



**TOWN OF WHEATFIELD**  
**COUNTY OF NIAGARA**  
Zoning Board of Appeals  
2800 Church Road, North Tonawanda, NY 14120  
Phone: (716) 694-1026 Fax: (716) 694-1800  
www.wheatfield.ny.us

Minutes of Meeting  
April 9, 2018

Chairman Muscatello called the meeting to order at 7:00 pm.

**Roll Call:**

Present:                    Richard W. Muscatello            Michael Schaffer  
                                 Arthur Gerbec                    Matthew F. Klettke  
                                 Deborah Carr (Secretary)  
Absent:                    Arthur Kroening

**Reading & Approval of Previous Meeting Minutes:**

Motion to approve minutes for March 26, 2018 -  
Motion made by:            M. Schaffer  
Seconded by:                A. Gerbec  
Ayes:                            Unanimous

**Communications:** Distributed revised "Order of Business" to members attending.  
Distributed revised Meeting Schedule for Calendar Year 2018 (with Submittal Deadline Dates)

**Reports of Committees:** Chairman familiarized the members with appropriate readings contained in the **Code of the Town of Wheatfield:**

- o Chapter 44, Zoning & Planning Board
- o Item 200-94, Procedures (Planning Board consultation)

**Unfinished Business:**

A listing of terms of appointment for members will be distributed at the April 23, 2018 meeting.

**New Business:**

Motion to change the May 28, 2018 meeting date to May 14, 2018 to respect National Memorial Day Celebration.

Motion made by:            M. Schaffer  
Seconded by:                R.W. Muscatello  
Ayes:                            Unanimous

Adopt protocol for future "Open Hearings" to comply with New York State regulations: next agenda

Hearing called to order (no motion required)  
Introduce Board Members  
Read Hearing Announcement for entry into the record  
Summarize purpose of hearing  
Announce procedure for addressing the Board, time allotment, order of presentation  
All persons intending to address the Board must sign-in beforehand to be recognized.  
Invite resident/attorney comments  
Invite final comments  
Chairman terminates public hearing (no motion required)

Adopt New York State recommended policy to post "Public Hearing Notices" on the Town Hall Bulletin Board along with date of posting and expiration date: next agenda

New York State Bulletin "Zoning Board of Appeals" - Division of Local Government Services will be distributed to each member at the April 23, 2018 meeting. This document is to promote Board members' understanding and execution of their duties.

**Public Hearings:** Scheduled for April 23, 2018

**7:10 pm, Elaine Brixius** requests an area variance for Lot #147.20-1-76, located at 2897 Pearce Road, to construct an attached garage that does not meet the minimum 10' side yard setback.

**7:35 pm, Bergholz Fire Department** requests an area variance for Lot #147.18-2-66.121, located at 2470 Niagara Road, for the construction of a 40' x 80' pavilion on the Fire Hall grounds that does not meet the minimum front yard setback of 40'.

Supporting material was distributed to the members attending, with the expectation they will visit the site prior to the scheduled meeting. Petitioners are expected to "stake out" their properties to accommodate the purpose of the on-site visit. Absentee(s) may obtain this documentation by contacting the ZBA Secretary at the Town Hall.

**Request for Comment:** None

**Miscellaneous:**

- Cut-off date for including a variance hearing on the next official Board meeting is the 2<sup>nd</sup> Wednesday prior to the next scheduled ZBA meeting, not later than 12 Noon.
- The Building Department will forward a copy of all variance requests, as they are received with documentation, to the Chairman of the Town of Wheatfield Planning Board for input. (Preferably at the same time distribution is made to ZBA members).

**Meeting Schedule:** (Next) April 23, 2018@ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall

**A motion to adjourn:** made by A. Gerbec, seconded by M. Klettke. Ayes: Unanimous

Respectfully Submitted,

Deborah Carr  
Secretary, Zoning Board of Appeals (edited for content by Chairman)

Distribution: ZBA Distribution Listing

Supervisor Don MacSwan

Mike (Building Dept.)

Curt Doktor

Art Gerbec

Mike Schaffer

Deborah Carr

Randy Retzlaff

Harrington-McDonell (Clerk)

Don Wallace (MIS)

Bridgette Grawe (Assessor)

Matthew Klettke

Larry Helwig

Art Kroening

Gil Doucet

Richard W. Muscatello

Walt Garrow ( Planning Board)

Fire Advisory Board

Record File

**Thought for the Day:**

"No one can hurt me without my permission" ~ Mahatma Gandhi

Note: These minutes will be scheduled for approval at the April 23, 2018 meeting

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COUNTY OF NIAGARA  
Zoning Board of Appeals**

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**AGENDA and PUBLIC HEARINGS**  
**April 23, 2018**

Approval of the April 9, 2018, Meeting Minutes

Communications (if applicable)

Reports of Committees:

- o Distribute NY State Bulletin "Zoning Board of Appeals

Unfinished Business:

- o Distribute listing of terms of appointment
- o Adopt Protocol for Future "Open Hearings"
- o Adopt Protocol for posting "Public Hearing Notices" on Town Hall Bulletin Board

New Business

Public Hearings: (previously published and distributed)

- o 7:10 pm Elaine Brixius
- o 7:35 pm Bergholz Fire Department

- Request for comment
- Meeting Schedule
  - o May 14, 2018
- Motion to Adjourn

**ZBA Distribution Listing**

Supervisor Mac Swan  
Larry Helwig  
Gil Doucet  
Randy Retzlaff  
Art Kroening  
Curt Doktor

Deborah Carr  
Fire Advisory Board  
Record File  
Matthew Klettke  
Mike Schaffer  
Art Gerbec

Kathy Harrington-McDonell (Clerk)  
Don Wallace (MIS)  
Mike Kloc (Building Dept.)  
Walt Garrow (Planning Board)  
Bridgette Grawe (Assessor)  
Richard W. Muscatello

