TOWN OF PENDLETON
ZONING BOARD OF APPEALS
September 22, 2026 Meeting Minutes

Members:

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

The regular ZBA meeting was called to order by Mr. Nicholas Graves at 7:00 PM. ZBA members Graves, Churchill, Meholick, and McLellan were present; Chelsea Liddle was excused. Town Prosecutor Theodore Joerg, Esq., and Town Building Inspector/Code Enforcement Officer Troy Barnes were also present. No changes were made to the ZBA agenda submitted by Mr. Graves.

PUBLIC HEARINGS:

John Gibbon (Continued from July Meeting)
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 ft^2) addition to the garage on the property with the combined total area exceeding the maximum allowed of 1,200 ft^2 as per Town Code. The area variance request would be 493 ft^2 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 proposed addition but was over a sanitary sewer line. Town Prosecutor Theodore Joerg, Esq., recommended against approval because of potential legal liability.

The public hearing ended at approximately 7:06 PM.

Jacob Wendt
6664 Campbell Blvd
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a 24 ft. x 36 ft. (864 ft^2) accessory structure with an attached 10 ft. x 36 ft. (360 ft^2) covered patio on the property with the combined total area of 1,224 ft^2 exceeding the maximum allowed of 600 ft^2 as per Town Code, a 10 ft. side yard setback where the minimum is 15 ft., and a 10 ft. rear yard setback where the minimum is 20 ft. The area variance request

would be 624 ft^2 as per Town Code §247-34E(1), the side yard setback variance request would be 5 ft. as per Town Code §247-34F(2)(b), and a 10 ft. rear yard setback as per Town Code §247-34F(2)(c). The property is 100 ft. x 337 ft. (0.77 acres) and is R-2 medium density residential zoning.

Mr. Wendt indicated that he needed the storage space for his family's golf cart and simulator, trailer, side-by-side, and lawn equipment. The accessory structure would be centered on the property and drainage would be directed toward the rear of the property. His neighbor on the south side of his property was present at the meeting and expressed no objection to the proposed building.

The public hearing ended at approximately 7:15 PM.

Kathleen Maiolo
7363 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to place an 8 ft. x 10 ft. (80 ft^2) shed (as described in the published hearing notice) on the property with a 5 ft. side yard setback where the minimum allowed is 15 ft. as per Town Code. The side yard variance request would be 10 ft. as per Town Code §247-34F(2)(b). The property is approximately 100 ft. x 367 ft. and is zoned R-2 medium density residential.

Ms. Maiolo clarified that the shed she had purchased measured 120 ft^2 and she wanted to locate it on the short side of her house. The shed was not mounted on a permanent pad so it could be relocated. Her neighbor provided a letter stating they were okay with the location of the shed on her property.

The public hearing ended at approximately 7:23 PM.

Paul Gilhousen
6414 Main Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct an addition to their single-family residence with a 34 ft. front yard setback where the minimum allowed is 60 ft. as per Town Code. The front yard variance request would be 26 ft. as per Town Code §247-11D(1). The property is 100 ft. x 250 ft. (0.57 acres) and is R-2 medium density residential zoning.

Ms. Gilhousen presented the site survey of the proposed addition to their single-family home. She indicated that the only option for the addition was to construct it in front of the house as there was a septic system in the back yard behind the home.

The public hearing ended at approximately 7:30 PM.

David Foti
6644 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to replace an existing 10 ft. x 20 ft. (200 ft^2) shed with a new shed on the property with a 50 ft. front yard setback where the minimum allowed is 150 ft. as per Town Code. The front yard variance request would be 100 ft. as per Town Code §247-34F(2)(a). The irregular property is 0.66 acres and is R-2 medium density residential zoning.

Mr. Foti indicated he needed more storage and was very limited as to where he could place the shed as there was a tree in front and a septic system in the back of his house. He planned on removing the existing shed and the new structure would match his existing home. His neighbor was okay with the request as long as the shed looks good.

The public hearing opened at approximately 7:31 PM and closed at approximately 7:33 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Mr. Meholick to accept the minutes of the July 28, 2026 meeting and was seconded by Mr. McLellan. The motion carried unanimously, 4-0.

A motion was made by Mr. Meholick to accept the minutes of the August 25, 2026 meeting and was seconded by Mr. McLellan. The motion carried unanimously, 4-0.

Specific Board Deliberation Actions:

John Gibbon (Continued from July Meeting)
7039 Meadowbrook Court
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 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 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 deny the area and easement variance requests, and was seconded by Mr. Churchill. All voted in favor to deny the variance request.

Jacob Wendt
6664 Campbell Blvd
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 a smaller 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 a 264 ft2 accessory-structure size area variance and a 10 ft. rear-yard setback area variance, conditioned on completion of the project within one year. The motion was seconded by Mr. McLellan. All voted in favor.

A motion was made by Mr. Graves to deny the side yard variance request, and was seconded by Mr. Churchill. All voted in favor to deny the variance request.

Kathleen Maiolo
7363 Bear Ridge Road
Pendleton, New York

The ZBA board reviewed the side-yard area variance factors 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 move 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 a 10 ft. side-yard setback area variance, permitting a 5 ft. side-yard setback for this specific 120 sq. ft. shed only. The motion was seconded by Mr. Churchill. Mr. Graves, Mr. Churchill, and Mr. McLellan voted in favor of granting the variance, and Mr. Meholick voted no. The variance request was approved.

Paul Gilhousen
6414 Main Road
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 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 no alternative location had been identified that would allow the proposed residential addition 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 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. Churchill to grant the 26 ft. front yard variance request with completion of the project in two years. The motion was seconded by Mr. Meholick. All voted in favor.

David Foti
6644 Bear Ridge Road
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 relocating the accessory structure to meet Town Code was the available alternative.

c. Is the requested variance substantial?

It was agreed that the requested variance 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. McLellan to grant the 100 ft. front yard variance request with completion of the project in one year. The motion was seconded by Mr. Meholick. All voted in favor.

New Inquiries to ZBA: ***None***

Correspondence: Email from the Sewer Department expressing displeasure with potential approval of variances.

Special Topics: ***None***

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, October 27, 2026, at 7:00 PM.

A motion was made by Mr. Graves to adjourn the meeting at 8:05 PM, and seconded by Mr. Meholick. All voted in favor.

Submitted for the chairman:

James G. Meholick
Secretary