



# 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

### May 13, 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 Board minutes of April 22, 2019:

Made by:	M. Schaffer	Seconded by:	A. Gerbec
	<input type="checkbox"/> A. Gerbec - Yes		
	<input type="checkbox"/> A. Kroening – Yes		
	<input type="checkbox"/> R. W. Muscatello – Yes		
	<input type="checkbox"/> M. Schaffer – Yes		
	<input type="checkbox"/> M. Klettke - Yes		

Motion approved

Note: The Board recognizes a misprint appearing in the Niagara Gazette relating to the date of confirmation changing the Bergholz public hearing from the June 10, 2019 to May 13, 2019.

**Communications:** Town “Planning Board site Plans Processing Results” were previously distributed via the Internet.

**Reports of Committees:** None

#### **Unfinished Business:**

Motion to reschedule and re-open the public hearing scheduled for May 13, 2019 for Niagara Wheatfield Central School District, (former administrative offices and elementary school), Tax Parcel #147.00-1-41, located at 6700 Schultz Street, is rescheduled for June 10, 2019, to accommodate the request of Douglas Scheid, Scheid Architectural agent on behalf of the Child’s Creative Education Center:

Made by:	M. Schaffer	Seconded by:	A. Kroening
	<input type="checkbox"/> A. Gerbec - Yes		
	<input type="checkbox"/> A. Kroening – Yes		
	<input type="checkbox"/> R. W. Muscatello – Yes		
	<input type="checkbox"/> M. Schaffer – Yes		
	<input type="checkbox"/> M. Klettke - Yes		

Motion approved

**New Business:** None

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

**7:10pm, Frank Rocco & Christa Schultz,** requests an area variance for Lot # 163.04-4-39, located at 3664 Kelsey Lane, to construct an attached garage with a side yard setback of 20’ where 25’ is required.

#### **Board Findings:**

1. Applicant intends to build a 22’ X 17’ attached garage.
2. No neighbors attended to support or deny the request. However, the applicants allege neighbors were contacted and support the variance request.

Subsequent to extensive discussion, a motion to close the public hearing was made by M. Schaffer, seconded by M. Klettke. Ayes: Unanimous  
Motion approved

Findings per New York State Law Guidelines:

1. Applicants could build a detached garage in the rear yard, losing appreciable prime yard space. An attached garage, as planned, would enhance the symmetry and street culture.
2. No. There are no sight line issues and does not impede traffic flow.
3. Yes numerically. From 25' to 20".
4. No. The proposed addition will not have an asymmetric effect on the neighborhood.
5. Yes

Motion to approve the request 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

**7:40pm, Jeremy & Laura Voigt**, requests an area variance for lot #177.01-1-20.1, located at 7330 Townline Road, to place a ground sign 10' from the right of way where 15' is required.

Board Findings:

1. There are three (3) existing signs.
2. No neighbors attended to support or deny the request.
3. Applicants are not the property owners. However, the property owner submitted written authorization for them to negotiate this variance request.

Subsequent to lengthy discussion, a motion to close the public hearing made by R.W. Muscatello, seconded by M. Schaffer. Ayes: Unanimous

Motion approved

Findings per New York State Law Guidelines:

1. Applicants could add on to existing sign but would need a height variance. Applicants allege there is resistance from the property owner to increase or replace the remaining existing sign.
2. There are three (3) signs on the property. The Voigt existing sign is not in an appropriate location to be seen, and is blocking the view of the other signs. The Voigt's were referred to Town Code of the Town of Wheatfield, Article IX, Signs, paragraph 200-65, A (2) (b) and (c). to assist in future planning. .
3. Yes numerically from 15' to 10'.
4. No. There are currently three (3) existing compliant signs. Refer to sign law Rules and regulations, Wheatfield Code, Article IX, paragraph 200-62.
5. No.

Motion to approve the request with the condition that when the business owner (Voigt) leaves, the sign must be removed and no sign can replace that location without additional approval from the Zoning Board of Appeals, made by A. Kroening, seconded by M. Klettke.

- A. Gerbec - Yes
- A. Kroening – Yes
- R. W. Muscatello – No
- M. Schaffer – Yes
- M. Klettke - No

Motion approved

**8:10pm, Andrew Gademsky**, requests an area variance for Lot #163.01-3-4, located at 3243 Woodland Ct. North, to construct a detached garage that exceeds the maximum height of 14'.

Board Findings:

1. Applicant wishes to construct a 22 X 40 detached garage and pool house with a height of 16'.
2. Applicant alleges they have four (4) approvals from neighbors. However, no neighbors attended to support or deny the request.

Subsequent to extensive discussion a motion to close the public hearing made by M. Schaffer, seconded by A. Kroening. Ayes: Unanimous  
Motion approved

Findings per New York State Law Guidelines:

1. Applicant could make 14' height work but it would not match the existing roof line and restricts the maximum use of the garage.
2. There are other pole barns in the surrounding properties that exceed the 14' height requirement. The garage as planned will look better in the neighborhood and has more attractive curb appeal.
3. No, from 14' to 16'.
4. The garage will enhance the property and is consistent with surrounding properties.
5. Yes

Motion to approve the request 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

**Miscellaneous:** None at this time.

**Next Meeting Schedule:** June 10, 2019 @ 7:00pm, sharp, Town Hall Auditorium.

**Public Hearings:** Scheduled for June 10, 2019

**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 A. Kroening Ayes: Unanimous

Respectfully Submitted,

Deborah Carr  
Secretary

Distribution: ZBA Distribution Listing

Don MacSwan, Supervisor	Bridgette Grawe (Assessor)	Randy Retzlaff	Curt Doktor
Mike Klock (Building Dept.)	Matthew Klettke	Gil Doucet	Larry Helwig
Walt Garrow (Planning Board)	Art Gerbec	Art Kroening	Mike Schaffer
Harrington-McDonell ( Town Clerk)	Richard W. Muscatello	Don Wallace (MIS)	Record File