

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS**  
**April 28, 2026 Meeting Minutes**

**Members:**

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

The ZBA open regular meeting was called to order by Mr. Nicholas Graves at 7:09 PM. All ZBA members; Town Prosecutor, Mr. Theodore Joerg, Esq.; and The Town Building Inspector/Code Enforcement Officer, Mr. Troy Barnes, were present at the meeting. No changes were made to the ZBA agenda submitted by Mr. Graves.

**PUBLIC HEARINGS:**

**Gerald Baker (Continuation of March Meeting)**  
**5852 Donner Road**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 24 ft. x 36 ft. (864 ft<sup>2</sup>) garage on the property where the maximum allowed per Town Code is 600 ft<sup>2</sup> as per Town Code. The area variance request would be 264 ft<sup>2</sup> as per Town Code §247-11I. The property is 1.67acres and is R-2 medium density residential zoning.

The applicant indicated that the structure would be used as a garage for storage of his vehicles and water would drain to the back of his property. Mr. Baker presented the survey of his property for the ZBA members to review.

The public hearing ended at approximately 7:10 PM.

**Jacob Hoak**  
**6887 Hidden Oak Drive**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 20 ft. x 30 ft. (600 ft<sup>2</sup>) accessory structure on the property with a front yard setback of 135 ft. where a minimum of 150 ft is allowed per Town Code, and a 10 ft. side yard setback where the minimum is 15 ft. per Town Code. The front yard variance request would be 15 ft as per Town Code §247-34F(3)(a) and the side yard variance request would be 5 ft. as per Town Code §247-34F(2). The property is 125 ft. x 250 ft. (0.72 acres) and is R-1 residential zoning.

Mr. Hoak was not present at the meeting. A motion was made by Mr. Graves to leave the public hearing open for 60 days, and was seconded by Mr. Churchill. All voted in favor.

The public hearing ended at approximately 7:11 PM.

**Wayne Snyder (Continuation of March Meeting)  
6027 Townline Road  
Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 28 ft. x 30 ft. (840 ft<sup>2</sup>) accessory structure on his property where the maximum allowed per Town Code is 600 ft<sup>2</sup>. Mr. Snyder indicated that he wanted to keep an existing 299 ft<sup>2</sup> shed in addition to the new accessory structure on his property. The ZBA granted at the March meeting a 300 ft<sup>2</sup> area variance for a total aggregate of 900 ft<sup>2</sup>; and 7 ft. side yard & 50 ft. front yard setbacks. The area variance request would be 239 ft<sup>2</sup> as per Town Code §247-34E(1). The property is 0.72 acres and is R-1 residential zoning.

Mr. Snyder's neighbor was present at the meeting and indicated that he was okay with his plans for the accessory structure. The ZBA discussed several options that were available to him to meet his storage needs.

The public hearing ended at approximately 7:18 PM.

**REGULAR ZBA MEETING:**

***Review Minutes from Prior Meeting:***

A motion was made by Mr. Graves to accept the minutes of the March 26, 2026 meeting, and was seconded by Mr. Churchill. All voted in favor. .

***Specific Board Deliberation Actions:***

**Wayne Snyder  
6027 Townline Road  
Pendleton, New York**

The ZBA board reviewed the Area Variance tests for the 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 not be undesirable to the character of the neighborhood or detrimental to nearby properties.

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

It was agreed that an alternative solution would be to construct the accessory structure to meet the current variance that was granted at the March meeting.

- 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 drainage would be an issue.

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

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

Mr. Graves made a motion to grant a 1,140 ft<sup>2</sup> total aggregate area variance and was seconded by Mr. McLellan. Mr. Graves & Mr. McLellan voted in favor, and Mr. Meholick & Mr. Churchill voted no. The variance request was denied.

Mr. Graves made a second motion to grant a 1,064 ft<sup>2</sup> total aggregate area variance and was seconded by Mr. McLellan. Mr. Churchill, Mr. Graves & Mr. McLellan voted in favor, and Mr. Meholick voted no.

**Gerald Baker  
5852 Donner Road  
Pendleton, New York**

The ZBA board reviewed the Area Variance tests for the 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 not be undesirable to the character of the neighborhood or detrimental to nearby properties.

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

It was agreed that an alternative solution would be to construct the accessory structure to meet town code.

- 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 not have an adverse effect on the physical or environmental conditions in the neighborhood.

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. Meholick to grant the 264 ft<sup>2</sup> area variance request with completion of the project in one year. The motion was seconded by Mr. Graves. All voted in favor.

*New Inquiries to ZBA: None*

*Correspondence: None*

*Special Topics: None*

*Miscellaneous ZBA Topics:*

1. The next scheduled meeting will be on Tuesday, May 26, 2026, at 7:00PM.

A motion was made by Mr. Graves to adjourn the meeting at 7:30 PM, and seconded by Mr. Churchill. All voted in favor.

Submitted for the chairman:

James G. Meholick  
Secretary