

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – June 27, 2023

Members:

Nicholas Graves, Chairman
David Kantor
Jonathan Welka
Lee Daigler
James Churchill

The meeting of the Zoning Board of Appeals (ZBA) was called to order by Mr. Daigler at 7:00 pm. ZBA members Kantor, Welka, Daigler, and Churchill were present at the meeting & Mr. Graves was not present. Pendleton Town Prosecutor Theodore A. Joerg, Esq. was also in attendance.

PUBLIC HEARINGS:

Argentieri

7301 Paddock Ridge Rd, Pendleton, NY

Owner wishes to construct attached garage 7' from the side property line and a single-story addition 5' from the side property line. Town Code requires a minimum setback of 15'. Variance sought 8' for garage and 10' for single story addition.

The public hearing was opened at 7:00 pm

The applicant was in attendance and provided a review of the project along with reviewing drawings submitted with the application. A brief review of the zoning code was also discussed (section 247-11.I); the board discussed the maximum size of an attached garage and that the project was over the allowable square footage, the project current is 1344sf and the zoning allows for 1200sf. The discussion also reviewed the fact that the current configuration would create (2) private garages and would also violate the above referenced section of the zoning as only one private garage is allowed.

The following residents spoke and were in favor of the board granting the required variance. Russ Gaiser 7305 Paddock Ridge Rd. A letter (unsigned) from Frank Pleto of 7297 Paddock Ridge Rd was presented by the applicant and was received by the board during the meeting.

The following resident spoke with comments and questions regarding the project. Anne Queeno 7302 Paddock Ridge Rd. This resident questioned the decrease in green space and that granting the variance would create a case for other residents to request this or similar relief for the zoning code, changing the openness of the community. The resident had other concerns regarding parking and other access issues; the board referred the resident to the code enforcement officer, with regard to parking issues.

No additional comments or questions came from the general public in attendance.

The applicant was informed to submit a survey per the application requirements.

The public hearing was closed at 7:21 pm.

Miosi

7272 Edgewater Circle, Pendleton, NY

Owner wishes to construct covered patio 10' from the side property line. Town Code requires a minimum setback of 15'. Variance sought is 5'.

The public hearing was opened at 7:21 pm

The applicant was in attendance and provided a review of the project along with reviewing drawings submitted with the application.

No additional comments or questions came from the general public in attendance.

It was determined that it would be helpful if the applicant would stake out the proposed addition for further review.

The public hearing was closed at 7:27 pm.

Shadwick

6118 Bear Ridge Rd, Pendleton, NY

The owner wishes to construct a single-family residence on a nonconforming 98.56' lot. The Town Code requires 100'. Parcel 137.03-1-9.12. Variance sought is 1.5'.

The public hearing was opened at 7:28 pm

The applicant was in attendance and provided a review of the project along with reviewing drawings submitted with the application. The board reviewed other aspects of the project for clarification and to determine no other variances would be sought to complete the project.

No additional comments or questions came from the general public in attendance.

It was determined that it would be helpful if the applicant would stake out the proposed addition for further review.

The public hearing was closed at 7:33 pm.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. Kantor to accept the minutes (as amend) of the May 23, 2023 meeting of the ZBA and seconded by Mr. Daigler.

Voting in Favor: Kantor, Welka, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

Specific Board Deliberation Actions:

Argentieri

7301 Paddock Ridge Rd, North Tonawanda, NY

Mr. Daigler moved table the application for additional review and documentation to be provided by the applicant. Mr. Churchill seconded the Motion.

Voting in Favor: Kantor, Welka, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

Miosi

7272 Edgewater Circle, North Tonawanda, NY

Mr. Welka moved table the application for additional review and documentation to be provided by the applicant. Mr. Kantor seconded the Motion.

Voting in Favor: Kantor, Welka, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

Shadwick

6118 Bear Ridge Rd, Pendleton, NY

The ZBA board reviewed the Area Variance and commented as follows:

1. 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 felt that approving the variance would have no impact on the character of the neighborhood or nearby properties.

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

The board felt no other alternative exist.

3. Is the requested variance substantial?

No, the proposed variance is approximately 1.44% less than required by Town code.

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

The board felt there would be no effect on the physical or environmental conditions in the neighborhood.

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

The board agreed the difficulty is not self-created.

Mr. Churchill moved to grant an approval for the existing lot width of 98.56' (variance sought of 1.5'.) with a 12 month timeline limit for project completion. Mr. Kantor seconded the Motion.

Voting in Favor: Kantor, Daigler, Churchill, Welka

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

Training: An offer to provide the board training was made by Ari Goldberg via Theodore A. Joerg, Esq. and Mr. Graves will coordinate a training session.

Miscellaneous ZBA Topics:

1. Residents in attendance had question regarding projects not on the agenda and Mr. Daigler opened to the floor for them to speak.
 - Jane Baldwin of Mapleton Rd asked if her property was going to be on the agenda and the status of its review. It was determined the applicant Dylan Randel withdrew the application and was seeking other options for approval regarding the Baldwin property and the resident was referred to the building department.
 - Anne Queeno 7302 Paddock Ridge Rd asked questions regarding the process and notification. It was discussed that an additional hearing would be at the next scheduled meeting and that she could attend and voice her concerns again, she was also informed that that once a final determination was made by the board would be made public via the Towns website or she may contact the building department. Additional direction was given to the resident to contact the building department with regards to on street parking issues and that code enforcement would address any issues.
2. Additional discussion about section 247-11.I , as part of this discussion it was determined that additional definition and or changes to the zoning should be considered. Definition that should be considered private attached and detach garage, accessory structure vehicle storage, car ports.
3. The next scheduled meeting of the ZBA is Tuesday, July 25, 2023 at 7:00 pm.

A motion was made by Mr. Welka to adjourn the meeting and seconded by Mr. Kantor

Voting in Favor: Kantor, Welka, Daigler, Churchill

Voting Against: none

Abstained: none

Motion carried by a 4-0 vote

Submitted by:

Nicholas Graves

Chairman, Town of Pendleton ZBA