

**TOWN OF PENDLETON  
PLANNING BOARD MEETING MINUTES  
December 20, 2022**

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

**Members Excused:** Joe McCaffrey

**Others Present:** Town Engineer Dave Britton

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

2. **Informal Business**

N/A

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

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

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

Planning Board member Anthony Dell’Isola recused himself from any vote on the proposed SEQR & site plan review.

**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 for the site plan only. The Special Use Permit for stone crushing requires a separate SEQR. The Planning Board Chairman was then authorized to sign the Site Plan SEQR form only at that time. All agreed.

**7:40 Public Hearing**

A public Hearing was opened for the proposed site plan.

Fulfaro was represented by his attorney, Mr. Jeff Palumbo. The proposed site plan calls for the stock piling of aggregate concrete/asphalt 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 overall operation is a green operation that reuses discarded concrete/asphalt. The proposed concrete crushing operation requires an annual Special Use Permit that requires Town Board approval & was not addressed at this meeting.

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The property is zoned Light Industrial.

Multiple residents voiced their concerns during the public comment portion of the Public Hearing. The paraphrased comments are as follow:

- a. Most residents were concerned with silica dust while loading/unloading & repositioning of the materials. The applicant is required to have a dust suppression system (water) during operations. In addition, the installation of 15' berms will further reduce the dust.
- b. It was advised that the Town Lawyer review the stone crushing operation for feasibility.
- c. A resident was concerned with trucks transiting the neighborhood. The applicant stated that his trucks will only transit the neighborhood when working in the area.

On a motion by Dan Vivian & seconded by Nick Kwasniak the Public Hearing was closed at 8:15PM.

On a motion by Nick Kwasniak & seconded by Dave Naus the project was conditionally approval stipulating that the dust must be mitigated during the loading/unloading & repositioning of the material by a water suppression system. The measure was passed unanimously by the Planning Board.

In addition, the Planning Board tabled their recommendation vote for a Special Use Permit for the proposed stone crushing operation until a SEQR for that operation & additional performance data for is provided by the applicant. The Special Use Permit is approved annually by the Town Board.

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

N/A

**8. Adjourn**

On a motion by Nick Kwasniak and seconded by Dan Vivian the Meeting was adjourned at 8:30PM. All agreed.

Respectfully Submitted

John Higgins, Administrative Secretary  
Planning Board, Town of Pendleton

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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 JANUARY 17, 2023 PLANNING BOARD MEETING.