

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
10/25/2022 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. Wolfgang Buechler at 7:00 pm. ZBA members Wolfgang Buechler, David Kantor, Jonathan Welka, Nicholas Graves, and Dennis Welka were present at the meeting. Mr. Theodore Jeorg, Esq., Pendleton Town Prosecutor was also present.

PUBLIC HEARINGS:

Soemann, Gregory – 6310 S. Transit Rd, Pendleton NY

Owner wishes to construct a 126 ft. x 30 ft. three-sided structure at a rear setback of 15 ft. where a minimum setback of 50 ft. is required per Town Code §247-13.J. Property is 9.5 acres and zoned CO2 Medium Commercial. Area variance sought is 35 ft. rear setback variance.

The applicant stated that he needs another shed for vehicle storage since his business has grown.

The applicant had previously been granted a 35 ft. rear setback variance for a similar structure in October of 2017. That structure was constructed on the property as originally proposed in 2017.

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

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Nick Graves to accept the minutes of the 09/27/2022 meeting, and was seconded by David Kantor. All voted in favor.

Specific Board Deliberation Actions:

Soemann, Gregory – 6310 S. Transit 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?

The board members felt that the granting of the variance would not create an undesirable change to the neighborhood or nearby properties.

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

It was agreed that there were no alternative solutions as the space in front of the proposed structure was required for movement of equipment.

- c. Is the requested variance substantial?

It was agreed that the requested variance was 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 would not have an adverse effect on the physical or environmental conditions of the neighborhood.

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

The board felt that the applicant's difficulty was self-created.

A motion was made by Mr. D. Welka and seconded by Mr. D. Kantor to grant the variance as requested with a one-year time limit on completion of the project. All voted in favor of the motion.

New Inquiries to ZBA: None

Correspondence: None

Special Topics: Training hours and opportunities discussed

Miscellaneous ZBA Topics:

- 1. The next scheduled meeting will be on Tuesday, 11/22/2022 at 7:00 pm.

A motion was made by Nick Graves to adjourn the meeting at 7:18 pm and seconded by Dave Kantor. All voted in favor.

Submitted for:

Dennis J. Welka
Secretary

Attachments:

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

Sign-in Sheet, dated 25 October 2022.