

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
April 22, 2025 Meeting Minutes

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; Town Prosecutor, Mr. Theodore Joerg, Esq.; and The Town Building Inspector/Code Enforcement Officer, Mr. Ron Diedrich, were present at the meeting. No changes were made to the ZBA agenda submitted by Nicholas Graves.

PUBLIC HEARINGS:

Salvatore Mattina
5821 Dunnigan Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 12 ft. x 28 ft. (336 ft²) accessory structure and place it 100 ft. from the front property line where a minimum of 150 feet is allowed per Town Code. The front yard setback variance request would be 50 feet as per Town Code §247-34F(2)(a). The property is 300 ft. x 774 ft. (5.33 acres) and is R-2 medium density residential zoning.

Prior to the Public Hearing, the applicant contacted the Town of Pendleton Building Department via email requesting to withdraw his application after deciding not to continue with the project. Mr. Graves made a motion to approve the withdrawal of the application without prejudice. Mr. Churchill seconded the motion. All voted in favor.

Devin Hope
7283 Creekbend Drive
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 17 ft. x 24 ft. (408 ft²) addition to his existing garage and place it 10 ft. from the property line where a minimum of 15 feet is allowed per Town Code. There is also a 10 ft. drainage easement along the north property line. The side yard setback variance request would be 5 feet as per Town Code §247-11E. The property is 100 ft. x irregular and is R-2 medium density residential zoning.

Mr. Hope indicated to the ZBA that his name was spelled incorrectly and should have been Devin instead of Devon. Mr. Churchill indicated to Mr. Hope that the garage addition wall closest to the property line would have to be fire rated as it was within the 15 ft. minimum setback. Mr. Hope decided to review his variance request and will contact the town clerk. The ZBA indicated that they would recommend to the Town Clerk/Town Board to republish the variance request without charge.

A motion was made by Nicholas Graves to leave the public hearing open until the next meeting on May 27, and was seconded by Jim Churchill. All voted in favor.

The public hearing ended at approximately 7:17 PM.

**Greg & Susan Lambros
4999 Tonawanda Creek Road
Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to add to the existing garage on their property and place it within 11'-3" from the side yard line where a minimum of 15 feet is allowed per Town Code. The side yard setback variance request would be 3'-9" as per Town Code §247-11E. The property is 100 ft. x 350 ft. (0.80 acres) and is R-2 medium density residential zoning.

Greg & Susan Lambros presented a survey showing the garage & living space addition and it was determined during the review that the garage was actually 12 ft. wide and that the side yard variance request would have to be revised to 6'-10" from 3'-9". They were also not aware that the garage wall closest to the property line would have to be fire rated as it was within the 15 ft. minimum setback. The Lambros decided to revisit their plans and contact the town clerk with a revised variance request. The ZBA indicated that they would recommend to the Town Clerk/Town Board to republish the variance request without charge.

A motion was made by Nicholas Graves to leave the public hearing open until the next meeting on May 27, and was seconded by Jim Churchill. All voted in favor.

The public hearing ended at approximately 7:30 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Jim Churchill to accept the minutes of the March 25, 2025 meeting, and was seconded by David Kantor. All voted in favor.

Specific Board Deliberation Actions: *None*

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

**Dale Acker
6555 Campbell Boulevard
Pendleton, New York**

Mr. Acker's request for a side yard setback variance was denied at the February ZBA meeting, and he recently requested that the ZBA reconsider this decision. The original request was to construct a 12 ft. x 12 ft. (240 ft²) accessory structure on his property with a side lot setback of 5 ft. where a minimum of 15 ft. is allowed per Town Code. The side lot setback variance request would be 10 ft. as per Town Code §247-11E.

A motion was made by Mr. Kantor to rehear the case upon re-submittal of the variance request, to include fees, and was seconded by Mr. McLellan. All voted in favor to re-hear the variance request.

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, May 27, 2025, at 7:00PM.

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

Submitted for the Chairman:

James G. Meholick
Secretary