

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

**Meeting Minutes – 05/28/2024**

**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, Daigler, and Churchill were present at the meeting. Mr. McLellan was excused. Pendleton Town Prosecutor Theodore A. Joerg, Esq., and Building Inspector Diedrich were also in attendance.

**1. PUBLIC HEARINGS:**

**a) LOESER - 5387 OAKWOOD DR. NORTH TONAWANDA, NY 14120**

Owner wishes to construct a 34 'x 50 '(1,700 SF) pole barn on a parcel greater than two but less than four acres. Town Code §247-34.E.(2) limits the total to 1,200 SF on a parcel of this size. Owner also wishes to position the structure 10 'from the property line where a minimum 15 'side setback is required by Town Code. Property is 168 'x 1,475 '(~5.70 acres) and zoned R-2 Residential. Total area variances sought: 500 SF accessory size variance and 5 'side setback variance.

The public hearing began at 7:00 PM. The applicant was in attendance and provided an overview of the proposed project. The public hearing was closed at 7:12 without any input from those in attendance.

Mr. Meholick moved to grant a 250 SF accessory structure size variance (1450 SF aggregate) with a 12-month timeline for project completion, drainage downspouts directed to the South on Oakwood Dr. via existing swale, and no Certificate of Occupancy shall be issued until existing accessory structure in the rear of the property is removed. Mr. Churchill seconded the motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

Mr. Meholick moved to deny the side yard variance. Mr. Churchill seconded the motion.

Voting in Favor: Kantor, Churchill, Meholick

Voting Against: Graves

Abstained: None

Motion approved by a 3-1 vote

b) **MYERS - 4975 OAKWOOD DR. NORTH TONAWANDA, NY 14120**

Owner wishes to construct a 1,120 SF accessory structure on a parcel less than two acres. Town Code §247-34.E.(1) limits total square feet to 600 SF on a parcel of this size. Property is 100 'x 664 '(1.52 acres) and zoned R-2 Residential. Total area variance sought is 520 SF.

The public hearing was opened at 7:13 pm. The applicant was in attendance provided an overview of the proposed storage shed. The public hearing was closed at 7:18 pm without input from those in attendance.

Mr. Churchill moved to grant a 360 SF accessory structure size variance (960 SF aggregate) with a 12-month time limit for project completion, requirement for the storm water to be directed into existing swale, and for the shed to be placed on the Western side of the property. Mr. Meholick seconded the motion.

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion to Deny approved by a 4-0 vote

**2. Changes to the agenda:** None

**3. New Inquires:** None

**4. Review Minutes from Prior Meeting:**

Mr. Churchill moved to approve the March and April meeting minutes of the ZBA as drafted. 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

**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, June 25, 2024 at 7:00 pm.

**9. Adjournment:**

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

Voting in Favor: Graves, Kantor, Churchill, Meholick

Voting Against: None

Abstained: None

Motion carried by a 4-0 vote