

TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
MARCH 15, 2016

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

Members Excused: Joe Killion and David Kantor

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. February 16, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the February 16, 2016 Planning Board Meeting. All agreed.

4. Michael and Lisa Blas - Two Lot Minor Subdivision/
Resubdivision - Irish 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 Dan Vivian and seconded by Tom Edbauer a Negative Declaration was issued and the Planning Board 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 on the south side of Irish Road approximately 1075 feet south of Bear Ridge Road. The Subdivision/Resubdivision consists of creating a 7 acre parcel with Approximately 180' Irish Road frontage from an approximately 1 acre parcel and part of an approximately 17 acre parcel both being owned by Michael and Lisa Blas. The Resubdivision will consist of attaching an approximately 30' wide by 650 deep parcel which is the remainder of the 1 acre parcel to adjacent property to the south which is also owned by Michael and Lisa Blas.

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 7:58PM. 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.

5. RIC Plumbing - Rick Kuhns - Skech Plan Conference -
5984 Dunnigan Road

It is noted that Applicant Rick Kuhns and Scott Kuhns were in attendance.

Request for Sketch Plan Conference was received from Rick Kuhns representing RIC Plumbing for proposed construction of a 50'x 100' Storage Building.

The proposed buildings would be located at 5984 Dunnigan Road.

The Planning Board acknowledged receipt and then reviewed the Site Sketch Plan.

A motion was then made by Dave Naus and seconded by Dan Vivian and all agreed that the Applicant can now proceed to the fully engineered phase of the Site Plan Review Process.

6. Eagle Self Storage - Joseph McEachon - Site Plan Review - 6448 S. Transit Road

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

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.

CURRENT:

Joseph McEachon representing Eagle Self Storage advised the Planning Board via telephone conversation that he was in the process of securing an Engineering Firm which he expects to be accomplished very shortly. Full Site Plan Application along with Engineered Drawings will then be filed.

Tabled to the April 19, 2016 Planning Board Meeting.

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

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

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.

CURRENT:

Kenneth Zollitch of GPI and representing the Applicant came before the Board to give an update on the Engineered Drawings for a proposed excavation of a pond to be located at the southeastern area of Phase 3 of the Major Subdivision. The Engineered Drawings were reviewed by Town Engineer Dave Britton and comments/questions were then forwarded to Mr. Zollitch for

consideration. Mr. Zollitch then advised that the majority of recommended items have been incorporated into the Engineered Drawings and just minimal alterations and providing grading calculation are the only outstanding items.

Town Engineer Britton then verbally stated that he had completed review of the Final Plat Modification - Pond Engineered Drawings and offers the following conditions for approval (Letter to follow):

1. Outstanding minimal alterations be added to Engineered Drawings.
2. Grading calculations be provided.

A motion was then made by Tom Edbauer and seconded by Dan Vivian to approve the Final Plat Modification predicated on fulfillment of above listed conditions. All agreed.

8. Heritage Landings - Major Subdivision (Modified) - Fiegler 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:

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

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.

CURRENT:

It is first noted that an E-Mail was received from Richard Haight PE of Advanced Design Group stating that he was in process of reviewing Town Engineer comments/question and will not be attending the meeting tonight.

Planning Board along with Town Engineer Britton then proceeded to review a portion of the Major Subdivision Engineered Drawings focusing on most desirable access to the northwest area of the property for maintenance purposes.

All agreed that utilizing the "Paper Street" located on west side of Major Subdivision then increasing drainage easement from 10' to 20' on the back of one of the lots would be best alternative. This will be passed along to Applicant for consideration.

Tabled to the April 19, 2016 Planning Board Meeting.

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

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

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.

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 first advised Board that Air Quality comments/questions that were received from Town Engineer Britton have been addressed and sent to Britton for his review.

Town Engineer/Planning Board Site Plan comments/questions were also discussed. Mr. Walters indicated that response to comments/questions is anticipated to be accomplished in time for next Planning Board Meeting discussion.

Tabled to the April 19, 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

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.

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.

CURRENT:

Letter dated March 14, 2016 from Adam S. Walter, Phillips Lytle LLP, acting as agent for the Applicant, Tonawandas Sportsman's Club, Inc. stated in part: " At the Planning Board's March 3, 2016 work session, we appeared to discuss the above referenced matter. To summarize our discussions regarding the scheduling of the public hearing, it is Empire's position that the Planning Board is obligated to hold a public hearing within 62 days of the filing of its complete subdivision application on January 4, 2016, while it is the Planning Board's position that the application is not complete and no hearing need be

scheduled yet. 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 next work session on April 7, 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 April 7, 2016 Planning Board Work Meeting. All agreed.

11. Public/Press Comments and Questions

None

12. Adjourn

Meeting adjourned at 8:30PM

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 19, 2016 PLANNING BOARD MEETING.