

TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
NOVEMBER 15, 2016

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

Members Excused: None

Others Present: Town Engineer, Dave Britton

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

2. Informal Business

None

3. October 18, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Dave Naus to approve the Minutes of the October 18, 2016 Planning Board Meeting. All agreed.

4. 7:45 Public Hearing Dollar General - 6726 S. Transit Road at Dunnigan Road - SitePlan Review

SEQR Action
7:45 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

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Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQOR Form. All agreed.

7:45 Public Hearing

A Public Hearing was opened at 7:45PM for Dollar General Site Plan Review.

It was first noted that David Pawlik (The Applicant) of Creative Structures Services was in attendance.

Mr. Pawlik commenced to give the Board a short presentation on the **proposed 9,100 sq. ft. Dollar General Store that would be located on an** approximately 1.4 acre parcel at 6726 S. Transit Road on the west side of S. Transit Road at Dunnigan Road.

It was noted that Niagara County Referral recommendation was received with a recommendation to approve the Dollar General Site Plan.

There were no questions from those in attendance on said Site Plan Review, so on a motion by Tom Edbauer and seconded by Dave Naus the Public Hearing was closed at 7:54PM. All agreed.

A motion was 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. Empire Pipe Line Inc. - Compressor Station Site Plan Review - Killian Road

HISTORY: Taken from the September 20, 2016 Planning Board Meeting Minutes

A Public Hearing was opened at 8:00PM for Empire Pipeline Inc. (National Fuel Gas) Site Plan Review.

It was first noted that 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. In addition approximately forty Town Residents were also in attendance.

Mr. Walters commenced to give the Board and those in attendance a presentation on the proposed 22,000 horsepower gas compressor station project.

Nine of those in attendance Signed In to be heard and Chairman McCaffrey commenced to take questions/comments in order of sign in.

Items commented on and or questioned included: Emissions, Noise, Building Design, Landscaping, Safety, Emergency Response, Fencing and Visibility.

After all those were heard that signed in, Chairman McCaffrey closed the Comment/Question portion of the Public Hearing.

It was then announced that all questions and comments will be taken into consideration and written responses to all said questions and comments will be made available at the October 18, 2016 Planning Board Meeting.

The Public Hearing thus remains open.

HISTORY: Taken from the October 18, 2016 Planning Board Meeting Minutes

It was first noted that both the Transcript of the Public Hearing on September 20, 2016 and the reply by Empire Pipe, Inc. (National Fuel) to questions and comments were posted to the Town Web Site.

A motion was then made by Dave Naus and seconded by Dave Kantor to close the Public Hearing. All agreed.

In accordance with both New York State Town Law and the Town of Pendleton Zoning Code, the Planning Board now has a maximum of sixty two (62) days to make a decision on the Empire Pipe Line, Inc. (National Fuel) Site Plan Review.

Tabled to November 15, 2016 Planning Board Meeting.

CURRENT:

It is first noted that 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.

Mr. Walters commenced to give the Board and those in attendance a presentation on the proposed 22,000 horsepower gas compressor station project.

Chairman McCaffrey then reminded the Board and advised those present that if the Site Plan is Approved by vote of the Planning Board, a number of conditions would apply:

1. Federal Energy Regulatory Committee (FERC) certification would be required.
2. The Town Building Inspector, who has yet to make a Zoning determination on this project, would have to rule that the Compressor Station is " Allowable by Right" as apposed to "Not Allowed" in the Light Industrial Zoning District.

Chairman McCaffrey further advised that all other conditions that the Applicant agreed upon would be incorporated into the Site Plan Review Checklist and would also constitute a condition of approval

All Board Members then indicated that no further questions were forthcoming and a vote was thus in order.

A motion was made by Dave Naus and seconded by John Lavrich to approve the Site Plan conditioned on Federal Energy Regulatory Committee (FERC) certification, the Town Building Inspector's Zoning Determination and the provisions outlined in the Technical Checklist for Site Plan Approval.

All agreed.

6. Heritage Landings - Major Subdivision (Modified) - Fiegel and Bear Ridge Road

HISTORY: Taken from the October 18, 2016 Planning Board Meeting Minutes

Administrative Assistant Lavrich advised the Board that he received an E-Mail from Richard Haight stating that the Applicant William Heizenrater was still reviewing the options to make design more cost effective while addressing the Town's comments.

Tabled to the November 15, 2016 Planning Board Meeting

CURRENT

Administrative Assistant Lavrich advised the Board that he received an E-Mail from Richard Haight stating that the Applicant William Heizenrater was still reviewing his options.

Tabled to the December 20, 2016 Planning Board Meeting

7. Meadows at Pendleton North - Major Subdivision Sketch Plan Campbell Blvd. between Fiegel Rd and Bear Ridge Road

HISTORY: Taken from the October 18, 2016 Planning Board Meeting Minutes

Sean Hopkins, Esq. representing the Applicant came before the Board with Major Subdivision Sketch Plans. It is noted that 300' deep Co-1 Commercial Zoning now exists to the front of the Proposed Major Subdivision. The Applicant has expressed interest in pursuing a request to the Town to rezone the front property from Co-1 Commercial to R-2 Residential. The first Sketch Plan shows 47 lots all in the existing R-2 residential zoning district. The second sketch shows 51 lots based upon the aforementioned rezoning.

Mr. Hopkins advised the Board that two properties to the south are zoned Co-1 Commercial but are now Residential Use and he has sent letters to those property owners asking if there is interest in joining a Rezoning Request to the Town.

Tabled to the Nov. 2016 Planning Board Meeting awaiting

Applicant decision on Rezoning Request.

CURRENT:

Administrative Assistant Lavrich advised the Board that he spoke with Sean Hopkins and was informed that he was still in the process of finalizing a Rezoning Request.

Tabled to the December 20, 2016 Planning Board Meeting.

8. Modified Site Plan Review - Hampton Inn -
6082 S. Transit Road

HISTORY: Taken from the October 18, 2016 Planning Board
Meeting Minutes

It is first noted that the Site Plan Plan Review for the Hampton Inn was approved by the Planning Board on July 21, 2015.

The Site Plan was approved with Two(2) entrances off South Transit Road. After approval, upon applying for Curb Cuts, the NYS DOT allowed only one(1) entrance causing conflict with the approved Site Plan. This Modified Site Plan addresses the conflict.

Modified Site Plan Review Engineered Drawings for the Hampton Inn and Parking Lot on a 4.31 acre parcel on the west side of S. Transit Road south of Robinson Road were received and reviewed

The Modified Site Plan was sent to the Wendelville Fire Chief for comment. As of this date the Planning Board has not received response. Since Fire Dept. response is paramount in making any decision on the Modified Site Plan, action is tabled to the November 15, 2016 Planning Board Meeting.

CURRENT:

Chairman MCCaffrey advised the Board that no further input or information was relieved from either the New York State DOT or Wendelville Fire Department regarding the One vs Two Entrance issue.

After discussion, all agreed that the Planning Board could go no further with the Modified Site Plan until either the DOT amends their decision and allows the second entrance or the Fire Dept. responds setting forth proposed modifications that they deem warranted to insure safety in case of emergency. Tabled to the December 20, 2016 Planning Board Meeting.

9. Public/Press Comments and Questions

None

10. Adjourn

On a motion by Dave Naus and seconded by Dan Vivian the meeting was adjourned at 8:05PM. All agreed.

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 20, 2016 PLANNING BOARD MEETING.