



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 22, 2019**

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

**Roll Call:**

Present: Richard W. Muscatello (Chair) Michael Schaffer (Vice Chair)  
Art Gerbec Arthur Kroening  
Matthew F. Klettke Debbie Carr (Secretary, non-member)

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

Motion to approve minutes of April 8, 2019 was preceded with a motion to:

- Amend "Next Meeting Schedule" to read April 22, 2019 in lieu of April 15, 2019.
- Motion to approve the minutes, as amended:

Made by: A. Gerbec Seconded by: A. Kroening  
A. Gerbec - Yes  
A. Kroening - Yes  
R. W. Muscatello - Yes  
M. Schaffer - Yes  
M. Klettke - Yes

Motion approved

**Communications:** Town "Planning Board site Plans Processing Results" was previously distributed to ZBA members via the Internet.

**Reports of Committees:** "Budget Reports by Department as of March 31, 2019," issued by E.D. Mongold, Budget Director, received and noted.

**Unfinished Business:** Reminded ZBA members that the Niagara Wheatfield Central School District (NWCS) rehearing is scheduled for the next Board meeting on May 13, 2019. All NWCS supplemental justification should be in the Town's possession no later than 12 Noon on April 26, 2019 to be considered. When it arrives, the submissions will be shared with our members.

**New Business:** Board members encouraged to read the contents (a) of New York State Division of Local Government Services, titled: "Zoning and the Comprehensive Plan", distributed earlier; and (b) volume 33, No.1 January/February 2019, Association of Towns of the State of New York "Towns & Topics, articles titled: © "Can you Hear us Now? (d) Legal FAQs: titled "Robert's Rules of Order," and (e) "FCC Limits Local Control for Deployment of 5G Network."

**Hearings(s) Held/Interpretations:**

7:05 pm, Lauren Matisz requests an area variance for Lot #148.00-1-55.1, located at 6815 Nash Road, to construct a pole barn for livestock that does not meet the minimum set back of 100' from a residential property line.

**Board Findings:**

1. Applicant intends to build a 24 X 32 pole barn to stable two (2) horses.
2. Neighbors in attendance verbalized their support of Lauren's variance request.
3. Subsequent to extensive discussion, consensus was that other alternatives would be more appropriate, benefiting the applicant, the culture of the neighborhood, the Niagara County Farming District, and the Town of Wheatfield.

Hence, a motion to close the public hearing was proposed by R.W. Muscatello, seconded by A. Kroening.

- A. Gerbec - Yes
- A. Kroening - Yes
- M. Klettke - Yes
- M. Schaffer - Yes
- R. Muscatello - Yes

Motion approved

Motion to **deny** the request for the construction of a pole barn (32'x24') to house two (2) horses allowing a minimum of 65' distance from the property line of the neighbor to the north while maintaining a 100' side yard setback from the property line with the southerly neighbor made by M. Schaffer seconded by A. Gerbec.

- A. Gerbec - Yes
- A. Kroening – Yes
- R. W. Muscatello – Yes
- M. Schaffer – Yes
- M. Klettke – Yes

Motion approved to **deny** approval of L. Matisz's initial variance request.

Findings per New York State Law Guidelines Relative to Ensuing Deliberations to Relocate the Pole Barn

1. Pole barn can be moved 35' to be compliant on one side and approximately 70' on the north side. Doing so preserves farmable land.
2. Neighbors in attendance on both the north and south sides unanimously support this relocation suggestion.
  - a. Stabling horses (2) maximizes the potential use of the farmland, promotes family recreational activity, animal care practices, and farm sanitary practices. (Copy of the Town Law 200-12, A-R Agricultural-Resident District, given to the applicant at the hearing).
  - b. The A-R zoning for this property is in or contiguous to the Niagara County Agriculture District 7, thus preserving farming potential and soils: A goal of the New York State Department of Agriculture and Markets.
  - c. The pole barn will be used jointly to stable two (2) horses, now located off premises, and store personal equipment.
3. Yes, numerically, approximately 23%. Does not look out of place in the agriculture district.
4. Two neighboring properties currently have pole barns. Fairmount Park is across the street which carries through with the recreational theme.
5. Yes

Motion to approve the revised request for the construction of a 32'x 24' pole barn to stable two (2) horses and store personal items, allowing a minimum of 65' distance from the property line of the neighbor to the North while maintaining a 100' side yard setback from the property line with the Southerly neighbor made by M. Klettke, seconded by M. Schaffer with the stipulation that the dormant "gun range" on the property can only be reactivated with the written, official permission, of Town of Wheatfield government.

- A. Gerbec - Yes
- A. Kroening – Yes
- R. W. Muscatello – Yes
- M. Schaffer – Yes
- M. Klettke - Yes

Motion approved

**Miscellaneous:** None at this time.

**Next Meeting Schedule:** May 13, 2019 @ 7:00pm, sharp, Courtroom, Town Hall.

**Public Hearings:** Scheduled for May 13, 2019 at this time.

**7:05 pm, Andrew Gademsky**, for Child's Creative Development Center, requests a use variance for Tax Parcel No. #147.00-1-41 located at 6700 Schultz Street, (formerly an elementary public school) for use as a business operated day care center, accommodating approximately 100 children.

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

Respectfully Submitted,

Deborah Carr, Secretary

**Distribution:** ZBA Distribution List

Don MacSwan, Supervisor  
Mike Klock (Building Dept.)  
Walt Garrow (Planning Board)  
Harrington-McDonell (Town Clerk)

Bridgette Grawe (Assessor)  
Matthew Klettke  
Art Gerbec  
Richard W. Muscatello

Randy Retzlaff  
Gil Doucet  
Art Kroening  
Don Wallace (MIS)

Curt Doktor  
Larry Helwig  
Mike Schaffer  
Record File