



**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 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:

No hearings to schedule at this point.

Public Hearings Held / Interpretations

**8:05 pm:** Re-open 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 6ø6ø in an area where only a 6øtall 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 minutes from the last meeting were read. A neighbor, Mr Szymanski who resides on River Rd adjacent to the property did not feel a granting of the variance would be a problem for him, but his view of the river itself was not impacted. After discussion between the Board and both parties there was an agreement between the parties that if the panel closest to the river was removed and the fence then cut across to the owners shed, and the height decreased to 76ø at its highest point per code enforcement they would both be in agreement with it. Retzlaff motion to close public hearing, seconded by Schaffer, Ayes: Unanimous.

Findings:

- 1) Many alternatives were discussed ó applicant agreeable to 76ø height.
- 2) As proposed, would alter the character of the neighborhood, not at 76ø with section moved.
- 3) At 84ø significant, at 76ø not. Neighbor objection at 84ø, not at 76ø
- 4) No detrimental physical or environmental impacts.
- 5) Yes, it is self-created.

The LWRP concerns have been addressed by the changes in this variance.

Motion by McIntyre to approve the variance as follows, 76ø maximum fence height as measured by code enforcement from the first post on the inside of the property to the location marked in the photo market exhibit A. The exact measurement to be determined by the building department and incorporated into the variance. Motion seconded by Schaffer, Ayes: Unanimous

**Addendum: 10/21/16** email received from Chairman McIntyre:

Mike Schaffer met with Mike Kloch, Building Inspector from the Town of Wheatfield Building Department and they performed the measurement at 2192 Rover Road for the installation of the fence not to exceed 76". The variance that the ZBA approved authorizes a fence not to exceed 76" that can be no longer than 169' from Northeast part of the property. The allowed length includes a 32' section that is angled towards the interior of the property at the ending point.

General Business

Schaffer motion to approve minutes from 10-4-16 meeting with correction of spelling of Mr. Gargas name, seconded by McIntyre. Ayes: unanimous

**Next Meeting: Monday November 7<sup>th</sup>, 7:00 PM**

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

Respectfully submitted,

Mark Milleville  
Zoning Board of Appeals