

TOWN OF PENDLETON
PLANNING BOARD MINUTES

October 20, 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. September 15, 2015 Meeting Minutes

A motion was made by Tom Edbauer and seconded by Dan Vivian to approve the Minutes of the September 15, 2015 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Thomas Thompson - Two Lot Minor Subdivision/Resubdivision - Beach Ridge Road.

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision on the north side of Beach Ridge Road adjacent to 4855 Beach Ridge Road.

It is noted that Applicants Thomas and Sandra Thompson were in attendance.

The Subdivision/Resubdivision consists of splitting a 151' wide by 334.24' deep parcel from a 47.8 acre parcel (having 104.8' Beach Ridge Road frontage) owned by Thomas and Sandra Thompson and will be attached to the adjacent lot (4855 Beach Ridge Road) to the south also owned by Thomas and Sandra Thompson. The new lot will measure 151' wide (fronting Beach Ridge Road) by 792.03' deep after Resubdivision.

Thomas Thompson gave the Board verbal certification that the aforementioned Lot would be attached to his lot at 4855 Beach Ridge Road.

All questions from those in attendance on said Subdivision were then addressed, so on a motion by Dave Naus and seconded by Dan Vivian the Public Hearing was closed at 8:04PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dan Vivian 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 Dan Vivian 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. 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:

No new information received.

Tabled to November 17, 2015 Planning Board Meeting.

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

HISTORY: Taken from the April 21, 2015 Planning Board Meeting Minutes

Site Plan Application was received for proposed Parking Lot expansion and improvements on Applicants' Commercial Parcel located on South Transit Road. Awaiting Engineered Site Plan Drawings in order to continue the Site Plan Review process.

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

Administrative Assistant Kania advised the Board that Mr. Soemann continues to seek an Engineer to prepare required engineered drawings for the project.

Tabled to the October 20 2015 Planning Board Meeting.

CURRENT:

Gregory Soemann came before the Board with Engineered Drawings prepared by W.M. Schutt & Associates for a project which includes the construction of both and asphalt areas for Auto sales and employee parking.

Town Engineer Dave Britton advised the Board that he had reviewed the Drawings and all was in order to hold a Site Plan Review Public Hearing at the November 2015 Planning Board Meeting.

Admin. Assistant Kania then advised that Niagara County Planning Board Referral was needed and their response should be available by the November Meeting.

A motion was then made by Joe Killion and seconded by Dan Vivian to set a Public Hearing at 7:45 November 17, 2015. All agreed.

7. (RWECS) Site Plan Review - Niagara Wind & Solar, Inc. - 4848 Mapleton Road

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

A Public Hearing was opened at 7:45PM for a Site Plan Review for a Residential Wind Energy Conversion System (RWECS) to be

erected on property owned by Thomas Izard located at 4848 Mapleton Road.

Site Plan Application along with data and drawings were received for proposed construction of a 5kW Bergy WECS on a 100' Guyed Monopole . The energy generated from the RWECS will be used to offset Mr. Izards' energy costs.

Padma Kasthunirangan of Niagara Wind & Solar Inc. (representing Thomas Izard) was present to answer any questions concerning the Site Plan.

A letter from Town Engineer Dave Britton was then discussed. The letter contained a number of issues concerning the the project that were discussed and most resolved. The major issue which has yet to be resolved is providing a survey of the property locating the house on the property with front and side yard setback measurements included. This survey was deemed vital

so that all setback requirements for the "RWECS" could be reviewed by the Planning Board.

Chaiman McCaffrey then entertained any questions and/or comments from those in attendance.

1. Most comments and question involved noise levels created by RWECS.
2. Safety
3. Setback (distance from adjoining property owners).
4. Appearance

All comments and questions from those in attendance were addressed and will be taken into consideration, so on a motion by Dan Vivian and seconded by Tom Edbauer the Public Hearing was

closed at 7:58PM. All agreed

SEQR DETERMINATION: The Board then addressed the State Environmental Assessment Form and on a motion by Joe Kania and seconded by Joe Killion a negative SEQR determination was issued and the Planning Board Chairman was given authorization to sign the SEQR Form. All agreed

Approval consideration was then discussed. All agreed that proper consideration could not be given to approving the Site Plan until the Survey as outlined above is received and reviewed by the Planning Board.

A motion was then made by Joe Kania and seconded by Dan Vivian to table the Site Plan Review to the October 20, 2015 Planning Board Meeting. All agreed.

CURRENT:

Approval Consideration: (See September 15, 2015 Planning Board Meeting History above.)

It is first noted that Thomas Fleckenstein of Niagara Wind & Solar Inc. (representing Thomas IZARD) was present to answer any questions concerning the Survey and Site Plan Drawings.

A survey of the property locating the house on the property with front and side yard setback measurements included was received and reviewed by Town Engineer Dave Britton. Mr. Britton then advised the Board that upon reviewing said Survey, all setbacks were in order and thus the Planning Board could move on to Approval Consideration.

A motion was made by Dave Naus and seconded by Dan Vivian to approve the Residential Wind Energy Conversion System (RWECS) Site Plan review. All agreed.

8. Heritage Landings - Major Subdivision - Fiegler 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:

No new information.

Tabled to November 17, 2015 Planning Board Meeting.

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

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.

10. Town Code Revision - Chapter 222 (NEW) Swimming Pools, Spas & Hot Tubs

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

Administrative Assistant Kania informed the Board that he was in process of drafting and having the Building Department review proposed Code revisions to Chapter 222 - Swimming Pools.

The proposed amendments should be ready for Planning Board review and comments at the October 2015 Meeting.

CURRENT:

The Final Draft dated 9/30/2015 of the proposed Amendment to the Town Zoning Code relating to new Town Code Chapter 222 Swimming Pools, Spas & Hot Tubs as requested by the Town

Board was reviewed and discussed in detail. The entire Chapter 247-47 will be removed.

A motion was then made by Tom Edbauer and seconded by Joe Killion to authorize Admin. Assistant Kania to draft a letter to the Town Board with details of the recommended amendment and advising the Town Board that the Planning Board recommends approval of said amendment. All Agreed.

11. Public/Press Comments and Questions

A number of town residents in attendance asked questions, made comments and voiced concerns on a 22,000 horsepower gas compressor station that Nation Fuel has secured an option to purchase a 20 acre Light Industrial Zoned site on Killian Road as its preferred location to build.

All questions were addressed and comments were noted.

12. Adjourn

Meeting adjourned at 9:40PM

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 17, 2015 PLANNING BOARD MEETING.