

TOWN OF PENDLETON  
**PLANNING BOARD MINUTES**  
MAY 20, 2014

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

Members Excused: None

Others Present: Dave Britton, Town Engineer

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

2. Informal Business

Administrative Assistant Kania briefed Board Members on an upcoming Niagara/Orleans Training Class .  
Kania also advised on a number of issues that may come before the Planning Board in the near future.

3. April 15, 2014 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the April 15, 2014 Planning Board Meeting. All agreed.

4. Public Hearing 7:45PM - Site Plan Review - William Hebel  
(Hebel Sales&Services) - 6465 Main Road

A Public Hearing was opened at 7:45PM May 20, 2014 for a Site Plan Review for William Hebel (Hebel Sales&Services).

Site Plan Application along with Engineered Site Plan drawings were received for proposed construction of a 60 feet by 120 feet Single Story Metal Pole Barn Style Building which will include both Retail and Storage Space with asphalt driveway and parking lot. The structure and improvements are proposed to be located on a 4.55 acre parcel on the east side of Main Road near Campbell Blvd.

William Hebler was present to answer any questions concerning the Site Plan.

A letter from Town Engineer Dave Britton was then presented to the Board. The letter contained a number of issues that were discussed and resolved and will be incorporated in both the Engineered Site Plan and Site Plan Check List.

All comments and questions from those in attendance were addressed, so on a motion by Dan Vivian and seconded by Joe Killion the Public Hearing was closed at 7:50PM. All agreed

SEQR DETERMINATION: The Board then addressed the State Environmental Assessment Form and on a motion by Joe Kania and seconded by Dave Naus a negative SEQR determination was issued and the Planning Board Chairman was given authorization to sign the SEQR Form. All agreed

A motion was then made by Dan Vivian and seconded by Tom Edbauer to approve the Site Plan conditioned on the provisions outlined in the Technical Checklist for Site Plan Approval. All agreed.

##### 5. Town Zoning Code Recommended Changes - Unsafe Structures

HISTORY: Taken from the April 15, 2014 Planning Board Meeting Minutes

Planning Board Members will review Final Draft and be prepared to discuss same at the May 2014 Work Meeting.

CURRENT:

The Final Draft of the proposed Amendment to the Town Zoning Code relating to Unsafe Structures as requested by the Town Board was reviewed and discussed in detail.

A motion was then made by Dave Naus and seconded by Dan Vivian to authorize Admin. Assistant Kania to draft a letter to the Town Board with details of the recommended amendment and advising the Town Board that the Planning Board recommends approval of said amendment. All Agreed.

Note: Administrative Assistant Kania then advised the Board that he would prepare the Niagara County Referral Form along with required SEQR Form and will forward both to the Town Board along with the Letter of Recommendation.

6. Dan & Craig D'Angelo Major Subdivision - 4214 Beach Ridge Rd. - Sketch Plan

HISTORY: Taken from the April 15, 2014 Planning Board Meeting Minutes

It is noted that Kristin Savard and James Churchill of Advanced Design Group along with Applicant Danial D'Angilo were in attendance and proceeded to interact with the Board on a number of items concerning the proposed Major Subdivision.

Chairman McCaffrey then pointed out that one of the lots within the proposed Major Subdivision contains an oversized Accessory Structure and said structure would need to be removed or the Applicant would have to procure a Variance from the Town Board of Appeals prior to Subdivision Approval consideration. Applicant advised Board that he would first make application to the Town Board of Appeals for Variance Consideration. Admin. Assistant will forward a Subdivision Denial Letter to the Board of Appeals.

The Planning Board along with Town Engineer Britton then completed their view of the Major Subdivision Sketch Plan.

A motion was then made by Dan Vivian and seconded by Joe Killion to classify the Sketch Plan as a Major Subdivision per Section 220-10B.(3) Subdivision of Land. All agreed.

It is noted that Section 220 B. states in part "Once classified as Major Subdivision no alterations or improvements to property may be made....."

Applicant can now proceed to the Preliminary Plat stage of the review process and the sub-divider (Applicant) shall comply with Article III Section 220-12 through 220-16 Subdivision of Land.

CURRENT:

Administrative Assistant Kania advised the Board that he had prepared and distributed a Denial Letter and the Applicants Danial and Craig D'Angelo will be going before the Zoning Board of Appeals seeking a Variance for an oversized Accessory Structure located on one of the proposed Major Subdivision lots.

Tabled pending Variance determination.

7. Hidden Oak Phase 2 - Major Subdivision - Final Plat

HISTORY: Taken from the December 17, 2013 Planning Board Meeting Minutes

A motion was then made by Joe Killion and seconded by Tom Edbauer to approve the Major Subdivision Final Plat conditioned on the provisions outlined in the Technical Checklist for Final Plat Approval and listed above.

All agreed.

CURRENT:

As noted in above history, Conditional Final Plat Approval for the Hidden Oak Phase 2 Major Subdivision was granted at the December 17, 2013 Planning Board Meeting. It is further noted that per Section 220-13G(3) of the Town Subdivision Regulations; Conditional Approval expires in 180 days from date of Conditional Final Plat Approval and Planning Board has authority to issue two 90 day extensions.

Administrative Assistant Kania then advised the Board that he had recieved an E-Mail from Mike Metzger of Metzger Engineers asking for a 90 day extension of time for the Conditional Major Subdivision Approval.

After discussion, a motion was made by Tom Edbauer and seconded by Joe Kaniato to issue a ninety (90) day extension of time to fulfill conditions outlined in the Technical Checklist for Final Plat Approval. All agreed.

8. Cambell Blvd. LLC - Site Plan - Campbell Blvd north of Tonawanda Creek Road.

Request for Site sketch and Site Plan Review was received from Campbell Blvd. LLC for proposed construction of a building to house both Retail and Storage space. The proposed building would be located on an 8 acre parcel on the east side of Campbell Blvd. north of Tonawanda Creek 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.

9. Janik - Four Lot MinorSubdivision - Donner Road

HISTORY: Taken from the May 21, 2013 Planning Board Meeting Minutes

A Public Hearing was opened at 8:00PM for a Four Lot Minor Subdivision located on the north side of Donner Road approximately 2500 feet west of S. Transit Road.

It is noted that property owner Thomas Janik was in attendance.

The Subdivision consists of splitting three(3) 200' wide by 250' deep lots from a thirty four (34) acre parcel. Lot #4 will be remainder of property. All lots meet Light Industrial Zone requirements.

No one in attendance had questions on said subdivision, so on

a motion by Joe Kania and seconded by Tom Edbauer the Public Hearing was closed at 8:09PM. All agreed.

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

CURRENT:

The Board commenced to review a request by Thomas Janik to increase the frontage of the far westerly lot that was approved at the May 21, 2013 Planning Board Meeting. (See history above).

After review and discussion, all Board Members agreed that the requested change would not constitute a "Major Change" thus a Public Hearing would not be needed for Board Action on the amendment.

A motion was then made by Joe Kania and seconded by Joe Killion to approve the amendment to the Janik Four Lot Minor Subdivision approved May 21, 2013 allowing the westerly lot width to be increased per Mr. Janiks' request. All agreed.

10 Public/Press Comments and Questions

None

11. Adjourn

Meeting adjourned at 8:10PM

Respectfully Submitted

John Lavrich, Secretary  
Planning Board, Town of Pendleton