

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
September 24, 2019 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:

William Feist
6112 Aiken Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 12 ft. x 20 ft. (240 sq. ft.) accessory structure on his property at a front yard setback of 103 ft. where a minimum of 150 ft. is allowed per Town Code. The front yard setback variance request would be 47 ft. as per Town Code §247-34.F(2)(a). The property is 100 ft. x 250 ft. (0.57 acres) and is R-1 low density residential zoning.

Mr. Feist presented the Town of Pendleton Building Inspector's denial, sketches of the proposed location of the building, specification sheet for the shed, and site survey of the property. Mr. Feist indicated that he couldn't locate the accessory structure further back in his property due to an existing septic system & leach field covering much of the rear yard, and the slanted side lot line which would require side yard setback variances at alternate locations. The pre-fabricated shed would have a height of approximately 11 ft. and would be located next to an existing driveway in the back of his house.

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

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

Ronald Cappello (Gasper Fulfaro, Agent)
5532 Killian Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to operate a stone crushing operation in a zoning district where such activity is not a permitted use per Town Code §247-14. Stone crushing operation is also located 450 ft. from an occupied dwelling where no power activated sorting machinery or equipment may be located within 600 ft. of any occupied dwelling as per Town Code §247-43.B. Variances sought are a use variance allowing use of the property for stone crushing operation and an area variance of 150 ft. from the 600 ft. required setback. The property is 6.6 acres and is LI Light Industrial zoning.

Mr. Buechler indicated that the public hearing would continue to be tabled at the request of Mr. Gasper Fulfaro's Counsel, Elizabeth A. Holmes.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Dennis Welka to accept the minutes of the August 27, 2019 meeting, and was seconded by Jim Schlemmer. All voted in favor.

Specific Board Deliberation Actions:

William Feist
6112 Aiken Road
Pendleton, New York

The ZBA board reviewed the Area Variance side & rear yard setbacks for 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 shed was not visible from Aiken Road and from trees separating the adjacent property.

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

It was agreed that the applicant was restricted due to the constraints of the leach field and side yard setbacks to locate the shed in an another location, thus making an alternative solution very undesirable.

- c. Is the requested variance substantial?

It was agreed that the variance request was substantial.

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

The board members felt that it 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. Welka to grant the variance request as proposed per the Application Letter dated August 29, 2019, with a one year time limit on completion of the project. The motion was seconded by Mr. Schlemmer. All voted in favor.

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

- 1. NY DOS at NCCC Land Use Training on Tuesday, October 22, 2019, at 5:00PM.

Miscellaneous ZBA Topics:

- 1. The next scheduled meeting will be on Tuesday, October 22, 2019, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 7:35 PM, and seconded by Jim Schlemmer. All voted in favor.

Submitted for:

James G. Meholick
Secretary

- Attachments: Town of Pendleton Zoning Board of Appeals Sign-In Sheet
 Town of Pendleton Denial of Building Application for Mr. William Feist
 Town of Pendleton Public Hearing Request for Mr. William Feist
 Town of Pendleton Notice of Public Hearing for Mr. William Feist
 Public Hearing Mailing List for Mr. William Feist
 Site Survey of Property for Mr. William Feist
 Site Sketch of Shed Location for Mr. William Feist
 Sturdi-Built Shed Specification Sheet for Mr. William Feist