

TOWN OF PENDLETON
PLANNING BOARD MINUTES
OCTOBER 21, 2014

MEMBERS PRESENT: Joe McCaffrey, Joe Kania, Dave Naus,
John Lavrich, Joe Killion and Tom Edbauer

Members Excused: *Dan Vivian*

Others Present: Dave Britton, Town Engineer

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

2. Informal Business

None

3. September 16, 2014 Meeting Minutes

A motion was made by Dave Naus and seconded by Tom Edbauer to approve the Minutes of the September 16, 2014 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Waild - Two Lot Minor Subdivision - 4163 Beach Ridge Road

It is first noted that the Town Board of Appeals at its July 23, 2013 Meeting approved an Area Variance " to sub-divide property creating a non-conforming lot with a lot width of 106 ft. where a 125 ft. minimum lot width is allowed per town code."

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision located at 4163 Beach Ridge Road.

Ken Morton acting as agent for the property owners Tom and Linda Waild was in attendance.

The Subdivision consists of cutting a 106.5' wide by 589' deep

lot from a 3.7 acre parcel. The remaining parcel will have 161.5' road frontage on Beach Ridge Road and be 589' deep.

It was then noted that a structure would exist alone on the 106.5' wide lot which is a part of the proposed subdivision application. Said structure would not be permitted per Town of Pendleton Zoning Code. Discussion then took place between Planning Board Members and Mr. Ken Morton which resulted in Mr. Morton agreeing to remove the structure within 90 days of Subdivision Approval date. This would thus become a condition of approval of the Subdivision Application.

No one in attendance had any questions on said subdivision, so on a motion by Tom Edbauer and seconded by Joe Killion 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 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 Kania and seconded by Joe Killion to approve the Subdivision conditioned on filing deed description with Niagara County within one year of today's date and removal of above referenced structure within 90 days. All agreed.

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

HISTORY: Taken from the September 16, 2014 Planning Board Meeting Minutes

Richard Haight of Advanced Design along with Applicants Dan and Craig D'Angelo were in attendance to give an update on the status of the D'Angelo Major Subdivision Preliminary Plat Application. A revised Sketch Plan was presented to the Board for review and discussion. It was noted the when a Topographic Survey was completed for the Site, it necessitated some major changes in both the Roadway and Retention Pond locations. Some significant items and concerns discussed:

1. Setbacks and configuration of Retention Pond.
2. Drainage.
3. Turnaround: Standard vs Cul-de-sak.

All agreed that the Turnaround issue would need to be resolved with the Town Highway Superintendent before Engineering for the Site could commence. Applicant will set up meeting with Town Highway Superintendent to resolve turnaround issues.

It was again noted that Preliminary Plat Application along with appropriate fees must be submitted prior to the October 21, 2014 Planning Board Meeting in order to avoid "Timing Out" of the Major Subdivision Sketch Plan.

CURRENT:

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 a update on his findings and recommendations at the November 18, 2014 Meeting.

Tabled to the November 18, 2014 Planning Board Meeting.

6. Public Hearing 7:45PM - Site Plan Review - Ronald LaRocque
(Gallery North) - 6535 Campbell Blvd

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.

7. Hidden Oak Phase 2 - Major Subdivision - Final Plat

HISTORY: Taken from the September 16, 2014 Planning Board Meeting Minutes

Administrative Assistant Kania advised the Board that he had received an E-Mail from Mike Metzger of Metzger Engineers asking for the final 90 day extension of time to meet all conditions outlined in the Technical Checklist for Final Plat Approval.

After discussion, a motion was made by Joe Kania and seconded by Tom Edbauer to issue the final ninety (90) day extension (expiring December 16, 2014) of time to fulfill conditions outlined in the Technical Checklist for Final Plat Approval. All agreed.

NOTE:

If all conditions stated in the Conditional Final Plat Approval are not met by the final 90 day extension date of December 16, 2014, the Hidden Oak Major Subdivision will revert back to the Preliminary Plat stage of the Major Subdivision Approval process.

CURRENT:

Town Engineer Britton advised the Board that the Applicant has

commenced to bring fill to the Site. All conditions related to the fill are being monitored and Town Engineer Britton will keep the Board updated.

8. Public/Press Comments and Questions

None

9. Adjourn

Meeting adjourned at 9:10PM

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 November 18, 2014 PLANNING BOARD MEETING.

