

Town of Sheldon
Zoning Board of Appeals
Public Hearing- Variance Six Star Post
August 19, 2025

Chairman: Mike Pfohl

Board Present: Barb Logel, Bill Harvey and Ken Beglinger

Absent: Chairman Walt Youngers

Recording Secretary: Kate Bulera

Also present: Supervisor Brian Becker, Town Clerk Carol Zittel and Attorney for the Town
Marshall Kelly

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

The meeting was called to order at 6:02 pm by Mike Pfohl and the pledge was led.

Bill Harvey made a motion for Mike Pfohl to be the Chairman for tonight's meeting in the
absence of Walt Youngers. Ken Beglinger seconded the motion.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

Kate Bulera wanted to amend the minutes before the board made a motion. Kate would like to
add that the comments made by Eli McWhinney at the July meeting were not verbatim. A motion
was made by Bill Harvey and seconded by Mike Pfohl to accept the July minutes with that
correction added.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

Lorne Lemieux asked to address the gallery. He wanted to make a public apology to Mr. Ray
Swan. He addressed how before the plans were presented to the public he should have
approached Mr. Swan privately and discussed the plans seeing how this would be in his back
yard and affect him directly daily Mr. Lemieux did go on to say that again no tour buses will be
going in there at all hours, they just want to have a memorial to honor the women who have died
in service to our country. He stated again how he should have first approached Mr. Swan, and he
is sorry. They did have a private chat recently and there are no hard feelings. The two men then
shook hands, and Mr. Swan accepted the apology. But if this passes, he will still be continuing
with litigation.

Mike Pfohl thanked the gentlemen and then made a motion to open the public hearing at 6:07pm
on the matter of a variance for road frontage decrease from 200 feet to 115.45 feet for the Legion
at 3624 Route 78, Strykersville. The motion was seconded by Bill Harvey.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

The comments from the speakers are not verbatim.

Ray Swan – Spoke on the matter if the board were to grant this variance, we would be losing farmland. We would be losing the heart of our small town by allowing a project this big to come into our hamlet. If we allow this once it will continue for others. We need to protect farmland and not turn this town into a densely populated used up land with no green space. Traffic will change and might cause the need for traffic lights. This will bring lots of people to the area. We won't have that small town feel anymore it will be overdone like other towns I've lived in.

His submitted letter can be found in the Town clerk's office.

Melissa Lemieux – We are only here about the road frontage please remember that board. Also, the building would not be next to Mr. Swan's home, only the driveway would.

Sherry Schwab- She is not directly opposed because her father was a vet but asks if there is not a better location for this? What if a project of this magnitude is not what future generations want in this town? If we let one in, we must let all projects this big in?

Sandy Kensinger- This is not going to be anything like a Caleba's size building. That is just a rumor someone is spreading. Had to make it bigger in plans but might be smaller.

Jim Fontaine- He owns what used to be the Smithley property. He has five acres to the North of his home. The parcel has the needed 200 feet of road frontage. He is willing to swap parcels.

Sandy Kensingers- Thank you for the offer Jim Fontaine, please vote like this offer was not on the table.

Mike Pfohl made a motion to go into executive session to review the legal concerns with Town Council. He invites the Zoning Board of Appeals members present, Town Clerk Carol Zittel, Attorney Marshall Kelly, Supervisor Brian Becker and Secretary Kate Bulera. The motion was seconded by Bill Harvey.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

The Board went into Executive session at 6:21 pm.

A motion was made by Barb Logel to close executive session at 6:35pm and seconded by Bill Harvey.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

Steve Kovacik – I'm not a veteran but I work with them. I help plan funerals, care packages and many other things. I believe making this happen is important for the men and women. We need to honor them.

Sandy Kensingers- The Legion cannot sell or lease the land for five years. Please again separate the recent offer from Jim Fontaine when making your votes.

Ray Swan- The benefactor should dismiss the five years he has on the land.

Lorne- The benefactor is not implementing the five years, to be tax exempt it has to be five years. We are worried about that for him.

Bill Harvey made a motion to close the public hearing at 6:39pm on the matter of the road frontage variance for the Legion. It was seconded by Barb Logel.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried

The Board then read the factors to consider from the application and voted.

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting of the area variance.
Barb, Bill and Mike said yes, the driveway will take away from the farmland. It is a corn field at the moment.
Ken said no.
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
The board was in full agreement, no. This would be the only option for a driveway.
3. Is the requested variance substantial?
Mike, Barb and Bill say yes, it is 85 feet less than the required 200 feet.
Ken says no.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
Ken, Mike and Bill say yes, the road sign and driveway will alter the look of the land and neighborhood.
Barb says no.

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)

All members say no, this is how the parcel was donated to them.

Determination of the ZBA Based on the above factors.

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

The benefit to the applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance request is DENIED.

A roll call vote was done to reach the above determination of a denial.

It was a unanimous vote from the board to deny the variance of 115.45 feet road frontage for the Legion based on the significant decrease.

Ayes: (0) Absent: (1) Youngers Nays: (4) Harvey, Logel, Pfohl and Beglinger Motion Carried

A motion was then made by Mike Pfohl to adjourn the meeting at 6:49 pm and seconded by Bill Harvey.

Ayes: (4) Harvey, Logel, Pfohl and Beglinger Absent: (1) Youngers Nays: (0) Motion Carried