

TOWN OF PENDLETON  
PLANNING BOARD MEETING MINUTES  
JUNE 21, 2016

**(Amended Added Item #11  
Curt' Storage Units Site Plan)**

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

*John Lavrich, Tom Edbauer and David Kantor*

Members Excused: Joe McCaffrey

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. May 17, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the May 17, 2016 Planning Board Meeting. All agreed.

4. Edward Harman - Two Lot Minor Subdivision/Resubdivision -  
4234 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 Tom Edbauer a Negative Declaration was issued and the Planning Board Acting Chairman was authorized to sign the SEQR Form. All agreed.

7:45 Public Hearing

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision at 4234 Lockport Road just west of Aiken Road. The Subdivision/Resubdivision consists of splitting a 127.5' wide by 338' deep parcel from a 45.2 acre parcel owned by Edward Harman. The Resubdivision will consist of attaching the newly created 127.5 wide parcel to the adjacent lot to the west also owned by Edward Harman who gave a written statement that states that 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 Dan Vivian and seconded by Dave Kantor the Public Hearing was closed at 7:50PM. All agreed.

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

5. Joseph Corto - Three Lot Minor Subdivision -  
6000 Fisk 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 Acting Chairman was authorized to sign the SEQR Form. All agreed.

8:00 Public Hearing

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

A Public Hearing was opened at 8:00PM for a Three Lot Minor Subdivision at 6000 Fisk Road west of S. Transit Road. The Subdivision consists of splitting two 189' wide by 1,130' deep lots with the remaining 3rd lot measuring 332' wide and

containing approximately 17.6 acres from a 27.6 acre parcel. All lots will have Fisk Road Frontage.

There were no questions from those in attendance on said Subdivision , so on a motion by David Kantor and seconded by Tom Edbauer the Public Hearing was closed at 8:05PM. All agreed.

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

6. 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.

**Tabled to the May 17, 2016 Planning Board Meeting.**

HISTORY: Taken from the May 17, 2016 Planning Board Meeting Minutes

There has been no further correspondence from the Applicants Engineer in regards to outstanding issues and requirements pertaining to the Engineered Drawings for this project.

Tabled to the June 21, 2016 Planning Board Meeting.

CURRENT:

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.

7. 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 April 19, 2016 Planning Board Meeting Minutes

Sean Hopkins, Esq. and Kenneth Zollitch of GPI both representing the Applicant came before the Board with an expanded Major Subdivision Sketch Plan. Two Sketch Plans were presented. Sketch Plan #1 was an updated Sketch which contained a Cul-De-Sak. Sketch Plan #2 was a Sketch which contained a T Turnaround.

The Board then reviewed and discussed both positives and negatives of both plans. Upon review and polling of Board Members, the consensus was that the Cul-De-Sak plan has more positive aspects as apposed to the T Turnaround Plan.

Chairman McCaffrey then advised the Board that he would meet with the Town Highway Superintendent to discuss the plans and attempt to come to a workable agreement.

CURRENT:

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 an 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.

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

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

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.

HISTORY: Taken from the May 17, 2016 Planning Board Meeting Minutes:

E-Mail received from Applicant Bill Heitzenrater:

Neither myself or Rick Haight will be attending the Tuesday May 17, 2016 Planning Board Meeting to discuss Heritage Landings LLC's major subdivision on Bear Ridge and Feigle; since I will be traveling and I wish to discuss some of the board's recent requests and comments on the major subdivision in person.

As such can you make certain that I am on the agenda for June's meeting.

Tabled to June 21, 2016 Planning Board Meeting

CURRENT:

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.

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

HISTORY: Taken from the May 17, 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 and Town Engineer, it was concluded that all outstanding Site Plan comments/questions have been addressed and the only outstanding issue is the Wetland determination by the Army Corp of Engineers.

Tabled to June 21, 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 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 9, 2016 Planning Board Meeting.**

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

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

Adam Walters of Phillips Lytle LLP and representing the Tonawandas Sportsman's Club, Inc. 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 Tonawandas Sportsman's Club, Inc (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.

HISTORY: Taken from the May 17, 2016 Planning Board Meeting Minutes

A Letter dated May 9, 2016 from Adam S. Walter, Phillips Lytle LLP, acting as agent for the Applicant, Tonawandas Sportsman's Club, Inc. stated in part: " Previously, in order

to preserve the status quo, and subject to full reservation of rights by both Empire and the Planning Board, the parties have mutually agreed, to extent necessary, to extend the time period to schedule the public hearing until the Planning Board's work session on May 5, 2016. Please allow this letter to confirm that at the May 5 work session, the parties mutually agreed to extend the time period to schedule the public hearing until the Planning Board's regular meeting on June 21, 2016.

It was then noted that mutual agreement to extend time periods for Subdivision Actions are allowable under Section 276 (8) of New York State Town Law.

A motion was then made by David Kantor and seconded by Dan Vivian to mutually agree to extend the time period for consideration of setting a Minor Subdivision Public Hearing for the above referenced Applicant to the June 21, 2016 Planning Board Meeting. All agreed.

CURRENT:

A Letter dated June 21, 2016 from Adam S. Walter, Phillips Lytle LLP, acting as agent for the Applicant, Tonawandas Sportsman's Club, Inc. stated in part: " Previously, in order to preserve the status quo, and subject to full reservation of rights by both Empire and the Planning Board, the parties have mutually agreed, to extent necessary, to extend the time period to schedule the public hearing until the Planning Board's meeting on June 21, 2016. Please allow this letter to confirm that at the June 9, 2016 work session, the parties mutually agreed to extend the time period to schedule the public hearing until the Planning Board's regular meeting on July 19, 2016.

It was then noted that mutual agreement to extend time periods for Subdivision Actions are allowable under Section 276 (8) of New York State Town Law.

A motion was then made by Dan Vivian and seconded by Dave Naus to mutually agree to extend the time period for consideration of setting a Minor Subdivision Public Hearing for the above referenced Applicant to the July 19, 2016 Planning Board Meeting. All agreed.

11. Curt's Storage Units - Curt Naughton - Site Plan Review - 5250 Lockport Road



It was first noted that Tim Arlington of Apex Consultant along with Applicant Curt Naughten were in attendance.

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 "Contracted Equipment Storage Units".

It was then noted that Site Plan Application has been filed and all fees have been paid.

Discussion then ensued which included items such as:

1. Drainage / Storm Management
2. Building Design

After discussion, all agreed that all Site Plan data was at a point that would enable a Public Hearing to be held at the July 19, 2016 Planning Board Meeting.

A motion was then made by Dan Vivian and seconded by Joe Killion to set the Public Hearing for Curt's Storage units at 7:45 July 19, 2016. All agreed.

12. Town Code Revision - Chapter 133 (NEW) Fire Prevention - Knox Box

HISTORY: Taken from the May 17, 2016 Planning Board Meeting Minutes

In response to Town Board letter dated March 21, 2016 (Requested Recommendation for Code Change Related to Knox Boxes) the Planning Board commenced review of Draft #1 of proposed new Chapter #133 of Town Code entitled: Fire Prevention - Rapid Entry System - Knox Box Requirement.

After review and discussion all Members agreed to a number of modifications to Draft #1. Said modifications will be incorporated into Draft #2 which will be ready for review at the June 2016 Planning Board Work Meeting and then Planning Board recommendation to Town Board at the June 21, 2016 Regular Planning Board Meeting.

Current:

The Planning Board commenced review of the Final draft of proposed new Chapter #133 of Town Code entitled: Fire Prevention - Rapid Entry System - Knox Box Requirement.

Upon review all agreed that no changes were warranted.

A motion was then made by David Kantor and seconded by Tom Edbauer to authorize the Planning Board Administrative Assistant to send a letter of recommendation to the Town Board recommending setting a Public Hearing and approving new Chapter #133 of Town Zoning Code.  
All agreed.

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

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.

14. Public/Press Comments and Questions

None

15. Adjourn

Meeting adjourned at 9:33PM

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 July 19, 2016 PLANNING BOARD MEETING.

