

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
October 24, 2023 Meeting Minutes

Members:

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

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

PUBLIC HEARINGS:

John Kelly

6733 Aiken Rd. Lockport, NY 14094

- Owner wishes to construct an 11' x 30' (330 SF) addition to an existing 24' x 30' accessory structure resulting in a total of 1,050. Town Code §247- 34.E.(1) limits total square feet to 600 SF on a parcel less than 2 acres. Property is 1.01 acres and zoned R-1 Residential.
- The public hearing was called to order at 7:03 pm.
- Owner wishes to park his car in the garage and use variance to construct an open-air lean-to type structure to house a camper.
- Drainage will be directed to the center of the applicant's yard.
- No input from the general public.
- Public hearing closed at 7:11 pm.

Francis Morabito

4224 Beach Ridge Rd. Lockport, NY 14094

- Owner wishes to remove existing structures on property and construct a new 40' x 60' (2,400 SF) accessory structure and place it less than 15' from the property line. Town Code §247-34.E.(1) limits total square feet to 600 SF on a parcel less than 2 acres. Town Code §247-34.F.(2)(b) requires a 15' side yard setback. Property is 1.15 acres and zoned R-1 Residential. Total area variance sought is 1,800 SF and a 10 ft side yard setback.
- Applicant wishes to store a camper in the new structure which currently sits out exposed to the elements along the property line.
- A neighbor was in attendance and voiced support for the project provided it is construed at the current (or similar) front yard setback as anything further back would impede upon the neighbor's view.
- The public hearing concluded for the evening at 7:27 pm but remains open.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. Daigler to accept the minutes of the August meeting and seconded by Mr. Welka. All voted in favor.

A motion was made by Mr. Welka to accept the minutes of the September meetings and seconded by Mr. Daigler. All voted in favor.

Specific Board Deliberation Actions:

John Kelly

6733 Aiken Rd. Lockport, NY 14094

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?

- No

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

- The board felt there are no reasonable alternatives to the variance other than to leave the property as-is.

3. Is the requested variance substantial?

- Yes, the proposed variance is approximately 1/3 greater than the town code allows, though a previous variance on the property exists.

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 self-created given the convenience to the applicant as opposed to necessity.

Mr. Daigler moved to grant an aggregate accessory structure size variance 330 SF allowing for a total aggregate accessory structure size of 1050 SF (including previous variance), conditioned on a one-year completion of the project. Mr. Welka seconded the motion. All voted in favor.

New Inquiries to ZBA: None

Correspondence: *None*

Special Topics:

- a. Town Prosecutor Sansone will be sitting in for Mr. Joerg at the next meeting.

Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, November 28, 2023 at 7:00 pm.

A motion was made by Mr. Welka to adjourn the meeting at 8:11 pm and seconded by Mr. Welka. All voted in favor.

Submitted by:

Nicholas Graves
Chairman, Town of Pendleton ZBA.