



# 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

September 10, 2018

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

**Roll Call:**

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

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

Motion to approve minutes of August 27, 2018

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

Motion approved

**Communications:** Distributed correspondence received from the Town’s Planning Board, and a FEMA “Variances and the National Flood Insurance Program” Bulletin.

**Reports of Committees:** Discussed the need for additional education relative to Base Level Elevations (BFE). The Chair will identify, with the help of the Town engineer, a knowledgeable speaker. In the interim, it was unanimously agreed that this group will meet on September 24, 2018 at 10:00am, in the lower level conference room, for an informal discussion with the Building Inspector. (The Town Supervisor expressed an interest in attending).

**Unfinished Business:** (Carry over)

Members were advised to digest the contents of “The Use variance” portions of the NYS ZBA manual, inasmuch as we have been advised by NY State planning officials that Use variances should be controlled and minimized.

**Action: Members**

**New Business:**

1. Discussed amending the August 27<sup>th</sup> official meeting minutes, related to the “Kessler hearing,” to more accurately articulate the required action was unanimously approved. The official meeting minutes will be on the next agenda for approval.
2. Discussed the need to amend the application for a Flood Zone variance request. **Action: D. Carr**

**Hearing(s) Held/Interpretations**

**7:05 pm, Jason McKie** requests an area variance for Lot #135.01-1-59, located at 3909 Lockport Rd., to construct an accessory building (garage) with a height of approximately 16’ where the maximum permitted height is 14”.

**Board Findings:**

There exists a 2-story farm house on the property. Petitioner is attempting to match the roof lines thus creating a symmetrical appearance in conjunction with the proposed garage, creating a pleasing appearance for all the buildings on the property.

Following the petitioner’s explanation of intentions, presentation of the plans, responding to Board members questions; a motion to close the public hearing was proposed by A. Gerbec, seconded by A. Kroening. Ayes: Unanimous

**Findings per New York State Law Guidelines:**

1. Yes. Petitioner would be able to store his work truck in-doors, away from the adverse weather conditions. The vehicle is essential for his continued employment and is used every day. The new build will also house work equipment normally strewn throughout the property. The existing barn on the property is too far from the house to be practical, and is used for other purposes. The walls of this barn only allow an 8' door. At a minimum, the petitioner needs a 10' door to accommodate said work vehicle.
2. No. No neighboring property owners attended the hearing to support or deny the request. The area is slightly populated.
3. Yes. Numerically from 14' to 16' to create symmetry with existing building on the property.
4. No. The way the property is laid out there is not many neighbors: area is sparsely developed.
5. Yes. The new construction is essential to support the family's financial needs.

Motion to approve the request for the construction of an accessory building with a height of approximately 16' made by A. Gerbec, seconded by M. Klettke.

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

Motion approved

**Public Hearings:** Scheduled for September 24, 2018 - None

**Miscellaneous:**

1. Board meetings start promptly at 7:00 p.m., in order to accommodate resident needs.
2. The Zoning Board "T-Shirt" are appropriate dress for all meetings, when worn as an outer garment. Otherwise, dress will be "business" attire.

**Next Meeting Schedule:** September 24, 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