

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)

Meeting Minutes – 07/23/2024

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

1. PUBLIC HEARINGS:

a) Moll – 4714 Tonawanda Creek Rd., North Tonawanda, NY 14120

Owner wishes to construct a 600 SF accessory structure on a parcel with an existing 100 SF accessory structure. Town Code §247-34.E.1. limits accessory structure size to 600 SF on the property in question. Owner wishes to locate the 600 SF structure 50' from the front yard right of way where town code requires a minimum of 50' setback. Property is 110' x 279' (0.70 acres) and zoned R-2 Residential. Total area variance sought: 100 SF accessory structure size and 100' front yard setback.

The public hearing commenced at 7:00 PM. The applicant was in attendance and provided an overview of the proposal which will primarily be used to house a classic car collection. Of note, the lot is non-compliant in depth, which would require a variance regardless of where a shed is placed on the lot. The applicant stated the structure would not be visible from the road. Two nearby neighbors were in attendance and voiced their support for the project. The public hearing was closed at 7:09.

Mr. Kantor moved to approve a 100 SF accessory structure size variance with a one-year time limit for project completion. Mr. Meholick seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

Mr. Meholick moved to approve a 100' front yard setback variance with a one-year time limit for project completion. Mr. McLellan seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

b) Forster – 5228 Feigle Rd., Lockport, NY 14094

Owner wishes to construct a 24’ x 30’ (720 SF) accessory structure and connect it to an existing 30’ x 30’ (900 SF) accessory structure for a total of 1,620 SF. Town Code §247-34E(1) limits the total SF to 600 on a parcel less than two acres in size. Property is 114’ x 500’ (1.40 acres) and zoned R-1 Residential. Total area variance sought: 720 SF accessory structure size variance.

The public hearing commenced at 7:10 PM. The applicant was in attendance and provided an overview of the proposed project which will primarily be used to house a car collection, ATVs, and lawn/garden equipment. Of note, a previous 300 SF accessory structure size variance exists for this property from 2001. The applicant stated the addition would not be visible from the road as it will be connected to the rear of the existing accessory structure with the same width and height. Additionally, the applicant has installed extensive drainage tile throughout the lot and a large power line easement exists along the western property line. The public hearing was closed at 7:19 pm without comment from the general public in attendance.

Mr. Kantor moved to approve a 720 SF accessory structure size variance with a one-year time limit for project completion. Mr. McLellan seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

The aggregate accessory structure size for this property including the 2001 and 2024 variances is now 1,620 SF.

c) Boersch – 7278 Lakeview Ct., North Tonawanda, NY 14120

Owner wishes to install approximately 70’ of fencing at a height of 8’. Town Code §247-30B limits fence height to maximum of 7’. Property is 100’ x 250’ (0.63acres) and zoned R-1 Residential. Total area variance sought: 1’ Fence Height Variance at a length of 70’.

The public hearing commenced at 7:20 pm. The applicant was in attendance and stated the reason for the extra height was due to a substantial drop in grade along the 70’ in question that would preclude a 7’ fence from providing adequate privacy and aesthetics. The applicant also stated the fence would be composed of a solid vinyl material. The public hearing was closed at 7:22 pm.

Mr. McLellan moved to approve a 1’ fence height variance for a length of 70’ along the Southern property line with a one-year time limit for project completion. Mr. Graves seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

d) **Vona – 5363 Oakwood Dr., North Tonawanda, NY 14120**

Owner wishes to construct a 1,672 SF accessory structure. A 192 SF accessory structure already exists on the property for a total of 1,864 SF. Town Code §247-34E(2) limits the total SF to 1,200 on a parcel of this size. Property is 4.50 acres and zoned R-1 Residential. Total area variances sought: 664 SF accessory structure size variance.

The public hearing commenced at 7:23 pm. The applicant was in attendance and provided an overview of the proposed project which will primarily be used to house heavy machinery used about the property as well as recreational vehicles. The applicant stated the structure would be 26’ x 44’ with a 12’ open-air lean-to on the long (44’) side, providing 1,144 SF interior and 528 SF of open-air exterior space. The structure would be set back 300’ from the front, obscured by brush, and built far beyond all neighboring property lines. would be composed of a solid vinyl material. The public hearing was closed at 7:28 pm.

Mr. Meholick moved to approve a 664 SF accessory structure size variance with a one-year time limit for project completion. Mr. Kantor seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

2. Changes to the agenda:

Mr. Graves moved to amend the Moll hearing in the published agenda to read “Owner wishes to construct a 600 SF accessory structure on a parcel with an existing 100 SF accessory structure. Town Code §247-34.E.1. limits accessory structure size to 600 SF on the property in question. Owner wishes to locate the 600 SF structure 50’ from the front yard right of way where town code requires a minimum of 150’ setback. Property is 110’ x 279’ (0.70 acres) and zoned R-2 Residential. Total area variance sought: 100 SF accessory structure size and 100’ front yard setback.” Mr. Kantor seconded the Motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

3. New Inquires: None

4. Review Minutes from Prior Meeting:

Mr. Meholick moved to approve the minutes as drafted from the June 25, 2024 Meeting of the ZBA. Mr. Kantor seconded the motion.

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote

5. Correspondence: None

6. Special Topics: None

7. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, August 27, 2024 at 7:00 pm. Mr. Graves will be excused.

8. Adjournment:

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

Voting in Favor: Graves, Kantor, Meholick, McLellan

Voting Against: None

Abstained: None

Motion approved by a 4-0 vote