

**PUBLIC HEARING
SHELDON ZONING BOARD OF APPEALS
April 22, 2025**

Present Zoning Board Members:

Walt Youngers, Chairman
Barb Logel
Ken Beglinger
Mike Pfohl
Billy Harvey

Recording Secretary: Town Clerk Carol Zittel

Also present:

Zoning Officer Jenna Marley
Councilman Jim Fontaine
Representing the American Legion: Lorne Lemieux and Lloyd Cox
Applicants: Dan and Kevin Schwab
Applicants: Zeb & Ron Leffler
A signed list of all present is on file in the Town Clerk's office.

American Legion Variance, 3624 Route 78, Strykersville

The variance request was reviewed by the Wyoming County Planning Board at their April 7th meeting and their comments were distributed to the Board. Jenna Marley explained that only the variance application was sent to the County, specifically noting that the special use permit has not been sent yet.

Letter from neighbor Ray Swan read aloud.

Jenna Marley read the letter submitted by Ray Swan, a neighbor to the proposed site of the new Legion. The letter is on-file in the Town Clerk's office. Mr. Swan states his objections to the building of the new site in this location. A portion of the letter is pasted below:

- As we enjoy our Sun porch, we will have people pulling into the driveway, slow speed, staring at us from maybe 30 feet away. Because of this awkward situation will we feel obligated to wave at each other? Would be like living in a fishbowl. It is likely to drive our two dogs crazy and we'll have to go through the same thing as they leave. It would be one thing if it was for just a marble memorial but to have a building back there housing offices, and Bingo halls and shops and acres of blacktop we presume this could put a lot of traffic by our house and in our backyard. I think the project is much too ambitious for a crossroads or one horse town like Strykersville. I believe it is safe to say most of us enjoy Strykersville just the way it is and are not anxious to see a metropolis type community edge out our peace and quiet. Once this plot is carved out and dedicated what will be next carving up the rest of the field and putting in streets and housing with 100 foot frontages? Prosperity is not always measured in how much you have but sometimes how little you have to distract your life. I don't think the veterans would be planning such a huge project unless they planned to fully use it. So when you talk about a community center and offices for other VFW Post in my mind, we're talking in terms of traffic as the only way to get in there.

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Lorne Lemieux:

- Mr. Lemieux stated: “There aren’t any dedicated memorials solely to women who lost their lives in service. This would be the first in the country.”

Letter from Jim Fontaine, neighbor to the proposed site.

Mr. Fontaine read a letter he wrote expressing his opposition to the new site for the Legion. The letter is on-file in the Town Clerk’s office. A portion of the letter is pasted below:

- I am not opposed to the Six Star Post project, I am opposed to its location. Place the project where there is less impact. The proposed driveway would be between two residential houses who I believe are both veterans. A perfect location would be on a commercial site that needs no variances. With this multimillion-dollar project, Six Star Post could purchase a perfect place and sell the perfect farmland in our Town to a farmer.

Additional comments during the meeting:

- It’s the best farmland in Town
- The Kehl land at Route 77 and Route 20A is zoned commercial and at one time they were going to donate it for a veteran’s cemetery.

Jenna Marley states:

- The Board has 62 days to announce a decision
- The Board can table the decision tonight
- The special use application goes to the planning board for site plan review and then to the Town Board

Lorne Lemieux:

- We went everywhere. No one wanted to give up land. I approached Paul (Pitkin) and he decided to donate this land.
- There has already been land used for a store (Dollar General), a gym (The Fit Stop). Nothing stays stagnant.
- We would like to have a 250-seat auditorium and a community center

Mike Pfohl:

- I would like to get some input from other town boards

Billy Harvey:

- We want to support veterans yet we understand the neighbor’s concerns
- We are also concerned with precedents

Walt Youngers:

- This is the first time we are in this situation

Tabling of Decision – American Legion Six Star Post

A motion was made by Walt Youngers and seconded by Mike Pfohl to table discussion on the American Legion application and to schedule another meeting before the 62-day time limit.

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Ayes: (5) Youngers, Beglinger, Logel, Pfohl, Harvey Nays: (0) Absent: (0) Motion Carried.

Area Variance – Leffler, 2089 Maxon Road, Varysburg

Applicant, Ron Leffler, has applied for an area variance to erect a building only 55 ft. from the center of the road instead of the 75 ft. required by Town zoning law. Mr. Leffler writes that this would preserve more of the field for farm use and eliminate a space behind the building that would have limited access. This would also allow for the new building to be in line with other buildings already on the property.

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 variance?

The ZBA unanimously answers: 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 ZBA unanimously answers: no

#3 Is the requested variance substantial?

The ZBA unanimously answers: no

#4 Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

The ZBA unanimously answers: no

#5 Was the alleged hardship self-created?

The ZBA unanimously answers: no

DETERMINATION: Approved – The benefit to the applicant DOES outweigh the detriment to the neighborhood or community and therefore the variance request is APPROVED.

Ayes: (5) Youngers, Beglinger, Logel, Pfohl, Harvey Nays: (0) Absent: (0) Motion Carried.

Area Variance – Schwab, 1461 Perry Road, North Java

Dan Schwab submitted a land separation application that requires an area variance due to:

- 20 ft. setback from side of barn instead of the required 25
- Lot size is 1.5 acres and not the 2 acres required

Mr. Schwab states that he is trying to conserve as much farmland as possible.

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 variance?

The ZBA unanimously answers: 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 ZBA unanimously answers: no

#3 Is the requested variance substantial?

The ZBA unanimously answers: yes

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#4 Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

The ZBA unanimously answers: no

#5 Was the alleged hardship self-created?

The ZBA unanimously answers: no

DETERMINATION: **Approved** – The benefit to the applicant DOES outweigh the detriment to the neighborhood or community and therefore the variance request is APPROVED.

Ayes: (5) Youngers, Beglinger, Logel, Pfohl, Harvey Nays: (0) Absent: (0) Motion Carried.

Approval of March 18, 2025 Minutes

A motion was made by Billy Harvey and seconded by Mike Pfohl to approve the March 18, 2025 minutes.

Ayes: (5) Youngers, Beglinger, Logel, Pfohl, Harvey Nays: (0) Absent: (0) Motion Carried.

Adjournment

A motion was made by Billy Harvey and seconded by Mike Pfohl to adjourn the April 22, 2025 meeting of the Sheldon Zoning Board of Appeals.

Ayes: (5) Youngers, Beglinger, Logel, Pfohl, Harvey Nays: (0) Absent: (0) Motion Carried.