

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – September 22, 2026
Pendleton Town Hall - 7:00 PM

1. Public Hearings

a. **John Gibbon (Continued)**

7039 Meadowbrook Court, North Tonawanda, NY., 14120.

- Owner wishes to construct a 14'6" x 28' addition to the existing garage on the above referenced property. The garage and addition exceed the 1,200-sf maximum by 493 sf under Town Code §247-11(i). The addition would also be within a Town sanitary sewer easement, where accessory structures are prohibited under §247-34(d). Property is zoned R-2 residential, 1.65 acres in size, and irregularly shaped. Total relief sought: 493 sf private garage size area variance and an area variance to permit construction within the Town sanitary sewer easement. If approved, the easement issue shall be referred to the Planning Board for review.

b. **Jacob Wendt**

6664 Campbell Blvd. Lockport, NY., 14094.

- Owner wishes to construct a 24' x 36' accessory structure with an attached 10' x 36' covered patio. The proposed total area is 1,224 SF where 600 SF is allowed under Town Code §247-34E(1), requiring 624 SF of area relief. The structure is proposed with a 10' side-yard setback where 15' is required and a 10' rear-yard setback where 20' is required under §247-34F (2). Property is zoned R-2 Residential and approximately 100' x 337'. Total relief sought: 624 SF accessory-structure size variance, 5' side-yard setback variance, and 10' rear-yard setback variance.

c. **Kathleen Maiolo**

7363 Bear Ridge Rd., North Tonawanda, NY 14120.

- Owner wishes to place an 8' x 10' shed approximately 5' from the side property line where a 15' side-yard setback is required. Property is zoned R-2 Residential and approximately 100' x 367'. Total relief sought: 10' side-yard setback area variance.

d. **Paul Gilhousen**

6414 Main Rd., Lockport, NY., 14094.

- Owner wishes to construct an approximately 800 SF addition to the existing single-family residence. Town Code §247-11D (1) requires a 60' front-yard setback. The proposed addition would extend to approximately 34' from the front property line. Property is zoned R-2 Residential and approximately 100' x 250'. Total relief sought: 26' front-yard setback area variance.

e. **David Foti**

6644 Bear Ridge Rd., Lockport, NY., 14094.

- Owner wishes to replace an existing shed with a new 10' x 20' shed. The existing shed is already nonconforming as to the front-yard setback, and the proposed replacement would be approximately 25' closer to Bear Ridge Road. Town Code §247-34F(2)(a) governs the accessory-structure front-yard setback. Property is zoned R-2 Residential, approximately 0.66 acres, and irregularly shaped. Total relief sought: 100' front-yard setback area variance.

2. Open regular meeting of ZBA

3. Changes to agenda

4. Review minutes from prior meeting(s)

- a. July & August 2026

5. Deliberation on Hearings

- a. Gibbon
b. Wendt
c. Maiolo
d. Gilhousen
e. Foti

6. Review Correspondence

7. Special Topics

8. Miscellaneous ZBA items:

- a. Next Meeting/Attendance:

- October 27, 2026 at 7:00 PM, Pendleton Town Hall.

- b. Comments: ZBA members, Legal, Building Dept, Public

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.