

TOWN OF PENDLETON
PLANNING BOARD MINUTES
FEBRUARY 16, 2010

MEMBERS PRESENT: Joe McCaffrey, Jim Furey, Dan Vivian, Joe Macaluso
and John Lavrich

Members Excused: Joe Kania and Joe Killion

Others Present: Dave Britton, Town Engineer

1. Meeting called to order by Chairman McCaffrey at 7:35PM.

2. Informal Business

It was noted that Administrative Assistant Joe Kania is attending an Association of Towns Conference in New York City.

3. January 19, 2010 Meeting Minutes

A motion was made by Dan Vivian and seconded by Jim Furey to approve the Minutes of the January 19, 2010 Planning Board Meeting.

All agreed.

4. Heritage Landings Major Subdivision (Heitzenrater) Fisk Road at Bear Ridge Road-95 lots

HISTORY: Taken from the January 19, 2010 Minutes

Kristin Savard of Advanced Design Group advised the Board that she was in contact with Robert Reggentine and they were in the process of "Downloading" engineering data to Advance Design Group. Ms. Savard further stated that she would review said data and be prepared to commence the discussion on the Engineering for this Major Subdivision at the February 16, 2010 Planning Board Meeting. Tabled to the February 16, 2010 Meeting.

CURRENT:

Kristin Savard of Advanced Design Group and Robert Reggentine of Landesign were in attendance to give the Board a progress report on the Heritage Landing Major Subdivision.

Ms. Savard commenced to give the Board updates on issues such

as Wetland Delineations (both Federal and State), status of various required permits, engineered drawing progress and Flood Plain (FEMA LOMR pending).

Chairman McCaffrey reminded both Ms. Savard and Mr. Reggentine that the Preliminary Plat Application with fees was filed in May 2006. Many major revisions to said Plat have been made and reviewed over that extensive time period causing the fee that was collected for the Plat to be exhausted.

Since it is anticipated that further changes to the Plat will necessitate extensive Town Engineer and Planning Board Review, a new Preliminary Plat Application with fees may be warranted.

Discussion will continue at the March 16, 2010 Planning Board Meeting.

5. It is noted that the Matheis Two Lot Minor Subdivision approved at the Planning Board October 2008 Meeting has "Timed Out" and a new application must be filed.

Public Hearing - 7:45PM - Kevin Matheis - Two Lot Minor Subdivision - 7471 Bear Ridge Road

A Public Hearing was opened at 7:45PM for a Two Lot Minor Subdivision located at 7471 Bear Ridge Road just north of Tonawanda Creek Road.

The Subdivision consists of cutting a 115' wide approximate four acre lot (with road frontage on Bear Ridge Road) from the approximately 11 acre parcel. The remaining parcel will have approximately 450' of road frontage on Bear Ridge Road and will measure approximately 7 acres.

No one in attendance had questions on said subdivision, so on a motion by Dan Vivian and seconded by Jim Furey 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 Dan Vivian and seconded by Joe Macaluso 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 Jim Furey

to approve the Subdivision conditioned upon providing a copy of survey to Planning Board and filing deed description with Niagara County within one year of today's date.
All agreed.

6. It is noted that the Moje Four Lot Minor Subdivision approved at the Planning Board November 2008 Meeting has "Timed Out" and new application must be filed.

Public Hearing - 8:00PM - Barbara M. Hobart - Moje Four Lot Minor Subdivision - Fiegle Road

A Public Hearing was opened at 8:00PM for a Four Lot Minor Subdivision located on Fiegle Road approximately ½ mile east of Campbell Boulevard.

The Subdivision consists of cutting a 42.9 acre parcel with 3,180 feet of Fiegle Road frontage and approximately 600 feet of depth into four large lots. Lot #1 will be 400 feet wide, lot #2 660 feet wide, lot #3 850 feet wide and lot #4 1180 feet wide. All lots have frontage on Fiegle Road and are 600+ feet deep.

No one in attendance had questions on said subdivision, so on a motion by Dan Vivian and seconded by Joe Macaluso 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 Jim Furey 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 Macaluso and seconded by Jim Furey to approve the Subdivision conditioned upon providing a copy of survey to Planning Board and filing deed description with Niagara County within one year of today's date.
All agreed.

7. Roger and Gary Donner - Four Lot Minor Subdivision/Resubdivision - Fiegle Road -Planning Board Approved November 2008

HISTORY: Taken from the November 2008 Minutes:

There are five parcels of properly involved with the Subdivision/Resubdivision. Parcel #1 is 113' wide fronting Fiegle Road by 480' deep and is the residence of Gary Donner. Parcel #2 is 113' wide fronting Fiegle Road by 480' deep and is the residence of Roger Donner. Parcel #3 is five acres owned by Roger and Gary Donner and will be attached to Parcel #1. Parcel #4 is 67.7 acres owned by Roger and Gary Donner and will be split into two pieces, the westerly piece being attached to parcel #1 the easterly piece to parcel #2. Parcel #5 is 226' wide with Fiegle Road frontage by 480' deep and will be split in half each lot being 113' X 480' with Fiegle Road frontage. Ultimately the Subdivision/Resubdivision will create Four Lots.

CURRENT:

Issues to be decided:

Issue Number One:

Parcel #4 (67.7 acres) was split in half. The easterly half was to be attached to Parcel # 2 a 113' wide by 480' deep lot and is the residence of Roger Donner.

Instead the easterly half of parcel #4 was attached to a newly created approved lot measuring 113' X 480'. Both of the 113' wide lots front Fiegle Road.

Does this constitute a material change in the approved Minor Subdivision?

After discussion a motion was made Jim Furey by and seconded by Dan Vivian that the change was not material and the Gary Roger portion can remain as recorded with Niagara County. All agreed.

Issue Number Two:

Parcel #4 (67.7 acres) was split in half. The westerly half was to be attached to a lot designated as Lot 40 and owned by Gary Donner. The attachment was not accomplished thus created a 37.7 acre landlocked parcel.

Correspondence from Administrative Assistant Kania advised that the Property Owners Attorney indicated that he was in process of Adjoining and Recording said property.

After discussion, a motion was made by Dan Vivian and seconded by Joe Macaluso to extend to the April 20, 2010 Planning Board Meeting the time period to accomplish the Adjoining and Recording with Niagara County of the landlocked parcel. All agreed.

8. Farmers' Market - Campbell Blvd. - Site Sketch Plan

Town Engineer Dave Britton came before the Planning Board with a Conceptual Plan for a proposed Farmer's Market to be located in the Parking Lot of the Town Historical Society just south of the Pendleton Town Hall. The Vendor Area would be located to the center of the parking lot with customer parking to the side and back. There would be one way traffic only leading from Campbell Blvd. thru the parking area then utilizing a newly constructed stone drive to the Town Hall parking lot then back to Campbell Blvd. Overflow parking would be available just to the south with pedestrians utilizing a short path to the Vender Area. There would be no parking or pedestrian traffic on Campbell Blvd. Hours of operation would be every Thursday from June 3 thru October 28 - Three PM to Eight PM.

It was immediately noted upon review that the location of the aforementioned new stone drive was in error on the Conceptual Drawing. Town Engineer Britton advised that a correction to the Drawing would be made.

The Board then reviewed and discussed the following items:

1. Drainage
2. Surface of drive area
3. Lighting
4. Parking
5. Traffic Flow

SEQR: The Planning Board then reviewed the Short Environmental Assessment Form and on a motion by Dan Vivian and seconded by Jim Furey a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form.

All agreed.

All agreed that parking and traffic were potential problem areas and a proactive program with an adequate security staff should be available for control.

A motion was the made by Jim Furey and seconded by Dan Vivian to approve the Site Sketch Plan.

All agreed.

9. David Homes - Two Lot Minor Subdivision/Resubdivision - Aiken Road

HISTORY: Taken from January 19, 2010 Planning Board Minutes

Administrative Assistant Kania advised the Board that he had a recent phone conversation with Robert Pusateri and assured the Board that Mr. Pusateri was aware of the circumstances requiring adjoining of landlocked property and was also aware that Recording with Niagara County of the combining of properties must be accomplished no later than the extended deadline of February 16, 2010.

CURRENT:

At the January 19, 2010 Planning Board Meeting it was anticipated that the final deadline to adjoin landlocked property and Record same with Niagara County would be February 16, 2010.

However, due to unforeseen circumstances with both the Planning Board and the Applicants' Attorney it was thought to be prudent to entertain extending the deadline to the March 16, 2010 Planning Board Meeting.

After discussion, a motion was made by Jim Furey and seconded by Dan Vivian to extend the final date to adjoin and Record landlocked property to the March 16, 2010 Planning Board Meeting. All agreed.

10. FEMA Flood Plain

Town Engineer Dave Britton updated the Board on matters concerning FEMA Flood Plain proposed mapping.

11. Cobti's Restaurant - S. Transit Road - Site Plan Review

It is noted that "Request for Site Plan Review" Application has been filed and fee paid for a proposed Restaurant to be located on South Transit Road

It is expected that an Engineered Site Plan will be ready for Planning Board review at its March 2010 Meeting.

12. Public/Press Comments and Questions

None

13. Adjournment

Meeting adjourned at 8:55PM

Respectfully Submitted

John Lavrich, Secretary
Planning Board, Town of Pendleton

cc: All Members of Planning Board E-Mail
Mr. James Riester, Town Supervisor E-Mail
Ms. Terry Pienta, Town Clerk E-Mail
Ms. Karen Manning, Town Assessor E-Mail
Mr. Jeff Stowell, Highway Superintendent E-Mail
Mr. James Argo, Sewer and Water E-Mail
Mr. Edward Harman, Councilman E-Mail
Mr. Joseph Frawley, Councilman E-Mail
Mr. David Leible, Councilman E-Mail
Mr. Ronald Morrison, Councilman E-Mail
Mr. Daniel Seaman, Town Attorney E-Mail
Mr. Edward P. Perlman, Town Prosecutor E-Mail
Mr. David Britton, CRA Engineering E-Mail
Dr.C.Douglas Whelan, Superintendent, Starpoint Schools E-Mail
Board of Appeals - E-Mail
Building Inspectors - E-Mail
Conservation Board - E-Mail
Niagara County Planning Board - E-Mail
Union Sun and Journal - E-Mail
Buffalo News - E-Mail

NOTE: The above PLANNING BOARD MINUTES ARE INFORMATIONAL AND FORMAL APPROVAL ACTION WILL NOT TAKE PLACE UNTIL THE March 16, 2010 PLANNING BOARD MEETING