

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS**  
**June 25, 2014 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 7:05 PM. ZBA members Mr. Buechler, Mr. Daigler, Mr. Welka, and Mr. Meholick; 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:**

**James Adams**  
**4908 Devonshire Lane**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a new accessory structure at a front yard setback of 87 ft. where 150 ft. minimum is allowed, and a side yard setback of 10.17 ft. where 15 ft. minimum is allowed per town code. The front yard setback variance request would be 63 ft. as per Code Section 247-34.F.(2)(a), and the side yard setback variance request would be 4.83 ft. as per Code Section 247-34.F.(2)(b). The size of the property is approximately 0.65 acres and is R-2 medium density residential zoning.

Mr. Adams stated that he wished to construct a new 20 ft. width x 24 ft. deep accessory structure with a 4 ft. x 8 ft. breezeway on the right side of his home for storage of his car as the Use Restrictions don't allow for accessory structures behind their home. He currently has a side entering 2-car garage attached to his home that was very tight for two cars. Mr. Adams presented the site survey of the property illustrating where he proposed to build the accessory structure along with a sketch of the structure and photographs of his home & the property. He indicated that his preference was to locate the accessory structure on the right side of his house at the end of the driveway as he wanted to use his garage driveway to access the new accessory structure. Mr. Meholick asked if the property to the right of his house was a saleable lot, and Mr. Adams confirmed that it was.

Mr. Adams also presented a letter that he submitted to the Meadows at Pendleton Building Use & Restriction Committee requesting approval for the addition of the accessory structure to his house, the approval letter from the committee, and a copy of the Building & Use Restrictions for the development.

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

The formal public hearing was adjourned at approximately 7:27 PM.

**Christian Wojciechowski**  
**6715 Macintosh Lane**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a new accessory structure at a front yard setback of 111 ft. where 150 ft. minimum is allowed per town code. The front yard setback variance request would be 39 ft. as per Code Section 247-34.F.(2)(a). The size of the property is approximately 0.77 acres and is R-1 low density residential zoning.

Mr. Wojciechowski indicated that he wanted to construct the 25 ft. x 24 ft. accessory structure with the garage door facing the street to maintain his view of the pond in the back of his property and for storage. Mr. Wojciechowski also presented the site survey of the property illustrating where he proposed to build the accessory structure along with the structural details of the proposed building.

Mr. Wojciechowski neighbors, Anthony & Kim Palumbo, were present at the meeting and expressed that they were against the building being closer to the street than town code allowed as it would block their views of the pond.

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

The formal public hearing was adjourned at approximately 7:43 PM.

**Daniel & Craig D'Angelo**  
**4214 Beach Ridge Road**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to sub-divide a property leaving a 2,750 square foot accessory structure on a lot where 1,200 sq. ft. maximum is allowed per town code. The area variance request would be 1,550 sq. ft. as per Code Section 247-34.E.(2). The size of the property is approximately 2.4 acres and is R-1 low density residential zoning.

The D'Angelo's indicated that wished to sub-divide 31 acres of property for a development, and break off a 2.4 acre parcel having an existing house with a 2,750 sq. ft. accessory structure.

Ms. Louise VanWart, a neighbor whose house would be directly across from the access road into the development was concerned about headlights from cars shining into her home, but was okay with the a smaller property with the house & barn.

Mr. Dan Gregoretti, a neighbor to the left of the property had no comments related to the accessory structure.

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

The formal public hearing was adjourned at approximately 7:57 PM.

**REGULAR ZBA MEETING:**

*New Inquiries to ZBA:*

**Nancy McNamara  
4749 Mapleton Road  
Pendleton, New York**

Ms. McNamara has inquired about constructing a new 30 ft. x 40 ft. (1,200 sq. ft.) accessory structure with a 5 ft. side yard setback where 15 ft. minimum is allowed per town code. The property also includes a 12 ft. x 14 ft. (168 sq. ft.) accessory structure, for a total area of 1,368 sq. ft. with the new structure where the maximum allowed is 600 sq. ft. per town code. The side yard setback variance request would be 10 ft. as per Code Section 247-11.A.(5) to 274-34.F.(2)(6). The area variance request would be 768 sq. ft. as per Code Section 247-11.A(5) to 247-34.E.(1). The size of the property is approximately 100 ft. x 333 ft. (0.76 acres) and is R-2 medium density residential zoning.

Mr. Meholick filled out an application for a public hearing, and Mr. Buechler instructed Ms. McNamara on how to file the application with the town clerk.

**Ken Morton  
4163 Beach Ridge Road  
Pendleton, New York**

Mr. Ken Morton has inquired about a variance for a lot width of 106 ft. where a 125 ft. minimum lot width is allowed per town code. The lot width variance request would be 19 ft. as per Code Section 247-10.(C)(1). The size of the property is approximately 106 ft. x 552 ft. (1.34 acres) and is R-1 low density residential zoning.

Mr. Meholick filled out an application for a public hearing, and Mr. Buechler instructed Mr. Morton on how to file the application with the town clerk.

**John Griesmer  
7203 Creekbend Drive  
Pendleton, New York**

Mr. John Griesmer has inquired about constructing an accessory structure at a front yard setback of 106 ft. where 150 ft. minimum is allowed per town code. The front yard setback variance request would be 44 ft. as per Code Section 247-11.A.(5) to 247-34.F(2)(a). The size of the property is 100 ft. x 250 ft. (0.57 acres) and is R-2 medium density residential zoning.

Mr. Meholick filled out an application for a public hearing, and Mr. Buechler instructed Mr. Griesmer on how to file the application with the town clerk.

**Tony Moscato**  
**7192 Creekbend Drive**  
**Pendleton, New York**

Mr. Tony Moscato has inquired about constructing an addition to his house with a side yard setback of 5 ft. where 15 ft. minimum is allowed per town code. The side yard setback variance request would be 10 ft. as per Code Section 247-11.E. The size of the property is 0.67 acres and is R-2 medium density residential zoning.

Mr. Meholick filled out an application for a public hearing, and Mr. Buechler instructed Mr. Moscato on how to file the application with the town clerk.

***Review Minutes from Prior Meeting:***

A motion was made by Lee Daigler to accept the minutes of the May 27, 2014 meeting and was seconded by Jim Meholick. All voted in favor.

***Specific Board Deliberation Actions:***

**James Adams**  
**4908 Devonshire Lane**  
**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 have an undesirable change to the neighborhood and nearby properties.

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

It was agreed that alternate solutions would be to construct a smaller building and build further back on the property.

- c. Is the requested variance substantial?

It was agreed that the variance request was substantial.

- 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.

After discussion, Mr. Meholick made a motion to grant the 87 ft. front yard setback variance request as applied, and to impose a one year time limit on completion of the proposed project. The motion was seconded by Mr. Daigler. Mr. Daigler, Mr. Meholick, and Mr. Buechler voted in favor of granting the variance request, and Mr. Welka was opposed. The variance request for the front yard setback passed.

Mr. Welka made a motion to deny the 4.83 side yard setback variance request as applied, and was seconded by Mr. Meholick. All voted in favor to deny the side yard variance request.

**Christian Wojciechowski**  
**6715 Macintosh Lane**  
**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 it would avoid blocking the view of the pond for the neighbors located on the pond lots.

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

It was agreed that the alternate solution would be move the structure further back in the property as allowed by the town code, but it would block the view of the neighbors.

- c. Is the requested variance substantial?

It was agreed that the variance request was not substantial.

- 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.

After discussion, Mr. Daigler made a motion to grant the variance request as applied, and to impose a one year time limit on completion of the proposed project. The motion was seconded by Mr. Meholick. All voted in favor.

**Daniel & Craig D'Angelo**  
**4214 Beach Ridge 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.

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

It was agreed that there were no alternate solutions that would not require a variance as the property was non-conforming.

- c. Is the requested variance substantial?

It was agreed that the variance request was substantial.

- 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.

After discussion, Mr. Meholick made a motion to grant the variance as applied with a minimum lot size of 2.2 acres, and was seconded by Mr. Welka. All voted in favor.

***Correspondence:***      *None*

***Special Topics:***      *None*

***Miscellaneous ZBA Topics:***

1.      Next ZBA meeting is scheduled for Wednesday, July 23, 2014, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 9:15 PM, and seconded by Lee Daigler.

Submitted by:

James G. Meholick  
Secretary

Attachments: Town of Pendleton Zoning Board of Appeals Sign-In Sheet  
Public Hearing Mailing List for Adams Public Hearing  
Public Hearing Mailing List for D’Angelo & Wojciechowski Public Hearings  
Town of Pendleton Notice of Public Hearing for Mr. James Adams  
Site Survey of Property from Mr. James Adams  
Sketch of Proposed Structure from Mr. James Adams  
Photograph #1 of Home from Mr. James Adams  
Photograph #2 of Home from Mr. James Adams  
Letter to Campbell Pendleton LLC from Mr. James Adams  
Letter from Campbell Pendleton LLC from Mr. James Adams  
Building & Use Restrictions by Campbell Pendleton LLC from Mr. James Adams  
Town of Pendleton Notice of Public Hearing for Mr. Christian Wojciechowski  
Site Survey of Property from Mr. Christian Wojciechowski  
Garage Plan of Proposed Structure from Mr. Christian Wojciechowski  
Town of Pendleton Notice of Public Hearing for Mr. Daniel & Craig D’Angelo  
Denial of Building Application from Ms. Nancy McNamara  
Town of Pendleton Public Hearing Request from Ms. Nancy McNamara  
Site Survey of Property from Ms. Nancy McNamara  
Sketch of Proposed Structure with Contents from Ms. Nancy McNamara  
Town of Pendleton Subdivision Denial Letter from Mr. Ken Morton

Town of Pendleton Public Hearing Request from Mr. Ken Morton  
Letter to Joe Kania from Mr. Ken Morton  
Site Survey of Property from Mr. Ken Morton  
Town of Pendleton Subdivision Denial Letter from Mr. John Griesmer  
Town of Pendleton Public Hearing Request from Mr. John Griesmer  
Site Survey of Property from Mr. John Griesmer  
Town of Pendleton Subdivision Denial Letter from Mr. Tony Moscato  
Town of Pendleton Public Hearing Request from Mr. Tony Moscato  
Site Survey of Property from Mr. Tony Moscato