

TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
JULY 19, 2016

MEMBERS PRESENT :Joe McCaffrey,*Dan Vivian,Joe Killion,Dave Naus,*

John Lavrich, Tom Edbauer and David Kantor

Members Excused: Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. June 21, 2016 Meeting Minutes

A motion was made by Tom Edbauer and seconded by Joe Killion to approve the Minutes of the June 21, 2016 Planning Board Meeting. All agreed.

4. 7:45 Public Hearing Curt's Storage Units -Curt Naughton- Site Plan Review - 5250 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 David Kantor 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 Public Hearing was opened at 7:45PM for Curt's Storage Units Site Plan Review.

It was first noted that Tim Arlington of Apex Consultant along with Applicant Curt Naughten were in attendance. Site Plan Application along with Engineered Drawings were received.

Tim Arlington commenced to give the Board a short presentation on a proposed Storage Facility to be located at 5250 Lockport Road east of Campbell Blvd. The Storage Facility will contain four (4) separate "Contract Equipment Storage Units".

A number of conditions of Site Plan Approval were then discussed with Town Engineer Dave Britton:

1. No outside storage
2. Knox Box on each building
3. SPDES Inspection

Conditions along with permit requirements will be incorporated into the Technical Checklist for Site Plan Approval.

There were no questions from those in attendance on said Site Plan Review, so on a motion by Joe Killion and seconded by Dave Kantor the Public Hearing was closed at 7:52PM. All agreed.

A motion was made by Dave Naus and seconded by Joe Killion to approve the Site Plan conditioned on the provisions outlined in the Technical Checklist for Site Plan Approval. All agreed.

5. Joseph Killion - Two Lot Minor Subdivision/Resubdivision - 5831 Dunnigan Road

SEQR Action
8:00 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 Dan Vivian a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

8:00 Public Hearing

It is first noted that the Applicant/property owner Joseph Killion was in attendance.

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision/Resubdivision at 5831 Dunigan Road east of Sheetram Road. The Subdivision/Resubdivision consists of splitting a 523.46 deep by 100' wide parcel from a 2.98 acre parcel owned by Joseph Killion. The Resubdivision will consist of attaching the aforementioned newly created parcel to the adjacent lot to the west also owned by Joseph Killion who gave a written statement that states the parcel will be attached to his lot promptly upon approval.

There were no questions from those in attendance on said Subdivision, so on a motion by Dave Naus and seconded by Tom Edbauer the Public Hearing was closed at 8:07PM. All agreed.

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

6. Tonawandas Sportsman's Club, Inc. -Two Lot Minor Subdivision - Killion Road

SEQR Action
8:15 Public Hearing

SEQR Action

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

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

8:15 Public Hearing

It is first noted that Adam Walters of Phillips Lytle LLP and representing the Tonawandas Sportsman's Club, Inc. was in attendance.

Chairman McCaffrey advised those present that the Planning Board had received a copy of of the awaited Wetland Jurisdictional Letter from the Army Corp of Engineers.

A Public Hearing was opened at 8:15PM for a Two Lot Minor Subdivision at 4281 Killian Road approximately 2,500 feet east of Town Line Road..

The Subdivision consists of splitting 550.83 feet wide by 1,586.31 feet deep (20 Acre) Light Industrial Zoned lot from a 64.8 acre parcel. The newly created lot would front Killian Road and meet all zoning requirements for a lot in the LI (Light Industrial) District.

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 8:26PM. All agreed.

A motion was then made by Tom Edbauer 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. Eagle Self Storage - Joseph McEachon - Site Plan Review - 6448 S. Transit Road

HISTORY: Taken from the February 16, 2016 Planning Board Meeting Minutes in part

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 which is on the west

side of S. Transit Road just north of Fisk Road.

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

It was first noted that Site Plan Application with Fees along with Engineered Drawings were filed in the Office of the Planning Board.

Applicant Joseph McEachon along with Wayne Giambrone, PE representing Eagle Self Storage came before the Board to give an update on the status of the project along with a presentation on the Engineered Drawings.

Some items discussed included:

1. Storm Management
2. Snow Removal
3. Sewer Connection (Niagara County Health Dept.)
4. Fencing
5. Knox Box Switch at Entrance
6. SPDES Permit (Over 1 Acre Disturbance.)

Niagara County Referral was then discussed. All agreed to authorize the Planning Board Administrative Assistant to prepare the Niagara County Referral Form in time for the Niagara County Planning Board Meeting scheduled for May 16, 2016.

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

It was first noted that there was no one present representing Eagle Self Storage.

1. It was noted that Niagara County Referral recommendation was received with a recommendation to approve the Eagle Self Storage Site Plan.
2. It was further noted that the latest discussion with the Applicant's Engineer indicated that he was working on the outstanding Storm Water (SWPPP) calculations/report. Tabled to the July 2016 Planning Board Meeting.

CURRENT:

Applicant's Engineer indicated that he was finalizing the outstanding Storm Water (SWPPP) calculations/report. Upon finalization Storm Water (SWPPP) calculations/report, it will be forwarded to Town Engineer Dave Britton for review. Tabled to the August Planning Board Meeting.

8. The Meadows at Pendleton North - Major Subdivision Sketch Plan Campbell Blvd. between Fiegle Rd and Bear Ridge Road

HISTORY: Taken from the April 19, 2016 Planning Board Meeting Minutes in part:

Sean Hopkins, Esq. and Kenneth Zollitch of GPI both representing the Applicant came before the Board with a Major Subdivision Sketch Plan. The proposed Major Subdivision would have 54 lots on a 51 acre parcel located on the east side of Campbell Blvd. south of Fiegle Road.

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

Sean Hopkins, Esq. and Kenneth Zollitch of GPI both representing the Applicant were in attendance. Discussion immediately focused on if a Cul-De-Sak or T Turnaround Plan has more positive aspects.

After discussion a fair and equitable decision was made in favor of the Cul-De-Sak Plan.

The Applicant can now proceed to the Preliminary Plat Application stage of the Major Subdivision Review Process.

CURRENT:

No new information on The Meadows at Pendleton North Major Subdivision.

Tabled to the August 16, 2016 Planning Board Meeting.

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

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

Applicant William Hetzenrater was in attendance to discuss a number of issues related to the Heritage Landings Major Subdivision. Discussion quickly focused on extending a sewer line from the proposed Major Subdivision to Fiegle Road Via one of the entrance roads leading to the Subdivision. After discussion, it was decided that Mr. Heizenrater had provided the Board with a number of relevant issues concerning extending the Sewer line over the Power Line Easement Area. These issues warranted further discussion at the Planning Board July Work Meeting.

, Tabled to July 2016 Planning Board Work Meeting.

CURRENT:

No new information on the Heritage Landings (Modified) Major Subdivision.

Tabled to the August 2016 Planning Board Meeting.

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

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

Adam Walters of Phillips Lytle LLP and representing National Fuel Gas-Empire Pipe Line, Inc. was in attendance to update the Planning Board on the 22,000 horsepower gas compressor station project.

After discussion with the Board it was concluded that the only outstanding issue remaining in order to continue the Site Plan Review Process is the Wetland determination by the Army Corp of Engineers and receipt of the FERC Environmental Review .

Tabled to July 19, 2016 Planning Board Meeting.

CURRENT:

Adam Walters of Phillips Lytle LLP and representing National Fuel Gas-Empire Pipe Line, Inc. was in attendance to update the Planning Board on the 22,000 horsepower gas

compressor station project.

After discussion with the Board it was concluded that the only outstanding issues remaining in order to continue the Site Plan Review Process is receipt of the FERC Environmental Review, and Building Department decision on if the project is an "Allowable Use by Right" under the Town Zoning Code.

Tabled to August 2016 Planning Board Meeting.

11. Town Code Revision - Solar Panels - Review Town Board Request

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

In response to Town Board letter dated June 13, 2016 (Requested Recommendation for Code Change Related to regulating the placement and use of solar panels, both on structures and free standing.)

After review and discussion all Members agreed to table further discussion to the July 7, 2016 Planning Board Work Meeting.

CURRENT:

Town Engineer Dave Britton provided the Board with two documents for review and discussion:

1. Engineering Services Proposal - Solar Energy Ordinance
2. Solar - Ordinance Preliminary Framework

After discussion, a motion was made by Dan Vivian and seconded by Dave Kantor to authorize Admin. Assistant Lavrich to send a letter of recommendation to the Town Board to authorize GHD to draft a Town Solar Ordinance under the provisions stated in their proposal. All agreed.

12. Public/Press Comments and Questions

None

13. Adjourn

On a motion by Dan Vivian and seconded by Joe Killion the meeting was adjourned at 8:55PM. 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 August 16, 2016 PLANNING BOARD MEETING.

