



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
August 27, 2018

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

Roll Call:

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

Reading & Approval of Previous Meeting Minutes:

Motion to approve minutes of August 13, 2018 -

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

Motion approved

Communications:

Reports of Committees: Discussion and need for additional education relative to Base Level Elevations. Hopefully, a speaker can be identified.

Unfinished Business: (Carry over)

1. Members were advised to digest the contents of “The Use variance” portions of the NYS ZBA manual.

Action: Members

New Business:

Hearing(s) Held/Interpretations

7:05 pm, Leonard Moll requests an area variance for Lot #147.00-1-28, located at 2559 Wurl Street., to construct an accessory building (pole Barn) with a height of approximately 19’ where the maximum permitted height is 14”.

Board Findings:

1. Applicant contemplates a need to store farm large equipment to protect them from the severe weather elements and improve the cluttered appearance of the land.
2. Accessory structure will be a steel building with steel roof, 30’ x 52’, sufficient to accommodate most of his equipment currently strewn throughout the premises.

Following the petitioner’s presentation of intentions, plans, questions and answers:

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

Findings per New York State Law Guidelines:

1. No. Petitioner needs to store large farm equipment for his personal use. The height is the minimum to accommodate large combines, tractors, etc.
2. No. Adjacent property is farmland with a large barn. No neighbors attended to support or deny the request.
3. Yes - Numerically from 14’ to 19’. Practically, “No.” To preserve his farm equipment from the ravages of our severe winters and a place to ensure the readiness of that equipment it is essential to his family and

business well-being. Additionally, sheltering the equipment in one location will improve the sight of his properties.

4. No. There are numerous pole barns in the area and petitioner owns a lot of surrounding property.
5. Yes.

Motion to approve the request for the construction of an accessory building with a height of approximately 19' with the condition that 6" perforated drain tile must be used to drain run off water from the roof to the creek in lieu of gutters made by M. Schaffer, seconded by A. Kroening.

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

Motion approved

7:35 pm, Mark Kessler requests a variance from the Flood Prevention Law for Lot #162.08-1-35, located at 2955 Lemke Drive, to construct a 12 x 14 attached addition in the flood hazard area.

Board Findings:

1. Petitioner is asking for relief of the 2' requirement to build above the BFE.
2. Flood prevention law form has been signed by the applicant and is on file.

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

Findings per New York State Law:

1. Petitioner could fill and compact up to the 2' above BFE but would be very costly and be higher than the existing floor level.
2. Petitioner would like to enlarge some of the rooms in the existing layout of his home. By adding a family room, he can rearrange the existing layout.
3. The proposed 12 x 14 attached addition would be 2/10 of an inch below the 2' above the BFE requirement.
4. Based on current grade elevations, the addition would bring the entire structure back into the flood hazard area and may require flood insurance.
5. The applicant must also seek approval from the Department of State. The petitioner understands the approval process subsequent to extensive counseling and questioning.
6. No one in attendance to approve, disapprove or comment on the request.

Motion to approve the variance from the flood prevention law to construct a 12 x 14 attached addition in the flood hazard area made by M. Schaffer, seconded by R.W. Muscatello.

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

Motion approved

8:05 pm, Kristine Cole requests a variance from the Flood Prevention Law for Lot #147.17-1-32, located at 2372 Niagara Falls Blvd, to construct an attached carport in the flood hazard area.

Board Findings:

1. Petitioner was advised flood insurance may be required.
2. Flood prevention law form has been signed by the applicant and is on file.

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

Findings per New York State Law Guidelines:

1. Concrete pad is below the BFE. Petitioner started construction prior to ZBA variance request.
2. There is a creek that runs on the south side of property and the petitioner owns up to the top of the bank. Since there is also floodway on the property, there is no other area for the carport.
3. Town engineer approved a carport type construction with open side walls. Building cannot be enclosed. The petitioner understands the conditions laid out by the Town Engineer and was afforded sufficient time to ask questions in order to promote understanding of the situation.
4. No one in attendance to approve, disapprove or comment on the request.

Motion to approve the request for the construction of an attached carport type structure (open side walls) in the flood hazard area made by M. Schaffer, seconded by A. Kroening.

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

Motion approved

Public Hearings: Scheduled for September 10, 2018

7:05 pm, Jason McKie requests an area variance for Lot #135.01-1-59, located at 3909 Lockport Rd, to construct an accessory structure with a height of approximately 16' that exceeds the 14' height maximum.

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: September 10, 2018@ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

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

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