



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
April 8, 2019**

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

Roll Call:

Present: Richard W. Muscatello (Chair) Michael Schaffer (Vice Chair)
Art Gerbec Arthur Kroening
Matthew F. Klettke Debbie Carr (Secretary, non-member)

Reading & Approval of Previous Meeting Minutes:

Motion to approve minutes of March 25, 2019:

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

Motion approved

Communications: Town Planning Board site Plans Processing Results were previously distributed via the Internet.

Reports of Committees: None

Unfinished Business: None

New Business: None

Hearings(s) Held/Interpretations:

7:05 pm, Frank Giannantonio requests an area variance for Lot #148.00-1-20.1, located at 6299 Nash Road, to construct a home addition that does not meet the minimum 65' front yard setback.

Board Findings:

1. Applicant intends to add a master bedroom addition, 22" X 18", which will be in line with the front of the existing dwelling that will not compromise the current distance from the right-of-way.
2. No neighbors attended to support or deny the request.

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

Motion approved

Findings per New York State Law Guidelines:

1. It is too costly to tear the entire house down and rebuild to comply with a setback of 65'. The home was originally built in 1824, long before zoning laws were implemented. Nevertheless, the addition requested will be in line with the current structure, hence there will be no change to the existing setback from the right of way.
2. There is no neighbor on the south side of the structure. The home itself is of historical value. An email from the neighbor on the north side posed with no objection to the request. Verification of the authenticity of the email was verified via telephonic contact by the ZBA chairman.
3. Yes numerically. The planned structural addition will enhance the appearance of the property, and permit the applicant to adequately provide shelter for his growing family.
4. The proposed addition will be an improvement. The construction also includes new siding and new skirting for the entire dwelling.
5. Yes

Motion to approve the request made by R.W. Muscatello, seconded by M. Schaffer.

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

Motion approved

7:35 pm, Mark Vona requests an area variance for Lot #177.01-43.11, located at 7362 Shawnee Rd, for the construction of a single family dwelling that exceeds the 65’ front yard setback.

Board Findings:

1. For family safety reasons, the applicant requests a 120’ front yard setback on a 50 mph road, e.g., Shawnee Road, one of the busiest venues in the Town.
2. Property consists of 8+ acres and was purchased in May of 2018. The expansiveness of the property was enticing to the owner since it provides him and his family an opportunity to enjoy nature and its prescient habitat in its original state.
3. This set back request is consistent with other similar requests negotiated in the past.
4. No neighbors attended to support or deny the request.

Motion to close the public hearing made by R.W. Muscatello, seconded by A. Gerbec. Ayes: Unanimous

Findings per New York State Law Guidelines:

1. Both parties agreed that the setback distance be reduced to 100’ from the requested 120’, with the stipulation that evergreens be planted, thus enhancing the privacy of existing homes contiguous to the intended structure..
2. 120’ would have been approximately 15’ behind existing homes. Extensive property was purchased with the intent of enjoying nature and its natural habitat.
3. Yes from 65’ to 120’
4. The south side has a 30’ easement to Oxbow and is approximately 973’ long.
5. Yes

Motion to approve the request with a 100’ front yard setback with the condition that a minimum of 5 evergreen trees, at least 6’ in height at planting, be planted and maintained, 10’ apart for a distance of 40’ starting at the main back wall, east to Shawnee Road, made by M. Schaffer, seconded by A. Gerbec.

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

Motion approved

Miscellaneous: None at this time.

Next Meeting Schedule: April 15, 2019 @ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

Public Hearings: None scheduled for April 15, 2019 at this time.

A motion to adjourn: made by R.W. Muscatello, seconded by M. Klettke Ayes: Unanimous

Respectfully Submitted,
Deborah Carr, Secretary

Distribution: ZBA Distribution Listing

Don MacSwan, Supervisor	Bridgette Grawe (Assessor)	Randy Retzlaff	Curt Doktor
Mike Klock (Building Dept.)	Matthew Klettke	Gil Doucet	Larry Helwig
Walt Garrow (Planning Board)	Art Gerbec	Art Kroening	Mike Schaffer
Harrington-McDonell (Town Clerk)	Richard W. Muscatello	Don Wallace (MIS)	Record File