

TOWN OF PENDLETON
PLANNING BOARD MINUTES
APRIL 15, 2014

MEMBERS PRESENT: Joe McCaffrey, Dan Vivian, Joe Kania, Dave Naus,
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

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

3. March 18, 2014 Meeting Minutes

A motion was made by Dan Vivian and seconded by Dave Naus to approve the Minutes of the March 18, 2014 Planning Board Meeting. All agreed.

4. Public Hearing - 7:45PM - Williams/Wagner - Two Lot Minor Subdivision/Resubdivision - Fiegle Rd.

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision/Resubdivision on the south side of Fiegle Road between 5338 and 5352 Fiegle Road.

It is noted that Lacey Williams and William Wagner were in attendance.

The Subdivision/Resubdivision consists of splitting an approximately 2.18 parcel into two parcels. Parcel #1 will measure 62' wide by approximately 765' deep and be attached to the adjacent lot to the west owned by William Wagner. Mr.

Wagner's lot will measure 179' wide after Resubdivision. Parcel #2 will measure 61.92' wide by approximately 765' deep and be attached to the adjacent lot to the east owned by Lacey Williams. Ms. Williams' lot will measure 162' wide after Resubdivision.

No one in attendance had any questions on said Subdivision, so on a motion by Joe Kania and seconded by Tom Edbauer 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 Dan Vivian 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 Joe Kania and seconded by Dave Naus 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. Public Hearing - 8:00PM - Peg Sam Corp. - Three Lot Minor Subdivision - Fisk Road

A Public Hearing was opened at 8:00PM for a Three Lot Minor Subdivision located on the south side of Fisk Road approximately 4,000 feet west of S. Transit Road.

It is noted that Joe Corto was in attendance acting on behalf of Peg Sam Corp.

The Subdivision consists of cutting two (2) 189' wide by approx.

1130' deep lots from a 15.9 acre parcel. The remaining parcel will have 233' road frontage on Fisk Road and will be approximately 1130' deep.

No one in attendance had any questions on said subdivision, so on a motion by Joe Kania and seconded by Tom Edbauer the Public Hearing was closed at 8:07PM. 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 Joe Kania 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.

6. Public Hearing - 8:15PM - Walck - Two Lot Minor
Subdivision - 4720 Lockport Road.

It is noted that Applicant Donald Walck was in attendance

A Public Hearing was opened at 8:15PM for a Two Lot Minor
Subdivision on the south side of Lockport Road (4720 Lockport
Road).

The subdivision consists of splitting a 185' wide (fronting
Lockport Road) by 208' deep lot containing a single family
residence from a 7.01 acre parcel. The remaining parcel will be
6.17 acres and contain six Agriculture Buildings of various
sizes and will have 511' of Lockport Road frontage.

NOTE: When Subdivided neither lot will meet a number of
dimensional requirements per Section 247 of the Town Zoning
Code. ALL needed Area Variances have been applied for and
approved by the Town Board Of Appeals thus allowing the
Planning Board to proceed with the Subdivision Approval
Process.

No one in attendance had any questions on said Subdivision, so
on a motion by Joe Killion and seconded by Dan Vivian the
Public Hearing was closed at 8:20PM. 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 Dan Vivian and seconded by Tom
Edbauer to approve the Subdivision conditioned on filing deed
description with Niagara County within one year of today's
date. All agreed.

7. Town Zoning Code Recommended Changes - Unsafe Structures

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

Administrative Assistant Kania distributed the Final Draft outlining proposed changes to Town Zoning Code Sections 247-35 and 247-60 relating to Unsafe Structures.

Board Members will review said Draft and be prepared to discuss the proposed changes along with any comments that may be received at the April 2014 Work Meeting.

Tabled to the April 2014 Planning Board Meeting

CURRENT:

Planning Board Members will review Final Draft and be prepared to discuss same at the May 2014 Work Meeting.

8. Big Bossman's BBQ & Catering - 6116 Robinson Rd. - Site Sketch Plan

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

Chairman McCaffrey advised the Board that he had a telephone discussion with the Chairman of the Board of Appeals and verified that the only Variance that was issued on the 6116 Robinson Road Property was a Use Variance allowing Residential Use in a CO-2 Commercially Zoned District.

That being the case, the Planning Board has no authority to proceed with a Commercial Site Plan for any Commercial Endeavor on the property at 6116 Robinson Road at this time.

CURRENT:

The Planning Board again reviewed the Big Bossman's BBQ & Catering Site Plan Application along with the "Zoning" and "Use" of the property involved. The Board then focused on the

applicability of Planning Board Commercial Site Plan Review per Section 247-54B. of the Town Zoning Code. Upon review, all Board Members agreed that "Applicability" as established by Section 254 B. is lacking thus the Planning Board has no authority to proceed with a Commercial Site Plan. That being the case, this Endeavor is sent back to the office of the Code Enforcement Officer for appropriate determinations.

The \$75.00 Site Sketch Plan Application Fee will be refunded to the Applicant.

9. Dan & Craig D'Angelo Major Subdivision - 4214 Beach Ridge Rd. Sketch Plan

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

Administrative Assistant Kania distributed copies of a Major Subdivision Sketch Plan for a proposed 19 lot Major Subdivision to be located at 4214 Beach Ridge Road.

It is noted that Richard Haight and James Churchill of Advanced Design Group along with Applicants Danial and Craig D'Angilo were in attendance.

James Churchill then proceeded to give a short presentation to familiarize the Board with the nature of the project.

Chairman McCaffrey then advised that the Planning Board would "Receive" the Sketch Plan and all Board Members along with the Town Engineer would review same and be ready to discuss at the April 15, 2014 Planning Board Meeting.

CURRENT:

It is noted that Kristin Savard and James Churchill of Advanced Design Group along with Applicant Danial D'Angilo were in attendance and proceeded to interact with the Board on a number of items concerning the proposed Major Subdivision.

Chairman McCaffrey then pointed out that one of the lots within the proposed Major Subdivision contains an oversized Accessory Structure and said structure would need to be removed or the Applicant would have to procure a Variance from the Town Board

of Appeals prior to Subdivision Approval consideration. Applicant advised Board that he would first make application to the Town Board of Appeals for Variance Consideration. Admin. Assistant will forward a Subdivision Denial Letter to the Board of Appeals.

The Planning Board along with Town Engineer Britton then completed their view of the Major Subdivision Sketch Plan.

A motion was then made by Dan Vivian and seconded by Joe Killion to classify the Sketch Plan as a Major Subdivision per Section 220-10B.(3) Subdivision of Land. All agreed.

It is noted that Section 220 B. states in part "Once classified as Major Subdivision no alterations or improvements to property may be made....."

Applicant can now proceed to the Preliminary Plat stage of the review process and the sub-divider (Applicant) shall comply with Article III Section 220-12 through 220-16 Subdivision of Land.

10. Heritage Landings Major Subdivision (Heitzenrater)
Feigle Road at Bear Ridge Road - 86 lots - Conditional Final
Plat Approval / Changes in Final Plat

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

Richard Haight of Advance Design Group came before the Board to give an update on the progress that the Heritage Landings Major Subdivision was having in obtaining proper Permitting in order to proceed to the Development (PIP) stage of the process.

Mr. Haight advised the Board that due to unforeseen Wetland Modifications on the site, changes had to be made combining a number of the proposed lots. He then proceeded to give the Board an overview of the changes that were necessitated by the Wetland modifications.

It is noted that Section 220-15B. of the Town Zoning Code

states in part: No changes, erasures, modifications or revisions shall be made in any final subdivision plat after approval has been given by the Planning Board unless the said plat is first submitted to the Planning Board and such Board approve any modification.

That being the case, all Board Members agreed that the Conditional Final Plat Approval that was given would no longer apply and the Final Plat changes would be reviewed by all Planning Board Members along with the Town Engineer and a determination will be made at the April 15 2014 Planning Board Meeting as to where in the Subdivision Review Process the revised Plat *will fall*.

Tabled to the April 15, 2014 Planning Board Meeting

CURRENT:

Kristin Savard of Advanced Design Group was in attendance and proceeded to give a presentation on the modifications made to the Final Plat for the Heritage Landings Major Subdivision. The primary change involves construction of 86 lots with wetland buffer restrictions as apposed to the 91 lots as originally proposed.

A letter dated March 27, 2014 from Town Engineer Dave Britton was then presented to the Board which stated in part "Based upon our review, we have determined that the submission of the Final Plat documents are in substantial conformance with Final Plat requirements of the Town Code Chapter 220 and have been prepared to meet acceptable engineering practices."

"CRA recommends approval of the Revised Final Plat with the following conditions:

1. Regulatory approval and Permit to construct waterlines and sewer mains and pump station facilities.

A letter dated April 15, 2014 from Town Engineer Dave Britton was then presented to the Board and Ms. Savard. The letter

states in part "The purpose of this letter is to request deposit of an additional engineering fee in the amount of \$1,300 to cover our efforts that were expended on behalf of the Town that exceeded the application fees associated with the Final Plat for Heritage Landing Subdivision." Upon review of said letter Ms. Savard agreed to payment request as agent for the Heritage Landings Major Subdivision.

The above condition along with agreement to pay additional Engineer Review Fee will be incorporated into the Technical Checklist for Final Plat Approval.

All conditions contained in the Technical Checklist for Final Plat Approval will need to be completed prior to the filing of the Final Plat Cover Map.

Chairman McCaffrey then asked the Board to make a determination on the materiality of revisions to the Final Plat and to the necessity of another Final Plat Public Hearing.

After discussion, a motion was made by Dan Vivian and seconded by Joe Kania stating that the revisions were minor in nature and none had impact on infrastructure thus Revised Final Plat Conditional Approval could be given consideration at this Meeting. All agreed

A motion was then made by Dan Vivian and seconded by Dave Naus to approve the Major Subdivision Revised Final Plat conditioned on the provisions listed above and outlined in the Technical Checklist for Final Plat Approval. All agreed.

11. Town Code Recommended Changes - Section 247-112
Multi-Family Dwellings

Administrative Assistant distributed to Board Members a draft of a number of changes to sections of the Town Zoning Code relating to Multi-Family Dwellings.

After review and discussion, all Board Members agreed that the changes were warranted and should be incorporated into the recommendation to the Town Board for consideration in amending a number of the Town Zoning Code sections relating to Multi-family Dwellings.

A motion was then made by Tom Edbauer and seconded by Joe Killion to authorize Administrative Assistant Kania to send a letter of recommendation to the Town Board to consider amending a number of the Town Zoning Code sections relating to Multi-family Dwellings. All agreed.

12. Public/Press Comments and Questions

None

13. Adjourn

Meeting adjourned at 9:00PM

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 May 20, 2014 PLANNING BOARD MEETING.