



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

December 10, 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 Arthur Kroening
Art Gerbec

Reading & Approval of Previous Meeting Minutes:

Motion to approve minutes of November 26, 2018:

Made by: M. Schaffer Seconded by: A. Gerbec

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

Motion approved

Communications: Town Planning Board site plan processing results were previously distributed via the Internet.

Reports of Committees: Art Kroening's term of office ends as of December 31, 2018. Urged to reapply to the Town Board.

Unfinished Business:

Critiqued the applicable material contained in the September/October 2018 edition of the Talk of the Towns & Topics, Association of Towns of the State of New York. Also, expressed satisfaction with the "variance material" distributed earlier via the Internet.

New Business:

Clarified a ZBA requirement relating to the Jeffery & Deborah Dewey Rehearing of March 12, 2018, for the Town Attorney and the Building Department officials.

The Request for Variance from Flood Prevention Law from Richard E. Vinson was withdrawn, from today's hearing, at the request of the Building Department officials.

Hearing(s) Held/Interpretations

The "Protocol for Conducting Public Hearings" distributed to each member at the November 26th meeting was put into effect this meeting, as a result of the absence of the ZBA Secretary. The secretarial duties were assumed by the Chair on a pro tem basis. Art Gerbec executed the duties of the "Facilitator."

Hearings(s) Held/Interpretations:

7:10 pm, Gardner Trucking & Storage, request an area variance for Lot #134.04-1-32, 134.04-1-34, 134.04-1-33; located at 3649, 3653, 3655 Lockport Road to construct a storage building with a setback of 40' where a 65' setback is required.

Board Findings: (Note: no one appeared to speak for or in opposition)

1. The need for additional storage is sorely needed. With this additional space, equipment scattered on the premises, exposed to the ravages of our winter weather, would be stored accordingly. The alternate option for the construction of this addition would eliminate five (5) precious parking spaces.

2. The applicant intends the use of trusses, when modifying the existing structure and constructing the addition, for esthetic reasons, contributing to a positive street appeal. Inasmuch as this location hosts other manufacturing properties, on both sides, precludes this request being considered an undesirable change.
3. Yes. The proposed building modification will be added to the rear of the existing structure fronting the Lockport Road. The existing structure's distance from the highway is not affected. The addition will be symmetrically aligned with the existing structure.
4. As noted supra. There exists, at least, three adjoining structures on different properties closer to the highway than this request. The proposed structure is away from Lockport Road.
5. No. The 40' distance from the highway will be maintained. Activity will be confined to the rear of the existing structure.

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

Ayes: Unanimous

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

Motion approved.

Recommendations subject to the approval of the ZOE:

1. Construct a firewall between existing structures.
2. Storage limited to existing business needs.

Miscellaneous: None at this time.

Next Meeting Schedule: January 7, 2019 @ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

A motion to adjourn: made by M. Schaffer, seconded by A. Gerbec Ayes: Unanimous

Respectfully Submitted,

Richard W. Muscatello
Secretary, pro tem

Distribution: ZBA Distribution Listing

Don MacSwan, Supervisor
Mike Klock (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