



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

Robert B. Cliffe
Supervisor
716-694-6680

Kathleen M. Harrington
Town Clerk
716-694-6440

Office of Zoning Board of Appeals
Minutes of Meeting
October 4th, 2016

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

The following hearings were scheduled:

October 19th, 2016:

8:05 pm: Re-opening of Joseph and Nancy Gargas request an area variance for lot #174.08-1-42, located at 2192 River Road, for the installation of a fence with a height of 6'6" in an area where only a 6' tall fence is permitted. In addition, the proposed fence is located in an area subject to review under the Local Waterfront Revitalization Program (LWRP).

Public Hearings Held / Interpretations

7:05 pm: Joseph and Nancy Gargas request an area variance for lot #174.08-1-42, located at 2192 River Road, for the installation of a fence with a height of 6'6" in an area where only a 6' tall fence is permitted. In addition, the proposed fence is located in an area subject to review under the Local Waterfront Revitalization Program (LWRP).

Meeting called to order by McIntyre. The criteria for an area variance were read by McIntyre. Mr. Gargas would like to erect a fence to contain his dogs. The fence would not go along the river side of the property. At the time of this hearing the fence is already partially erected. He stated he had a fence permit in the 1990s but never acted on it. On the application diagram there were 2 phases listed, they will be considered as one project for our purposes. Neighbor Mrs. Hoeft (2198 & 2202 River Rd.) read a prepared statement and included photos. She expressed that the fence will eliminate their view of the river. The fence was erected on timbers that give it a height of 7'8" per their measurement. Mr. Gargas said it is 6'6". The neighbor felt that if the 6 panels blocking view of the river were removed they would be OK with the rest of the proposal. McIntyre explained to them that it has been determined that the properties on the River road side do not have a right to a river view. Schaffer made motion to table the hearing until 10-19-16 8:05 pm to allow the building department to determine accurate measurements of the fence. Seconded by Milleville, Ayes: unanimous.

7:25 pm: Frank Boeck requests an area variance for lot #162.00-4-4.2, located at 7174 Ward Road, for the construction of a two family home with a frontage of 79'. Permission to construct the home also requires a use variance as a two family dwelling is not permitted in an R-C district.

Meeting called to order by McIntyre. The criteria for an area variance were read by McIntyre. There was incorrect information on the application, two family residences are permitted in a R-C district, therefore only area variance will be heard. Mr. Boeck states that the current home on the property is in serious disrepair and unsalvageable. Mr. Doucet, neighbor, asked where the house will be lining up and was told it will be in line with the other adjacent homes. Parking will be in front of the existing 2 car garage. The house is planned to be approximately 40'x45' 2 story. They recently purchased the property in August 2016. Motion by Schaffer to close public hearing, seconded by Retzlaff, Ayes: unanimous.

Criteria:

- 1) There is no means of getting additional frontage; neither adjacent neighbor is willing to sell.
- 2) The structure will enhance the neighborhood; there is a 2 family home next door.
- 3) The variance is substantial, from 100' to 79'
- 4) No environmental effects noted on SEQR
- 5) There is a hardship on the property since zoning changed from 80' to 100'

McIntyre motion to approve variance for frontage application and notice in paper were in error for use variance requirement. Seconded by Schaffer, Ayes: Unanimous.

General Business

None

Next Meetings: **Wednesday, October 19th, 8:00 PM**

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

Respectfully submitted,

Mark Milleville
Zoning Board of Appeals