PENDLETON TOWN BOARD
REGULAR MEETING and PUBLIC HEARING
August 10, 2026

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on July 30, 2026 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 6:57 p.m.

The purpose of the hearing is to allow public input on a request to rezone a property on Killian Road (SBL 164.00-3-23.1) from the current mixed zoning. The proposed change includes this property (SBL 164.00-3-23.1) being rezoned from Light Industrial (LI) and Residential (R-2) to Residential (R-2) in its entirety.

Supervisor Maerten opened up the floor to public comments.

Resident Jim B. expressed concerns regarding the potential development, specifically relating to flooding, increased traffic, and the capacity of the local school district to accommodate additional students.

Resident Tim C., one of the owners of Pendleton Pub Creek, spoke in favor of bringing additional homes, residents, and businesses into Pendleton.

Resident Charles J. expressed concerns regarding flooding, sewage pumping, the ability of the schools to accommodate additional students, and increased traffic.

Resident Elliot L., a partner with Regency, spoke in support of the proposed rezoning. He discussed the potential development and stated that, based on the preliminary plans, it should not negatively impact surrounding properties. He noted that single-family residential development would be an appropriate use of the property. He also stated that engineers are being consulted regarding drainage and that the project remains in the early planning stages. He noted that the property is one of the few remaining parcels in the area that is not located within wetlands and that the development is being designed with those considerations in mind.

Resident Roy, one of the property owners, spoke about the decision to sell the property. He stated that he and his brother are retiring and that continuing to farm the property is no longer feasible. He believes selling the property for residential development is the best option.

Anthony Mayo of Regency Builders spoke about the work Regency Builders has completed in Pendleton and throughout the area. He stated that the company values the community and works closely with engineers and the Town to ensure that developments are properly planned. He also discussed the potential economic benefits of new development and the importance of making a quality investment in the Town.

A resident of Killian Road expressed concerns regarding drainage and questioned where the additional water from the development would go. The resident also expressed concerns about increased traffic.

Resident Bob Mayo, owner of Regency Builders, emphasized that the project is still in the early stages of planning. He stated that all aspects of the proposed development will need to be properly engineered before approval and will be required to comply with all applicable Town codes and regulations. He also noted that new homes could bring additional business to local businesses and expressed his desire to create a quality development that would be an asset to the Town.

A resident of Townline Road expressed concerns regarding traffic on Townline Road, describing it as dangerous. The resident also discussed flooding and stated that crops have been lost due to flooding. Concerns were raised regarding where additional stormwater would be directed and the impact flooding may have on local farmers.

A resident expressed concerns regarding the pumping of sewage onto lawns and crops, as well as the resulting odor. The resident stated that a comprehensive plan is needed to address these concerns.

Robert of Regency also addressed concerns regarding flooding and drainage plans, stating that the developers are working on plans to address these issues.

A resident also requested clarification regarding zoning R-1 or R-2.

Motion made by Councilman Rumbold, seconded by Councilman Buechler, to close the Public Hearing at 7:21 p.m. Motion carried.

REGULAR MEETING

A Regular Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 10th day of August, 2026, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:22 p.m.

Supervisor Maerten led the invocation and the Pledge of Allegiance.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Kantor	Present
Councilman Lukasik	Present
Councilman Rumbold	Present

Also present:

Noreen Lemma - Town Clerk
Claude Joerg - Town Attorney
David Britton - Town Engineer
Miranda Freiert - Assessor
Troy Barnes - Building Inspector/Code Enforcement Officer
Dave Fischer - Highway/Water & Sewer Superintendent
Patrick Covell - Recreation Director
Tom Maturski – Budget Director
Mark Walter – Deputy Supervisor

There were 22 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No changes were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no additional comments from the public.

ROUTINE BUSINESS

RESOLUTION 162-26
MEETING MINUTES – July 13, 2026
Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of August 2026, that the meeting minutes from the Regular Meeting, held on July 13, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 163-26
MEETING MINUTES – July 20, 2026
Motion by Councilman Rumbold, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of August 2026, that the meeting minutes from the Special Meeting, held on July 20, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 164-26
MEETING MINUTES – July 30, 2026
Motion by Councilman Buechler, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of August 2026, that the meeting minutes from the Special Meeting, held on July 30, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 165.26
ABSTRACT #15
Motion by Councilman Buechler, seconded by Councilman Hickman, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of August 2026, to authorize payment of Abstract #15, Vouchers #26-00769 to #26-00816, to be paid on August 12, 2026, as follows:

General Fund	$	26,632.70
Highway	$	2,924.09
Capital Fund	$	136,830.97
Sewer	$	18,891.92
Water	$	3,457.72
Total	$	188,737.40

RESOLUTION 166-26
ABSTRACT #16
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of August 2026, to authorize payment of Voucher Abstract #16, Vouchers #26-00817 to #26-00870, to be paid on September 10, 2026, as follows:

General Fund	$	45,448.02
Highway	$	30,841.75
Refuse		56,346.87
Sewer	$	12,163.85
Water	$	5,994.35
Total	$	150,794.84

OTHER REPORTS

Supervisor Maerten reported that the tax collected for June 2026 was $302,997.49. This is an increase of $44,998.39 when compared with June 2025. The year to date received is $1,379,967.89 which an increase of $113,776.06 from 2025.

Supervisor Maerten spoke about the 250th Anniversary painting, along with Jim Sobczyk. The painting features Pendleton's own Gertrude Warren, a founding member of the 4-H group in Pendleton, NY. Gertrude was born and raised on Meyer Road and is buried on Beach Ridge Road in Pendleton. She was known as the Mother of 4-H.

Councilman Buechler discussed the Ethics Board and its newest member. He also reviewed the Town's ethics policy and will be arranging for it to be posted in the appropriate municipal buildings. Councilman Buechler also fielded multiple calls from parents regarding the BBS organization.

Councilman Kantor had nothing to report.

Councilman Lukasik discussed how our roofer is on strike, and is looking for another to repair a leak in the Town Hall.

Councilman Rumbold worked with Councilman Buechler and Town Clerk Lemma on the website, adding the Ethics Board and its members with their contact information. Also addressed the sound concerns in the Community Center.

Attorney Joerg had nothing to report

Engineer Britton Asked the Board about colors for the wind screens. Talked about locating all the hydrants and valves, and will be posted on the website soon. This will be helpful for the Fire Department and Highway Department.

Budget Officer Maturski talked about the budget and how he met with all the Department heads, and wants to have a tentative budget at the September 14th meeting.

DEPARTMENT HEADS

Town Clerk Lemma reported that monthly reports were received from the Assessor & Building Inspector/Code Enforcement Officer. These reports, along with the monthly reports for the Town Clerk and Water/Sewer collections, were posted online with the agenda documents.

Highway and Water/Sewer Superintendent Fischer said they worked with PABA and restriped the fields for them to practice for football. Took care of the drainage near Shelter #1.

Assessor Freiert had nothing to report

Building Inspector Barnes had nothing to report

Recreation Director Covell reported Summer Recreation was very successful, and looking forward to next year, as the Starpoint pool will be worked on in 2028.

NEW BUSINESS

RESOLUTION 167-26
APPROVING TRANSFER OF OWNERSHIP AGREEMENT

Motion by Councilman Maerten, seconded by Councilman Buechler, to approve the Transfer of Property – Transfer of Ownership Agreement between the Town of Pendleton and the New York State Canal Corporation, as presented.

ADOPTED:	Ayes 1	Maerten
	Nays 4	Buechler, Kantor, Lukasik, Rumbold
	Absent 0	

MOTION FAILED.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pendleton, at its meeting held on August 10, 2026, did not approve the Transfer of Property – Transfer of Ownership Agreement between the Town of Pendleton and the New York State Canal Corporation, as presented.

No further action was taken pursuant to the proposed resolution.

RESOLUTION 168-26
APPROVING REQUEST FOR PROPERTY REZONING

Motion by Councilman Rumbold, seconded by Councilman Kantor, the following resolution was

ADOPTED:	Ayes 0	
	Nays 5	Maerten, Buechler, Kantor, Lukasik, Rumbold
	Absent 0	

MOTION FAILED.

WHEREAS, property located at 7205 Killian Road (SBL 164.00-3-23.1) is currently split-zoned Residential (R-2) and Light Industrial (LI); and

WHEREAS, an Application for Rezoning of Property was submitted by the current owner or owner's representative requesting that the property be rezoned to Residential (R-2) in its entirety for the stated purpose of residential development; and

WHEREAS, the Planning Board, at its May 19, 2026 meeting, was briefed on the proposed project, which includes an approximately 100-home development; and

WHEREAS, the Planning Board voted five (5) to two (2) in support of the proposed rezoning and recorded its recommendation in the minutes of the May 19, 2026 meeting; and

WHEREAS, the meeting minutes of May 19, 2026 identified the following issues of concern related to the proposed rezoning:

A. The entire lot is located within a flood plain.
B. The lot is located within an Agricultural District.
C. A NYSEG easement runs through the property.
D. The Town has a limited number of Light Industrial-zoned lots; and

WHEREAS, the appropriate State Environmental Quality Review (SEQR) documents were submitted in connection with the proposed project; and

WHEREAS, a public hearing was scheduled for August 10, 2026, at 6:55 p.m., by resolution of the Town Board at its July 13, 2026 monthly meeting; and

WHEREAS, the public hearing was held on August 10, 2026, at 6:55 p.m., and the Town Board received public comments regarding the proposed rezoning; and

WHEREAS, the Town Board has considered the rezoning request, the Planning Board recommendation, the information presented, and the public comments received; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pendleton, at its meeting held on August 10, 2026, hereby **DENIES** the request to rezone the property located at 7205 Killian Road (SBL 164.00-3-23.1) from its current Light Industrial (LI) and Residential (R-2) zoning to Residential (R-2) in its entirety.

BE IT FURTHER RESOLVED, that the requested rezoning is hereby denied and the existing zoning classification of the property shall remain in effect. This resolution shall take effect immediately.

RESOLUTION 169-26
AUTHORIZING ADVERTISEMENT OF POSITION

Motion by Councilman Rumbold, seconded by Councilman Kantor, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of August 2026 that the Town Clerk is authorized to advertise the posting for the position of Assessor's Information Clerk.

This resolution shall take effect immediately.

RESOLUTION 170-26
SCHEDULING PUBLIC HEARING FOR REZONING REQUEST

Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

WHEREAS, property located on South Transit Road (SBL 151.00-2-20.1) is currently zoned Medium Commercial and Residential (R-1); and

WHEREAS, an Application for Rezoning of Property has been submitted by the current owner or owner's representative requesting the property be rezoned to Medium Commercial in its entirety for a stated purpose consistent with such zoning; and

WHEREAS, the Planning Board, at the July 21, 2026 meeting, did vote to approve a Negative Declaration upon review of the State Environmental Quality Review (SEQR) documents submitted for this proposed project; and

WHEREAS, the Planning Board, at the July 21, 2026 meeting, did vote to approve a recommendation to the Town Board for final approval of the proposed rezoning; and

WHEREAS, the Town Board is obligated to consider this request for rezoning; and

WHEREAS, a public hearing shall be scheduled to consider this request for rezoning prior to Town Board consideration.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of August 2026 that a public hearing is scheduled for September 14, 2026 at 6:55 pm for the requested rezoning of a property on South Transit Road (SBL 151.00-2-20.1) from a mixed zoning of Medium Commercial and Residential (R-1) to Medium Commercial in its entirety. This resolution shall take effect immediately.

RESOLUTION 171-26
REQUEST EVALUATION OF SPEED LIMIT

Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

WHEREAS, Good Shepherd Roman Catholic Church ("Good Shepherd") owns property at or adjacent to 5442 Tonawanda Creek Road in the Town of Pendleton; and

WHEREAS, Orleans Niagara BOCES operates an educational program within a facility owned by Good Shepherd at the identified location; and

WHEREAS, a request to establish a school zone at this location has been conveyed to the Town of Pendleton; and

WHEREAS, N.Y.S. Comprehensive Codes, Rules, & Regulations indicates that a request is necessary from the facility and the jurisdiction responsible for the highway, providing written documentation of their support for a school speed limit; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of August 2026 that the Supervisor is authorized to send a request to Niagara County Public Works and New York State Department of Transportation stating support for establishment of a school zone in the vicinity of Good Shepherd on Tonawanda Creek Road. This resolution shall take effect immediately.

RESOLUTION 172-26
AUTHORIZING REQUEST TO NIAGARA COUNTY
Motion by Councilman Lukasik, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of August 2026 that the Supervisor is authorized to send a request to Niagara County Public Works to place signage in the vicinity of Wendelville Fire Company, Inc. Hall #3, located on East Canal Road, indicating no parking in front of the fire hall driveway. This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

PABA member did thank the Highway Department on doing the lines for usage. He also thanked Monica Wall and how well Summer Recreation was this year.
A member of Regency questioned the denial on rezoning.
Resident Sandy M. wanted to let the Board know how nice this meeting was because of the configuration and being able to hear them better.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: Monday August 24, 2026.
- Public Hearing: Scheduled for Monday September 14, 2026, beginning at 6:55p.m.
- Town Board Regular Meeting: Scheduled for Monday, September 14, 2026, at 7:00 pm.

Motion by Councilman Rumbold, seconded by Councilman Kantor, to adjourn from the Regular Meeting at 7:51 p.m. Motion carried.

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Noreen E. Lemma, Town Clerk