

TOWN OF PENDLETON
PLANNING BOARD MINUTES

November 18, 2014

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 21, 2014 Meeting Minutes

A motion was made by Dave Naus and seconded by Joe Killion to approve the Minutes of the October 21, 2014 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Blas - Two Lot Minor Subdivision - Resubdivision - Irish Road

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.

It is noted that property owner Michael Blas was in attendance.

The Subdivision/Resubdivision consists of splitting a 373' by 162' by 73' by 300' L shaped parcel (Lot#1) from a 1.478 acre lot owned by Michael & Lisa Blas and (Lot#1) will be attached to the adjacent lot to the south also owned by Michael & Lisa Blas.

The remaining lot will measure 125' wide by 300' deep and have Irish Road frontage (Lot#2).

Michael Blas then gave the Board verbal certification that the 373' by 162' by 73' by 300' L shaped parcel (Lot#1) will be attached to the to the lot noted as 5330 Irish Road simultaneous with recording of newly created lot designated above as (Lot#2).

No one in attendance had any questions on said Subdivision, so on a motion by Tom Edbauer and seconded by Dave Naus the Public Hearing was closed at 7:49PM. 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 Joe Kania and seconded by Joe Killion to approve the Subdivision conditioned on proper survey and filing deed description with Niagara County within one year of today's date. All agreed.

5. Beach Ridge Meadows - 19 Lot Major Subdivision - 4214 Beach Ridge Rd. - Preliminary Plat

HISTORY: Taken from the October 19, 2014 Planning Board Meeting Minutes

Administrative Assistant Kania advised Board Members that the Preliminary Plat Application along with all required fees have been received and Preliminary Plat Drawings were also available for review and discussion.

Kristin Savard of Advanced Design Group along with Applicants Danial and Craig D'Angilo were in attendance and Ms. Savard proceeded to give a presentation on highlights of the project and answer any questions Board Members may have related to the Major Subdivision.

A number of items that were reviewed and discussed included:

1. T Turnaround to the right.
2. Two Detention Ponds - Pipe connected.
3. Storm-water.
4. Sewer connection.

5. 100' entrance 250' back.
6. Utilities extended to property line at Turnaround/Stub Street.

It was then agreed that the next step in the Preliminary Plat review process would be for Town Engineer Britton to review the Drawings and give the Board an update on his findings and recommendations at the November 18, 2014 Meeting.

Tabled to the November 18, 2014 Planning Board Meeting.

CURRENT:

Administrative Assistant Kania updated the Board as follows:

1. On October 30, 2014 Town Engineer Britton initiated SEQR Coordination for the proposed Beach Ridge Meadows Major Subdivision to Potentially Involved/Interested Agencies. At the same time Lead Agency under SEQR was requested.
2. A "No Impact" letter dated November 6, 2014 was received from New York State Office of Parks, Recreation and Historic Preservation.
3. An E-Mail was received from Kristin Savard of Advance Design Group stating that she had received comments on Preliminary Plat Drawings from Town Engineer Britton and is now awaiting comments from other Department Heads.

Tabled to the December 16, 2014 Planning Board Meeting.

6. Public Hearing - 8:00PM - Wray - Two Lot Minor Subdivision - 4505 Mapleton Road

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision located at 4705 Mapleton Road.

It is noted that Eric Cedrone was in attendance representing property owner Robert Wray.

The Subdivision consists of cutting a 250' wide (Mapleton Road frontage) by 660' deep lot from a 17.93 acre parcel. The remaining parcel will have 904.29' road frontage on Mapleton Road and be 660' deep.

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 8:05PM. All agreed.

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

7. Site Sketch Plan Review - Chameleon Concrete & Pools -
4705 Mapleton Road

Chameleon Concrete & Pools made application for a Site Sketch Plan to install an approximately 17' X 28' In Ground Gunite Pool in front of their existing building located at 4705 Mapleton Road.

It is noted that Eric Cedrone was in attendance representing property owner Robert Wray.

Eric Cedrone then gave the Board a short presentation on the project which covered such items as:

1. Sewer Easements
2. Fencing
3. Landscaping

Mr. Cedrone then agreed to the following provisions:

1. The proposed Pool would maintain a minimum 35' setback from the Mapleton Road Right of Way.
2. The proposed Pool would be "Dawn to Dusk" illuminated from the existing Building.
3. Fencing and alarms will meet all Code requirements.
4. Drawings will be updated to include all agreed to items and be delivered to Admin. Assistant Kania before any Building Permits for this project can be issued.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Joe Killion and seconded by Dave Naus 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 Dan Vivian and seconded by Joe Killion to approve the Site Sketch Plan conditioned on the above listed four (4) provisions.

All agreed

8. Public Hearing - 8:15PM - Gabrys - Three Lot Minor Subdivision/Resubdivision - Mapleton Road

A Public Hearing was opened at 8:15PM for a three Lot Minor Subdivision/Resubdivision on the south side of Mapleton Road approximately 2500 ft. west of Aiken Road.

It is noted that Edward Mark Gabrys was in attendance representing the Estate of Edward M. Gabrys.

The Subdivision/Resubdivision consists of splitting a 159' wide by 276' deep lot (lot #2) and a 30' wide by 256' deep parcel (lot #3) from a forty eight (48) acre parcel owned by Edward M. Gabrys. Lot#1 will be remainder of property. Lot #3 will then be attached to the adjacent lot to the east owned by Brett Zoerb and Mrs. Corey Zoerb and the Zoerb lot will measure 160' wide (fronting Mapleton Road) by 256' deep after Resubdivision.

No one in attendance had any questions on said Subdivision, so on a motion by Dan Vivian and second by Joe Killion the Public Hearing was closed at 8:22PM. 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 Joe Kania to approve the Subdivision conditioned on proper survey and filing deed description with Niagara County within one year of today's date. All agreed.

9. Site Plan Review - Ronald LaRocque - (Gallery North) -
6535 Campbell Blvd

HISTORY: Taken from the October 19, 2014 Planning Board
Meeting Minutes

It was first noted that the Town Board of Appeals at its September 23, 2013 Meeting approved an Area Variance to allow "a commercial building with a side yard setback of 70 ft. from an adjacent property in residential use where 100 ft. minimum side yard setback is required per Town Code #247-12.H.(2)."

A Public Hearing was opened at 8:00PM for a Site Plan Review for Ronald LaRocque (Gallery North).

Site Plan Application along with Engineered Site Plan drawings were received for proposed construction of a 4200 square foot Wood Framed Building which will include an Art Gallery and Retail Space with asphalt driveway and parking lot. The structure and improvements are proposed to be located on an approximately 1.2 acre parcel (200' wide by 272') deep on the east side of Campbell Blvd. south of Fiegle Road

Tim Arlington of Apex Consulting was present to give the Board a short presentation on the project and answer any questions concerning the Site Plan. Mr. Arlington also advised the Board that he was in attendance at the Niagara County Planning Board June 2014 Meeting and said Board recommended approval of the Site Plan.

A letter dated October 20, 2014 from Earth Dimensions, Inc. was then reviewed and discussed. The letter stated in part "It is our opinion that in order to move forward with your proposed development, an Article 24 permit would be required from NYSDEC. In order to move forward with this permit process, a detailed wetland delineation will be required."

A letter from Town Engineer Dave Britton dated October 21, 2014 was then presented to the Board. The letter stated in part "According to Niagara County On-Line Mapping, there is potential for federal wetlands on the property."

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

SEQR DETERMINATION: The Board then addressed the State Environmental Assessment Form. All agreed that the State Environmental Assessment could not be properly addressed until both the Federal and New York State Wetlands issues were addressed and resolved.

A motion was then made by Tom Edbauer and seconded by Joe Kania to table the Site Plan Review to the November 18, 2014 Meeting pending resolution of both the Federal and New York State Wetlands issues All agreed.

CURRENT:

Ronald LaRocque was in attendance to give the Board an update on Federal and New York State Wetlands and Permitting issues that need be addressed before SEQR for the proposed project can be completed and acted upon by the Planning Board. He showed Documentation to the Board verifying that action has been initiated to make Wetland determinations for both location and permitting requirements.

After discussion, all Board Members agreed that documentation provided by Mr. LaRocque was incomplete and SEQR could not be accomplished until both Federal and New York State Wetlands and Permitting issues have been fully addressed and resolved. It was further noted that since a Public Hearing was held at the October 19, 2014 Planning Board Meeting, a Planning Board decision would have to be made in accordance with New York State Town Law at the December 16, 2014 Planning Board Meeting.

Tabled to the December 16, 2014 Planning Board Meeting.

10. Douglas & Keri Clark - Two Lot Minor Subdivision - 6073 Town Line Road.

HISTORY: Taken from the January 21, 2014 Planning Board Meeting Minutes

Since a condition of Subdivision Approval has not been completed within the agreed upon time frame, Admin. Assistant Kania distributed a draft of a letter he will be sending to the affected landowners advising them of the "Illegal Subdivision".

All Members present agreed with the content of said letter and Admin. Assistant will promptly send said letter by certified mail.

HISTORY: Taken from the February 18, 2014 Planning Board Meeting Minutes

Administrative Assistant Kania advised the Board that registered letters have been sent to appropriate individuals and he will keep the Board updated on this issue.

CURRENT:

Administrative Assistant Kania advised the Board that Mr. Clark has made Application for Variance with the Town Zoning Board Appeals in an attempt to resolve the "Illegal Subdivision" violation that was created when a Barn that Mr. Clark agreed to remove was not accomplished within the agreed time period. The Variance decision is still pending with the Zoning Board of Appeals.

In an attempt to expedite resolution of the Illegal Subdivision issue, Mr. Clark asked that the Planning Board consider accepting a Performance Bond for demolition in exchange for lifting all Building Permit restrictions and Stop Work Orders that were imitated due to the Illegal Subdivision Violation.

After discussion all Board Members agreed that the Performance Bond request was outside the jurisdiction of the Planning Board.

All Members further agreed that any proposals concerning Performance Bonds would have to be directed to the Town Board (Town Engineer) for determination.

11. Public/Press Comments and Questions

None

12. Adjourn

Meeting adjourned at 9:13PM

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 17, 2014 PLANNING BOARD MEETING.

