

**TOWN OF PENDLETON**  
**Work Session**  
November 24, 2014

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, N.Y. on the 24<sup>th</sup> day of November 2014 at 7:00 P.M. Supervisor Riester, Councilman Morrison, Councilman Fischer, Councilwoman Jarvis, Clerk Pienta, Attorney Claude Joerg were in attendance. Councilman Leible was absent. Approximately 250 residents and Thomas Prohaska from the Buffalo News were in attendance.

Supervisor Riester called the meeting to order at 7:01 P.M.

The large crowd attending the work session was due to the anticipated decision by the Town Board for the interpretation regarding the Town's Code §247-11 (6) R2 District and permitted recreational uses by right. The Town's code states: (6) Outdoor recreational uses, including tennis courts, parks, golf courses and rod & gun clubs. The request came from a group of residents from the Pendale subdivision as whether the use of off-road vehicles, motorcycles and other ATV vehicles is considered a permissible use by right. Their complaint came before the board because a neighbor built a motorcycle track on his property near the property line of several of the neighbors. Their complaint is that the continuous activity and very loud noise levels make it impossible for them to enjoy their property.

Supervisor Riester told everyone that the Town Board would not be banning the dirt bikes, ATV's and snowmobiles for use in the Town of Pendleton. He also explained that a final interpretation if a motorcross track is considered an allowable use by right in the R2 District would not be decided that night. Since a lawsuit has already been filed against the neighbor there are legal questions that the Board needs answers to. He wants to have the time to gather the information and have their questions answered before making a decision that will affect all the residents in the Town. He would also like all of the Council members in attendance so there would not be any chance of a 2 to 2 vote. Both sides had the opportunity to speak.

- Concerns that if the Board starts to eliminate what a person can or can't do on their property
- Whether or not a decision should be made while a lawsuit has been filed
- Support for the young people that are doing something good and not out vandalizing or being glued to their computers and iPads
- Rural area, this is what is expected, this is why we live in Pendleton
- Consideration for their neighbors, common courtesy
- Worried about the outcome and restrictions down the road

**Wind-turbines** - Planning Board requested that the Town Board determine if wind turbines would be considered like a cell tower. The Town Code does have an ordinance regarding cell towers but it does not refer to wind turbines. A resident in town would like to build one on his property. The Board determined that the function of the wind turbines is different from cell towers and referred it back to the Planning Board to draft an ordinance for the Town Code.

RESOLUTION 133 - 14

**PLANNING BOARD TO DRAFT ORDINANCE**

Motion by Councilman Morrison, seconded by Councilman Fischer, the following resolution was

ADOPTED    Ayes 4       Riester, Morrison, Fischer, Jarvis  
                 Nays 0

Resolved to authorize the Planning Board to draft an ordinance for wind turbines/wind mills in the Town of Pendleton.

RESOLUTION 134 - 14

**AUTHORIZATION TO SIGN AGREEMENT WITH TRU GREEN**

Motion by Councilman Morrison, seconded by Councilwoman Jarvis, the following resolution was

ADOPTED    Ayes 4       Riester, Morrison, Fischer, Jarvis  
                 Nays 0

Resolved to authorize the Town Clerk to sign the agreement with Tru Green for the fertilizing and weed control for the Town Hall for 2015.

Motion by Councilman Fischer, seconded by Councilman Morrison to adjourn at 8:55 P.M. Motion carried.

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Terry J. Pienta, Town Clerk