

Town of Sheldon
Zoning Board of Appeals
April 23, 2026

The meeting of the Sheldon Zoning Board of Appeals held on April 23, 2026, at the Sheldon Town Hall, 1380 Centerline Road, Strykersville, NY 14145 was called to order by Mike Pfohl at 6:02pm.

Chairman: Mike Pfohl

Board Present: Barb Logel and Bill Harvey

Recording Secretary: Kate Bulera

Also present: Warren Boxler, David Boxler, Dustin Fugle and Becky Patterson

A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Mike Pfohl to approve the minutes from February 25, 2026 and seconded by Barb Logel.

Ayes: (3) Harvey, Logel, Pfohl Absent: (0) Nays: (0) Motion Carried

Public Hearing

A motion was made by Mike Pfohl and seconded by Bill Harvey to open the Public Hearing for the Boxler Pond Variance at 6:04pm.

Ayes: (3) Harvey, Logel, Pfohl Absent: (0) Nays: (0) Motion Carried

Chairman Pfohl opened the floor to comments for members of the gallery.

Dustin Fugle asked when Warren Boxler obtained a permit for the pond. Warren said he would need to look at his phone. Dustin cut him off and said, "I spoke with the County, and you never got permits. You just built it and didn't go through the proper channels" Warren responds with "It would take way longer to go through the town and the county. I just went and did it." Dustin asked why do you get to get away and do what you want and others have to go through the proper channels? How is that fair? Why not follow the rules? ZBA board member Billy Harvey asked why we've had so many variances for one property in the last year and a half? Warren Boxler had no response and said well, I didn't know you needed a permit. Ed Zehler built the pond. Dustin cut him off and conveyed that Ed would have known you needed a permit.

Seeing no other questions or concerns the ZBA read through the application and questions. The questions and ruling are stated below.

Factors Considered

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?
No, change cannot be seen from road or neighboring properties.
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
No, Pond need to be in current location due to the natural slope of the land.
3. Is the requested variance substantial?
No, Setback reduction from 100 feet down to 74 feet.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No, Pond is already finished. Grass has already grown back.
5. Was the alleged hardship self-created? (this consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.)
No, cost to move the pond from its current position would be substantial. Pond would cost \$30,000 more to build if dirt needed to be hauled in.

Let the record show that the board agrees with the above answers supplied by Warren Boxler. Bill Harvey does not agree with Warren's response to number five. Bill feels that he has created this hard-ship because he never asked for the permit prior to building the pond.

Determination of the ZBA Based on the Above Factors

The ZBA, after taking into consideration the above five (5) factors, finds that:

The benefit to the applicant **DOES** outweigh the detriment to the neighborhood or community and therefore the variance request is approved.

Conditions:

The ZBA finds the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the following reasons:

Condition No. 1: Life saving equipment must be available near the water/pond area.

Adverse impact to be minimized: Risk of drowning.

Condition No. 2: Consider a fencing/ barrier to be located at least along the front area of the pond near the building. Contact insurance company for confirmation.

Adverse impact to be minimized: The risk of any person wandering down to the pond and potential drowning or falling in.

These above conditions were recommended by the Wyoming County Planning Board and the ZBA wanted them to be included in the approval.

A motion to close the public hearing was made by Mike Pfohl and seconded by Bill Harvey at 6:22pm.

Ayes: (3) Harvey, Logel, Pfohl Absent: (0) Nays: (0) Motion Carried

Adjournment

A motion was made by Barb Logel and seconded by Bill Harvey to adjourn the meeting of the Zoning Board of Appeals at 6:31 pm.

Ayes: (3) Harvey, Logel, Pfohl Absent: (0) Nays: (0) Motion Carried