

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
May 26, 2026 Meeting Minutes

Members:

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

The ZBA open regular meeting was called to order by Mr. Nicholas Graves at 7:05 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. Mr. Graves welcomed Chelsea to the Zoning Board of Appeals.

PUBLIC HEARINGS:

Dan D'Angelo
4214 Beach Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to subdivide the above referenced property into two parcels, neither of which would meet the required 250 ft. depth requirements per Town Code §247-10C(1), and one of the parcels will not meet the 31,250 ft² lot size required per Town Code §247-10A(5). Additionally, the subdivision would create the existence of an accessory structure on a lot without a primary residence which is prohibited per Town Code §247-10A(5) and will require a Use Variance. The irregular shaped property is 2.29 acres and is R-1 residential zoning.

Mr. D'Angelo was not present at the meeting, but was indicated by Troy Barnes that he didn't want to continue with his variance request. A motion was made by Mr. Graves to close the public hearing, and was seconded by Mr. Churchill. All voted in favor with the exception of Ms. Liddle who abstained.

A motion was made by Mr. Graves to deny the Use Variance request, and was seconded by Mr. Meholick. All voted in favor with the exception of Ms. Liddle who abstained.

The public hearing ended at approximately 7:07 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 ft²) 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 30 days, and was seconded by Mr. Meholick. All voted in favor with the exception of Ms. Liddle who abstained.

The public hearing ended at approximately 7:09 PM.

Anatoliy Aponchuk
7189 Creekbend Drive
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to widen the driveway on the above referenced property with a side yard setback of 2 ft. where a minimum of 5 ft is allowed per Town Code. The side yard variance request would be 3 ft. as per Town Code §247-11E(1)(a). The property is 0.63 acres and is R-2 medium density residential zoning.

Mr. Aponchuk wanted to widen his driveway so he could add a basketball hoop & allow enough room for his children to play basketball.

The public hearing ended at approximately 7:15 PM.

Nikolay Blyashuk
6132 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to dig a 75 ft. x 180 ft. recreational pond on his property that exceeds the maximum allowable lot coverage of 10% per Town Code, and a side yard setback at 50 ft. where the minimum of 100 ft. is required. The lot coverage variance request would be 2% as per Town Code §247-46A and the side yard variance request would be 50 ft. as per Twon Code §247-46A(1). The property is 2.6 acres and is R-2 medium density residential zoning.

Mr. Blyashuk indicated that he wanted to have a pond his property prior to building his new home so he could build up the land around the house from the dirt removed from the pond to help drainage. It was determined at the meeting that three 50 ft. setback variances would be required & a permit was issues to build a house. A neighbor wanted to be sure that all of the trash on the property would be removed and was concerned about drainage.

The public hearing ended at approximately 7:27 PM.

Michael Prince
6749 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 16 ft. x 24 ft. (384 ft²) accessory structure on the property with a height of 21 ft. where the maximum allowed is 16 ft. as per Town Code. The height variance request would be 5 ft. as per Town Code §247-34F(2)(d). The property is 1.67 acres and is R-1 residential zoning.

Mr. Prince indicated that he needed more storage and the additional height would give him more storage capacity. His property slopes away from his home and the location he has chosen is the flattest part of the property. The accessory structure will be located far enough down the grade that it will be barely seen from the road.

The public hearing ended at approximately 7:33 PM.

John Yakich
5430 Tonawanda Creek 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 32 ft. (768 ft²) accessory structure on the property where the maximum allowed is 600 ft² as per Town Code. The area variance request would be 168 ft² as per Town Code §247-34E(1). The property is 147 ft. x 305 ft. (1.03 acres) and is R-2 medium density residential zoning.

Mr. Yakich indicated that he wanted the accessory structure for storage of yard equipment & other items. It was confirmed that all of the setbacks met town code.

The public hearing ended at approximately 7:40 PM.

Patrick Tighe
4702 Beach Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to maintain the current location of an accessory structure shed on the property with a 4.9 ft. side yard setback where the minimum allowed is 15 ft. as per Town Code. The side yard variance request would be 10.1 ft as per Town Code §247-34F(2)(b). The property is 0.77 acres and is R-2 medium density residential zoning.

Mr. Tighe had previously poured a concrete pad and obtained a shed that was built by the Amish without a permit. He was requesting the side yard setback variance so he could obtain a permit.

The public hearing ended at approximately 7:49 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. Churchill to accept the minutes of the April 28, 2026 meeting, and was seconded by Mr. McLellan. A correction was made to the minutes indicating that the Town Attorney, Mr. Claude Joerg, Esq., was present at the April meeting. All voted in favor with the exception of Ms. Liddle who abstained.

Specific Board Deliberation Actions:

**Anatoliy Aponchuk
7189 Creekbend Drive
Pendleton, New York**

The ZBA board reviewed the Side Yard 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 create an undesirable change to the neighborhood and 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 driveway 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. Graves to grant the 3 ft. side yard setback variance request with completion of the project in one year. The motion was seconded by Mr. Churchill. All voted in favor.

Nikolay Blyashuk
6132 Bear Ridge Road
Pendleton, New York

The ZBA board reviewed the 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, but could be detrimental as the pond would be closer to the property line as required per town code.

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

It was agreed that an alternative solution would be to construct the pond smaller 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 as trash would be removed from the property.

- 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. Graves to grant the 50 ft. side yard setback & 2.3% Pond/Lot Coverage variance requests with completion of the project in one year. The motion was seconded by Mr. McLellan. Mr. Graves, Mr. McLellan & Ms. Liddle voted in favor; and Mr. Meholick & Mr. Churchill voted no. The variance requests were granted.

Michael Prince
6749 Bear Ridge Road
Pendleton, New York

The ZBA board reviewed the Height 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. Graves to grant the 5 ft. height area variance request with completion of the project in one year. The motion was seconded by Mr. Meholick. All voted in favor.

John Yakich
5430 Tonawanda Creek 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 create an undesirable change to the neighborhood and 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 not 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. Graves to grant the 168 ft² area variance request with completion of the project in one year. The motion was seconded by Mr. Churchill. All voted in favor.

Patrick Tighe
4702 Beach Ridge Road
Pendleton, New York

The ZBA board reviewed the Side Yard 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 create an undesirable change to the neighborhood and nearby properties due to the closeness to the property line which could cause drainage issues.

- 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 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. Graves to grant the 10.1 ft. side yard setback variance request, and was seconded by Mr. Churchill. All voted to deny granting the variance request.

A second motion was made by Mr. Graves to grant a 7.5 ft. side yard setback with completion of the project in one year. The motion was seconded by Mr. Churchill. 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, June 23, 2026, at 7:00PM.

A motion was made by Mr. Graves to adjourn the meeting at 8:18 PM, and seconded by Mr. Churchill. All voted in favor.

Submitted for the chairman:

James G. Meholick
Secretary