

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
October 25, 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:

Michael Riggles
6906 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 28 ft. x 44 ft. (1,232 sq. ft.) accessory structure where the maximum allowed aggregate accessory structure size is 1,200 sq. ft. per Town Code. There is also an existing 384 sq. ft. accessory structure on the property for a total square footage of 1,616. The aggregate area variance request would be 416 sq. ft. as per for Town Code §247-34.E.(2). The property is 3.79 acres and is R-2 medium density residential zoning.

Mr. Riggles presented the Town of Pendleton Building Inspector's denial; and sketch of the proposed accessory structure with a list of items to be stored. Mr. Riggles also indicated that the building siding would match the house and would be located slightly beyond the rear line of his residence with a maximum 20 ft. height. The existing shed would be hid by the new structure.

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

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

Tom Scozzafava
7338 Paddock Ridge
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 16 ft. x 22 ft. (352 sq. ft.) accessory structure at the end of his driveway. There is also an existing 14 ft. x 20 ft. (280 sq. ft.) accessory structure on the property for a total area of 632 sq. ft. where the maximum size allowed is 600 sq. ft. per Town Code. The accessory structure would be located at a side yard setback of 12.37 ft. where the minimum allowed is 15 feet, and at a front yard setback of 89.73 ft. where the minimum allowed is 150 ft. per Town Code. The aggregate area variance request would be 32 sq. ft. as per Town Code §247-34.E.(1), side yard setback variance request of 2.63 ft. as per Town Code §247-34.F.(2)(a), and front yard setback variance request of 60.27 ft. as per Town Code §247-34.F.(2)(b). The property is 0.57 acres and is R-2 medium density residential zoning.

Mr. Scozzafava presented the Town of Pendleton Building Inspector's denial, and a site survey of the property that illustrated the location of the proposed accessory structure. There is also an existing 16 ft. x 16 ft. pergola on the property that Mr. Scozzafava did not want to remove. The existing pergola would add 256 sq. ft. to the area variance request and also require a variance for the total number of structures. The ZBA members were not certain if the pergola was to be considered for the variance request.

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

The formal public hearing was closed at approximately 7:22 PM.

Ken Kuriscak
7188 Creekbend Drive
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 12 ft. x 16 ft. (192 sq. ft.) accessory structure with a front yard setback of 144 ft. where the minimum allowed is 150 ft. per Town Code. The front yard setback variance request would be 6 ft. as per for Town Code §247-34.F.(2)(A). The property is 0.50 acres and is R-2 medium density residential zoning.

Mr. Kuriscak presented the Town of Pendleton Building Inspector's denial; a site survey of the property that illustrated the location of the proposed accessory structure, flyer illustrating the proposed shed, and several photographs of his property. Mr. Kuriscak indicated that the building location with the door facing the pool would be more useful for his family as it will be used as a changing area & for storage. He also indicated that there was no viable alternative placement for the structure on the property that did not encroach on the DEC wetlands delineated on the site survey.

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

The formal public hearing was closed at approximately 7:40 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Lee Daigler to accept the minutes of the September 27, 2016 meeting and was seconded by Dennis Welka. All voted in favor.

Specific Board Deliberation Actions:

**Michael Riggles
6906 Bear 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 create an undesirable change to the neighborhood and nearby properties as the proposed accessory structure would be located far enough back in the property that the size would not be noticeable.

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

It was agreed that the alternative solution would be to build a smaller building .

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was 35% larger 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 approve the 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. Schlemmer. All voted in favor.

Tom Scozzafava
7338 Paddock Ridge
Pendleton, New York

A motion was made by Mr. Welka to table the deliberation in order to confirm if the pergola was to be considered with the variance request. The motion was seconded by Mr. Schlemmer. All voted in favor.

Ken Kuriscak
7188 Creekbend Drive
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 create an undesirable change to the neighborhood and nearby properties as the small size of the structure would have minimal visual impact.

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

It was agreed that there was no alternative solution that would not require a variance due to the back yard of the property being in wetlands .

- c. Is the requested variance substantial?

It was agreed that the requested variance request was not substantial.

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

The board members were uncertain if the variance would have an adverse effect on the physical or environmental conditions in the neighborhood due to the wetlands.

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

It was agreed that the applicant's difficulty was not self-created.

A motion was made by Mr. Welka to approve the 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. Schlemmer. All voted in favor.

Correspondence:

1. Code book updates were given to the board members.

Special Topics: None

Miscellaneous ZBA Topics:

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

A motion was made by Wolf Buechler to adjourn the meeting at 8:10 PM, and seconded by Lee Daigler.

Submitted for:

James G. Meholick
Secretary

Attachments: Town of Pendleton Zoning Board of Appeals Sign-In Sheet
Public Hearing Mailing List for Scozzafava, Kuriscak & Riggles
Town of Pendleton Denial of Building Application for Mr. Michael Riggles
Town of Pendleton Public Hearing Request for Mr. Michael Riggles
Town of Pendleton Notice of Public Hearing for Mr. Michael Riggles
Sketch of Proposed Accessory Structure for Mr. Michael Riggles
Town of Pendleton Denial of Building Application for Mr. Tom Scozzafava
Town of Pendleton Public Hearing Request for Mr. Tom Scozzafava
Town of Pendleton Notice of Public Hearing for Mr. Tom Scozzafava
Site Survey of Property for Mr. Tom Scozzafava
Town of Pendleton Denial of Building Application for Mr. Ken Kuriscak
Town of Pendleton Public Hearing Request for Mr. Ken Kuriscak
Town of Pendleton Notice of Public Hearing for Mr. Ken Kuriscak
Site Survey of Property for Mr. Ken Kuriscak
Flyer of Property Accessory Structure for Mr. Ken Kuriscak
Photograph #1 of Front Yard of Home for Mr. Ken Kuriscak
Photograph #2 of Side Yard View of Home for Mr. Ken Kuriscak
Photograph #3 of Side Yard View of Home for Mr. Ken Kuriscak
Photograph #4 of Back Yard View of Home for Mr. Ken Kuriscak
Photograph #5 of Back Yard View of Home for Mr. Ken Kuriscak