



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 13, 2020

Vice Chair Schaffer called the meeting to order at 7:00 pm and welcomed alternate Jerry Canada with 18 years of zoning board experience in the absence of Chair Richard Muscatello.

Roll Call:

Present: Michael Schaffer (Vice Chair) Arthur Kroening
Art Gerbec Jerry Canada (Alternate Member)
Matthew F. Klettke Debbie Carr (Secretary, non-member)

Excused - Medical: Richard W. Muscatello (Chair)

Reading & Approval of Previous Meeting Minutes:

Motion to approve Board minutes of January 27, 2020 was made by M. Schaffer and seconded by A. Gerbec:

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Abstain
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Communications: None

New Business: None

Hearings(s) Held/Interpretations:

7:05 pm: David Perkins requests an area variance for Lot # 135.03-1-15, located at 3860 Lockport Rd to construct a single-family dwelling with a front yard setback of 150' where 65' is required.

Board Findings

1. Variance request amended from 150' to 139'.
2. No neighbors physically attended today's meeting in favor of or against the request.

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

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Findings per New York State Law Guidelines:

1. No. To eliminate road noise, the dwelling needs to be constructed with a larger setback.
2. No. The house is designed consistently with the neighborhood. The dwelling is placed on a large lot, 300 x 600 with side yard setbacks approximately 120' on each side. There are other homes in the area setback as much as 500'.
3. Yes. From 65' to 139'.
4. No. There are similar setbacks in the area.
5. Yes.

Motion to approve the variance as amended from 150' to 139' was made by A. Gerbec, seconded by A. Kroening.

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion Approved

7:25 pm: Jennifer Manz requests an area variance for Lot # 133.12-1-10, located at 6114 Ward Rd to construct a single-family dwelling with a front yard setback of 100' where 65' is required.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request.
2. Applicant stated they will not be dividing the parcel into two separate building lots.

Motion to close the public hearing was made by A. Gerbec, seconded by J. Canada. Ayes: Unanimous

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Findings per New York State Law Guidelines:

1. No. It is 35' deeper than the adjacent neighbor and it will cut down on the road noise.
2. No. Nearest home is 200' to the north with a heavy brush line between.
3. Yes. With a 312' frontage it will not be noticeable.
4. No. It fits the current neighborhood.
5. Yes.

Motion to approve the variance as requested was made by A. Kroening, seconded by M. Schaffer.

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - No

Motion Approved

8:05 pm: Shawn Schott requests an area variance for Lot # 147.15-1-30.2, located at 6671 Hunt St to construct a pole barn with a height of 21' where 14' is the maximum.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request.
2. Plans to build a 30' x 50' pole barn for personal storage.
3. A height variance was approved in 2014 but has expired.

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

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Findings per New York State Law Guidelines:

1. He could eliminate the cupalo
2. No. There was an existing barn on the property of the same height.
3. Yes. Request is significant.
4. No. There was a prior barn on the property in similar position and size.
5. Yes.

Motion to approve the variance as requested was made by M. Schaffer, seconded by A. Kroening.

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes

- M. Klettke - Yes

Motion Approved

8:25 pm: Justin & Nicole Eckler requests an area variance for Lot # 149.03-1-22, located at 6784 Townline Rd to construct a pole barn with a height of 16' where 14' is the maximum.

Board Findings

- 1 Variance request amended from 16' to 19'4"
- 2 No neighbors physically attended today's meeting in favor of or against the request.

Motion to close the public hearing was made by R.W. Muscatello, seconded by M. Schaffer. Ayes: Unanimous

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Findings per New York State Law Guidelines:

1. Could not do build a mezzanine but would still require a variance. Needs the height of the sidewall for storage of an RV camper.
2. No. From 14' to 19'. There are many pole barns are in the area with similar height.
3. 2 members - yes, 3 members - no
4. No. There are similar pole barns in the area
5. Yes.

Motion to approve the variance as amended from 16' to 19'4" was made by A. Gerbec, seconded by M. Klettke.

- A. Gerbec - Yes
- A. Kroening - Yes
- Jerry Canada - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion Approved

Miscellaneous: None at this time.

Next Meeting Schedule : July 27, 2020 @ 7:00 pm, sharp, Building Dept., lower level conference room.

Public Hearings: None at this time.

A motion to adjourn : Made by A. Kroening, seconded by A. Gerbec. Ayes: Unanimous

Respectfully Submitted,

Deborah Carr
Secretary (Redacted by Chair)

Distribution: ZBA Distribution Listing

Town Supervisor
Building Dept.
Planning Board

Assessor
ZBA Members
Town Clerk

Town Board
MIS Manager
Record File

Fire Advisory Board