

TOWN OF PENDLETON
PLANNING BOARD MEETING MINUTES
September 15, 2026

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

Members Excused: Mike Zimmerman

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. **August 18, 2026 Meeting Minutes**

A motion was made by Nick Kwasniak & seconded by Tony Dell’Isola to approve the Minutes of the August 18, 2026 Planning Board (PB) meeting. All agreed.

4. **Nexamp Special Use Permit Annual Renewal – 6000 Donner Rd**

The board was updated on the solar panel site. There were no changes to current site from last year.

On a motion by Ron Diedrich & seconded by Dave Naus the Special Use Permit was recommended to the Town Board for the annual approval. All agreed.

5. **Mr. Librock Pond – 5249 Tonawanda Creek Road**

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

7:05PM Public Hearing

A Public Hearing was opened for the proposed pond.

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The applicant briefed the 0.35 acre pond. The pond must “benched” & post signs per town code.

The property is zoned R-1 Residential.

On a motion by Tony Dell’Isola & seconded by Nick Kwasniak the Public Hearing was closed at 7:06PM.

The project meets all other Town Code requirements.

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

6. 6060 Dunnigan Enterprises, LLC – Site Plan Review – SBL 151.00-2-27.22

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

7:15PM Public Hearing

A Public Hearing was opened for the proposed project.

The applicant briefed the proposed site plan which includes four new buildings for his & wife’s businesses. The buildings will be 13,460SF, 10,460SF, & two 7,200SF. The project also includes parking lots around each building & includes utilities & stormwater management features. The two 7,200SF building will be phased in at a later time.

The property is zoned Light Industrial.

On a motion by Dave Naus & seconded by Tony Dell’Isola the Public Hearing was closed at 7:16PM.

The project meets all other Town Code requirements.

On a motion by Tony Dell’Isola & seconded by Ron Diedrich the project was recommended for conditional approval. The applicant must incorporate the Town Engineer’s revisions for storm water & sewer. The measure was passed unanimously by the Planning Board.

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7. T & J Canty Building Addition – 6100 Donner Road

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

7:25PM Public Hearing

A Public Hearing was opened for the proposed site plan addition.

The applicant briefed the proposed 38,000SF addition along with a new driveway & parking area. The project will add jobs to the local community & increase the company’s global presence.

The property is zoned Light Industrial.

On a motion by Tony Dell’Isola & seconded by Nick Kwasniak the Public Hearing was closed at 7:26PM.

The project meets all Town Code requirements.

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

8. Nexamp Battery Energy Storage System (BESS) – Robinson Road

The Planning Board reviewed the project for a 4MW battery storage. The following issues are pending:

- a. Federal wetland permit
- b. Niagara County Planning Board Approval
- c. FEMA base flood elevation
- d. Coordinated review of the SEQR
- e. Fire Department Review

Once these issues are mitigated the project will be considered for approval.

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9. Public/Press Comments and Questions

N/A

10. Adjourn

On a motion by Tony Dell’Isola and seconded by Ron Diedrich the meeting was adjourned at 8:09PM. 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 Freiart, Assessor
Mr. David Fisher, Highway & Water/Sewer Superintendent
Mr. Dylan Rumbold, Councilman
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 OCTOBER 20, 2026 PLANNING BOARD MEETING.