

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
January 28, 2025 Meeting

Members:

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

The ZBA open regular meeting was called to order by Mr. Nicholas Graves at 7:00 PM. All ZBA members, and The Town Prosecutor, Mr. Theodore Joerg, were present at the meeting. No changes were made to the ZBA agenda submitted by Nicholas Graves.

PUBLIC HEARINGS:

Warren Jacus
7227 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to split a parcel of land into two parcels and be sold as an approved buildable lot. The parcels would be divided into 4.5 acre & 0.578 acre lots. The smaller sub-divided property does not meet frontage lot width due to easements of 80 ft. where a minimum of 100 ft. is allowed as per Town Code. The front lot width variance request would be approximately 85 ft. as per Town Code §247-11C1. The property is R-2 medium density residential zoning.

Mr. Jacus presented the Zoning Board of Appeals a copy of his county tax bill with his name on the invoice indicating proof of ownership. Theodore Joerg indicated that this was acceptable and that the board could continue with the public hearing. A neighbor of Mr. Jacus was present at the meeting and objected to granting the variance due to driveway access & insufficient room for snow removal due to an existing road barrier. Mr. Jacus felt that snow removal & the easement shouldn't be an issue in granting the variance.

The public hearing was closed at approximately 7:22 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by David Kantor to accept the minutes of the December 17, 2024 meeting, and was seconded by Jim Churchill. All voted in favor.

Specific Board Deliberation Actions:

Mathew Cole
439 – 69th Street
Niagara Falls, New York

For Parcel: 164.03-3-41 located on Townline Road, Pendleton, NY

Mr. Cole presented a site survey illustrating all of easements on the property. The actual buildable area for the property is 7,070 square feet. Mr. Cole requested additional time to confirm if there was sufficient area to build a house. The applicant waived the 62 days for the ZBA to either approve or deny his variance requests after the public hearing was closed in order for the applicant to submit architectural drawings to the Town Clerk's Office prior to the February meeting.

A motion was made by Mr. Nicholas Graves to table the variance deliberation and was seconded by Mr. Jim Churchill. All voted in favor to table the variance deliberation to the February meeting of the ZBA.

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The ZBA board reviewed the Area Variance tests for the frontage yard width of the sub-divided property, and commented as follows:

- a. Will the granting of the variance result in an undesirable change to the character of the neighborhood or will it be detrimental to nearby properties?

The board members felt that the granting of the variance would create an undesirable change to the neighborhood and nearby properties as snow removal would be an issue.

- b. Are there alternative solutions that would not require a variance?

It was agreed that an alternative solution would be to sub-divide the property to meet the town code for a buildable lot.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

The board members felt that the variance would have an adverse effect on the physical or environmental conditions in the neighborhood as it would be detrimental because of the driveway location, school bus turnaround, & fire prevention.

e. Is the applicant’s difficulty self-created?

It was agreed that the applicant’s difficulty was self-created.

A motion was made by Mr. Jim Churchill to deny the variance as detailed in the request, and was seconded by Mr. Nicholas Graves. All voted in favor to deny the variance request.

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

1. Nicholas Graves indicated to the board that he was reappointed as Chairman & Jim Meholick was appointed to the secretary position at the January town board meeting.
2. The ZBA board set the 2025 and Jan 2026 schedule for the 4th Tuesday of every month with the exception of the November 18, 2025; and December 16th, 2025 meetings. These two meetings may be held in the new community center (if open) due to conflict with the Planning Board. The ZBA also set the 2025 start time for all meetings at 7:00PM.

A motion was made by Jim Churchill to accept the 2025 meeting schedule, and was seconded by Jim Meholick. All voted in favor.
3. The ZBA board reviewed the referral requirement to the Niagara County Planning Board.
4. The ZBA board reviewed the notification requirement to neighboring municipalities.
5. The ZBA board reviewed the current “Public Hearing Request to Petition for a Variance” form, and no changes were suggested.

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, February 25, 2025, at 7:00PM.

A motion was made by Jim Churchill to adjourn the meeting at 7:50 PM and seconded by Jim Meholick. All voted in favor.

Submitted for the Chairman,

James G. Meholick
Secretary