

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**MAY 17, 2016**

MEMBERS PRESENT : Joe McCaffrey, *Dan Vivian, Joe Killion,*  
*John Lavrich, Tom Edbauer* and David Kantor

Members Excused: *Dave Naus*

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. April 19, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Joe Killion to approve the Minutes of the April 19, 2016 Planning Board Meeting. All agreed.

4. Edward McDonald - Two Lot Minor Subdivision/Resubdivision -  
4109 Beach Ridge 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 Joe Killion a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

#### 7:45 Public Hearing

It is first noted that the Applicant/property owner Edward McDonald was in attendance.

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision at 4109 Beach Ridge Road just east of Town Line Road. The Subdivision/Resubdivision consists of splitting an 80' wide by approximately 400' deep parcel from a 2.7 acre lot owned by the McDonald Family. The Resubdivision will consist of attaching the newly created 80' wide parcel to the adjacent lot to the east owned by Richard and Karen Kuhns who have given a written statement that stated the parcel will be attached to their 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 Tom Edbauer the Public Hearing was closed at 7:51PM. All agreed.

A motion was then made by Tom Edbauer and seconded by Joe Killion 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. Guy Holler - Two Lot Minor Subdivision -  
6750 Bear Ridge 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 Joe Killion a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

#### 7:45 Public Hearing

It is first noted that the Applicant/property owner Guy Holler was in attendance.

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision at 6750 Bear Ridge Road. The Subdivision consists of splitting an approximately 181' wide by 300' deep lot from a 24.2 acre parcel. The remaining parcel will have approximately 126' Bear Ridge Road frontage and contain approximately 23 acres. It is further noted that the 23 acre parcel will contain a newly constructed Agriculture Building.

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 8:06PM. 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.**

CURRENT:

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.

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

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.

Upon review of the Sketch, some items discussed included:

1. Lot Size
2. Drainage Easements
3. Both State and Federal Wetlands
4. Entrance width
5. T Turnaround vs. cul-de-sak (Note: Town Highway Superintendent has advised the Planning Board that plowing and maintaining cul-de-saks is a much greater burden on the Town both in manpower hours and over all cost. The T turnaround is preferred.)

Kenneth Zollitch then advised the Board that he would work on revising the Major Subdivision Sketch Plan taking items discussed into consideration.

Major Subdivision Site Sketch will remain open to the May 17, 2016 Planning Board Meeting.

CURRENT:

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.

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 March 15, 2016 Planning Board Meeting Minutes in part:

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.

HISTORY: Taken from the April 19, 2016 Planning Board Meeting Minutes in part:

Chairman McCaffrey advised the Board that an E-Mail was received from Richard Haight PE of Advanced Design Group stating " In regards to Heritage Landings, as of now, we will not be attending the April 19, 2016 Planning Board meeting. The owner is evaluating the impact of the Town staff's comments and we are awaiting his direction on how he would like to proceed before finalizing plans and preparing a response."

CURRENT:

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

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

HISTORY: Taken from the March 15, 2016 Planning Board Meeting Minutes

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.

HISTORY: Taken from the April 19, 2016 Planning Board Meeting Minutes in part:

Town Engineer/Planning Board Site Plan outstanding comments/questions were discussed. Mr. Walters indicated that response to the remaining outstanding comments/questions were being finalized and he expected that response would be ready in time for next Planning Board Meeting discussion.

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 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.**

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 SEQR Form on which the Planning Board is acting as Lead Agency.

HISTORY: Taken from the April 19, 2016 Planning Board Meeting Minutes

A Letter dated April 19, 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 next work session on April 7, 2016. Please allow this letter to confirm that at the work session, the parties mutually agreed to extend the time period to schedule the public hearing until the Planning Board's work session on May 5, 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 John Lavrich 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 May 5, 2016 Planning Board Work Meeting. All agreed.

CURRENT:

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.

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

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.

12.Public/Press Comments and Questions

None

13.Adjourn

Meeting adjourned at 9:20PM

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 21, 2016 PLANNING BOARD MEETING.