

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
February 23, 2016 Meeting

Members:

Wolfgang Buechler, Chairman
Lee Daigler
James Schlemmer
James G. Meholick, Secretary
Dennis Welka

The ZBA open regular meeting was called to order by Mr. Wolfgang Buechler at 7:00 PM. All ZBA members, and The Town Prosecutor, Mr. Ned Perlman, were present at the meeting. No changes to the ZBA agenda submitted by Wolfgang Buechler were made.

PUBLIC HEARINGS:

Colleen Jacobs
6173 Townline Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct an addition to the front of the house at a front yard setback of 65.65 ft. where the minimum allowed is 75 ft. per town code. The front yard setback variance request would be 10 ft. as per Code Section 247-10.D.(1). The size of the property is approximately 1.62 acres and is R-1 low density residential zoning.

Ms. Jacobs presented the Town of Pendleton Building Inspector's denial, and a site survey sketch of the property that illustrated the proposed location of the 16 ft. x 38 ft. addition to the house. She indicated that they were looking for more space and were unable to expand the house to the rear due to an existing septic system, and on either side of the house they would not be able to meet the side yard setback requirements of the town. The addition would reuse some of the siding & brick from the front of the house, and they had intended to maintain the roof line of the front of the house.

Mr. Daigler indicated that the front yard setbacks for the homes across the street in Wheatfield were at a 40 ft. setback. It was felt that the character of the neighborhood would not be changed with the 65 ft. setback.

Mr. Michael Majewski, who lives on 6165 Townline Road, was present at the public hearing and supports the variance request.

All ZBA members stated that they had driven by or visited the property.

The formal public hearing was closed at approximately 7:10 PM.

**Salvatore Cantanese (Continuation of December 2015 Public Hearing)
SBL No. 150.01-1-19.1
Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a new self-storage facility that would contain several small storage units where the use is not permitted by right. The variance request would be to construct the storage facility consisting of many small building as per Code Section 247-12. The size of the property is approximately 5.4 acres and is CO-1 light commercial zoning.

Mr. Buechler indicated to the ZBA members that he had not received any further correspondence regarding the initial variance request, and no further action was taken. Mr. Ned Perlman suggested that the ZBA members give Mr. Cantanese one more month before closing the public hearing, and that Mr. Buechler write a letter to Mr. Cantanese stating that plan.

REGULAR ZBA MEETING:

New Inquiries to ZBA:

Ms. Carrie Marciniak of 6743 Aiken Road was present at the meeting. At the May 2014 meeting a variance was granted to construct a 720 sq. ft. accessory structure on their property with a one year time limit to complete the proposed project, and conditional that the existing accessory structure was to be torn down. Ms. Marciniak indicated to the ZBA that they had not moved forward with the project due to the uncertainty of where the compressor station might be built. Mr. Perlman and the ZBA members felt that since the original variance was granted over a year and a half ago she needed to apply for a new public hearing.

Review Minutes from Prior Meeting:

A motion was made by Dennis Welka to accept the minutes of the January 26, 2016 meeting and was seconded by Jim Schlemmer. All voted in favor.

Specific Board Deliberation Actions:

**Colleen Jacobs
6173 Townline Road
Pendleton, New York**

The ZBA board reviewed the Area Variance tests, and commented as follows:

- a. Will the granting of the variance result in an undesirable change to the character of the neighborhood or will it be detrimental to nearby properties?

The board members felt that the granting of the variance would not have an undesirable change to the neighborhood and nearby properties as the home addition would be at a front yard setback consistent with many homes in the area.

- b. Are there alternative solutions that would not require a variance?

It was agreed that there was no alternative solution as building the addition on the side of the house would impact the town side yard setback requirements, and they couldn't build in the back of the house due to a septic system.

- c. Is the requested variance substantial?

It was agreed that the requested size was not substantial as it was approximately 15% closer than the town code allowed.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

It was agreed that the variance would not have an adverse effect on the physical or environmental conditions in the neighborhood.

- e. Is the applicant's difficulty self-created?

It was agreed that the applicant's difficulty was self-created.

A motion was made by Mr. Daigler to grant the front yard setback variance as detailed in the request, and to impose a one year time limit on completion of the proposed project. The motion was seconded by Mr. Welka. All voted in favor.

Correspondence:

1. A letter was received by all of the ZBA members from Ms. Nora Webb of 4352 Beach Ridge Road regarding the Victor Demjanenko public hearing on January 2016.

Special Topics:

1. Mr. Buechler indicated to the ZBA members that he had written an email to Amy Fisk of the Niagara County Planning Board regarding the referral requirements and to date had not received a response.

Miscellaneous ZBA Topics:

1. Next ZBA meeting is scheduled for Tuesday, March 22, 2016, at 7:00PM.

A motion was made by Jim Schlemmer to adjourn the meeting at 7:45 PM, and seconded by Dennis Welka.

Submitted by:

James G. Meholick
Secretary

Attachments: Available in the Town Clerk's Office
Town of Pendleton Zoning Board of Appeals Sign-In Sheet
Public Hearing Mailing List for Ms. Colleen Jacobs
Town of Pendleton Denial of Building Application for Ms. Colleen Jacobs
Town of Pendleton Public Hearing Request for Ms. Colleen Jacobs
Town of Pendleton Notice of Public Hearing for Ms. Colleen Jacobs
Sketch of Proposed Structure on Property for Ms. Colleen Jacobs
Letter from Ms. Nora Webb for Mr. Victor Demjanenko