

**TOWN OF PENDLETON  
PLANNING BOARD MEETING MINUTES  
March 15, 2022**

**MEMBERS PRESENT:** John Higgins, Dave Naus, Dan Vivian, Michael Zimmerman, Nick Kwasniak, Anthony Dell’Isola

**Members Excused:** Joe McCaffrey

**Others Present:** Town Engineer Dave Britton

1. Meeting called to order by Acting Chairman John Higgins at 7:31PM.

**2. Informal Business**

N/A

**3. February 15, 2022 Meeting Minutes**

A motion was made by Dan Vivian & seconded by Nick Kwasniak to approve the Minutes of the February 15, 2022 Planning Board (PB) meeting. All agreed.

**4. Always Warm Stove & Chimney – Proposed 6000 SF Addition – 6430 Transit Road**

**SEQR:** The Planning Board initiated an extensive review of the Short Environmental Assessment Form. On a motion by Dave Naus & seconded by Nick Kwasniak a Negative Declaration was issued. The Acting Planning Board Chairman was then authorized to sign the SEQR form at that time. All agreed.

**7:40PM Public Hearing**

A Public Hearing was opened for the 6000 SF Warehouse Addition at 6430 Transit Road. Mr. Tim Arlington briefed the 60’ x 100’ wood framed project that would be used for storage. The addition included five overhead doors & ~ 40’ of concrete pavement added to three sides of the new addition (North, East, and South). The property is zoned Medium Commercial (CO-2).

On a motion by Dave Naus & seconded by Nick Kwasniak the Public Hearing was closed at 7:42 PM.

The project meets all Planning Board & Town Code requirements.

On a motion by Nick Kwasniak & seconded by Dave Naus the project was recommended for approval. The measure was passed unanimously by the Planning Board.

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**5. Jacus Eight Lot Major Subdivision – Creekbend Drive**

Mr. Tim Arlinton represented the applicant & briefed the final plat proposal of the Jacus eight-lot Major Subdivision located at the north end of Creekbend Drive.

The proposed subdivision will be on 10.9 acres of land and was granted a variance for a single non-conforming lot (95' vs. required 100' frontage) by the Zoning Board of Appeals (Aug 21). The project's drainage & Stormwater Pollution Prevention Plan have been revised accordingly and were reviewed by the Planning Board, Town Engineer, & Highway/Sewer Departments. The changes should result in more efficient drainage for the entire subdivision. The property is zoned R-2 Residential.

Other inputs from the Planning Board included:

- a. A truck route must be constructed on the Jacus property for fill vehicles. The fill vehicles will not be allowed to travel through the current subdivision.
- b. The \$1,000 per lot Recreation Fee in Lieu of Parkland was approved by the Town Board & is required to be paid in full prior to the issuance of Building Permits.

On a motion by Dan Vivian & seconded by Nick Kwasniak the project was recommended for approval. The project was approved unanimously by the Planning Board with the following conditions:

- a. All requirements of the Niagara County Department of Health approvals for the water and sanitary sewer extensions.
- b. All requirements of the SPDES General Permit must be complied with. The Building Department as the authorized representative, will sign the MS4S SWPPP acceptance form prior to construction.
- c. The deeds for the eight (8) proposed lots must include language acceptable to the Town Attorney acknowledging that there are public (Town) maintenance easements on the property and that the Owner is obligated to comply with any conditions set forth in those easements.
- d. Water, sewer, and storm facilities must be installed under the Town of Pendleton's Public Improvement Permit Program (PIP).

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- e. Prior to PIP approval, the applicant shall prepare and submit a Map and Plan to extend the existing Sanitary Sewer Improvement Area 1 for Town Board approval.
- f. Prior to approval of PIP applications, two (2) final copies of the Storm Water Pollution Plan (SWPPP) must be filed with the Town Building Department.
- g. Prior to approval of PIP applications, three (3) complete sets of final construction drawings, including the Final Plat Map, shall be submitted to the Building Department including. An electronic copy (PDF) shall also be provided.

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

N/A

**7. Adjourn**

On a motion by Dan Vivian and seconded by Mike Zimmerman the Meeting was adjourned at 7:55PM. All agreed.

Respectfully Submitted

John Higgins, Administrative Secretary  
Planning Board, Town of Pendleton

cc: *via email only*  
All Members of Planning Board  
Mr. Joel Maerten, Town Supervisor  
Mr. Claude Joerg, Town Attorney  
Mrs. Deborah Maurer, Town Clerk  
Mr. Thomas Valentine, Town Assessor  
Mr. David Fisher, Highway & Water/Sewer Superintendent  
Mr. David Leible, Councilman  
Mr. Jason Evchich, Councilman  
Mr. Joseph Hickman, Councilman  
Mr. Justin Graham, Councilman  
Mr. Theodore Joerg, Town Prosecutor  
Mr. John Sansone, Town Prosecutor  
Mr. David Britton, GHD Engineering  
Mr. Ronald Diedrich, Building Inspector/Code Enforcement Officer  
Superintendent, Starpoint Schools

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Board of Appeals  
Conservation Advisory Council  
NYS DEC

NOTE: THE ABOVE PLANNING BOARD MINUTES ARE INFORMATIONAL AND FORMAL APPROVAL ACTION WILL NOT TAKE PLACE UNTIL THE APRIL 19, 2022 PLANNING BOARD MEETING.