

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
November 27, 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, and The Town Prosecutor, Mr. Ned Perlman, were present at the meeting. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

PUBLIC HEARINGS:

Don Meyer
5924 Fisk Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 45 ft. x 40 ft. (1,800 sq. ft.) accessory structure on his property where the maximum allowed is 1,200 sq. ft. per Town Code. The area variance request would be 600 sq. ft. as per Town Code §247-13.E(2). The property is 5.1 acres and is R-2 medium density residential zoning.

Mr. Meyer presented the Town of Pendleton Building Inspector's denial, a site survey with the accessory structure location on the property, and building specification sheet from Lake Shore Metal. Mr. Meyer indicated that he conducts his landscaping business from his home and wanted the accessory structure to store his trucks, equipment & tools. The proposed accessory structure would have a 20 ft. ridge height with 14 ft. wall & 6 ft. peak.

The public hearing was closed at approximately 7:15 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Jim Schlemmer to accept the minutes of the October 23, 2018 meeting, and was seconded by Dennis Welka. All voted in favor.

Specific Board Deliberation Actions:

**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.

The ZBA board reviewed the Area Variance tests for the area 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 it would be very visible from Townline Road.

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

It was agreed that there were no options available to build the accessory structure at the 600 sq. ft. allowed by Town Code with the existence of 588 sq. ft. shed.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it three times greater than what Town Code allows.

- 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. Meholick to grant an area variance of 1,200 sq. ft., allowing for a total aggregate are of 1,800 sq. ft. for the new & existing structures, with the condition that the project be completed in one year and that the height of the accessory structure be no higher than a maximum of 20 feet. The motion was seconded by Mr. Buechler. Mr. Buechler, Mr. Daigler, Mr. Meholick & Mr. Schlemmer voted in favor of the variance request; and Mr. Welka voted against the request. The variance request was granted.

Don Meyer
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A motion was made by Mr. Daigler to table the deliberation for one month in order to request the building department to visit the property to determine if a business was being run at his property, and was seconded by Mr. Meholick. All voted in favor.

New Inquiries to ZBA: None

Correspondence: None

Special Topics: None

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, December 18, 2018, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 8:10 PM, and seconded by Wolf Buechler. 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 Mr. Don Meyer

Town of Pendleton Denial of Building Application for Mr. Don Meyer
Town of Pendleton Public Hearing Request for Mr. Don Meyer
Town of Pendleton Notice of Public Hearing for Mr. Don Meyer
Architectural Drawing of Proposed Holliday Inn Express
Site Survey of Property for Mr. Don Meyer
Drawing of Proposed Building for Mr. Don Meyer