

# **TOWN OF PENDLETON**

## **ZONING BOARD OF APPEALS**

**May 25, 2021 Meeting**

### **Members:**

Wolfgang Buechler, Chairman  
James Schlemmer  
Nicholas Graves  
David Kantor  
Dennis Welka, Secretary

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

### **PUBLIC HEARINGS:**

**Huff, Alan Sr.**  
**6400 Campbell Blvd.**  
**Pendleton, NY**

Owner seeks relief from Town Code §247-12.E which requires buildable lots in CO1 District to have minimum of 200 ft. lot width. Area variance sought is 57 ft. CO1 lot width variance. Owner also wishes to construct/operate a storage facility on this property where this use is not a permitted use per Town Code §247-12.C. A use variance is sought to allow storage facility use on this property. Property is 143 ft. x 517 ft. and zoned CO1 Light Commercial.

Owner stated that he purchased property from Mr. Cantonese and wants to build a storage facility on the property.

Mr. Hebler and his attorney, Mr. Paris attended the hearing and claimed that Mr. Hebler had also purchased a large parcel of land from Mr. Cantonese that included the parcel Mr. Huff had purchased.

The Public Hearing was closed at 7:50 pm.

### **REGULAR ZBA MEETING:**

#### ***Review Minutes from Prior Meeting:***

A motion was made by Nick Graves to accept the minutes of the March 23, 2021 meeting, and was seconded by James Schlemmer. All voted in favor.

***Specific Board Deliberation Actions:***

**Huff, Alan Sr., 6400 Campbell Blvd., Pendleton, NY**

The Board discussed that resolution of the property ownership dispute was beyond its jurisdiction and that the question of ownership makes the applicant's standing for variance application questionable. A motion was made by Mr. Welka to refund Mr. Huff's application fee in lieu of a determination regarding the ownership of the subject property. The motion was seconded by Mr. Kantor. All voted in favor.

**Weller, Mark, 4946 Cloverleaf Ln, Pendleton, NY (hearing on 27 April 2021)**

Owner wishes to construct a 600 SF accessory structure on property in addition to an existing 140 SF accessory structure. Total aggregate accessory structure size would be 740 SF where 600 SF is maximum allowed per Town Code §247-34.E.(1). Owner also wishes to place the new structure at a front yard setback of 118 ft. where minimum allowed per Town Code §247-34.F.(2)(a). Area variances sought are 140 SF aggregate accessory structure size variance and 32 ft. front yard setback variance. Property is 100 ft. x 250 ft. and zoned R2 Medium-Density Residential.

From the meeting of 27 April 2021: The ZBA board reviewed the Area Variance side 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?

Board felt that there would be a detriment to neighboring properties from both the aggregate size and the placement.

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

It was agreed that there were alternative solutions that were reasonable. There was sufficient room on the lot to be conforming and a smaller structure could be built or existing structures could be removed.

- c. Is the requested variance substantial?

It was agreed that both variance requests were 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 have an adverse effect on the physical or environmental conditions in the neighborhood, creating adverse sight lines to his neighbor.

- 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. Kantor to approve the variance request with regards to the size seconded by Mr. Graves. Voting in favor of the motion: Graves and Kantor. Voting against: Buechler, Schlemmer, and Welka.

The variance request regarding aggregate accessory size was denied.

A motion was made by Mr. Kantor to approve the front yard setback as written and seconded by Mr. Graves. Voting in favor of the motion: Graves and Kantor. Voting against: Buechler, Schlemmer, and Welka.

The variance request for front yard setback relief was denied.

**Panasyuk, Aleksandr, 6121 Campbell Blvd., Pendleton, NY (hearing on 27 April 2021)**

Owner wishes to construct a 40' x 100' accessory structure totaling 4000 SF whereas the Town Code allows for a maximum of 2000 SF on a parcel over 7 acres per Town Code 247-34E(3). Size of parcel is 136 ft. x 3300 ft. (approx. 30 acres) and is zoned R-2 Residential.

A motion was made by Mr. Buechler to table the decision until the applicant can demonstrate what steps he has taken, if any, toward alternate resolution as an agricultural activity. The motion was seconded by Mr. Graves. All voted in favor.

***New Inquiries to ZBA:***

None.

***Correspondence:***

none

***Special Topics:***

Mr. Jeorg informed the Zoning Board that Sunbeam, LLC. Has submitted an Article 78 filing.

***Miscellaneous ZBA Topics:*** None

The next scheduled meeting will be on Tuesday, June 22, 2021 at 7:00 pm.

A motion was made by Nick Graves to adjourn the meeting at 8:40 pm., and seconded by David Kantor. All voted in favor.

Attachments:

Sign In Sheet for 4/27/21

Town of Pendleton Public Hearing Request for Alan Huff

Town of Pendleton Notice of Public Hearing for Alan Huff

Town of Pendleton Denial of Building Application for Alan Huff

Public Hearing Mailing List for Alan Huff  
Site Survey of Property for Alan Huff

Submitted for:

Dennis J. Welka  
Secretary