

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – November 28, 2023

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, Kantor, Churchill, and Daigler were present at the meeting. Mr. Welka was excused. Pendleton Town Prosecutor John Sansone, Esq., was also present at the meeting.

PUBLIC HEARINGS:

Francis Morabito (Continued)

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 80' from the right of way. 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.(3)(a) requires a 150' front yard setback. Property is 1.15 acres and zoned R-1 Residential. Total area variance sought is 1,800 SF and a 70' front yard setback.
- The public hearing resumed at 7:00 pm with the applicant present.
- The applicant re-capped the proposal and provided the property survey as well as a diagram depicting the functional use of the interior of the structure.
- The applicant expressed interest in leaving one building up throughout construction for storage purposes.
- The public hearing was closed at 7:17 pm without any input from the public.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. Churchill to accept the minutes of the October meeting as amended and was seconded by Mr. Kantor. All voted in favor.

Specific Board Deliberation Actions:

Francis Morabito

4224 Beach Ridge 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, it was determined this would be a welcomed change to the neighborhood and neighboring properties.

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 non-conforming property as-is or build to code.

3. Is the requested variance substantial?

- Yes, the proposed variance is substantial.

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. Churchill moved to grant an aggregate accessory structure size variance of 1,400 SF, allowing for a total aggregate accessory structure size of 2,000 SF on the property and a 70' front setback variance. Both variances are conditioned on a one-year completion of the project followed by an additional 3-month grace period to complete the removal of all previously existing accessory structures on the property. Mr. Kantor seconded the motion.

Voting in favor: Graves, Kantor, Daigler, and Churchill.

Voting against: None

Motion carried by a 4-0 vote.

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

- a. Mr. Churchill was reminded of his term expiration on 12/31/2023 and to submit his letter of interest to be considered for re-appointment by the Town Board.

Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, January 23, 2024 at 7:00 pm.

A motion was made by Mr. Kantor to adjourn the meeting at 7:36 pm and seconded by Mr. Daigler. All voted in favor.

Submitted by:

Nicholas Graves
Chairman, Town of Pendleton ZBA.