

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

**Meeting Minutes – 02/27/2024**

**Members:**

Nicholas Graves, Chairman  
Jim Churchill, Secretary  
David Kantor  
Lee Daigler  
5<sup>th</sup> Sent - 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 Inspector Diedrich 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 public hearing was opened at 7:05 pm.

The applicant was present and provided an overview of the project.

The applicant stated that he intended to use the proposed structure to raise up to 400 sheep on 22 grazing acres. The applicant also stated he wished to slaughter the animals on site or elsewhere if required by law to feed the 10-15 service dogs in training that he keeps on his property. The applicant stated to have housed as many as 34 dogs at one time within the last year inside the home. The applicant also stated the accessory structure would be partially used for dog-related activities but that the intended use of the building was not to house dogs. Of note: a dog kennel is not a use permitted by right on this property nor is it a use permitted by special use permit.

The applicant stated he wished to clean up the condition of his property to bring it into compliance with town code. Of note, a shipping container in the front/side yard would be relocated to the rear of the property to make it compliant with the zoning, along with all other trailers in the front yard. The owner also stated the property would be fenced-in and guard dogs may be used for predators.

The public in attendance had several comments as part of the hearing. Residents were concerned about the number of dogs on the property, particularly regarding noise from dogs barking. Neighbors also stated that they had concerns about the sheep attracting predators such as coyotes or vermin due to increased biological matter associated with maintaining livestock, dog waste, and animal butchery.

After the issue was raised by a resident, the board was able to determine the property was not on state or federal wetlands via Niagara County GIS.

The applicant was informed his structure would not meet the proper use-specific setback

requirements and was advised to revise the site plan and re-submit prior to the next meeting.

The public hearing was closed in 8:32 PM

**2. REGULAR ZBA MEETING:** - The regular meeting of the ZBA opened at 8:46pm

**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 01/23/2024 meeting as modified. The motion was seconded by Mr. Daigler.

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote.

**6. Deliberation / Hearings**

**Specific Board Deliberation Actions:**

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

The ZBA board reviewed the Area Variance and determined the application was incomplete due to improper proposed setbacks. The applicant was advised to return corrections to the ZBA before the next meeting via the Building Dept.

Mr. Churchill moved to table the application and allow the public hearing to remain open, which was seconded by Mr. Graves. The applicant was informed to provide additional documentation as requested in the public hearing.

Voting in Favor: Graves, Daigler, Kantor, Churchill

Voting Against: none

Abstained: none

Motion carried by a 4-0 vote.

**7. Correspondence** - none

**8. Special Topics:** - none

**9. Miscellaneous ZBA Topics:**

The next scheduled meeting of the ZBA is Tuesday, 03/26/2024 at 7:00 pm.

**10. Adjournment:**

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

Voting in Favor: Graves, Kantor, Daigler, Churchill

Voting Against: none

Abstained: none

Motion carried by a 4-0 vote.

Submitted for the Chairman:

J. Churchill

Secretary, Town of Pendleton ZBA