



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 (Revised)

August 13, 2018

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

Roll Call:

Present:	Richard W. Muscatello (Chair)	Michael Schaffer (Vice Chair)
	Arthur Gerbec	Matthew F. Klettke
	Arthur Kroening	Deborah Carr (Secretary/Non Member)

Reading & Approval of Previous Meeting Minutes:

Motion to approve minutes of July 9, 2018 -

Motion made by:	A. Gerbec	Seconded by:	M. Klettke
	A. Kroening - Yes		
	A. Gerbec – Yes		
	M. Schaffer – Yes		
	M. Klettke - Yes		
	R. W. Muscatello – Yes		

Motion approved

Communications:

With respect to Section 200-94, Code of the Town of Wheatfield, the Town Attorney advised the Zoning Board Appeals to continue the current described process while acknowledging the Planning Board will only respond to matters of interest to them. In this regard, to comply with the spirit of the Town Code, consultation with the Town Planner was initiated and resulted in three possible changes to Section 200-94.(See Attachment #1). Subsequent to discussion resulted in ZBA unanimous approval of Option 2: “The Zoning Board of Appeals may refer any application to the Planning Board, Town Departments, and/or advisory staff to receive input.” A copy of this decision will be submitted to the Town Attorney to amend Section 200-94, accordingly.

Reports of Committees: The Chair discussed the ZBA Draft Budget for Calendar Year 2019 prior to submission the Town Budget Officer. The budget emphasized wage equity with the Town’s Planning Board (See Attachment #2).

Unfinished Business: (Carry over)

1. Continuing education: discussion of at least three striking NY State ZBA requirements (Pages 1 through 9), per member, will take place at the August 27, 2018 meeting. **Action: Members**
2. Members were advised to digest the contents of “The Use variance” portions of the NYS ZBA manual. **Action: Members**
3. Wage Equity: Submitted with budget,

New Business: The Chair shared with the membership mandates laid out by the Town Board to the Planning Board to ensure expeditious processing of site and subdivision plans. They are: Two (2) meetings per month, no limit placed on the number of applications served each meeting, and meetings will start at 6:30 p.m. Our ZBA board is well advised to comply with these mandates.

Hearing(s) Held/Interpretations

7:05 pm, Charles and Francine Boore requests an area variance for Lot #147.14-1-16, located at 2421 Cayuga Street., to construct a shed with a side yard set-back of 2.5’ where a 5’ set-back is required.

Board Findings:

1. Letters were presented from neighbor at 2417 Cayuga and tenant at 2427 Cayuga Streets in favor of set-back variance. Following the petitioners presentation of intentions, plans, questions and answers:

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

Findings per New York State Law Guidelines:

1. Yes. Petitioner could build an addition to existing garage but would be much more costly. Petitioner could place shed on the opposite side of the property but would deter from maximum utilization of their property.
2. No. Neighbors are in agreement. Supporting letters attached. As designed, a person could pass through existing garage to get to the shed. The shed is not visible from the road.
3. Yes. From 5' to 2.5'. The original garage built in approximately in CY 1952 when zoning codes were nonexistent. The petitioner's proposal is symmetrically in concert the garage and other accessory structures on the property.
4. No.
5. Yes.

Motion to approve the request with the shed constructed according to Town standards made by M. Schaffer, seconded by A. Gerbec.

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

Motion approved

Public Hearings: Scheduled for August 27, 2018

7:05 pm, Leonard Moll requests an area variance for Lot #147.00-1-28, located at 2559 Wurl Street, to construct a pole barn that exceeds the 14' height maximum.

7:25 pm, Mark Kessler requests an area variance for Lot #162.08-1-35, located at 2955 Lemke, for the construction of a 12' x 14' addition to the rear of existing structure.

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.

Miscellaneous: None

Next Meeting Schedule: August 27, 2018@ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

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

Bridgette Grawe (Assessor)
Matthew Klettke
Walt Garrow (Planning Board)
Art Kroening
Harrington-McDonell (Town Clerk)
Richard W. Muscatello

Randy Retzlaff
Gil Doucet
Larry Helwig
Don Wallace (MIS)
Fire Advisory Board
Record File