



**TOWN OF WHEATFIELD**  
**NIAGARA COUNTY**  
**2800 CHURCH ROAD**  
**NORTH TONAWANDA, NEW YORK 14120-1099**  
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Town Clerk  
716-694-6440

Office of Zoning Board of Appeals  
Minutes of Meeting  
January 20, 2016

McIntyre called the meeting to order at 7:00pm.  
Members present: McIntyre, Milleville, Schaffer, Retzlaff, and Canada

The following hearings were scheduled:

**February 8<sup>th</sup> 7:10 pm:** (Resume) Horvath Communications, Inc. requests an area variance for lot #134-00-3-17, located at 6571 Shawnee Road for the installation of a 195øtall self-supporting lattice tower used to support wireless telecommunication antennas. The maximum permitted tower height is 100ø

Public Hearings Held / Interpretations

**7:10 pm:** Calamar requests area variances for a reduction in both the front yard setback and conservation easement setback on lot #117.03-1-81 located at Forest Park Way. Variances are requested in conjunction with applicant's proposal for the construction of a 34-bed memory care center and 80-bed assisted living facility.

Applicant was represented by Mr. Lowell Dewey of C&S Companies.

Complex will be a one story building. A new variance was required as prior variance expired due to the project not starting within one year of granting date. Since the original variance was granted, the design firm has eliminated the need for one front yard variance and reduced the total amount of square footage impacted by the remaining requests.

There were significant neighbor concerns regarding drainage and the vegetation separating their homes from the project. Applicant is committed to maintaining as much vegetation as practical as well as adding more trees if necessary.

Final building plan to be used for the variance request is dated 10/1/2015.

Findings:

1. Area impacted is less than the area associated with the previously granted variance. Applicant has been proactive in minimizing the variance.
2. Use fits in an M1 district. Applicant is maintaining and enhancing the existing greenspace that separates the neighborhood from the proposed building.
3. No, request is not significant. The distance of the setbacks and the portions of the building impacted are both small.
4. No concerns from the town building department. This facility will be a relatively low traffic operation for an M1 district. The drainage concerns are addressed as all water moves to the southwest ó away from the adjacent neighborhood.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by Schaffer, seconded by Retzlaff.  
Ayes: Unanimous

**7:30 pm:** Horvath Communications, Inc. requests an area variance for lot #134-00-3-17, located at 6571 Shawnee Road for the installation of a 195ø tall self-supporting lattice tower used to support wireless telecommunication antennas. The maximum permitted tower height is 100ø

Applicant was represented by Mr. Josh Silver of the Murray Law Firm.

The tower's height has been reduced to 164 feet. Verizon will be the primary tenant of the tower. There is no infringement on the flight zones for the NF airport.

Owners of nearby, undeveloped property, are concerned that the tower will harm the aesthetics of their property and reduce its value for housing development.

The ZBA requested that the applicant provide additional signal coverage maps for the alternative site at Shawnee and Mapleton before the board would make a final decision. Applicant indicated the maps could be produced quickly. Could a taller tower at the alternative site provide similar coverage? The hearing was scheduled to resume at 7:10pm on February 8<sup>th</sup>.

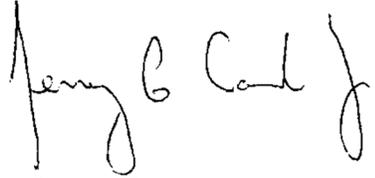
General Business

Meeting schedule: February 8<sup>th</sup> @ 7:00pm

A motion to approve the January 4<sup>th</sup> minutes was made by Schaffer, seconded by Milleville.  
Ayes: Unanimous

A motion to adjourn was made by Retzlaff and seconded by Milleville.  
Ayes: Unanimous

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry G. Canada, Jr.", written in a cursive style.

Jerry G. Canada, Jr., Secretary  
Zoning Board of Appeals

cc: Council members, Town Clerk, Building Inspector, Planning Board, Town Attorney, Town Supervisor