

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
October 23, 2018 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 were present at the meeting. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

PUBLIC HEARINGS:

Holiday Inn Express
SBL 166.00-1-17
6350 Transit Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a new hotel at a height of 55 ft. where a maximum height of 35 ft. is required per Town Code. The height variance would be 20 ft. as per Town Code §247-34.J. The property is 200 ft. x 600 ft. and is CO2 Medium Commercial zoning.

Mr. Jeff Hazel presented the Town of Pendleton Building Inspector's denial, and the architectural drawing of the proposed hotel. Mr. Hazel indicated that the main 4-story structure would 47 ft. in height and the decorative feature would be at a height of 55 feet. The hotel property is located near the Trinity Church.

The public hearing was closed at approximately 7:16 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Jim Schlemmer to accept the minutes of the September 25, 2018 meeting, and was seconded by Dennis Welka. All voted in favor.

Specific Board Deliberation Actions:

Holiday Inn Express
SBL 166.00-1-17
6350 Transit Road

The ZBA board reviewed the Area Variance tests for the height of the accessory structure, 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 hotel would be compatible with the other buildings in the neighborhood.

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

It was agreed that an alternative solution would be to build the hotel with less floors.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was not substantial as it was in character with the area.

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

The board members felt 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. Schlemmer to grant the height variance as detailed in the request with the condition that the project be completed in one year. The motion was seconded by Mr. Welka. All voted in favor.

Joseph Follendorf
4119 Beach Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 40 ft. x 62 ft. (2,480 sq. ft.) accessory structure on property where there is an existing 588 sq. ft. accessory structure, for a total of 3,068 sq. ft. where a maximum of 600 sq. ft. is allowed as per Town Code. The area variance request would be 2,468 sq. ft. as per Town Code §247-34.E(1). The property is 1.97 acres and is R-1 low density residential zoning.

A motion was made by Mr. Buechler to table the deliberation for one month in order to visit the property, and was seconded by Mr. Meholick. All voted in favor.

**William Rott
5433 Irish Road
Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 50 ft. x 100 ft. (5,000 sq. ft.) accessory structure on property prior to sale where a maximum of 2,000 sq. ft. is allowed as per town code. The area variance request would be 4,780 sq. ft. as per Town Code §247-34.E(3). The property is 16.52 acres and is R-2 medium density residential zoning.

The ZBA board reviewed the Area Variance tests for the size of the accessory structure, 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 create an undesirable change to the neighborhood and nearby properties as the building was considerably larger than other buildings in the neighborhood.

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

It was agreed that that there were no alternative solutions that would not require a variance.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was 2.5 times greater than the Town Code allowed.

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

The board members felt that the variance would have an adverse effect on the physical or environmental conditions in the neighborhood due to potential runoff issues.

- 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. Schlemmer to deny the area variance as detailed in the request, and was seconded by Mr. Welka. All voted in favor to deny the variance request.

New Inquiries to ZBA: None

Correspondence: None

Special Topics: None

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, November 27, 2018, at 7:00PM.

A motion was made by Schlemmer to adjourn the meeting at 8:30 PM, and seconded by Dennis Welka. All voted in favor.

Submitted for:

James G. Meholick
Secretary

Attachments: Town of Pendleton Zoning Board of Appeals Sign-In Sheet
Public Hearing Mailing List for Holliday Inn Express

Town of Pendleton Denial of Building Application for Holliday Inn Express
Town of Pendleton Public Hearing Request for Holliday Inn Express
Town of Pendleton Notice of Public Hearing for Holliday Inn Express
Architectural Drawing of Proposed Holliday Inn Express