



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 11 2023

Vice-Chairman Garrow called the meeting to order at 7:01pm.

Roll Call:

Present: Walter Garrow
Matt Klettke
Arthur Kroening
Matthew Kroening

Planned Absence: Michael Schaffer – On Vacation

General Business:

Motion to approve Board minutes of August 14, 2023 was made by M. Kroening, Seconded by M. Klettke.

- Ayes – unanimous

Motion carried.

Hearings Held:

7:05pm: Marc Pennacchio, requests an area variance for Lot#: 133.12-1-10, located at 6114 Ward Road, to build a pole barn that exceeds the maximum height for an accessory structure. The maximum height permitted for accessory structures, per Town Code, is fourteen (14) feet. The applicant is requesting nineteen feet, four inches (19', 4") in height for this accessory structure. Vice-Chairman Garrow opened the Public Hearing at 7:03pm. The applicant explained his request for a variance.

Board Findings

1. The applicant does not own the property. His fiancée, Jennifer Manz, owns the property. The property has been in her name since May 2021.
2. The pole barn will have sixteen (16) foot sidewalls. To include the measurement of the roof, the variance being sought is nineteen foot, four inches (19', 4").
3. The side yard setback to be, at minimum, ten (10) feet.

Motion to close the Public Hearing was made by A. Kroening, Seconded by M. Klettke.

- Ayes – unanimous

Motion carried.

Findings per NYS Law Guidelines

1. Whether the benefit can be achieved by other means feasible to the applicant: The property is in two zoning districts, R-R and A-R. A-R permits accessory structures up to forty (40) feet in height. However, there is a ground elevation issue in the A-R zone on this property.
2. Undesirable change in the neighborhood character or detriment to nearby properties: This proposal will not impact the character of the neighborhood nor to nearby properties.
3. Whether request is substantial: It should be noted that the R-R zone permits accessory structures to be up to fourteen (14) feet in height. The variance application is for sixteen (16) feet in height.
4. Whether request will have adverse physical or environmental effects: By keeping the pole barn in the R-R zone, there should not be adverse effects.
5. Whether alleged difficulty is self-created: This is a self-created hardship.

Motion made by A. Kroening, Seconded by M. Kroening to grant the variance with the contingency of the receipt of the letter from the property owner, Jennifer Manz.

- Ayes – Unanimous

Motion carried.

7:35pm: Robert Malvestuto, requests an area variance for Lot#: 161.02-1-4, located at 2043 Cayuga Drive Extension, to build a pole barn that exceeds the front yard setback. The front yard setback, per code, must be sixty-five (65) feet from the right-of-way on State/County roads. The applicant is requesting a reduction of front yard setback from sixty-five (65) feet to seventeen (17) feet.

Vice-Chairman Garrow opened the Public Hearing at 7:36pm. The applicant explained his request for a variance.

Board Findings

1. The applicant has owned the property since October 1987.
2. The applicant intends to utilize the pole barn for storage.
3. The Board does not have a current survey (application included a survey dated 1971.)
4. The applicant provided an unofficial survey of the intersection of Cayuga Drive Extension and Williams Road that appears to be dated in 2000.
5. There seems to be some confusion with application indicating a setback of approximately seventeen (17) feet).

Motion made by M. Kroening, Seconded by A. Kroening to table this variance request pending clarification from Building Inspector Klock and the receipt of a new survey.

- Ayes – Unanimous

Motion carried.

Next meeting:

September 25, 2023 @ 7:00pm, Town Hall, Upper Level

Public Hearings:

7:05pm – 2043 Cayuga Dr Ext – Robert Malvestuto – tabled on September 11, 2023.

A motion to adjourn:

Motion made by M. Kroening, Seconded by A. Kroening. Ayes: unanimous

Respectfully Submitted,
Melissa Germann, Secretary

ZBA Distribution Listing

Town Supervisor
Building Dept

Town Board
Planning Board

ZBA members
Town Clerk