

**TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
REVISED
January 17, 2022**

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

Members Excused:

Others Present: N/A

1. Meeting called to order by the Chairman at 7:32 PM.

2. Informal Business

N/A

3. December 20, 2022 Meeting Minutes

A motion was made by Dan Vivian & seconded by Nick Kwasniak to approve the Revised Minutes of the December 20, 2022 Planning Board (PB) meeting. All agreed.

4. West Herr Subaru – 6856 Transit Road

SEQR: A negative declaration was declared at the November 15, 2022 Planning Board meeting.

7:40 Public Hearing

A Public Hearing was opened for the proposed site plan.

West Herr was represented by Mr. Robert Pidanick of Nussbaumer & Clarke. Mr. Pidanick briefed the proposed 27,041SF Subaru Dealership project.

Mr. Pidanick answered several questions from the Planning Board & the Public regarding the Site Plan to include the drainage plan.

The property is zoned Medium Commercial.

On a motion by Dave Naus & seconded by Nick Kwasniak the Public Hearing was closed at 7:50PM.

Items of note for the project:

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There are NYS & federal wetlands on the edge of the parcel. NYS DEC is reviewing the project & a permit, if required, must be submitted to the Planning Board.

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 Niagara County Planning Board approved the project in their Nov 2022 meeting.

The project meets all NYS & Pendleton Town Codes.

The site plan drawing must be revised to reflect the new boundary on the proposed lot. In addition, the deed with the revised boundaries must be recorded with the Niagara County Clerk's office and a copy provided to the Town Planning Board as a condition of approval by the Planning Board.

The Planning Board will table their site plan approval vote until pending NYS DEC permit & parcel ownership issues are clarified.

5. Mr. Fulfaro Special Use Permit – 5532 Killian Road

The vote on the Special Use Permit for stone crushing is on hold until Planning Board receives a separate SEQR for the stone crushing operation along with performance data for the crushing machine. Mr. Fulfaro's lawyer has been notified by email of these requirements.

6. Public/Press Comments and Questions

N/A

7. Adjourn

On a motion by Nick Kwasniak and seconded by Dan Vivian the Meeting was adjourned at 8:45PM. All agreed.

Respectfully Submitted

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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. Wolfgang Buechler, 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 FEBRUARY 14, 2023 PLANNING BOARD MEETING.