

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

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

**Members Excused:**

**Others Present:** Town Engineer Dave Britton

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

**2. Informal Business**

N/A

**3. October 18, 2022 Meeting Minutes**

A motion was made by Dan Vivian & seconded by Tony Dell’Isola to approve the Minutes of the October 18, 2022 Planning Board (PB) meeting. All agreed.

**4. COMTEC Proposed Parking Structure – 6310 S. Transit Road**

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

The applicant presented a proposal for a metal, three sided 3840SF structure for parking vehicles. A variance was required/granted for rear setback of 15 ft. (50 ft. required per Town Code) by the ZBA (Oct, 2022). The project meets all Planning Board & Town Code requirements.

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

**5. West Herr Subaru – 6856 Transit Road**

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

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PLANNING BOARD MEETING MINUTES  
November 15, 2022**

The applicant represented by Mr. Rob Pidanick briefed the proposed new West Herr Subaru 27,041 SF dealership.

Items of note for the project:

There are NYS & federal wetlands on the edge of the parcel. A wetland delineation study was completed by Earth Dimensions, Inc. & a permit is required by the NYS DEC.

A traffic analysis was completed and the proposed action does not require a full Traffic Impact Study.

West Herr will install LED lighting and all fixtures will be Dark Sky compliant.

NYS DOT approved a second right turn only exit on Transit Road for the project.

The project does require Niagara County Planning Board review which is scheduled for their Nov meeting.

A Public Hearing will be set once the NYSDEC permit is approved.

**6. Mr. Fulfaro Site Plan Review – 5532 Killian Road**

Mr. Fulfaro was represented by his attorney, Mr. Jeff Palumbo. The proposed site plan calls for the stock piling of aggregate concrete materials, 15 ft. berms for noise/dust mitigation, & a parking lot for storing vehicles/boats on the property. The Planning Board/Town Engineer reviewed the revisions to the engineered drawings, SWPPP, & the EAF (SEQR) to the propose site plan & all were accepted.

The Planning Board stipulated that the dust must be mitigated during the loading & unloading process by a water suppression system.

A Public Hearing will be set for Dec 20 meeting.

In addition, the Planning Board will consider a recommendation for a proposed stone crushing operation on the site. The stone crushing operations requires a Special Use Permit that is approved annually by the Town Board.

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

N/A

**8. Adjourn**

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PLANNING BOARD MEETING MINUTES  
November 15, 2022**

On a motion by Mike Zimmerman and seconded by Dave Naus the Meeting was adjourned at 8:52PM. 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. Joseph Hickman, Councilman  
Mr. Scott Lombardo, Councilman  
Mr. Theodore Joerg, Town Prosecutor  
Mr. John Sansone, Town Prosecutor  
Mr. David Britton, Town Engineer  
Mr. Ronald Diedrich, Building Inspector/Code Enforcement Officer  
Superintendent, Starpoint Schools  
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 DECEMBER 20, 2022 PLANNING BOARD MEETING.