

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS**  
**October 22, 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. ZBA members Mr. Buechler, Mr. Schlemmer & Mr. Meholick were present at the meeting. Mr. Daigler & Mr. Welka were excused from attending the meeting to participate in training at NCCC. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

**PUBLIC HEARINGS:**

**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 Jim Schlemmer to accept the minutes of the September 24, 2019 meeting, and was seconded by Wolf Buechler. All voted in favor.

***Specific Board Deliberation Actions:***            *None*

***New Inquiries to ZBA:***            *None*

*Correspondence: None*

*Special Topics: None*

***Miscellaneous ZBA Topics:***

1. The next scheduled meeting will be on Tuesday, November 26, 2019, at 7:00PM.

A motion was made by Wolf Buechler to adjourn the meeting at 7:15 PM, and seconded by Jim Schlemmer. All voted in favor.

Submitted for:

James G. Meholick  
Secretary