



TOWN OF WHEATFIELD
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Office of Zoning Board of Appeals
Minutes of Meeting
June 28, 2016

McIntyre called the meeting to order at 8:00pm.
Members present: McIntyre, Retzlaff, Schaffer, Milleville and Canada

The following hearings were scheduled for July 19th:

8:05 pm: James and Lisa Kaczur request an area variance for lot #162.14-4-71, located at 7050 Lakeside Drive, for the construction of an attached storage area with a side yard setback of 0.92 α . The minimum setback is 5 α .

8:20 pm: Michael Tower requests an area variance for lot #148.03-1-32, located at 6526 Errick Road, for the construction of a garage with a height of 16 feet. The maximum permitted height is 14 feet.

Public Hearings Held / Interpretations

8:05 pm: Jodi Notaro requests an area variance for lot #163.04-2-86, located at 3711 Brandywine Drive, for the construction of a shed with a side yard setback of 3 α . The minimum setback is 5 α .

Concrete pad was accidentally poured too large. Contractor was at fault.

Findings per NYS requirements:

1. Pad could be cut or a smaller shed could be erected that does not utilize full pad. The latter approach would not be visually appealing.
2. Shed location is otherwise acceptable. Style will match the garage.
3. Yes, this is a numerically significant request.
4. No environmental impact.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by Milleville and seconded by Schaffer.

Ayes: Milleville, Schaffer, Canada

Nay: Retzlaff

Not present for this hearing: McIntyre

8:20 pm: Vantage International Point requests two area variances for lot #147.00-1-81.42, located at 6311 Inducon Drive, for installation of additional signage to the existing sign structure. The first variance request is for an increase in the permitted sign size from 50 sq. ft. to 77 sq. ft. The second variance request is an increase in the permitted height from 8 ϕ to 15.5 α .

Total height of the sign is increasing by less than 1 α . Height is changing from 14 ϕ 7.5 ϕ to 15 ϕ 5.5 ϕ (total of 10 ϕ). Also, applicant is adding only 24 sq. ft. to the display area of the sign and not 27 sq ft as listed in the variance application.

Findings per NYS requirements (height variance):

1. There is only a very small difference in height between current sign height and new sign height.
2. No, the ZBA believes the increases will not be noticeable and the parcel is in an M-1 district. Proposal is better than having multiple signs.
3. Not a significant increase in this situation.
4. No environmental impact. No sight line issues.
5. Yes, it is a self-created hardship.

Findings per NYS requirements (area of sign variance):

1. Applicant is maximizing the display area within the sign posts to minimize the need for additional height. This is a reasonable trade-off and results in the smallest possible variance.
2. No, the ZBA believes the increases will not be noticeable and the parcel is in an M-1 district. Proposal is better than having multiple signs.
3. Yes, the increase in display area is significant. It represents an increase in the permitted display area of more than 50%.
4. No environmental impact. No sight line issues.
5. Yes, it is a self-created hardship.

A motion to approve both variances was made by Milleville and seconded by Canada.

Ayes: Milleville, Schaffer, Retzlaff, and Canada

Not present for this hearing: McIntyre

Interpretation on behalf of Tri-Community Ambulance.

Are Ambulance companies afforded the same operational liberties as Fire Companies?

The ZBA determined that as many fire companies use and dispatch ambulances from their facilities, an Ambulance-only company should be permitted the same privileges as a fire company to operate and dispatch ambulances in an R-R or R-1 district.

A motion to approve this interpretation was made by Canada and seconded by Retzlaff.

Ayes: Unanimous

Interpretation on behalf of John & Doris Carlson, 6982 Ward Road, regarding a pet cemetery.

An interpretation by the ZBA was not required as the zoning code does not differentiate between cemetery types. Section 200-13 C (1) of the zoning code requires a special use permit for the operation of any cemetery in an R-2 or R-C district.

General Business

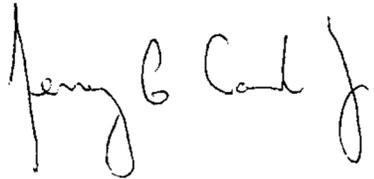
Meeting schedule: July 19th @ 8:00pm

August 22nd @ 8:00pm

A motion to adjourn was made by Schaffer and seconded by Milleville.

Ayes: Unanimous

Respectfully submitted,



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