



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

May 22, 2023

Chairman Schaffer called the meeting to order at 7:00pm

Roll Call:

Present: Walter Garrow
Art Gerbec (alternate)
Matt Klettke
Arthur Kroening
Michael Schaffer (Chairman)

Absence: Matthew Kroening – Permitted Leave of Absence

General Business:

Motion to approve Board minutes of April 24, 2023 was made by W. Garrow, Seconded by M. Klettke.

- W. Garrow - Yes
- A. Gerbec - Abstain
- M. Klettke - Yes
- A. Kroening - Yes
- M. Schaffer - Yes

Motion carried.

Chairman Schaffer read aloud a letter from the Tall Oaks Homeowner's Association in regards to 6929 Williams Road (the former Summit Mall). No discussion occurred amongst the member of the Zoning Board of Appeals. The letter was read and acknowledged by the chairman.

Hearings Held:

7:05pm: Gay and Richard Molnar, request an area variance for Lot# 174.08-1-70, located at 2108 River Road, to split property at 2108 River road and merge the southerly 0.35 acres to the adjoining parcel located at 2114 River Road. Chairman Schaffer opened the Public Hearing at 7:05pm. The applicant's attorney, Terry Burton, explained the request for variance.

Board Findings

1. The applicant's acquired the property in 1976. The property has been in the family since the 1940s.
2. The property is in the R-2 zone.
3. The applicant's own 2108, 2112 and live at 2114 River Road. 2108 and 2112 River Road are rental homes.
4. The applicant's claim that there will not be any change in the appearance of the homes, the request is to change the property line of 2108 River Road, just the rear portion, or the portion closest to the river.
5. The request is to match the southerly property line of 2112 River Road and attach to 2114 River Road.
6. This property conveyance will need to be filed with the Town Assessor's office.

7. The new lot size at 2108 River Road complies with the R-2 zoning requirement of a minimum of 16,000 sq ft lot.

Motion to close the Public Hearing was made by W. Garrow, Seconded by A. Kroening.

- W. Garrow - Yes
- A. Gerbec - Yes
- M. Klettke - Yes
- A. Kroening - Yes
- M. Schaffer - Yes

Motion carried.

Findings per NYS Law Guidelines

1. Whether benefit can be achieved by other means feasible to the applicant: It should be noted that the family has owned the property since the 1940s. All three (3) parcels were created prior to the Wheatfield Town codes.
2. Undesirable change in the neighborhood character or detriment to nearby properties: It should be noted that no persons attended the Hearing, for or against the request. 2114 River Road is the owner's homes. 2108 and 2112 River Road are rental homes.
3. Whether request is substantial: It should be noted that the width of the property at 66.765 feet, has been in effect since the 1940s. There are no other proposed changes at 2108 River Road.
4. Whether request will have adverse physical or environmental effects: It should be noted that there are no proposed changes at 2108 River Road. There will be no visual impact at the road.
5. Whether alleged difficulty is self-created: This is a self-created hardship, however, it will not impact the proposal.

Motion to grant the variance request to split the property at 2108 River Road and merge the southerly 0.35 acres to the adjoining parcel located at 2114 River Road was made by A. Gerbec, Seconded by M. Schaffer.

- W. Garrow - Yes
- A. Gerbec - Yes
- M. Klettke - Yes
- A. Kroening - Yes
- M. Schaffer - Yes

Motion carried with the condition that the Zoning Board of Appeals considers this proposal a Type 2 action under SEQR.

Next meeting: June 12, 2023 @ 7:00pm, Town Hall, Upper Level

Public Hearings: 7:05pm – 2606 David Drive – Kalid & Nicole Abusalah

A motion to adjourn: Motion made by A. Kroening, Seconded by M Klettke. Ayes: unanimous

Respectfully Submitted,
Melissa Germann, Secretary

ZBA Distribution Listing

Town Supervisor
Building Dept

Town Board
Planning Board

ZBA members
Town Clerk