

**TOWN OF PENDLETON**  
**PLANNING BOARD MEETING MINUTES**  
**July 21, 2020**

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

**Members Excused:** Anthony Dell'Isola

**Others Present:** Town Engineer Dave Britton

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

2. **Informal Business**

N/A

3. **June 16, 2020 Meeting Minutes**

A motion was made by Dan Vivian & seconded by Dave Naus to approve the Minutes of the June 16, 2020 Planning Board (PB) meeting. All agreed.

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

Mr. Brett Morgan was in attendance representing the applicant.

Mr. Morgan briefed the planning board on the proposed construction of mono-pole 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 project will not encroach on any other adjacent properties/structures.

A motion was made by John Higgins & seconded by Dave Kantor to recommend final approval to the Pendleton Town Board per Town Code (Sec. 247-68.5). All agreed.

#### **5. Borrego Large Scale Solar System - 6000 Donner Road**

Mr. Marc Kenward & Greg Gibbons 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 solar panels maximum height will be 9' & will face south. A glare study was submitted & determined to be minimal. The construction, if approved, is slated for the summer of 2021 & will take 3-6 months to complete.

The project requires an annual Special Use Permit issued by the Town Planning Board. In addition, letters from the FAA & the State Historic Preservation Office (SHPO) has been received by the applicant & will be submitted to the planning board prior to approval.

Lead Agency Designation for the Town of Pendleton Planning Board was requested & approved by the NYSDEC (letter dated July 9, 2020 to Town Supervisor). However, there is an issue with the designation letter regarding agricultural districting. The Town Engineer will contact NYSDEC for clarity.

Finally, photo-simulations of the project were submitted to the planning board from several vantage points. The planning board was concerned with how much landscape "screening" will be required on Donner Rd. The Town Board is being consulted for final determination.

**6. Public/Press Comments and Questions**

N/A

**7. Adjourn**

*On a motion by Dave Kantor and seconded by Nick Kwasniak the Meeting was adjourned at 8:29PM. 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 Leible, 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  
August 18, 2020 PLANNING BOARD MEETING.