



**TOWN OF WHEATFIELD**  
**NIAGARA COUNTY**  
**2800 CHURCH ROAD**  
**NORTH TONAWANDA, NEW YORK 14120-1099**  
**www.wheatfield.ny.us**

Robert B. Cliffe  
Supervisor  
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Town Clerk  
716-694-6440

Office of Zoning Board of Appeals  
Minutes of Meeting  
July 19<sup>th</sup>, 2016

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

The following hearings were scheduled:

**August 23<sup>rd</sup>, 2016 – (Meeting was Since Changed to August 22, 2016):**

**8:05 pm:** Jeffery Summer, 2508 River Rd requires an area variance to install an in ground pool due to the requirement for fencing to go up around it which could impact the visualization of the area. This fencing requires a review by the ZBA in the LWRP district.

Public Hearings Held / Interpretations

**8:05 pm:** James and Lisa Kaczur, 7050 Lakeside drive, lot #162.14-4-71, request an area variance for a shed that will be 4 ½ feet from the common area of the development, infringing on the 5øside yard setback.

Meeting called to order by chairman McIntyre, and NYS area variance criteria were read to all present. Mrs. Kaczur explained that the shed was originally planned to go in the back yard, however, due to a drainage easement the shed would have been too close to the deck. The contingency plan was to place the shed on the East side of the home. The common area in this development makes this property unique as it cuts off the usable side yard space. Per Mrs. Kaczur there are 2 HOAø on of which she is on the board of. The Home Owners Association owns the easement but has not responded yet to the request. The Villas Association approved the proposal. Motion to close hearing, seconded by Retzlaff, Ayes: unanimous.

Findings:

- 1) Could move the shed closer to the easement, but the HOA was not in favor of this placement. Mid yard placement would be detrimental to the neighborsøfield of view.
- 2) DO not feel this would change the character of the neighborhood
- 3) Yes this is substantial, from 5øto less than 1ø but there is a common area buffer.
- 4) No adverse effects to the environment were noted. Letter from neighbor supporting proposal submitted.
- 5) Yes, self-created

Motion to grant variance made by Schaffer, seconded by McIntyre, Ayes: Unanimous

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

Chairman McIntyre opened the hearing and read the NYS requirements for Area variance.

Mr Towerø mother still resides at this location, he moved to Texas in 1981. He is planning on moving back, having his kids live there and store his vehicles. He would like to put a lift in the garage which necessitates the 16øheight for the 40X40ø garage to hold his 8-10 vehicles. He was made aware he can only store his own personal vehicles, no commercial storage. There is a drainage ditch to the East side that he will tie gutters in to. The garage will have footers, and then block wall construction. There were no neighbor objections. Motion to close hearing Schaffer, seconded McIntyre.

Findings:

- 1) Options to make barn bigger or store off site
- 2) No change to the area noted ó other pole barns, large sheds in the neighborhood
- 3) 2øon side walls not deemed substantial in this area
- 4) No environmental issues noted, gutters on East side will drain into ditch
- 5) Yes, it is self-created.

Motion to approve the variance by Milleville, seconded by McIntyre, Ayes: Unanimous.

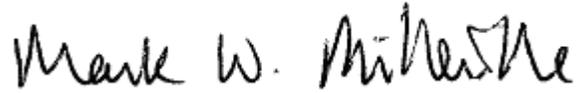
General Business

None

Next Meetings: **Monday, August 22nd, 8:00 PM**

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

Respectfully submitted,

A handwritten signature in black ink that reads "Mark W. Milleville". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Mark Milleville  
Zoning Board of Appeals