

TOWN OF PENDLETON
PLANNING BOARD MINUTES

November 17, 2015

MEMBERS PRESENT : Joe McCaffrey, Joe Kania, Dave Naus, Dan Vivian,
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

None

3. October 20, 2015 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the October 20, 2015 Planning Board Meeting. All agreed.

4. Site Plan Review - Fred Hanania Self Storage Facility -
S. Transit Road

HISTORY: Taken from the September 15, 2015 Planning Board
Meeting Minutes

Admin. Assistant Kania advised the Board that the Wetland Delineation necessary to continue the Site Plan Review process is still in progress.

Tabled to the October 20, 2015 Planning Board Meeting

Current:

Admin. Assistant Kania advised the Board that he had not

received any further updates on the status of this proposed project.

Chairman McCaffrey then asked the Board to consider authorizing Administrative Assistant Kania to send a memo to the Applicant advising that the Site Plan will become null and void if the Planning does not receive a written update along with a time frame no later than 60 days from November 17, 2015.

Motion made by Joe Killion and seconded by Dan Vivian to authorize Administrative Assistant Kania to send said memo to the Applicant. All agreed

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

A Public Hearing was opened at 7:45 for a Site Plan Review for Gregory W Soemann / Hartland Real Estate LLC.

Site Plan Application along with Engineered Site Plan Drawings prepared by W.M. Schutt & Associates for a project which includes the construction of both gravel and asphalt areas for auto sales and employee parking at 6310 South Transit Road.

It is noted that Gregory Soemann was in attendance.

A letter dated October 19, 2015 from Town Engineer Dave Britton stated in part that the drawings are in substantial accordance with the Town Code and this constitutes completion of our review.

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 7:52PM. All agreed

Mr. Soemann then informed the Board that he attended the Niagara County Planning Board Meeting and they recommended approval of the Site Plan. Chairman McCaffrey then advised that approval of the Site Plan would be conditioned on receipt of the formal Niagara County Planning Board recommendation.

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. All agreed.

A motion was then made by Dan Vivian and seconded by Dave Naus to approve the Site Plan conditioned on receipt of the formal Niagara County Planning Board recommendation and also the provisions outlined in the Technical Checklist for Site Plan Approval. All agreed.

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

HISTORY: Taken from the August 18, 2015 Planning Board Meeting Minutes

Kristin Savard of Advanced Design advised Admin. Assistant Kania that she was in progress of finalizing a Modified Final Plat for the approved Major Subdivision Heritage Landings. She expects to have the "Modification" ready for either the September or October 2015 Planning Board Meeting.

CURRENT:

Richard Haight of Advanced Design along with applicant William Heitzenrater were in attendance to present and discuss a Sketch of the Modified Final Plat for the approved Major Subdivision named Heritage Landings.

Mr. Haight proceeded to give a 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:

1. Two entrances on Fiegle Road. The Bear Ridge Road entrance would be eliminated.
2. One Retention Pond.
3. One instead of two Pump Stations.
4. A second pond if further fill is needed to balance the subdivision.

After discussion, all Planning Board Members agreed that Application could be made and Mr. Heitzenrater agreed that

Preliminary Plat Fees would apply.

Tabled to the December 15, 2015 Planning Board Meeting.

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

HISTORY: Taken from the October 20, 2015 Planning Board Meeting Minutes

Adam Walters of Phillips Lytle LLP and representing National Fuel Gas-Empire Pipe Line, Inc. sent the Planning Board a letter dated September 2015, asking to be placed on the Planning Board Meeting Agenda for a Sketch Plan Conference which would allegedly be the first step in the Site Plan Review process.

Empire Pipe Line, Inc. intent is to construct a 22,000 horsepower gas compressor station on a site that Nation Fuel Gas has secured an option to purchase a 20 acre Light Industrial Zoned site on Killian Road as its preferred location to build.

Mr. Walters first asked Chairman McCaffrey to be allowed to give the Planning Board a presentation on the proposed project. A number of large renderings would be used as part of the presentation.

As a courtesy to Empire/National Fuel and for Planning Board information, Mr. Walters along with a number of representatives from Empire/National Fuel were given the go ahead.

After completion of the presentation which comprehensively outlined the magnitude of the project, Town Engineer Dave Britton initiated a line of pertinent questioning and dialogue between the Planning Board and Empire/National Fuel.

Some items discussed included:

1. SEQR
2. Permitting
3. Drainage (Retention Pond)
4. Percent of Site Disturbance
5. FERC role in the process
6. Noise, Safety, Emissions and Security

7. Construction Vehicle routes and scheduling
8. Town Site Plan Review Procedure

After a short discussion on the Town Site Plan Review Procedure,

it became quite apparent that a great deal of confusion, misinformation and misunderstandings in regards to the Planning Boards' Role in determining if a project is a "USE BY RIGHT" in a Light Industrial Area exists. It was then explained that there is no Planning Board Authority in either New York Town Law or the Town Zoning Code that gives the Planning Board any jurisdiction in making that determination. That determination is made by the Town Building Inspectors at the initial Building Permit conference with the Applicant.

Upon hearing the explanation on Planning Board Role, all parties agreed that an initial conference between the Applicant and Town Building Inspectors was in order.

Site Plan Review tabled pending outcome of aforementioned conference.

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 informed the Board that he met with the Town Building Inspector to discuss a determination on the project as a "Use by Right" in a Light Industrial Zone. Determination by Building Inspector is still pending.

A number of items concerning the project were then discussed:

1. Elevations of structures
2. Spec. Sheets
3. Enclosures
4. FERC update

Mr. Walter then advised the Board that the Sportsman Club property that National Fuel has an Option to Purchase needs to

be subdivided in order to facilitate the process. He expects to make Minor Subdivision Application in time for initial review at the December Planning Board Meeting.

Tabled to the December 15, 2015 Planning Board Meeting.

8. Salvatore Catanese - Rezoning Request - Light Commercial to Medium Commercial - Campbell Blvd.

Property owner Salvatore Catanise along with possible buyer Mike Marotta came before the Board with application seeking a recommendation on a rezoning request for property located on Campbell Blvd.

After short discussion, Chairman McCaffrey informed the Applicant that there was no provisions in the Town Comprehensive

Plan to support a positive recommendation for the rezoning request. McCaffrey further pointed out that Mr. Catanise had the right to pursue a Variance for the desired project.

After discussion with Mr. Marotta, the property owner Mr. Catanese decided that the best course of action was to request Variance from the Board of Appeals.

9. Technical Checklist for RWECS Plan Approval

Admin. Assistant Kania distributed a draft copy of the proposed Technical Checklist for RWECS Plan Approval for Planning Board review and adoption as part of the RWECS review process.

After discussion, a motion was made by Dan Vivian and seconded by Tom Edbauer to adopt as part of the RWECS review process the Technical Checklist for RWECS Plan Approval. All agreed.

10. Public/Press Comments and Questions

None

11. 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
December 15, 2015 PLANNING BOARD MEETING.

