

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
June 23, 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.

PUBLIC HEARINGS:

Peter Fitch
4214 Beach Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 40 ft. x 60 ft. (2,400 ft²) accessory structure on the property where a maximum of 2,000 ft² is allowed per Town Code. The area variance request would be 400 ft² as per Town Code §247-34F(e). The irregular shaped property is 36 acres) and is R-1 residential zoning.

Mr. Fitch was granted a 165 ft. front yard setback variance to construct his house at 415 ft. from the right of way during the April 2024 meeting. His intention is to construct an accessory structure with a 19 ft. peak off of the driveway leading up to his house for storage of his trailer, vehicles & miscellaneous items. The utilities for the accessory structure run to the house and drainage of the building would be to the back swale on the west side of the property. The front of the property has a 3 ft. berm with 8 ft. trees to block the view of the house & accessory from the street and neighbors. Mr. Fitch indicated that a farmer leases land behind his house.

Ms. Amanda C. Townsend Goulet, Esq., who owns the property on 4441 Tonawanda Creek Road which is located in front of the Fitch's house, submitted correspondence as a formal objection to the variance request. Mr. Fitch's request to construct a 2400 ft² pole barn on the back of her property line would negatively impact the value of her home and the ability to enjoy the backyard - even more than the placement of his home had already done.

The public hearing ended at approximately 7:36 PM.

Regency Estates Subdivision Sublot 28**SBL #136.00-1-46.12****Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to create a new lot as part of the already approved Regency Estates Subdivision across from 6408 Campbell Blvd. The proposed Lot #28 is fully encumbered by easements & wetland areas and is not a buildable lot. The intent of this lot would be for recreational use only. The lot does not meet the minimum lot size or frontage requirements per Town Code §247-11(c)(1). The property is R-2 medium density residential zoning and 27.24 acres in size, none of which is unencumbered. The total relief sought is 25,000 ft² lot size area variance and a 100 ft. lot front yard setback variance.

The Regency Builders representative presented a map showing the proposed lot #28. The proposed lot would be used for recreation by the homes in the new subdivision. Since there were multiple easements & wetland areas they felt it would make for easier access is it would be a single lot owned by Regency Builders.

The public hearing ended at approximately 7:51 PM.

REGULAR ZBA MEETING:***Review Minutes from Prior Meeting:***

A motion was made by Mr. Churchill to accept the minutes of the May 26, 2026 meeting, and was seconded by Mr. McLellan.

Specific Board Deliberation Actions:**Peter Fitch****4214 Beach Ridge 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 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 behind the existing house.

- c. Is the requested variance substantial?

It was agreed that the requested size 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 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 400 ft² area variance request conditional that the accessory structure be located behind the house to the east side with completion of the project in one year. The motion was seconded by Mr. Churchill. All voted in favor.

Regency Estates Subdivision Sublot 28
SBL #136.00-1-46.12
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 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 not make any changes to the original subdivision plan.

- 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. Churchill Graves to deny the variance request, and was seconded by Mr. Meholick. Mr. McLellan, Mr. Meholick, Mr. Churchill & Ms. Liddle voted in favor to deny; and Mr. Graves voted no. The variance request was denied.

New Inquiries to ZBA: None

Correspondence: None

Special Topics:

1. There was discussion to modify the deadline for submittal of the complete variance request application form to 30 days prior to the hearing starting July 27, 2026. A motion was made by Mr. Churchill and seconded by Mr. Meholick to accept this change. All voted in favor.

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, July 28, 2026, at 7:00PM.

A motion was made by Mr. Graves to adjourn the meeting at 8:30 PM, and seconded by Mr. Churchill. All voted in favor.

Submitted for the chairman:

James G. Meholick
Secretary