

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)

Meeting Minutes – 03/26/2024

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

Owner wishes to build a single family residence on SBL# 135.00-1-16 (Lockport Rd.), a 21,700 SF non-conforming lot. Town Code §247-10.C. requires lots without public sewers to be a minimum of one acre (43,560 SF) in size, 125' wide, and 250' deep. Property is 100' x 217' (0.49 acres) and zoned R-1 Residential. Total area variances sought: 17,344 lot size variance, 25' lot width variance, and a 33' lot depth variance.

The public hearing commenced at 7:00 PM. The applicant was in attendance and provided an overview of the proposed 1,000 SF new-construction home. The applicant stated he has been and will remain in touch with the Niagara County Department of Health regarding a septic system on a lot of this size. Additionally, the applicant stated he has tried, unsuccessfully, to purchase adjoining land in order to make the lot compliant in size and that there are no other viable uses for the property. The public hearing was closed at 7:12 without input from residents in attendance.

Mr. Graves moved to table deliberation on the matter Mr. Churchill seconded the Motion.

Voting in Favor: Graves, Churchill, Meholick

Voting Against: None

Abstained: None

Motion approved by a 3-0 vote

b) Hitzges – 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 commenced at 7:13 PM. The applicant was in attendance and provided an overview of the proposed project. Two residents from nearby properties spoke to ask questions about the structure, one of whom expressed displeasure with the size. The public hearing concluded for the evening but remains open pending submission of a properly marked survey by the applicant.

c) **Shareef (Continued) – 7158 Bear Ridge Rd. North Tonawanda, NY 14120**

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 property 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 continued at 7:34 pm with the applicant recapping the scope of the proposed project. The applicant was unable to show any documentation from Niagara County Ag & Markets stating he was permitted to have more than the 2-3 sheep per grazing acre communicated by the agency to the ZBA. The applicant also stated he will train dogs in the structure but plans to continue to house 15+ dogs in his home at all times. He added the ultimate goal would be to get permission for the dogs to live in the proposed structure. The applicant stated the sheep will be slaughtered and processed for animal and human consumption. Neighbors were in attendance, voicing their concern with regard to waste produced by the animals in the residential neighborhood. A representative from the Niagara County SPCA was in attendance, stating the agency has “grave concerns” with regard to the number of animals on the property or the potential for there to be more. Town Prosecutor Ted Jeorg spoke on behalf of the town, calling into question the number of sheep planned for the land, rate of return, actual space needed, and the current character of the neighborhood versus that of the proposed project. The applicant was asked by the ZBA to submit an updated property survey with grazing, offsets, pond(s), direction of water flow and waste storage locations prior to the April meeting of the ZBA. The hearing was concluded for the evening at 8:30 pm

2. Changes to the agenda: None

3. New Inquires: None

4. Review Minutes from Prior Meeting:

Mr. Graves moved to approve the minutes from the February Meeting of the ZBA. Mr. Churchill seconded the motion.

Voting in Favor: Graves, Churchill

Voting Against: None

Abstained: Meholick (Not on ZBA at time of meeting)

Motion denied by a 2-0 vote, will be scheduled for re-vote at the April meeting of the ZBA.

5. Correspondence: None

6. Special Topics: None

7. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, April 24, 2024 at 7:00 pm.

8. Adjournment:

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

Voting in Favor: Graves, Churchill, Meholick

Voting Against: None

Abstained: None

Motion carried by a 3-0 vote