

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – 09/24/2024

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. All ZBA members were present. Pendleton Town Prosecutor Theodore A. Joerg, Esq., was also in attendance.

1. PUBLIC HEARINGS:

a) Joyner – 7051 Campbell Blvd. N. Tonawanda, NY 14120.

Owner wishes to construct a 24' x 30' (720 SF) accessory structure. Town Code §247-34.E.1 limits an accessory structure to 600 SF on parcels less than two acres. Property is 100' x 408' (.94 acres) and zoned R-2 Residential. Total relief sought: 120 SF accessory structure size.

The applicant was not present and attempts to contact the applicant during the meeting via phone were unsuccessful.

Mr. Graves moved to table the hearing and to direct the Town Clerk's office to send further communication requesting the applicant's presence at the October meeting of the ZBA. Mr. Churchill seconded the motion.

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

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote

b) Ferlito Restaurant Inc. – 4072 Beach Ridge Rd. N. Tonawanda, NY 14120.

Owner wishes to allow for retail operations on a residential lot (7083 Townline Rd. N. Tonawanda, NY 14120) in a non-conforming district. Town Code §247-10 does not permit the intended use by right or special use permit. Property is 90' x 166' and zoned R-1 Residential, thus, a Use Variance will be considered for the property at 7083 Townline Rd. N. Tonawanda, NY 14120.

Mr. Graves moved to table this matter until the October meeting of the ZBA due to a request made by the applicant via email on 09/23/2024. Mr. Churchill seconded the motion.

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

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote

2. Changes to the agenda: None

3. New Inquires: None

4. Review Minutes from Prior Meeting:

Mr. Churchill moved to approve the minutes as amended (change attorney in attendance to Sansone) from the August 27, 2024 Meeting of the ZBA. Mr. Meholick seconded the motion.

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

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote

5. Correspondence: None

6. Special Topics:

1. Mr. Kantor made a motion to allow Chairman Graves to fill out and submit the Referral Form for the Ferlito Hearing (7083 Townline Rd. N. Tonawanda, NY 14120) and carbon copy the Town of Wheatfield pursuant to the referral agreements. Mr. Churchill seconded.

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

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote

7. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is Tuesday, October 22, 2024 at 7:00 pm.

8. Adjournment:

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

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

Voting Against: None

Abstained: None

Motion approved by a 5-0 vote