

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
August 24, 2021 Meeting

Members:

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

The ZBA open regular meeting was called to order by Mr. Wolfgang Buechler at 7:00 pm. ZBA members Mr. Buechler, Mr. Schlemmer, Mr. Kantor, and Mr. Welka were present at the meeting. Mr. Graves attended remotely. Pendleton Town Prosecutor Theodore A. Joerg, Esq. was also present at the meeting. There were no changes to the agenda.

PUBLIC HEARINGS:

Jacus, Carmen and Louis
7227 Bear Ridge Rd.
Pendleton, NY

Applicants seek to create, via subdivision, a buildable lot having width of 95.07 ft. where a legal buildable lot requires a minimum width of 100 ft. per Town Code §247-11C.(2). Area variance sought is 4.93 ft. lot width variance. Property, before subdivision, is approx. 10.8 acres and zoned R2 Medium-Density Residential.

Mr. Schlemmer recused himself from the hearing, deliberation, and voting since he was related to the applicant.

Mr. Arlington represented the applicant and stated that an error was discovered in the first site presentation that relied on measurements from the tax maps and the applicant needed an additional 1.43 ft. area variance. Also, the original plan was reconfigured to comply with preliminary requirements from the Planning Board.

Mr. Buechler commented that the topic before the ZBA is solely that of a variance for one lot width. The current variance request now involves a proposed lot at the far right of the development when viewing the proposed street extension from the existing Creekbend Dr. All other lots will have lot dimensions compliant with Town Code.

The public hearing was closed at approximately 7:18 p.m.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Dave Kantor to accept the minutes of the July 27, 2021 meeting, and was seconded by Jim Schlemmer. All voted in favor.

Specific Board Deliberation Actions:

Jacus, Carmen and Louis, 7227 Bear Ridge Rd., Pendleton NY

Mr. Buechler stated prior to deliberation that the authority of the ZBA is limited to discussing the variance presented only.

The ZBA board reviewed the Area Variance considerations 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 not be a detriment to adjoining lots as proposed, both within the proposed subdivision and the existing Creekbend Dr. neighborhood.

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

It was agreed that an alternative solution would be to be to eliminate one lot to provide options for compliant lot widths throughout the proposed subdivision.

- 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 itself would not have an adverse effect on the physical or environmental conditions in the neighborhood.

- e. Is the applicant's difficulty self-created?

Yes, because the applicant chose to proceed with the project knowing that the width of the property would be non-conforming.

Mr. Kantor moved to grant the variance as requested for a single lot of the proposed subdivision. Mr. Buechler seconded the motion. Mr. Buechler, Mr. Graves, Mr. Welka and Mr. Kantor voted in favor of the motion.

Request for lot width variance of 4.93 ft. was granted for a single lot of the proposed multi-lot subdivision. All normal Planning Board subdivision review processes still apply.

New Inquiries to ZBA: None

Correspondence: Letter received from Campanelli & Associates, P.C., dated 13 August 2021, describing their 5G consultant services.

Special Topics: Mr. Buechler reminded all ZBA members to review their completed training hours for compliance with the four-hour annual requirement.

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, September 25, 2021, at 7:00PM.

A motion was made by Jim Schlemmer to adjourn the meeting at 7:25 pm, and seconded by Dennis Welka. All voted in favor.

Attachments:

Sign In Sheet for 8/24/21

Town of Pendleton Notice of Public Hearing for Carmen and Louis Jacus
Town of Pendleton Denial of Building Application for Carmen and Louis Jacus
Public Hearing Mailing List for Carmen and Louis Jacus
Site Survey of Property for Carmen and Louis Jacus
Letter from Campanelli & Associates, P.C. dated 13 August 2021

Submitted by:

Dennis J. Welka
Secretary