

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS (ZBA)**

**Meeting Minutes – 09/26 /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, Daigler, and Churchill were present at the meeting. Mr. Welka was excused. Pendleton Town Prosecutor Theodore A. Joerg, Esq. was also in attendance.

**1. PUBLIC HEARINGS:**

**Bogart 6885 Campbell Blvd, Pendleton, NY 14120**

Owner wishes to build a 32' x 56' accessory structure totaling 1,792 SF. Town Code §247-34.E.(2) limits total square feet to 1,200 SF on a parcel between 2 and 7 acres. Property is 2.85 acres and zoned R-2 Residential. Total area variance sought is 592 SF.

The public hearing was opened at 7:00 pm

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

A resident of the town voiced concern about drainage at the rear of the property due to the construction of the proposed structure.

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

The public hearing was closed at 7:19 pm.

**2. REGULAR ZBA MEETING:** - Meeting Opened at 7:20pm

**3. Changes to the agenda** – none

**4. New Inquires** – none

**5. Review Minutes from Prior Meeting:**

Minutes of the 8/22/2023 meeting of the ZBA will be reviewed at the October meeting.

**6. Deliberation / Hearings**

**Specific Board Deliberation Actions:**

**Bogart**

**6885 Campbell Blvd, Pendleton, NY 14120**

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 build to the zoning code or do not build.

**c. Is the requested variance substantial?**

Yes.

**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. Churchill move to grant an accessory structure totaling 1792 sf (592 sf above the code max) with a 12 month timeline limit for project completion; additionally the applicant shall create a swale to redirect and slow the flow of water to the east property line. Mr. Kantor seconded the Motion.

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

**7. Correspondence** - None

**8.Special Topics:**

a. Upcoming training was reviewed.

**9. Miscellaneous ZBA Topics:**

a. The next scheduled meeting of the ZBA is Tuesday, 10/24/2023 at 7:00 pm.

- Mr. Churchill and Mr. Kanor will not be in attendance.

**10. Adjournment:**

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

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: none

Abstained: none

Motion carried by a 4-0 vote

Submitted by:

Nicholas Graves

Chairman, Town of Pendleton ZBA