

TOWN OF PENDLETON  
**PLANNING BOARD MINUTES**  
JANUARY 21, 2014

MEMBERS PRESENT: Joe McCaffrey, Dan Vivian, Joe Kania,  
John Lavrich, Joe Killion and Tom Edbauer

Members Excused: Dave Naus

Others Present: David Britton, Town Engineer

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

2. Informal Business

Administrative Assistant Kania gave an update on correspondence relating to a number of issues that may be coming before the Planning Board in the near future.

3. December 17, 2013 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the December 17, 2013 Planning Board Meeting. All agreed.

4. Heritage Landings Major Subdivision (Heitzenrater) Feigle Road at Bear Ridge Road - 95 lots - Conditional Final Plat Approval Extension Request

HISTORY: Taken from the December 17, 2013 Planning Board Meeting Minutes

Admin. Assistant Kania distributed correspondence received from Applicant/Developer William Heitzenrater requesting the Board to consider an additional 90 day extension for Heritage Landings Final Plat Conditional Approval.

After review of the progress on conditions listed in the Final Plat approval, all Board Members agreed that the additional 90 day extension was warranted. It is noted that this would be the last extension allowable under New York State Town Law.

A motion was then made by Dave Naus and seconded by Tom Edbauer to approve the 90 day (final) extension of the Heritage Landings Final Plat Conditional Approval to April 11, 2014. All Agreed.

CURRENT:

All Planning Board Members present along with Town Engineer Britton discussed the remaining items that had to be accomplished in order that the Heritage Landings Major Subdivision can complete all items in the Conditional Final Plat Approval no later than the final extension date of April 11, 2014. All agreed that there was a relatively good chance of all outstanding conditions being accomplished by the April 11, 2014 date thus no action need be taken at this Meeting.

5. Town Zoning Code Recommended Changes - Unsafe Structures

In a letter dated January 3, 2014, Building Inspectors/Code Enforcement Officers Gerber and Striegle requested the Town Board to direct the Planning Board to review and propose revisions to the Town Zoning Code dealing with Unsafe Buildings and Collapsed Structures.

Administrative Assistant Kania distributed a number of Town Ordinances from surrounding Towns which address Unsafe Structures and asked Board Members to review same so that discussion could take place at the February 2014 Planning Board Work Meeting.

6. Douglas & Keri Clark - Two Lot Minor Subdivision – 6073 Town Line Road.

HISTORY: Taken from the December 17, 2013 Planning Board Meeting

Minutes

As a condition for approval issued for the Douglas & Keri Clark Minor Subdivision at the July 17, 2013 Planning Board Meeting, Mr Clark agreed that a Barn located on the property would be removed no later than six months from date of approval. It is noted that said Barn has not been removed as of this date thus a condition of Minor Subdivision approval will be violated if said Barn is not removed by January 2014. It is further noted that Section 247-11J of the Town Zoning Code requires a minimum of seven acres for a Barn (structure used in customary farming). It is further noted that the Planning Board does not have the authority to allow any variance to the stated minimum seven acre requirement thus has no choice but to deem this a an "Illegal Subdivision" if Barn is not removed within the six month time frame .

Any Right to Farm issues would have to be arbitrated with Niagara County.

A motion was made by Dave Naus and seconded by Tom Edbauer to adhere to the agreed upon time frame for removal of Barn and thus deem the Douglas and Keri Clark Minor Subdivision an "Illegal Subdivision" if the January 2014 established final date is not met. All agreed.

It is noted that if the condition of approval is not fulfilled by the January 2014 date, Admin. Assistant will send letters to the affected landowners advising them of the "Illegal Subdivision and also advise the Town Code Enforcement Officers to take appropriate action.

CURRENT:

Since a condition of Subdivision Approval has not been completed within the agreed upon time frame, Admin. Assistant Kania distributed a draft of a letter he will be sending to the affected landowners advising them of the "Illegal Subdivision". All Members present agreed with the content of said letter and

Admin. Assistant will promptly send said letter by certified mail.

7. Public/Press Comments and Questions

None

10. Adjourn

Meeting adjourned at 8:10PM

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 February 18, 2014 PLANNING BOARD MEETING.

