

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
September 27, 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. Mr. Buechler, Mr. Meholick, Mr. Schlemmer and Mr. Welka were present at the meeting. No changes to the ZBA agenda submitted by Wolfgang Buechler were made.

PUBLIC HEARINGS:

Steve Tokarczyk
7147 Rolling Meadow
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct two accessory structures on a corner lot. The first structure, a pool building, 18 ft. x 24 ft. (432 sq. ft.), would comprise a 216 sq. ft. enclosed space & 216 sq. ft. open-sided area with roof at a proposed front yard setback of 80 feet. The second accessory structure, a storage building, 20 ft. x 30 ft. (600 sq. ft.), is proposed at a front yard setback of 60 feet. The required minimum front yard setback (side yard line of corner lot) is 150 feet per Town Code, and the maximum aggregate accessory structure size is 600 sq. ft. per Town Code. The front yard setback variances for the pool & storage accessory structures would be 70 ft. & 90 ft. as per Town Code Section §247-34.F.(2)(a) and 247-26.A. The aggregate area variance request would be 432 sq. ft. as per for Town Code §247-34.E.(1). The property is 1.6 acres and is R-2 medium density residential zoning.

Mr. Tokarczyk presented the Town of Pendleton Building Inspector's denial; a site survey sketch of the property that illustrated the location of the proposed accessory structures; a summary of the proposed accessory structures; several photographs illustrating the proposed locations of the pool & storage buildings; and letters from his neighbor's, Scott Jordan and Russell & Saskia Gaiser, in favor of granting the variance request. Mr. Tokarczyk also indicated that he needed the storage building for his 24 ft. long boat & trailer, and several pieces of yard equipment. He preferred to locate this building in line with his neighbors home to maintain the sight lines of the area.

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

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

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Jim Schlemmer to accept the minutes of the August 22, 2016 meeting and was seconded by Dennis Welka. All voted in favor.

Specific Board Deliberation Actions:

**Steve Tokarczyk
7147 Rolling Meadow
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 structures are in line with the neighbor's house and don't interfere with the sight lines of the area.

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

It was agreed that there were no alternative solutions for placement of the accessory structures that would be compliant with town code due to the constraints of the corner lot and presence of a substantial easement on the property .

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial, but the lot size of 1.6 acres was close to the 2 acre threshold for accessory structure size.

- 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, but the corner lot offered no viable placement for the structures that would be compliant with front & side yard setback requirements.

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. Flyer for the Pendleton Community Faire & Business Expo at the Pendleton Center United Methodist Church to be held on Saturday, October 1, 2016.

Special Topics: None

Miscellaneous ZBA Topics:

- 1. Next ZBA meeting is scheduled for Tuesday, October 25, 2016, at 7:00PM.

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

Submitted for:

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 Mr. Steve Tokarczyk
 - Town of Pendleton Denial of Building Application for Mr. Steve Tokarczyk
 - Town of Pendleton Public Hearing Request for Mr. Steve Tokarczyk
 - Town of Pendleton Notice of Public Hearing for Mr. Steve Tokarczyk
 - Site Survey of Property for Mr. Steve Tokarczyk
 - Summary of Proposed Accessory Structures for Mr. Steve Tokarczyk
 - Letter from Scott Jordon for Mr. Steve Tokarczyk
 - Letter from Russell & Saskia Gaiser for Mr. Steve Tokarczyk
 - Accessory Structure #1 Location Photograph for Mr. Steve Tokarczyk
 - Accessory Structure #2 Location Photograph for Mr. Steve Tokarczyk
 - Accessory Structure Rendering Photograph #1 for Mr. Steve Tokarczyk
 - Accessory Structure Rendering Photograph #2 for Mr. Steve Tokarczyk
 - Flyer for the Pendleton Community Faire & Business Expo