pendleton Engineer for review.

It was then noted that per Town Zoning Code a Planning Board determination categorization the Site Plan as a "Site Sketch" or "Full Site Plan Review" was still pending.

A motion was made by Dan Vivian and seconded by Dave Naus to categorize the Empire Pipe Line, Inc. site plan as a Full Site Plan Review. All agreed.

Tabled to the February 16, 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.

Mr. Walters then distributed a letter to the Board dated February 16, 2016. This letter gave detailed information on a number of issues that were questioned at prior Planning Board Meeting/Meetings. Some of the items addressed follow:

1. Post - Construction Noise Monitoring
2. Outreach Programs - Local Emergency Service Providers
3. Stormwater Maintenance
4. Deed restrictions
5. Protection of Wetlands
6. Signage and Fencing
7. Permit Requirements

Status of the FERC Application and Approval was then discussed.

It is noted that Town Engineer Britton continues review of the Engineered Drawings.

Tabled to the March 15, 2016 Planning Board Meeting.

9. Tonawanda Sportsman Club - Two Lot Minor Subdivision - Killion Road

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

It was first noted that Minor Subdivision Application and supporting documents along with appropriate fees were all received.

Adam Walters of Phillips Lytle LLP and representing the Tonawanda Sportsman Club was in attendance to update the Planning Board on the Minor Subdivision.

Chairman McCaffrey then advised Mr. Walters that Town Engineer Dave Britton informed the Planning Board that a Biologist from GHD reviewed the Wetland Study completed for the NFG Killian Road site and has multiple significant concerns with the Wetland Delineation completed by Wilson Environmental. Mr. Walters then advised that he would be in touch with Town Engineer Dave Britton to seek resolution of any issues concerning the Wetland Delineation completed by Wilson Environmental.

CURRENT:

Adam Walters of Phillips Lytle LLP and representing the

Tonawanda Sportsman Club 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 Tonawanda Sportsman Club (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 SRQR 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.

#### 10. Public/Press Comments and Questions

All questions and comments from those present were fully addressed.

#### 11. Adjourn

Meeting adjourned at 8:45PM

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 15, 2016 PLANNING BOARD MEETING.



