

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
08/23/2022 Meeting

Members:

Wolfgang Buechler, Chairman
David Kantor
Jonathan Welka
Nicholas Graves
Dennis Welka, Secretary

The ZBA open regular meeting was called to order by Mr. Buechler at 7:00 pm. ZBA members David Kantor, Nicholas Graves, Jonathan Welka, and Dennis Welka were present at the meeting. Pendleton Town Prosecutor Theodore Joerg, Esq. and Building Inspector/Code Enforcement Officer Ron Dietrich, were also present.

PUBLIC HEARINGS:

Chamberlain, Zachary – 6745 Campbell Blvd., Pendleton NY

Owner wishes to erect a privacy fence at a height of 8.25 ft. with an approximate length of 125 ft. where maximum fence height allowed is 7 ft. per Town Code §247-30.B. Property is 150 ft. x 638 ft. and zoned R1 Low-Density Residential. Area variance sought is 1.25 ft. fence height variance.

Applicant wishes to build a privacy fence for his deck that would also provide noise reduction. Mr., Chamberlain explained the benefits he expects from the fence and provided drawings showing how the proposed fence would look. Mr. Chamberlain stated that he would prefer to cap the fence with an open lattice work section which would bring total fence height to 9 ft. The fence would start at a front yard setback of approx. 120 ft.

Mr. Lukowski and Ms. King, neighbors, attended the hearing and spoke in favor of the project.

The public hearing was closed at approximately 7:10 pm.

Ziegler, Gregory – 6141 Townline Rd., Pendleton NY

Owner wishes to construct a 24 ft. x 32 ft. (768 SF) accessory structure at a front yard setback of 124 ft. where maximum accessory structure size allowed is 600 SF and minimum front yard setback allowed is 150 ft. per Town Codes §247- 34.E.(1) and §247-34.F.(3)(a), respectively. Property is 150 ft. x 565 ft. (1.95 acres) and zoned R1 Low-Density Residential. Area variances sought are 168 SF accessory structure size variance and 26 ft. front yard setback variance.

The applicant stated that he needs more room for storage and the location of the structure is limited by a septic system in his yard. Mr. Buechler commented that the property size is just under the 2 acre threshold where Town Code would allow a 1200 SF structure.

The public hearing was closed at approximately 7:17 pm.

Castellani, Chris – 6102 Campbell Blvd., Pendleton NY

Owner wishes to construct a 2,816 SF accessory structure (approx. 44 ft x 64 ft x 20 ft height) in addition to an existing 592 SF accessory structure for an aggregate accessory structure size of 3,408 SF where the maximum aggregate accessory structure allowed is 2,000 SF per Town Code §247-34.E.(3). Property is 9.8 acres and zoned R2 Medium-Density Residential. Area variance sought is 1,408 SF aggregate accessory structure size variance.

The applicant stated that he needs additional space to store his tractors and that he maintains multiple properties that he owns, including one directly across Campbell Blvd. Mr. Castellani stated that he is not engaged in farming activities. His residence is 1400 SF.

Mrs. Pittler, a neighbor to the North of the property, attended the hearing and stated that she had no objections to the project.

The public hearing was closed at approximately 7:30 pm.

Allan, Shiloh – 6544 Sheetram Rd., Pendleton NY

Owner wishes to construct a single-family residence at a front yard setback of 330 ft. where the maximum front yard setback allowed is 250 ft. per Town Code §247- 11.D.(3). Property 5.56 acres and irregularly shaped with a width of 123 ft. at the road and a depth of 562 ft. and zoned R2 Medium-Density Residential. Area variance sought is 80 ft. front yard setback variance for primary residence.

Ashley Bedford, wife of the applicant, stated that they wish to construct at a deeper front yard setback to be behind neighboring properties and that the width of the planned one-story home would necessitate that placement on the “L” shaped lot. The proposed site is the shortest front yard setback where the planned one-story residence would fit without encroaching the side lot lines.

The applicant also stated that locating the residence, where proposed, would better engage the large rear portion of the property, in particular as a play area for the children.

The public hearing was closed at approximately 7:51 pm.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Nick Graves to accept the minutes of the 07/26/2022 meeting, and was seconded by David Kantor. All voted in favor.

Changes to the Agenda:

None

Specific Board Deliberation Actions:

Chamberlain, Zachary – 6745 Campbell Blvd., Pendleton NY

The ZBA board reviewed the Area Variance 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?

No. The aesthetic plans for fence were considered desirable and the fence was set back a significant distance from the front of the property.

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

Build to code or don't build.

- c. Is the requested variance substantial?

The Board felt that the size request was minimal and that addition of the open lattice work would be beneficial.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

No

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

Yes

The motion was made by Dennis Welka to approve the height variance of 2 ft. with the fence not to exceed 9ft. in height. The motion was seconded by David Kantor. All voted in favor.

Ziegler, Gregory – 6141 Townline Rd., Pendleton NY

The ZBA board reviewed the Area Variance 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?

No

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

Build to code, although location options are limited due to the septic system

- c. Is the requested variance substantial?

The Board felt that the size request was minimal in size, especially given the property size at almost 2 acres. The Board also felt that the setback variance request was not substantial.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

No

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

Yes

The motion was made by Nick Graves to approve both variances as written with a one-year time limit on completion of the project. The motion was seconded by David Kantor. All voted in favor.

Castellani, Chris – 6102 Campbell Blvd., Pendleton NY

The Board discussed recent properties with similar requests.

The ZBA board reviewed the Area Variance 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 was undecided on this issue at this time.

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

Build to code.

- c. Is the requested variance substantial?

The Board felt that the size request was substantial at 100% of what was allowed by code.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

The Board felt that the effect was unknown.

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

Yes

The motion was made by Jonathan Welka to table the decision to allow board members to revisit the property with the proposed structure staked out. The motion was seconded by Dennis Welka. All voted in favor.

Allan, Shiloh – 6544 Sheetram Rd., Pendleton NY

The Board discussed the proposed location and the need for a variance and the stated benefits to the applicant..

The ZBA board reviewed the Area Variance 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 agreed that it was not in line with the character of the neighborhood but that the proposed location was not necessarily detrimental to neighboring properties.

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

Build to code

- c. Is the requested variance substantial?

The Board felt that the size request was substantial.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

The Board felt that the effect was unknown.

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

Yes

Mr. Graves moved to grant the variance as requested and Mr. J. Welka seconded the motion. Voting in favor of the motion were: Mr. Graves, Mr. Kantor, and Mr. J. Welka. Voting against were: Mr. Buechler and Mr. D. Welka. The variance was granted.

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

Discussion of 4 hr. training requirements for Board members. Mr. Buechler will provide a current accounting of hours possessed by board members at the next meeting.

Miscellaneous ZBA Topics:

1. The next scheduled ZBA meeting will be on Tuesday, 9/27/2022 at 7:00 pm.

A motion was made by Dennis Welka to adjourn the meeting at 9:02 pm and seconded by Dave Kantor. All voted in favor.

Submitted for:

Dennis J. Welka
Secretary

Attachments:

Town of Pendleton Public Hearing Request for John Zachary Chamberlain
Town of Pendleton Notice of Public Hearing for Zachary Chamberlain
Town of Pendleton Denial of Building Application for Zachary Chamberlain
Public Hearing Mailing List for Zachary Chamberlain
Site Survey of Property for Zachary Chamberlain

Town of Pendleton Public Hearing Request for Gregory Zeigler
Town of Pendleton Notice of Public Hearing for Gregory Zeigler
Town of Pendleton Denial of Building Application for Gregory Zeigler
Public Hearing Mailing List for Gregory Zeigler
Site Survey of Property for Gregory Zeigler

Town of Pendleton Public Hearing Request for Chris Castellani
Town of Pendleton Notice of Public Hearing for Chris Castellani
Town of Pendleton Denial of Building Application for Chris Castellani
Public Hearing Mailing List for Chris Castellani
Site Survey of Property for Chris Castellani

Town of Pendleton Public Hearing Request for Shiloh Allen
Town of Pendleton Notice of Public Hearing for Shiloh Allen

Town of Pendleton Denial of Building Application for Shiloh Allen
Public Hearing Mailing List for Shiloh Allen
Site Survey of Property for Shiloh Allen

Sign-in Sheet