

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)

Meeting Minutes – 06/25/2024

Members:

Nicholas Graves, Chairman
Jim Churchill, Secretary
David Kantor
James Meholick
Harold McLellan

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, Meholick, and McLellan were present at the meeting. Pendleton Town Prosecutor Theodore A. Joerg, Esq., and Building Inspector Diedrich were also in attendance.

1. PUBLIC HEARINGS:

a) DOWD - 5295 IRISH RD. LOCKPORT, NY 14094.

Owner wishes to construct a 36 'x 40 '(1,440 SF) accessory structure on a parcel less than seven acres. Town Code §247-34.E.2. limits accessory structure size to 1,200 SF on the property in question. Property is 200 'x 1071 '(4.31 acres) and zoned R-2 Residential. Total area variance sought: 240 SF accessory structure size.

The public hearing began at 7:00 PM. The applicant was in attendance and provided an overview of the proposed project. The applicant stated he only needed 160 SF relief as opposed to the initially requested 240 SF. The applicant also stated he would remove the existing accessory structure on the property before building would commence on a new building. The public hearing was closed at 7:04 without any input from those in attendance.

Mr. Churchill moved to grant a 160 SF accessory structure size variance (1360 SF aggregate) with a 12-month timeline for project completion, provided the longest portion of the building runs parallel to the North - South 826' property line and that no Certificate of Occupancy shall be issued until existing accessory structure in the rear of the property is removed. Mr. Meholick seconded the motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote

b) BRIGHT - 5038 TONAWANDA CREEK RD., NORTH TONAWANDA, NY 14120.

Owner wishes to subdivide property into two lots, creating one compliant lot and one lot non-compliant lot of 79 'x 215 'and 16,985 SF. Town Code §247-11.C. requires any newly created lot to have a minimum width of 100', Depth of 250 'and minimum total size of 25,000 SF. Existing property is 179 'x 378 '(1.48 acres), irregularly shaped, and zoned R-2 Residential. Total area variances sought:

21 'lot width variance, 35 'lot depth variance, and 8,015 SF lot size variance.

The public hearing was opened at 7:05 pm. The applicant (Mrs. Bright) was in attendance with a family member who also owns an adjoining lot. The applicant wishes to subdivide the property due to unforeseen medical reasons within the family. The applicant requested to continue the public hearing to consider multiple options discussed.

The public hearing concluded for the evening at 7:23 but will remain open per the applicant's request.

2. Changes to the agenda: None

3. New Inquires: None

4. Review Minutes from Prior Meeting:

Mr. Churchill moved to approve the May meeting minutes of the ZBA as amended. Mr. Meholick seconded the motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: McLellan (not present in May)

Motion carried by a 4-0 vote

5. Specific Board Deliberation Actions: None

6. Correspondence: None

7. Special Topics: None

8. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, July 23, 2024 at 7:00 pm. Mr. Churchill will be excused.

9. Adjournment:

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

Voting in Favor: Graves, Kantor, Churchill, Meholick, McLellan

Voting Against: None

Abstained: None

Motion carried by a 5-0 vote