

TOWN OF PENDLETON
PLANNING BOARD MINUTES

March 17, 2015

MEMBERS PRESENT: Joe McCaffrey, *Dan Vivian*, *Joe Kania*,
John Lavrich and Joe Killion

Members Excused: Tom Edbauer and *Dave Naus*

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. February 17, 2015 Meeting Minutes

A motion was made by Dan Vivian and seconded by Joe Killion to approve the Minutes of the February 17, 2015 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Rankie - Two Lot Minor Subdivision / Resubdivision - Fiegle Road

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision on the south side of Fiegle Road approximately 3385' feet west of Bear Ridge Road.

It is noted that Darlene Morse agent for property owner Clyde A. Rankie was in attendance.

The Subdivision/Resubdivision consists of splitting a 1.9 acre parcel measuring 117' wide by 773' deep and owned by Clyde A. Rankie into two lots. Lot#1 will measure 80' wide and 733' deep and will be attached to the adjacent lot to the east (5298 Fiegle Road) which will then have 180' Fiegle Road frontage.

Lot#2 will measure 37' wide and 733' deep and will be attached to the adjacent lot to the west (5292 Fiegle Road) which will then have 187' Fiegle Road frontage.

Property owners of both 5292 (Rankie Family) and 5298 (Morse Family) Fiegle Road certified that they would attach above referenced lots to their perspective properties.

No one in attendance had any questions on said Subdivision, so on a motion by Joe Kania and seconded by Joe Killion the Public Hearing was closed at 7:49PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dan Vivian and seconded by Joe Killion 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 Dan Vivian and seconded by Joe Kania to approve the Subdivision conditioned on proper survey and filing deed description with Niagara County within one year of today's date. All agreed.

5. Site Plan Review - Ronald LaRocque - (Gallery North) - 6535 Campbell Blvd

HISTORY: Taken from the December 16, 2014 Planning Board Meeting Minutes

It is first noted that both New York State Town Law and the Town Of Pendleton Zoning Ordinance requires action within 62 days of a Public Hearing for Site Plan Review. Therefore, the Planning Board will act on "Gallery North" Site Plan at the December 16, 2014 Meeting.

It is further noted that nobody was present acting on behalf of the Gallery North Site Plan and no further information has been received by the Board on said Site Plan.

Noted in The November 18, 2014 History "documentation provided by Mr. LaRocque was incomplete and SEQR could not be accomplished until both Federal and New York State Wetlands and

Permitting issues have been fully addressed and resolved. It was further noted that since a Public Hearing was held at the October 19, 2014 Planning Board Meeting, a Planning Board decision would have to be made in accordance with New York State Town Law at the December 16, 2014 Planning Board Meeting."

Due to lack of required documentation as noted, a motion was made by Dave Naus and seconded by Tom Edbauer to disapprove the incomplete Site Plan for Gallery North. All agreed.

Note: The owner can file a new Site Plan Review Application with the Planning Board if and when pending wetland issues are resolved.

CURRENT:

A Public Hearing was opened at 8:00PM for a Site Plan Review for Ronald LaRocque (Gallery North).

Site Plan Application along with Engineered Site Plan drawings were received for proposed construction of a 4200 square foot Wood Framed Building which will include an Art Gallery and Retail Space with asphalt driveway and parking lot. The structure and improvements are proposed to be located on an approximately 1.2 acre parcel (200' wide by 272') deep on the east side of Campbell Blvd. south of Fiegle Road

Tim Arlington of Apex Consulting was present to give the Board a presentation on the project and answer any questions concerning the Site Plan.

No one in attendance had any questions on said Site Plan so on a motion by Joe Kania and seconded by Joe Killion the Public Hearing was closed at 8:09PM. All agreed

The Board then proceeded to discuss the Site Plan.
Items discussed included:

1. Wetland Delineation final results.
2. Additional Parking for overflow/events.
3. Grading and required landscaping.
4. Utilities/Sewer.
5. Under 1/10 acre disturbance wetland implications.

Town Engineer Dave Britton stated that the drawings are in substantial accordance with the Town Code and this constitutes completion of our review.

It is noted that the Niagara County Planning Board Board recommended approval of the Site Plan.

SEQR DETERMINATION: The Board then addressed the State Environmental Assessment Form and on a motion by Joe Killion and seconded by Dan Vivian a negative SEQR determination was issued and the Planning Board Chairman was given authorization to sign the SEQR Form conditioned on DEC issuance of a Nationwide Wetlands Permit for the Site. All agreed.

A motion was then made by Dan Vivian 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.

6. Beach Ridge Meadows - 19 Lot Major Subdivision - 4214 Beach Ridge Rd. - Final Plat

HISTORY: Taken from the February 17, 2015 Planning Board Meeting Minutes

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 be located at 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."

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.

CURRENT:

Kristin Savard of Advanced Design was present and distributed copies of the Heritage Landings Major Subdivision Final Plat Engineered Drawings to Planning Board Members and Town Engineer for review and comments. Ms. Savard then commenced to update the Board and Town Engineer on certain key items contained in said Plat.

Items such as Projected Signage Fee Payment, Utilities, Sewer District Extension, Drainage District and Niagara County Health Department approval were discussed.

It was then noted that Final Plat Application along with

payment of Final Plat Fees had to be accomplished before discussion at the April 21, 2015 Planning Board Meeting

Town Engineer Britton then told the Board that he would review the Final Plat Engineered Drawings and have comments available for the April 21, 2015 Planning Board Meeting.

Final Plat tabled to the April 21, 2015 Planning Board Meeting.

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

HISTORY: Taken from the February 17, 2015 Planning Board Meeting Minutes

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.

CURRENT:

Administrative Assistant Kania distributed the Final Draft of the proposed Amendment to the Town Zoning Code relating to Wind Energy Conversion Systems.

Town Engineer Britton and all Planning Board Members will review said Final Draft and be ready to discuss it at the April 2015 Work Meeting.

It is expected that the Planning Board will be ready to make recommendation to the Town Board on the proposed Amendment to the Town Zoning Code relating to Wind Energy Conversion Systems at the April 21, 2015 Planning Board Meeting.

8. Public/Press Comments and Questions

None

9. 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 April 21, 2015 PLANNING BOARD MEETING.

