

TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
June 16, 2026

MEMBERS PRESENT: John Higgins, Dan Vivian, Anthony Dell’Isola, Nick Kwasniak, Ron Diedrich, Dave Naus, Mike Zimmerman

Members Excused:

Others Present: Dave Britton Town Engineer, Theodore Joerg Town Attorney

1. Meeting called to order by the Chairman at 7:00PM.

2. **Informal Business**

N/A

3. **May 19, 2026 Meeting Minutes**

A motion was made by Nick Kwasniak & seconded by Dave Naus to approve the Minutes of the May 19, 2026 Planning Board (PB) meeting. All agreed.

4. **Regency Builders – Rezoning Request– Killian & Townline Roads**

The proposed project would rezone all but the easternmost portion (11.5 acres of wetlands) of the lot to R-2 Residential. The lot is currently zoned R-2 Residential & Light Industrial for the proposed ~100 home major subdivision.

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

Note. The Planning Board approved a positive recommendation to the Town Board for rezoning by a 5 to 2 vote at the May 19th meeting on the condition that the SEQR was submitted & reviewed by the Planning Board.

5. **Nexamp Battery Energy Storage System (BESS) – 6000 Donner Road**

SEQR: The Planning Board initiated an extensive review of the Long Environmental

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Assessment Form. On a motion by Mike Zimmerman & seconded by Dan Vivian a Negative Declaration was issued. All agreed. The Planning Board Chairman was then authorized to sign the SEQR form at that time.

7:10PM Public Hearing

A public Hearing was opened for the proposed project.

Nexamp representatives briefed the 5MW battery storage proposal. The project will disturb 0.89 acres on the ~ 50 acre lot. The three battery storage buildings will have a 10' fence around the perimeter along with a service road.

There were no public comments.

On a motion by Dan Vivian & seconded by Nick Kwasniak the Public Hearing was closed at 7:18PM.

The property is zoned Light Industrial.

The project requires a decommissioning bond approved by the town board and town attorney for the removal of the battery system.

In addition, the Fire Department requires initial & annual training along with specialized equipment fund by the applicant. In addition, a Knox Box must be installed on the entry gate. Finally, a shared use agreement with solar panel entity & Donner Road transportation plan are required.

The project meets all other town codes

On a motion by Dan Vivian & seconded by Dave Naus the site plan for the project was recommended for conditional approval for the decommissioning bond, Fire Department training/equipment requirements, Knox Box, shared use agreement, & Donner Road plan.

The measure was passed unanimously by the Planning Board.

Finally, the project requires a Special Use Permit granted by the Town Board after a recommendation by the Planning Board.

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On a motion by Dave Naus & seconded by Mike Zimmerman the Planning Board recommended the approval of the Special Use permit. All agreed.

6. Mr. Nikolay Blyashuk – 6132 Bear Ridge Road – Pond Proposal

The applicant briefed a proposed a 13,500SF pond on the 2.5 acre lot. Several variances were submitted & approved by the ZBA for side setback (50' vs. 100' required by code) & a size variance because the pond exceeds the maximum allowable 10% of the property by code by 2.6%.

The pond requires signage & a graded bank.

The applicant was not present at the meeting. The project is on hold until he attends a planning board meeting.

7. Public/Press Comments and Questions

N/A

8. Adjourn

On a motion by Mike Zimmerman and seconded by Ron Diedrich the meeting was adjourned at 7:54PM. All agreed.

Respectfully Submitted

John Higgins, Planning Board Chair
Town of Pendleton

cc: *via email only*
All Members of Planning Board
Mr. Joel Maerten, Town Supervisor
Mr. Claude Joerg, Town Attorney
Mrs. Noreen Lemma, Town Clerk
Mr. Miranda Freiert, Assessor
Mr. David Fisher, Highway & Water/Sewer Superintendent
Mr. Dylan Rumbold, Councilman

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Mr. David Kantor, Councilman
Mr. Tim Lukasik, Councilman
Mr. Wolfgang Buechler, Councilman
Mr. Theodore Joerg, Town Prosecutor
Mr. John Sansone, Town Prosecutor
Mr. David Britton, Town Engineer
Mr. Troy Barnes, Building Inspector
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 JULY 21, 2026 PLANNING BOARD MEETING.