

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
July 28, 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 7:00 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:

Pendleton Center United Methodist Church
Tyler Slaght
6864 Campbell Blvd.
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 10 ft. x 20 ft. (200 ft²) pavilion on the property with a 63 ft. front yard setback where the minimum allowed is 75 ft. as per Town Code. The front yard variance request would be 12 ft as per Town Code §247-10D(1). The property is 21.5 acres and is R-1 residential zoning.

The wooden pavilion at the Pendleton Center United Methodist Church is an Eagle Scout Project by Tyler Slaght. Tyler presented his plan for the pavilion to the board that included a site survey, email from the church granting approval to proceed with his project, photographs of the area it would be placed, and a picture of the proposed pavilion. Tyler indicated that this was the preferred location as it was closer to the outdoor events. It was also indicated that the planning board was okay with the pavilion plan.

The public hearing ended at approximately 7:06 PM.

Nicholas Walker
5536 Mapleton Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton for a 264 ft² area variance as per Town Code §247-34E. Owner purchased a 16 ft. x 20 ft. (320 ft²) shed and combined with the existing 1,450 ft² accessory structure exceeds the maximum allowed of 1,200 ft² as per Town Code. The irregular property is 2.36 acres and is R-2 medium density residential zoning.

Mr. Walker indicated that he needed the storage space for his family's classic cars, tractors, ATV vehicles, and tools. Mr. Walker's property is heavily wooded, and he preferred to maintain the current position of the shed as shown on the lot plan as it would not be visible from the road. His neighbor was present at the meeting and was okay with the addition of the shed. The combined total area with the existing accessory structure & shed is 1,760 ft².

The public hearing ended at approximately 7:16 PM.

Emily Victor & David Bates
5272 Terri Lane
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 20 ft. x 34 ft. (680 ft²) garage on the property with a 75.5 ft. front yard setback where the minimum allowed is 100 ft. as per Town Code, and a 5 ft. side yard setback where the minimum allowed is 15 ft. as per Town Code. The front yard variance request would be 24.5 ft as per Town Code §247-11D and the side yard variance request would be 10 ft. as per Town Code §247-11E. The property is 100 ft. x 250 ft. (0.57 acres) and is R-2 medium density residential zoning.

The Bates indicated that the garage couldn't be located further back in the property as there was an existing swimming pool. They didn't consider attaching the garage to the house due to the additional cost.

The public hearing ended at approximately 7:20 PM.

John Gibbon
7039 Meadowbrook Court
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 14'-6" x 28 ft. (406 ft²) addition to the garage on the property with the combined total area exceeding the maximum allowed of 1,200 ft² as per Town Code. The area variance request would be 493 ft² as per Town Code §247-11I. The proposed addition is also located in the Town of Pendleton Sanitary Sewer Easement and a variance is being requested to build within the easement. The irregular property is 1.65 acres and is R-2 medium density residential zoning.

Mr. Gibbon indicated that he had combined the adjacent property with his lot and needed additional garage space. The driveway to the existing garage was wide enough for the addition he was requesting but was overtop a sanitary sewer line. It was determined that the ZBA needed an opinion from the Highway Department if the sewer could be serviced properly if there was a future issue. The planning board approval would also be required.

A motion was made by Mr. Graves to keep the public hearing open to receive further information from the Highway Department & for Mr. Gibbon to provide a survey of the property with the garage. The motion was seconded by Mr. Churchill. All voted in favor.

The public hearing ended at approximately 7:35 PM.

Benjamin Cassick
5035 Feigle 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 40 ft. (960 ft²) accessory structure on the property that also includes an existing 10 ft. x 20 ft. (200 ft²) accessory structure for a total of 1,160 ft² where the maximum allowed is 600 ft² as per Town Code The area variance request would be 560 ft² as per Town Code §247-34E(1). The property is 100 ft. x 626 ft. (1.36 acres) and is R-2 medium density residential zoning.

Mr. Cassick indicated that he needed additional storage space for his vehicles, dump trailer, and flatbed trailer. The size of the accessory structure was also reduced from 1,068 ft² to 960 ft², and the building would be located in the back of his property approximately 390 ft. from the road.

The public hearing ended at approximately 7:30 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. McLellan to accept the minutes of the June 23, 2026 meeting, and was seconded by Mr. Churchill.

Specific Board Deliberation Actions:

Pendleton Center United Methodist Church
Tyler Slaght
6864 Campbell Blvd.
Pendleton, New York

The ZBA board reviewed the Front Yard Variance test 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 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. Churchill to grant the 12 ft. front yard variance request with completion of the project in one year. The motion was seconded by Mr. McLellan. All voted in favor.

Nicholas Walker
5536 Mapleton Road
Pendleton, New York

The ZBA board reviewed the Area Variance test 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 there was not an alternative solution that would not require a variance as Mr. Walker had previously been granted an area variance that exceeded the 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 the property was heavily wooded.

- 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 310 ft² area variance (1,760 ft² total combined) with completion of the project in one year. The motion was seconded by Mr. Meholick. All voted in favor.

Emily Victor & David Bates
5272 Terri Lane
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 there was not an alternative solution that would not require a variance due to the pool in the back of the house.

- 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 to grant 15 ft. front yard and 7.5 ft. side yard setbacks with completion of the project in one year. The motion was seconded by Mr. McLellan. All voted in favor.

Benjamin Cassick
5035 Feigle 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 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 560 ft² area variance request 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 against. The variance request was approved.

New Inquiries to ZBA: *None*

Correspondence: *None*

Special Topics: *None*

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, August 25, 2026, at 7:00PM.

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

Submitted for the chairman:

James G. Meholick
Secretary