

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – 08/22/2023

Members:

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

The meeting of the Zoning Board of Appeals (ZBA) was called to order by Mr. Graves at 7:00 pm. ZBA members Graves, Kantor, Welka, Daigler, and Churchill were present at the meeting. Pendleton Town Prosecutor Theodore A. Joerg, Esq. was also in attendance.

1. PUBLIC HEARINGS:

Cook 4986 Cloverleaf Ln, Pendleton, NY 14094

Owner wishes to construct a rear covered porch on an existing structure which is located 10' off of the property line. Town Code §247-11E requires a minimum setback of 15'. Property is 100 ft. x 250 ft. and zoned R-2 Residential. Side setback variance sought is 5 feet.

The public hearing was opened at 7:00 pm

The applicant was in attendance provided a brief review of the project.

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

The public hearing was closed at 7:04 pm.

Bowden 5832 Donner Rd Pendleton, NY 14094

Owner wishes to split and create a non-conforming lot. Depth of proposed property split is 220'. Town Code §247-11C(2) requires a minimum depth of 250'. Existing parcel is 580 ft x 220 ft (2.73 acres) and zoned R-2 Residential. Rear Depth variance sought is 30 feet.

The public hearing was opened at 7:04 pm

The applicant was in attendance and the future owner provided a brief review of the project.

A letter from a resident of the town was received by the board and read for review during the hearing questioning the drainage impacts. The applicant stated that the lot would be sufficiently graded.

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

The public hearing was closed at 7:11 pm.

2. REGULAR ZBA MEETING: - Meeting Opened at 7:12pm

3. Changes to the agenda – none

4. New Inquires – none

5. Review Minutes from Prior Meeting:

A motion was made by Mr. Graves to accept the minutes (as noted) of the 7/25/2023 meeting of the ZBA and seconded by Mr Kantor.

Voting in Favor: Graves, Kantor, Welka, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 5-0 vote

6. Deliberation / Hearings

Specific Board Deliberation Actions:

Cook

4986 Cloverleaf Ln, Pendleton, NY 14094

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

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

The board felt there are numerous alternatives to the size structure that has been requested; including offset the size or do not build.

c. Is the requested variance substantial?

No.

d. 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.

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

The board agreed the difficulty is not self-created due to the home being built 10’ from the property line.

Mr. Kantor move to grant a 10' setback with a 12 month timeline limit for project completion. Mr. Churchill seconded the Motion.

Voting in Favor: Graves, Kantor, Daigler, Churchill, Welka

Voting Against: none

Abstained: None

Motion carried by a 5-0 vote

Bowden - Hearing

5832 Donner Rd Pendleton, NY 4094

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

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

The board felt there are numerous alternatives to the size structure that has been requested; including do not subdivide.

c. Is the requested variance substantial?

The board felt the variance was substantial but not detrimental to the community.

d. 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.

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

The board agreed the difficulty is self-created.

Mr. Kantor move to grant a 220' lot width with a 6 month timeline limit for project completion. Mr. Welka seconded the Motion.

Voting in Favor: Graves, Kantor, Daigler, Churchill, Welka

Voting Against: None

Abstained: None

Motion carried by a 5-0 vote

7. Correspondence

A letter from a resident of the town was received by the board and read for review during the Bowden public meeting.

8. Special Topics:

a. Upcoming training was reviewed

b. Debate on the information provided by the state for public meetings was further reviewed and it was determined that the attendance of the public would no longer be taken. Mr Graves made a motion to no longer take public attendance on a sign in sheet. Mr Churchill seconded the motion.

Voting in Favor: Graves, Daigler, Churchill

Voting Against: Kantor, Welka

Abstained: none

Motion carried by a 3-2 vote

9. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, 9/26/2023 at 7:00 pm.

10. Adjournment:

A motion was made at 7:32 pm by Mr. Welka to adjourn the meeting and seconded by Mr. Graves.

Voting in Favor: Graves, Kantor, Welka, Daigler, Churchill

Voting Against: none

Abstained: none

Motion carried by a 5-0 vote

Submitted by:

Nicholas Graves

Chairman, Town of Pendleton ZBA