

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
November 26, 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 7:06 PM. All ZBA members were present at the meeting. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

PUBLIC HEARINGS:

Michael & Christine Chatt
4212 Mapleton Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 9 ft. x 14 ft. (126 sq. ft.) master bathroom addition to an existing residence at a side yard setback of 11 ft. where a minimum of 15 ft. is allowed per Town Code. The side yard setback variance request would be 4 ft. as per Town Code §247-11.E. The property is 162 ft. x 788 ft. (2.92 acres) and is R-2 medium density residential zoning.

The Chatts presented the Town of Pendleton Building Inspector's denial, and site survey of the property. Mr. Chatt indicated that they wanted to construct an addition to their existing home. The plan included attaching the garage to the house with a mud room, and adding a new bathroom. They had preferred to add the bathroom behind the house, but could only place it on the side of the house due to existing 10 ft. restriction for the septic tank & leach field.

The Chatts neighbor, Ms. Janice Jabcuga, and Keith Chonka of OnSite Enterprises were present at the meeting. She was concerned that the proposed addition would create more standing water issues on her property from the gutters & sump pump being directed to her side of the property. The area between the two homes was already wet most of the year, and with the increased size of the house she was concerned it would become worse. They were hoping that the Chatts would redirect drainage to alleviate the problem at the property boundary.

The Chatts indicated that they would consult with their builder about directing gutters and the sump pump discharge away from the neighboring property.

The public hearing was closed at approximately 7:30 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 October 22, 2019 meeting, and was seconded by Jim Schlemmer. All voted in favor.

Specific Board Deliberation Actions:

Michael & Christine Chatt
4212 Mapleton Road
Pendleton, New York

The ZBA board reviewed the Area Variance tests for the side yard setback, 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 character of the neighborhood and nearby properties, but could be detrimental to the nearby property due to water drainage issues.

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

It was agreed that there was no alternative solution that would not require a variance due to the restriction of the septic system behind the house.

- c. Is the requested variance substantial?

It was agreed that the variance request was not 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 the variance could have an adverse effect on the physical or environmental conditions in the neighborhood if additional water runoff flows toward the property line.

- 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 approve the side yard setback variance for the project as proposed, conditioned on the applicant’s modification of the storm & sump water runoff paths to flow away from the neighboring property to the west, and conditioned on completion of the project in one year. The motion was seconded by Mr. Schlemmer. All voted in favor.

New Inquiries to ZBA: None

Correspondence:

- 1. Workplace Violence Training Packets must be signed & returned to Claudia Lawler by December 9, 2019.

Special Topics: None

Miscellaneous ZBA Topics:

- 1. The next scheduled meeting will be on Tuesday, December 17, 2019, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 8:20 PM, and seconded by Jim Meholick. 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. Michael Chatt
- Town of Pendleton Public Hearing Request for Mr. Michael Chatt
- Town of Pendleton Notice of Public Hearing for Mr. Michael Chatt
- Public Hearing Mailing List for Mr. Michael Chatt
- Site Survey of Property for Mr. Michael Chatt