



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 July 8, 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 June 10, 2019:

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 via the Internet. Also, Ethics & The Planning Commission article by Ted Shekell, AICP, titled: "Talking Behind the Public's Back, the Ex-Parte Problem."

Reports of Committees : None

Unfinished Business: None

New Business: The ZBA, in cooperation of the Town Planning Board, will be hosting a SEQRA Update presentation on August 6, 2019, in the Town Hall Auditorium, at 9:00 a.m., sharp. Please verify your attendance no later than 12 Noon, August 2, 2019.

Hearings(s) Held/Interpretations:

7:05pm, Jesse Gooch, requests an area variance for Lot # 162.19-1-30.11, located at 2725 Homeyer Rd, to construct an attached garage with a side yard setback of 3' where 10' is required and a front yard setback of 28' where 40' is required.

Board Findings:

1. Applicant plans to build an attached garage for personal storage and uses (non-commercial purposes).
2. Five (5) neighbors attended to support the request. Conversely, two (2) neighboring letters were received opposing the variance as presented.
3. Several alternative proposals were put forth by zoning board members: a mandatory requirement not addressed by the applicant, e.g., line of sight impairment, conflicting front yard setback, creation of a left side driveway: gaining access to an expansive backyard, etc. Subsequent to an extensive exchange, the applicant was afforded an opportunity to postpone the planned submission for the purposes of evaluating suggestions evolving from the discussion. The applicant acquiesced.

Motion to table the variance as submitted until August 12, 2019 or another date convenient to the petitioner, made by M. Klettke, seconded by A. Gerbec.

- A. Gerbec - Yes
 A. Kroening - Yes

- R. W. Muscatello - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

7:45pm, Chris Trunzo, requests an area variance for lot #162.15-1-26, located at 2734 Stenzel Ave, to construct a pole barn with a height of 16.5' where 14' is maximum.

Board Findings:

1. Applicant plans to build a pole barn for storage of a motor home and installing a vehicle lift to work on his personal vehicles. Uses are for personal (non-commercial) purposes.
2. No neighbors physically attended the meeting to support or deny the request. However, five (5) neighbors signed a document supporting the construction of a pole barn.

Motion to close the public hearing was made by M. Schaffer, seconded by A. Kroening. Ayes: Unanimous

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

Motion approved

Findings per New York State Law Guidelines:

1. The applicant would like to install a lift requiring a 14' side wall.
2. No. There are other pole barns in the area approximately the same height.
3. No. Difference is only two and one half (2.5) feet.
4. No. There are other pole barns in the area that are 14' or higher.
5. Yes

Motion to approve the request with the condition the pole barn is for personal use only and no outside storage or commercial activity.

Motion to approve 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

Recommendation:

Applicant was advised that he may be creating an issue relative to accessing the proposed pole barn, if built and sited according to the plan submitted. To access the pole barn and stay within the property boundaries, the applicant may need to modify the already existing garage. The petitioner was invited to seek the counsel of the Town's Building Inspector.

Miscellaneous: None at this time.

Next Meeting Schedule : July 22, 2019 @ 7:00pm, sharp, Town Hall, Building Dept., lower level conference room.

Public Hearings: Scheduled for July 22, 2019

7:05pm, John DiPasquale, requests an area variance for Lot # 135.03-2-61, located at 6360 Hidden Ridge, to construct a pole barn with a height of 17' where 14' is maximum.

7:25pm, Keith Ryan, requests an area variance for lot #163.04-3-66, located at 3747 Sage Ct, to construct a 6' fence where a 4' fence is maximum.

7:45pm, Jesse Gooch, requests an area variance for Lot # 162.19-1-30.11, located at 2725 Homeyer Rd, to construct an attached garage with a side yard setback of 3' where 10' is required and a front yard setback of 28' where 40' is required.

A motion to adjourn : made by R.W. Muscatello, seconded by A. Gerbec Ayes: Unanimous

Respectfully Submitted,
Deborah Carr
Secretary
Distribution: ZBA Distribution Listing

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Planning Board

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