

TOWN OF PENDLETON
ZONING BOARD OF APPEALS (ZBA)
Meeting Minutes – 12/17/2024

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. Chairman Graves, Secretary Churchill, Mr. Kantor, Mr. Meholick, and Mr. McLellan were in attendance. Pendleton Town Prosecutor Theodore A. Joerg, Esq., and Building Inspector Diedrich were also in attendance.

1. PUBLIC HEARINGS:

a) **Jacus – 7227 Bear Ridge Rd., North Tonawanda, NY 14120**

Owner is seeking to sub-divide a parcel of land into two parcels, one of which will not meet lot width requirements, making it an unbuildable/non-conforming lot. Actual relief sought to be determined due to multiple easements on the property.

During the initial review of the documents it was determined questions existed regarding the actual owner of the property. Applicant was advised to re-submit application along with proof of ownership before this matter can go any further. The public hearing was not opened.

Mr. Graves made a motion to delay the public hearing until the January meeting of the ZBA to allow the applicant(s) to submit proof of ownership. Mr. Churchill seconded the motion.

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

Voting Against: None

Abstained: None

Motion carried by a 5-0 vote

b) **Matthew Cole – SBL: 164.03-3-41 - Townline Rd. (Continued)**

Owner wishes to construct a two-family residence on a non-conforming lot. Town Codes §247-11.E.1 and 247-11.C.4. requires a minimum lot size of two acres, 200 ft of frontage, depth of 250 ft, and side setbacks of 15 ft. Property is 150' x 170' (.3 acres) and zoned R-2 Residential. Total relief sought: Lot Size, Lot Frontage, Lot Depth, Side Yard, Rear Setback area variances.

The applicant was in attendance and stated he now plans on tying into the sewer system as opposed to installing a septic system on the property. After re-visiting the property, Mr. Churchill had questions regarding an easement on the property which is absent from the survey. This also

precludes the ZBA from calculating the actual lot size variance needed. The applicant was advised to return to the January meeting of the ZBA with an updated survey.

Mr. Graves made a motion to table for an additional month in order for the applicant to obtain an updated survey. Mr. Churchill seconded the motion.

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

Voting Against: None

Abstained: None

Motion carried by a 5-0 vote

2. Changes to the agenda: None

3. New Inquires: None

4. Review Minutes from Prior Meeting:

Mr. Kantor moved to approve the minutes from the October 22, 2024 Meeting of the ZBA. Mr. McLellan 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: None

7. Miscellaneous ZBA Topics:

1. The next scheduled meeting of the ZBA is now scheduled for Tuesday, January 28, 2024 at 7:00 pm.
2. The ZBA thanked outgoing Building Inspector Diedrich for his dedication to the town and assistance with ZBA related issues.

8. Adjournment:

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