

**Town of Pendleton, NY  
Zoning Board of Appeals (ZBA)  
Meeting Agenda – June 24, 2025  
Pendleton Town Hall - 7:00 PM**

1. Public Hearings

a. Melissa Roskopf

**4617 Tonawanda Creek Rd. North Tonawanda, NY 14120.**

Owner wishes to construct a 1,600 sf accessory structure on the above referenced property. Town Code §247-34E(1) allows for a maximum of 600 sf accessory structures on properties under 2 acres. Property is zoned R-2 Residential and 0.61 acres in size. Total relief sought: 1,000 accessory structure size area variance.

b. Rodney Phillips (Owner)/David Bratek (Authorized Representative)

**4629 Meyer Rd., N. Tonawanda, NY 14120.**

Owner wishes to split parcel 149.00-4-30.12 into two parcels to facilitate the construction of a single-family home. Town Code §247-11C(1) requires a lot size for a single-family detached home to have a minimum width of 100' and a minimum depth of 250'. One of the proposed resulting parcel lot size would be 203.44' x 186.74'. Property is zoned R-2 Residential and irregularly shaped. Total relief sought 64'property depth variance.

c. George Walters

**6062 Fisk Rd. Lockport, NY. 14094.**

Owner wishes to construct a 30' x 40' (1,200 SF) accessory structure on the above referenced property. Proposed accessory structure exceeds maximum allowable area of 600 sf per Town Code 247-34E(1) for properties under 2 acres in size. Property is zoned R-2 Residential and 1.48 acres in size. Total relief sought is 600 sf accessory structure size area variance. Additionally, based upon the documents submitted, a 10' side yard setback area variance may also be required pending submittal of property survey.

d. Steven Hynes

**5757 Tonawanda Creek Rd., Lockport, NY. 14094.**

Owner wishes to construct a 20' x 30' accessory structure while continuing to maintain an existing 10' x 16' accessory structure on the above referenced corner-lot property. Town Code §247-34E(1) limits properties under 2 acres in size to 600 sf or less aggregate accessory structure size. Additionally, the proposed adjacent front yard setback for the proposed structure is 55'. Town Code §247-26D requires corner lots to have an adjacent front yard setback of 60'. Property is zoned R-1 Residential, 0.71 acres in size, and irregularly shaped. Total relief sought: 160 sf accessory structure size area variance and 5' adjacent front yard setback area variance.

e. Jane Lombardo

**6972 Monroe St. Lockport, NY. 14094.**

Owner wishes to construct an attached carport structure over existing concrete driveway with a proposed 1' side yard setback. Town Code §247-11E requires a minimum 15' side yard setback. Property is zoned R-2 Residential, 0.55 acres in size, and irregularly shaped. Total relief sought: 14' side yard setback area variance.

2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
  - a. May 27, 2025
6. Deliberation on Hearing(s)
  - a. Roskopf
  - b. Phillips/Bratek
  - c. Walters
  - d. Hynes
  - e. Lombardo
7. Review Correspondence
8. Special Topics
9. Miscellaneous ZBA items:
  - a. Next Meeting/Attendance:

July 22, 2025 at 7:00 PM, Pendleton Town Hall.
  - b. Comments: ZBA members, Legal, Building Dept.
10. Adjourn regular meeting of the ZBA

### **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.