

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
November 24, 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:

Graham, Justin – 5227 Tonawanda Creek Rd. Owner wishes to construct a single family residence at a front yard setback of 550 ft. where maximum allowed is 250 ft. for main structures per Town Code §247-11.D(3). Area variance sought is 300 ft. main structure front yard setback variance. Property is 46 acres and zoned R2 Medium-Density Residential.

Mr. Graham provided a property survey and aerial photos of the property, annotated with the proposed location of the residence. The photos also reflect the proposed placement of the residence relative to neighboring residences. Mr. Graham also discussed the constraints imposed by a drainage ditch on the west side of the property.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by James Schlemmer to accept the minutes of the October 27, 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 December 2020 meeting. Motion was seconded by Dennis Welka. All voted in favor.

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.

Mr. Buechler reported that he spoke with Jill Hayes who mentioned that they were working through options with the Building Dept. that may not require variances or may require reduced variances than those originally requested. Ms. Hayes requested that we hold action for another month while those discussions proceed.

A motion was made by Dennis Welka and seconded by Wolfgang Buechler to postpone the ZBA decision for one month as work continues with the Building Dept. to explore further options for the project.

All voted in favor.

Graham, Justin
5227 Tonawanda Creek Rd.
Pendleton, NY 14120

Owner wishes to construct a single family residence at a front yard setback of 550 ft. where maximum allowed is 250 ft. for main structures per Town Code §247-11.D(3). Area variance sought is 300 ft. main structure front yard setback variance. Property is 46 acres and zoned R2 Medium-Density Residential.

A motion was made by Wolfgang Buechler and seconded by James Schlemmer to table deliberation for one month to afford ZBA members further opportunity to walk the property. 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 instructed Mr. House that his application for ZBA Hearing and payment need to be submitted to the Town Clerk's Office.

Correspondence:

Emailed letter from Mr. Librock in support of Mr. Graham's application.

Special Topics: *None*

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

The next scheduled meeting will be on Tuesday, December 22, 2020 at 7:00 PM.

A motion was made by Nick Graves to adjourn the meeting at 8:50 PM, and seconded by Lee Daigler. All voted in favor.

Attachments:

Sign In Sheet for 11/24/20
Email from Mr. Libroek

Town of Pendleton Public Hearing Request for Justin Graham
Town of Pendleton Notice of Public Hearing for Justin Graham
Town of Pendleton Denial of Building Application for Justin Graham
Public Hearing Mailing List for Justin Graham
Project renderings for Justin Graham
Site Survey of Property for Justin Graham

Submitted for:

Dennis J. Welka
Secretary