

TOWN OF PENDLETON  
**PLANNING BOARD MINUTES**

May 19, 2015

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 updated Members on a number of issues that may come before the Planning Board in the near future.

3. April 21, 2015 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the April 21, 2015 Planning Board Meeting. All agreed.

4. Site Plan Review - Gregory W Soemann / Hartland Real Estate LLC  
6310 South Transit Road

HISTORY: Taken from the April 21, 2015 Planning Board  
Meeting Minutes

Site Plan Application was received for proposed Parking Lot expansion and improvements on Applicants' Commercial Parcel located on South Transit Road. Awaiting Engineered Site Plan Drawings in order to continue the Site Plan Review process.

Tabled to the May 19, 2015 Planning Board Meeting.

CURRENT:

Administrative Assistant Kania advised the Board that he has not received any further information concerning Engineered Site Plan Drawings from the Applicant.

Tabled to the June 16, 2016 Planning Board Meeting.

5. Public Hearing - 8:00PM - Peg-Sam Inc - Three Lot Minor Subdivision - Resubdivision - Fisk Road

A Public Hearing was opened at 7:45PM for a Three Lot Minor Subdivision/Resubdivision on the south side Fisk Road approximately 3,360 feet west of South Transit Road.

It is noted that Joseph Corto who was acting as Agent for property owner was in attendance.

The Subdivision/Resubdivision consists of splitting an 11 acre parcel into three pieces. The first and second piece designated as Lot#1 and Lot#2 will have 189' of Fisk Road frontage and be approximately 1,130' deep. The third piece designated as Lot#3 will have 44' of Fisk Road frontage and be approximately 1,130' deep. After subdivision Lot#3 will be attached to the adjacent lot to the east owned by Joseph Corto.

Joseph Corto gave the Board verbal certification that the aforementioned Lot#3 would be attached to his parcel as indicated.

No one in attendance had any questions on said Subdivision, so on a motion by Dan Vivian and seconded by Tom Edbauer the Public Hearing was closed at 7:52PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Joe Kania 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 Dave Naus and seconded by Tom Edbauer 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. Public Hearing - 8:00PM - Berzer - Two Lot Minor Subdivision - Resubdivision - 6267 Bear Ridge Road

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision/Resubdivision at 6267 Bear Ridge Road.

It is noted that property owner Gerald Berzer was in attendance.

The Subdivision/Resubdivision consists of splitting a 2.3 acre lot into two pieces. The first piece designated as Lot#1 will have approximately 100' Bear Ridge Road frontage and be approximately 436' deep ( 1 Acre as required by code for non sewerred lots) . The second piece designated as Lot#2 will be back land measuring approximately 565' deep by 100' wide. After subdivision Lot#2 will be attached to the adjacent lot (6282 Bear Ridge Road) owned by applicant Gerald Berzer.

Gerald Berzer gave the Board verbal certification that the aforementioned Lot#2 would be attached to his parcel as indicated and Lot#1 would be surveyed to have a minimum of 1 Acre measured from the Right of Way not center of road.

No one in attendance had any questions on said Subdivision, so on a motion by Tom Edbauer and seconded by Dan Vivian the Public Hearing was closed at 8:05PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Tom Edbauer 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 Dave Naus and seconded by Tom Edbauer 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. Public Hearing - 8:15PM - (Sanders-Smith) Two Lot Minor Subdivision - Resubdivision - 6144 Bear Ridge Road

A Public Hearing was opened at 8:15PM for a Two Lot Minor Subdivision/Resubdivision at 6144 Bear Ridge Road.

It was first noted that there was no one present representing property owner Corrine Sanders Smith. It is further noted that adjacent property owner Dave Boettcher was also not in attendance.

The Subdivision/Resubdivision consists of splitting a 1.7 acre parcel into two pieces. The first piece designated as Lot#1 will

have approximately 286' Bear Ridge Road frontage and be approximately 265' deep. The second piece designated as Lot#2 will be triangular shaped and have approximately 74.9' Bear Ridge Road frontage and be approximately 262' deep . After subdivision Lot#2 will be attached to the adjacent lot owned by Dave Boettcher.

Since Dave Boettcher was not in attendance to certify intent to attach Lot#2 to his lot, this Subdivision-Resubdivision approval would need to be made contingent on receipt of a written and signed certification by Dave Boettcher .

No one in attendance had any questions on said Subdivision, so on a motion by Dan Vivian and seconded by Joe Killion the Public Hearing was closed at 8:19PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dave Naus and seconded by Tom Edbauer 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 Joe Killion to approve the Subdivision conditioned on receipt of above listed "certification", proper survey and filing deed description with Niagara County within one year of today's date. All agreed.

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

Richard Haight of Advanced Design along with Applicant Bill Heitzenrater came before the Board to discuss certain issues with the approved Major Subdivision Heritage Landings. Mr. Heitzenrater owns other property in the vicinity of Heritage Landings and would like to coordinate the development of all his properties. A number of possibilities were discussed along with how to procedurally accomplish a number of his ideas.

9. Noise Ordinance Review

It is noted that at the April 13, 2015 Town Board Meeting the following resolution was passed: "Resolve to forward a request to the Planning Board to compose a Town Ordinance for Noise for the Boards review."

At the May 7, 2015 Planning Board Work Meeting Administrative Assistant Kania distributed Noise Ordinances from a number of Towns in the vicinity to be reviewed and used as a guide for drafting of a new proposed Town Ordinance on Noise.

Admin. Asst. Kania then distributed a First Draft containing certain provisions that the Board may want to consider for the new Proposed Noise Ordinance. The Board then reviewed and discussed said provisions.

It was then decided to table further review and discussion to the June 2015 Work Meeting.

10. Public/Press Comments and Questions

None

10. Adjourn

Meeting adjourned at 9:25PM

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  
June 16, 2015 PLANNING BOARD MEETING.

