

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
February 23, 2010 Meeting

Members:

Wolfgang Buechler, Chairman
Michael J. Poli
Lee Daigler
James Schlemmer
James G. Meholick, Secretary

The ZBA open regular meeting was called to order by Mr. Wolfgang Buechler at 7:00 PM. All members and The Town Prosecutor, Mr. Ned Perlman was present at the meeting. The Town Code Enforcement Officer, Mr. John Striegel, was not present at the meeting. No changes to the ZBA agenda submitted by Wolfgang Buechler were made.

PUBLIC HEARINGS:

None Scheduled.

REGULAR ZBA MEETING:

New Inquiries to ZBA: None

Review Minutes from Prior Meeting:

There was an error in Item #9 of the Special Topics section of the prior meeting minutes. The name should have read Jason Smith and the correct address is 4837 Old Tonawanda Creek Road. A motion was made by Jim Schlemmer to accept the minutes of the January 26, 2010 meeting, with the above changes, and seconded by Lee Daigler. All voted in favor.

Specific Board Deliberation Actions: None Scheduled.

Correspondence: None

Special Topics:

1. Wolfgang Buechler reported on appointments made by the Town Board at the meeting of February 2, 2010.
 - * Jim Meholick was reappointed as a ZBA member for a second 5-year term.
 - * Wolfgang Buechler was reappointed as Chairman of the ZBA Board for 2010.
 - * Andrea Sammarco was appointed Attorney for the Town.

2. The ZBA reviewed the referral requirements to the Niagara County Planning Board. Per the agreement dated December 2005, referral of area variances is not required. Use variances immediately adjacent to a municipal boundary or park, or corner lots on state highways require ZBA referral. A copy of the full agreement will be placed in the ZBA folder and kept in our mailbox.
3. The ZBA reviewed the notification requirement to neighboring municipalities. Per our previous training material, notice must be transmitted to the clerk of the adjacent municipality at least ten days prior to any hearing for a use variance for property within 500 ft. of the adjacent municipality.
4. The ZBA discussed the continuing topic of the Jason Smith accessory structure on 4837 Old Tonawanda Creek Road of an alleged business occupancy. The ZBA was concerned that there has been little positive action on the complaint that was filed in November, and that there has been no resolution from Jack Striegel, The Town Code Enforcement Officer. It was also noted that Jack Striegel has not been present at the ZBA meetings since November of 2009, and the members request that he attend the meetings to represent the Town's position on matters at hand. The ZBA discussed sending a letter to the Town Board regarding the above issues. A motion was made by Wolfgang Buechler to authorize his writing the letter to the Town Board on behalf of the full ZBA. The motion was seconded by Mike Poli and all voted in favor.

Action Items:

1. Call Amy Fisk for NCCC training for 2010 (Buechler).

Wolfgang Buechler contacted Amy Fisk of Niagara County and they have no scheduled training yet, but they anticipate sponsoring training in Spring 2010.

2. Research subpoena powers of the ZBA (Perlman)

Miscellaneous ZBA Topics:

1. Next ZBA meeting is scheduled for Tuesday, March 23, 2010, at 7:00PM.

A motion was made by Lee Daigler to adjourn the meeting at 8:00 PM, and seconded by Mike Poli.

Submitted by:

James G. Meholick
Secretary

Attachments: None