

Town Of Pendleton
Zoning Board Of Appeals
May 27, 2014

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. ZBA members Mr. Buechler, Mr. Daigler, Mr. Welka, and Mr. Schlemmer were present at the meeting. No changes to the ZBA agenda submitted by Wolfgang Buechler were made.

PUBLIC HEARINGS:

Carrie Marciniak
6743 Aiken Rd.
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 24 ft. x 32 ft. (768 sq. ft.) accessory structure where 600 sq. ft. is the maximum permitted by Town Code §247-34.E.(1). Area variance request is for 168 sq. ft. Existing accessory structure will be removed. Variance sought is 168 sq. ft. area variance. Property is 1.0 acres and zoned R-1 Low Density Residential.

Ms. Marciniak presented a site survey of the property illustrating where she proposed to build the accessory structure. She stated that the existing accessory structure would be torn down. All setbacks are compliant with code and the stated purpose of the new structure was for a car and storage of gardening tools and implements.

A neighbor, Mr. Rod Neubauer, was present at the meeting and had no issues with the request.

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

The formal public hearing was adjourned at approximately 7:20 PM.

Curt Naughton
5240 Lockport Rd.
Pendleton, NY

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 36 ft. X 50 ft. (1800 sq.ft.) accessory structure where 1200 sq. ft. is allowed. Structure will also be 22 ft. high where 20 ft. maximum is allowed. Town ordinance(s) affected: §247-34.E (2) & §247-34.F (3)(d). Variance(s) sought are 600 sq. ft. area variance and 2 ft. height variance. Parcel is 5.72 acres and mixed zoned: C01 Light Commercial and R2 Medium Density Residential. Concerns were raised over the height of the structure and its roof with the proposed pitch.

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

The formal public hearing was adjourned at approximately 7:35 PM.

REGULAR ZBA MEETING:

New Inquiries to ZBA:

James Adams
4908 Devonshire Lane
Pendleton, New York

Mr. James Adams wishes to construct an accessory structure at a front yard setback of 87 ft. where 150 ft. minimum is required by §247-34.F (2)(a) and a side yard setback of 10.17 ft. where 15 ft. minimum is required per §247-34.F(2)(b). Variance sought is a 63 ft. front yard setback and a 4.83 ft. side lot setback. Current zoning is R-2 Residential .

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

Christian Wojciechowski
6715 Macintosh Lane
Pendleton, New York

Mr. Wojciechowski wishes to construct an accessory structure at a front yard setback of 111 ft., where 150 ft. minimum is required. The Town Ordinance that is affected is §247-34.F(2)(a). The variance sought is 39 ft. front yard setback. The current zoning is R-1 Residential and the size of the parcel is 125' X 268'. Mr. Wojciechowski wishes to place the structure near his house. Mr. Buechler filled out an application for a public hearing and instructed Mr Wojciechowski on how to file the application with the town clerk.

Todd Ostrowski
4567 Mapleton Rd.
Pendleton, New York

Mr. Ostrowski wishes to construct a commercial building (approximately 60' x 40') 20' off his side lot where 100' side setback from a residential lot is required. The town ordinance affected is 247-12.H.(2). The variance sought is an 80' side setback. The property is 5.87 acres and zoned CO1 Light Commercial. Mr. Buechler filled out an application for a public hearing and instructed Mr. Ostrowski on how to file the application with the town clerk.

Craig & Dan D'Angelo
4214 Beach Ridge Rd.
Pendleton, New York

Owners wish to sub-divide property leaving a 2750 sq.ft. accessory structure on a lot where 1200 sq.ft maximum is allowed. The town ordinance affected is 247-34-E.(2) and the variance sought is 1550 sq. ft. of area. The property is approximately 2.4 acres and is zoned R-1. Mr. Buechler filled out an application for a public hearing and instructed Mr. Craig & Dan D'Angelo on how to file the application with the town clerk.

Review minutes from Prior Meeting:

Mr. Buechler made a correction for the code in the Naughton height variance to read 247-34.F.C.D. Motion to accept the minutes by Mr. James Schlemmer and seconded by Mr. Lee Daigler. All voted in favor.

Specific Board Deliberation Actions:

Carrie Marciniak
6743 Aiken Rd.
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 result in an undesirable change to the neighborhood & nearby properties as it was not out of character for the area.

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

It was agreed that an alternate solution would be to reduce the size of the proposed accessory structure .

c. Is the requested variance substantial?

It was agreed that the 768 sq. ft. exceeds previously granted variance on similar properties.

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. Schlemmer made a motion to grant the variance as applied with a building size not to exceed 720 sq. ft., and to impose a one year time limit on completion of the proposed project.. Also, the existing accessory structure is to be torn down. The motion was seconded by Mr. Welka. All members voted in favor of granting the variance request. The variance request was passed as modified.

Curt Naughton
5240 Lockport Rd.
Pendleton, NY

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 result in an undesirable change to the neighborhood & nearby properties as it was not out of character for the area.

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

It was agreed that an alternate solution would be to reduce the size of the proposed accessory structure .

c. Is the requested variance substantial?

It was agreed that the requested variance is 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. Schlemmer made a motion to grant the variance as requested, and to impose a one year time limit on completion of the proposed project. The motion was seconded by Mr. Buechler. All members voted in favor of granting the variance request. The variance request was passed.

Correspondence: None

Special Topics: Mr. Schlemmer made the motion to move regularly scheduled meeting dates for the summer months from Tuesday to Wednesday. The motion was seconded by Mr. Welka. All voted in favor. The new ZBA Meeting dates are: Wednesday, June 25, Wednesday, July 23, and Wednesday, August 27.

A reminder that 4 hours of training was required of all Board members.

Miscellaneous ZBA Topics:

1. Attendance of members was satisfactory.
2. Next ZBA meeting is scheduled for Wednesday, June 25, 2014 at 7:00 PM.

A motion was made by Lee Daigler to adjourn the meeting at 9:05 PM, and seconded by Dennis Welka.

