

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – 01/23/2024

Members:

Nicholas Graves, Chairman
Jim Churchill, Secretary
David Kantor
Lee Daigler
5th Seat - Vacant

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. Pendleton Town Prosecutor Theodore A. Joerg, Esq., and Building Inspectors Diedrich and Burgio were also in attendance.

1. PUBLIC HEARINGS:

Shareef – 7158 Bear Ridge Campbell Blvd, Pendleton, NY 14094

Owner wishes to construct a 30' x 100' (3,000 SF) accessory structure. Town Code §247-34.E.(3) limits total square feet to 2,000 SF on a parcel of this size. An 8' x 40' (320 SF) storage building also exists on the property. Property is 61.4 acres and zoned R-1 Residential. Total area variance sought is 1,320 SF.

The applicant the applicant submitted a request via email and phone to the Building Department to postpone the public hearing until the February 27, 2024 meeting.

A motion was made to postpone the public hearing by Mr. Graves and seconded by Mr. Churchill to table the public hearing to February 27, 2024.

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote

Mr. Graves notified the public in attendance that the public hearing would be moved to the next meeting at 7:00 pm.

Daigler – 4726 Tonawanda Creek Rd N., Pendleton, NY 14120

Owner wishes to construct a 20' x 30' (600 SF) roofed structure attached to an existing 30' x 40' (1,200 SF) accessory structure (includes a prior 600 SF variance). Town Code §247-34.E.(1) limits total square feet to 600 SF on a parcel of this size. Property is 1.1 acres and zoned R-2 Residential. Total area variance sought is 600 SF.

The public hearing was opened at 7:03 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 7:07 pm.

2. REGULAR ZBA MEETING: Meeting opened at 7:08pm

3. Changes to the agenda: None

4. New Inquires: None

5. Review Minutes from Prior Meeting:

A motion was made by Mr. Kantor to approve the minutes of the 12/17/2023 meeting as modified. The motion was seconded by Mr. Churchill.

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

6. Deliberations

Specific Board Deliberation Actions:

Daigler – 4726 Tonawanda Creek Rd N, Pendleton, NY 14120 - Hearing

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. Kantor moved to grant an accessory structure totaling 1800SF with an 18-month timeline limit for project completion. Mr. Graves seconded the Motion.

Voting in Favor: Graves, Kantor, Churchill

Voting Against: None

Abstained: Daigler

Motion approved by a 3-0 vote

Lindemuth – 7237 Bear Ridge Rd, Pendleton, NY 14120 - Hearing

The ZBA board reviewed the Area Variance in December of 2023 – refer to the meeting minutes for additional information regarding the variance sought.

Mr. Graves moved to grant an accessory structure as requested by the applicant. Mr. Daigler seconded the Motion.

Voting in Favor: Daigler

Voting Against: Graves, Kantor

Abstained: Churchill

Motion denied by a 1-2 vote

7. Correspondence: None

8.Special Topics:

- a) 2/2024 - 1/2025 Meeting schedule was reviewed. Motion to approve by Mr. Churchill and seconded by Mr. Daigler.

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

- b) Upcoming training was reviewed

9. Miscellaneous ZBA Topics:

- 1. The next scheduled meeting of the ZBA is Tuesday, 02/27/2024 at 7:00 pm.

10. Adjournment:

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

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: none

Abstained: none

Motion carried by a 4-0 vote

Submitted For the Chairman:

James Churchill

Secretary, Town of Pendleton ZBA

