TOWN OF PENDLETON

ZONING BOARD OF APPEALS
October 27, 2020 Meeting

Members:

Wolfgang Buechler, Chairman
Lee Daigler
Nicholas Graves
James Schlemmer
Dennis Welka, Secretary

The ZBA regular meeting was called to order by Mr. Wolfgang Buechler at 7:00 PM. ZBA members Mr. Buechler, Mr. Schlemmer, Mr. Graves and Mr. Welka were present at the meeting. Mr. Daigler attended remotely. Pendleton Town Prosecutor Theodore A. Joerg, Esq. was also present at the meeting. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

PUBLIC HEARINGS:

No new public hearings.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by James Schlemmer to accept the minutes of the September 22, 2020 meeting, and was seconded by Nick Graves. All voted in favor.

Specific Board Deliberation Actions:

Sunbeam Laboratories, LLC
6150 Donner Rd.
Pendleton, NY 14094

Owner is requesting an appeal from a Notice of Violation dated 22 July 2020 and a Stop Work Order dated 5 August 2020. Parcel is 8.3 acres and zoned LI Light Industrial.

A motion was made by James Schlemmer to accept a request from Sunbeam Laboratories' attorney to postpone hearing until November 2020 meeting. Motion was seconded by Dennis Welka. All voted in favor.

Charles Dispenza
6721 Aiken Rd.
Lockport, NY 14094

Owner wishes to construct a 350 sq. ft. (approx.) egg storage building at 45 ft. front yard setback where minimum allowed per Town Code §247- 34.F(2)(a) is 150 ft. Area variance requested is

105 ft. of accessory structure front yard setback variance. Property is approx. 15 acres and zoned R1 Low-Density Residential.

Niagara County Legislature has held a public hearing on Mr. Dispenza's request for inclusion in the Niagara County Ag District Mapping. A final decision will not be made before the next legislature meeting in November.

Mr. Schlemmer made a motion, seconded by Nick Graves, to grant the variance as requested with contingencies of:
1) The applicant receives final approval for inclusion in Ag District Mapping
2) The applicant provides adequate lighting and a turnaround for vehicles near the proposed structure
3) The variance is approved solely for agricultural use and the variance terminates if that use is discontinued
4) The applicant provides written acknowledgement of these conditions to the Town Building Dept as part of the permitting process.

Voting in favor of the motion were Mr. Buechler, Mr. Schlemmer, Mr. Daigler, and Mr. Graves. Opposed was Mr. Welka.

Hayes, Jill and Farley, Scott
7264 Creekbend Dr.
Pendleton, NY 14120

Owners wish to construct a 1400 SF accessory structure at a front yard setback of 102 ft. where maximum accessory structure area allowed is 600 SF and minimum front yard setback required is 150 ft. per Town Codes §247-34.E(1) and §247-34.F(3)(a), respectively. Area variances requested are 800 SF accessory structure size variance and 48 ft. front yard setback variance. Property is 147 ft. x 250 ft. and zoned R2 Medium-Density Residential.

A motion was made by Nick Graves and seconded by Dennis Welka to accept the request of the applicant to postpone the ZBA decision for one month as work continues with the Building Dept. to explore further options for the project, which might require no variances or reduced variances

All voted in favor.

New Inquiries to ZBA: Mr. Zack House inquired about building a 40 x 80 pole barn on property at the corner of Fisk and East Canal. Mr. House anticipates purchasing the property contingent upon success of a variance request. The ZBA referred Mr. House to the Building Dept. as he will need a denial of permit prior to applying for a variance.

Correspondence: None

Special Topics: None

Miscellaneous ZBA Topics: Land Use Training on November 9, 2020

The next scheduled meeting will be on Tuesday, November 24, 2020 at 7:00PM.

A motion was made by Lee Daigler to adjourn the meeting at 9:18 PM, and seconded by Nick Graves. All voted in favor.

Attachments:

Sign In Sheet for 10/20/20

Submitted for:

Dennis J. Welka
Secretary