

TOWN OF PENDLETON  
**PLANNING BOARD MINUTES**

September 15, 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

Administrative Assistant Kania updated Members on a number of issues that may come before the Planning Board in the near future.

3. August 18, 2015 Meeting Minutes

A motion was made by Dave Naus and seconded by Tom Edbauer to approve the Minutes of the August 18, 2015 Planning Board Meeting. All agreed.

4. Public Hearing 7:45PM - (RWECS) Site Plan Review - Niagara Wind & Solar, Inc. - 4848 Mapleton Road

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

Chairman 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 will 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.

5. Public Hearing - 8:00PM - Lederhouse - Two Lot Minor Subdivision/Resubdivision - Fiegle Rd.

A Public Hearing was opened at 8:00PM for a Two Lot Minor Subdivision/Resubdivision on the north side of Fiegle Road between East Canal and Sheetrum Road.

It is noted that Chris Rathman was in attendance acting as agent for property owner Robert Lederhouse.

The Subdivision/Resubdivision consists of splitting a 163.2' wide by 100' deep parcel from a forty seven (47) acre parcel owned by Robert Lederhouse and will be attached to the adjacent lot to the south owned by Chris Rathman. Mr. Rathmans' lot will measure 183' wide (fronting Fiegle Road) by 533' deep after Resubdivision.

No one in attendance had any questions on said Subdivision, so on a motion by Dave Naus and seconded by Joe Killion 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 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 Killion and seconded by Dave Nause 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.

6. Public Hearing - 8:15 - Sharon Brown - Two Lot Minor Subdivision - 6411 Campbell Blvd.

A Public Hearing was opened at 8:15PM for a Two Lot Minor Subdivision located at 6411 Campbell Blvd. just north of Fiegle Road.

It is noted that John Gatas from Keller Realty was in attendance acting as agent for property owner Sharon Brown.

The Subdivision consists of cutting a 200' wide by 414' deep

lot (1.5 acre) from a 3.8 acre parcel. The remaining parcel will be 200' wide by 518' deep (2.3 acres). Both parcels will have Campbell Blvd. frontage.

No one in attendance had any questions on said subdivision, so on a motion by Dan Vivian and seconded by Dave Naus the Public Hearing was closed at 8:18PM. All agreed.

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dave Naus 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 Tom Edbauer 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. Public Hearing - 8:30PM - Helene Murnyack Conklin - Three Lot Minor Subdivision - Campbell Blvd. SBL#150.04-1-10.1

A Public Hearing was opened at 8:30 for a Three Lot Minor Subdivision on the east side of Campbell Blvd. at the corner of Meyer Road.

It is noted that John Gatas from Keller Realty who was acting as Agent for the property owners was in attendance.

The Subdivision consists of splitting an 9 acre parcel into three pieces. The first and second piece designated as Lot#2 and Lot#3 will have 150' of Campbell Blvd frontage and be 639.67' deep. The third piece designated as Lot#1 will have 308.69' of Campbell Blvd. frontage, 254.26' of Meyer Road frontage and 639.67' depth.

No one in attendance had any questions on said Subdivision, so on a motion by Dan Vivian and seconded by Tom Edbauer 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 Kania 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 Tom Edbauer to approve the Subdivision conditioned on proper survey and filing deed description with Niagara County within one year of today's date. All agreed.

8. 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 August 18, 2015 Planning Board  
Meeting Minutes

Gregory Soemann was in attendance to discuss the status of his Site Plan Review. Mr. Soemann advised the Board that he was negotiating with Kristin Savard of Advanced Design Group for required engineered drawings. Mr. Soemann further advised that there was question as to the "Scope" of the project and the details of the engineered drawings.

After discussion, all agreed that Town Engineer Dave Britton will contact Kristin Savard to clarify the extent and content of engineered drawings that would be required to commence the Site Plan Review.

Tabled to the September 15 2015 Planning Board Meeting.

CURRENT:

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.

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

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.

10. Beach Ridge Estates - Major Subdivision

William Tyne representing Forbes Capretto Homes came before the Board with a Sketch of a 128 lot Major Subdivision proposal that he wanted to informally discuss with the Planning Board.

The main issue on the Sketch was a "Boulevard" four lane entrance to the Subdivision as apposed to the minimum two entrances as required in the Town Subdivision Regulations.

After review, all Board Members agreed that the size of the proposed Major Subdivision warranted more than one entrance.

11. 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.

Tabled to the September 15, 2015 Planning Board Meeting.

CURRENT:

No new information.

Tabled to the October 20, 2015 Planning Board Meeting.

12. Town Code Revision - Chapter 222 Swimming Pools

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.

13. Public/Press Comments and Questions

A group of town residents were in attendance to ask questions, comment and voice 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 comments and questions along with the Planning Board responsibilities in the review process were addressed.

14. Adjourn

Meeting adjourned at 9:15PM

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 October 20, 2015 PLANNING BOARD MEETING.