

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – 04/23/2024

Members:

Nicholas Graves, Chairman
Jim Churchill, Secretary
David Kantor
James Meholick
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, Meholick, 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:

a) Hitzges (Continued) – 6996 Monroe St. Lockport, NY 14094

Owner wishes to construct a 32' x 56' (1,792 SF) accessory structure. Town Code §247-10.E.(1) limits total square feet to 600 SF on a parcel less than 2 acres. Property is 1.62 acres and zoned R-2 Residential. Total area variance sought is 1,192 SF.

The public hearing continued at 7:00 PM. The applicant was in attendance and stated he now only needed 1000 SF of relief. The public hearing was closed at 7:03.

Mr. Meholick moved to grant an accessory structure totaling 1000 SF with a 12-month timeline for project completion. Mr. Graves seconded the Motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

b) Brenon – 5470 Tonawanda Creek Rd. North Tonawanda, NY 14120

Owner wishes to place a utility shed 10' from the property line. Town Code §247-34.F.(2)(b) requires a minimum of 15' side yard setback. Property is 0.57 acres and zoned R-2 Residential. Total relief sought: 5' side yard setback.

The public hearing was opened at 7:03 pm. The applicant was in attendance provided an overview of the proposed tool shed. A nearby resident spoke in opposition to the project citing alternative and compliant locations for the shed. The public hearing was closed at 7:15 pm.

Mr. Meholick moved to deny the variance request. Mr. Kantor seconded the Motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion to Deny approved by a 4-0 vote

c) **Fitch – 4445 Tonawanda Creek Rd. North Tonawanda, NY 14120**

Owner wishes to construct a single family home approximately 415’ from the front property line. Town Code §247-10.D.(3) limits front yard setback to 250’. Property is 36.9 acres and zoned R-1 Residential. Total relief sought: 165’ front yard setback.

The public hearing was opened at 7:16 pm. James and Kaitlyn Felber spoke on behalf of the applicant (written consent provided in advance by the applicant) who was not in attendance and provided an overview of the proposed home. Numerous residents spoke in opposition to the project, citing changing views in/around their properties and inability to hunt/shoot as they have in previous years. The public hearing was closed at 7:43 pm.

Mr. Churchill moved to grant a 165’ front yard setback variance conditioned on a 24-month timeline for project completion, a substantial row of evergreen trees at 125’ and beyond on the South property line, and East/West property lines, all 8’ or taller at time of installation.. Mr. Kantor seconded the Motion.

Voting in Favor: Graves, Kantor, Churchill

Voting Against: Meholick

Abstained: None

Motion approved by a 3-1 vote

2. Changes to the agenda: None

3. New Inquires:

d) **Shareef – 7158 Bear Ridge Rd. North Tonawanda, NY 14120 – Request for Dismissal**

Mr. Graves made a motion to dismiss the case as requested by the applicant. Mr. Meholick Seconded.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

4. Review Minutes from Prior Meeting: Pending Completion

5. Specific Board Deliberation Actions:

Matuszewski – SBL# 135.00-1-16 (Located on Lockport Rd. Pendleton, NY 14094)

Mr. Churchill moved to grant the variances as requested provided the applicant shows proof of approval from the Niagara County Department of Health for proposed septic system on the property to the Building Department before a building permit is issued. Mr. Graves seconded the motion.

Voting in Favor: Graves, Kantor, Churchill

Voting Against: Meholick

Abstained: None

Motion approved by a 3-1 vote

6. Correspondence: None

7. Special Topics: None

8. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, May 28, 2024 at 7:00 pm.

9. Adjournment:

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

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote