

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – May 26, 2026
Pendleton Town Hall - 7:00 PM

1. Public Hearings

a. **Dan D'Angelo**

4214 Beach Ridge Rd. North Tonawanda, NY. 14120

- Owner wishes to subdivide the above referenced property into two parcels, neither of which would meet the required 250' depth requirements per Town Code §247-10(c)(1) and one parcel will not meet the 31,250 sf lot size required per §247-10(a)(5). Additionally, the subdivision would create the existence of an accessory structure on a lot without a primary residence which is prohibited per §247-10(a)(5) and will require a Use Variance. Property is zoned R-1 Residential, 2.29 acres in size, and irregularly shaped. Total relief sought: 2 x 25' lot depth area variances, 2370 sf lot size area variance, and a Use Variance for an accessory structure to remain on a property without a primary residence.

b. **Jacob Hoak**

6887 Hidden Oak Dr., Lockport, NY. 14094.

- Owner wishes to construct a 600 sf accessory structure on the above referenced property at a front yard setback of 135' where 150' is required per §247-34(f). Applicant is also seeking to locate the structure at a side yard setback of 10' where 15' is required per §247-34(f). Property is zoned R-1 residential and 0.72 acres in size. Total relief sought: 15' front yard accessory structure setback and 5' side yard accessory structure setback area variances.

c. **Anatoliy Aponchuk**

7189 Creekbend Dr., North Tonawanda, NY. 14120.

- Owner wishes to widen the driveway on the above referenced property. Proposed driveway does not meet the side yard setback per §247-11(e)(1)(a). Property is zoned R-2 residential and 0.63 acres in size. Total relief sought: 3' side yard driveway setback area variance.

d. **Nikolay Blyashuk**

6132 Bear Ridge Rd. Lockport, NY 14094.

- Owner wishes to dig a 75' x 180' recreational pond on the above referenced property. Proposed pond occupies 12.3% of the lot, which exceeds allowable lot coverage of 10% per §247-46(a). Additionally, the proposed side yard setback of 100' fails to meet the side yard setback of 150' prescribed in §247-46(a)(1). Property is zoned R-2 residential, irregularly shaped, and 2.50 acres in size. Total relief sought: 2.3% Pond/Lot Coverage area variance and 50' pond side yard setback area variance.

e. **Michael Prince**

6749 Bear Ridge Rd., Lockport, NY. 14094.

- Owner wishes to construct a 16' x 24' accessory structure on the above referenced property. Proposed structure's height of 21' exceeds the maximum allowable height of 16' per §247-34(f)(2)(d). Property is zoned R-1 Residential and 16 acres in size. Total relief sought: 5' accessory structure height area variance.

f. John Yakich

5430 Tonawanda Creek Rd., North Tonawanda, NY. 14120.

- Owner wishes to construct a 24' x 32' accessory structure on the above referenced property. Proposed size of 768 sf exceeds the maximum allowable size of 600 sf per §247-34(e)(1). Property is zoned R-2 Residential and 1.03 acres in size. Total relief sought: 168 sf accessory structure size area variance.

g. Patrick Tighe

4702 Beach Ridge Rd., Lockport, NY. 14094.

- Owner has already placed an accessory structure on the above referenced property at a side yard setback of 4.9' where 15' is prescribed per §247-34(f)(2)(b). Property is zoned R-2 Residential and 0.77 acres in size. Total relief sought: 10.1' side yard accessory structure area variance.

2. Open regular meeting of ZBA
3. Changes to agenda
4. Review minutes from prior meeting(s)
 - a. April 2026
5. Deliberation on Hearings
 - a. D'Angelo
 - b. Hoak
 - c. Aponchuk
 - d. Blyashuk
 - e. Prince
 - f. Yakich
 - g. Tighe
6. Review Correspondence
7. Special Topics
8. Miscellaneous ZBA items:
 - a. Next Meeting/Attendance:
 - June 23, 2026 at 7:00 PM, Pendleton Town Hall.
 - b. Comments: ZBA members, Legal, Building Dept, Public, etc.,
9. Adjournment

Area Variance Considerations

1. Benefit to applicant vs Detriment to community
2. Mandatory considerations:
 - 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
 - b. Are there alternative solutions that would not require a variance
 - c. Is the requested variance substantial
 - d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district
 - e. Is the applicant's difficulty self-created

Use Variance Requirements

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.