

**TOWN OF PENDLETON**  
**PLANNING BOARD MEETING MINUTES**  
**June 16, 2020**

**MEMBERS PRESENT:** Joe McCaffery *John Higgins, Dave Naus, Dan Vivian,*  
Nick Kwasniak, Dave Kantor, Anthony Dell'Isola

**Members Excused:** N/A

**Others Present via Video:** Town Engineer Dave Britton

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

2. **Informal Business**

N/A

3. **February 18, 2020 Meeting Minutes**

A motion was made by Dan Vivian & seconded by Nick Kwasniak to approve the Minutes of the February 18, 2020 Planning Board (PB) meeting. All agreed.

4. **Salih Two Lot Minor Subdivision - Feigle Road**

The applicant was intermittently in attendance due to technical difficulties at his end.

SEQR: The Planning Board initiated an extensive review of the Short Environmental Form.

On a motion by Dan Vivian & seconded by Dave Naus a Negative Declaration was issued & the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

7:45 Public Hearing

A Public Hearing was opened for a two lot minor subdivision located on Feigle Road (SBL 136-00-1-44.411). The subdivision consists of dividing the 3.4 acre lot into two 1.7 acre lots that meet all town codes. The property is located in an R-2 Zoned Residential area.

All questions were addressed so on a motion by John Higgins & seconded by Dan Vivian the Public Hearing was closed at 7:50PM.

A motion was made by Nick Kwasniak and seconded by Dan Vivian to approve the two lot subdivision. In addition a survey must be filed with Niagara County within two years. All agreed.

**5. Horvath Cell Tower - located at Campbell Blvd & Tonawanda Creek Rd. (Wendeville Fire Company).**

Mr. Brett Morgan was in attendance via video conference representing the applicant.

Mr. Morgan briefed the planning board on the proposed construction of "lattice style" Cell Tower to be located at the Wendeville Fire Company property at the corner of Campbell Blvd & Tonawanda Creek Rd. The proposed Verizon Cell Tower will be 144' above ground level (AGL) in height & a total of 720' mean sea level (MSL). The maximum height allowed is 165' AGL & 735' MSL per town code. The lease will be for a 100' x 100' area on Wendeville Fire Co. property with a 60' x 60' fenced area for the cell tower & equipment. The Town Attorney was sent a copy of the lease for review in March 2020 per the Town Code. The Town Engineer is working with the applicant's engineering firm (Horvath Communications) on construction details.

Per the town code, the Planning Board will review the proposed site plan & pass along a recommendation to the Town Board who has final approval authority.

**6. Borrego Large Scale Solar System - 6000 Donner Road**

Mr. Marc Kenward, Greg Gibbons, & Connor LaFonntain were in attendance via video conference representing the applicant.

Mr. Kenward briefed the planning board on a proposed 5MW large scale solar project to be located at 6000 Donner Road. The property is zoned Light Industrial.

The project will encompass ~12.2 acres of the 48.88 acre land parcel. The proposed project currently meets all town codes regarding size, setbacks & lot coverage currently at 24.96% (maximum allowable 25% coverage per town code). Overall site disturbance is estimated to be 8.9 acres. The project requires an annual Special Use Permit issued by the Town Planning Board. In addition, the FAA has been notified of the proposed project & Borrego Solar is awaiting an approval letter from them.

The solar panels maximum height will be 9' & will face south. The construction, if approved, is slated for the summer of 2021 & will take 3-6 months to complete.

On a motion by Dan Vivian & seconded by John Higgins the Planning Board will request to be the Lead Agency for the DEC. All agreed. The Town Engineer will submit the required paperwork for Lead Agency status.

## **7. Public/Press Comments and Questions**

N/A

## **8. Adjourn**

*On a motion by Dave Kantor and seconded by Nick Kwasniak the Meeting was adjourned at 8:37PM. All agreed.*

Respectfully Submitted

John Higgins, Administrative Secretary  
Planning Board, Town of Pendleton

cc: All Members of Planning Board E-Mail  
Mr. Joel Maerten, Town Supervisor E-Mail  
Mr. Claude Jorge Town Attorney E-Mail  
Ms. Deborah Maurer, Town Clerk E-Mail  
Town Assessor E-Mail  
Mr. Jeff Stowell, Highway Superintendent E-Mail  
Sewer and Water E-Mail  
Mr. David Leibler, Councilman E-Mail  
Mr. Jason Evchich, Councilman E-Mail  
Mr. David Fisher, Councilman E-Mail  
Mr. Justin Graham, Councilman-Mail  
Town Prosecutors E-Mail  
Mr. David Britton, GHD Engineering E-Mail  
Superintendent, Star point Schools E-Mail  
Board of Appeals - E-Mail  
Conservation Board - E-Mail  
Building Inspectors - E-Mail  
NYS DEC- E-Mail

NOTE: THE ABOVE PLANNING BOARD MINUTES ARE INFORMATIONAL AND FORMAL APPROVAL ACTION WILL NOT TAKE PLACE UNTIL THE July 21, 2020 PLANNING BOARD MEETING.