



# 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 21, 2020

Vice Chair Schaffer called the meeting to order at 7:00 pm. Jerry Canada attended 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 August 10, 2020 was made by A. Kroening and seconded by M. Klettke :

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

Motion approved

**New Business:** None

#### **Hearings(s) Held/Interpretations:**

**7:05 pm: Shawnee Golf Course** requests an area variance for Lot # 135.01-1-40, located at 6020 Townline Rd to erect a ground sign 5' from the ROW where 15' is required.

#### **Board Findings**

1. Jennifer Cooper from Cooper Signs represented the applicant.
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. Gerbec, seconded by A. Kroening. Ayes: Unanimous

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

Motion approved

#### **Findings per New York State Law Guidelines:**

1. Yes. Sign could be placed further back but would not be seen until you were in front of it.
2. No. There are no sight line issues with the location.
3. Yes. Numerically from 15' to 5', a 66% reduction. The sign is a couple feet different from the original sign.
4. No. The previous sign was grandfathered and the new sign will enhance the property.
5. Yes.

Motion to approve the variance for a sign 5' from the right of way with a numerical address on the sign was made by A. Kroening, seconded by A. Gerbec.

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

Motion Approved

**7:25 pm: Krystyn Davis** requests an area variance for Lot # 163.13-1-5, located at 6989 Deborah Lane to construct and addition with a side yard setback of 5' where 10' is required.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request however we received a copy of a text from the neighbor on the north in favor of the addition.

Motion to table the public hearing until October 26 at 7:05 pending further information from the building department regarding the front yard setback on the addition was made by M. Schaffer, seconded by M. Klettke. Ayes: Unanimous

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

Motion approved

**7:45 pm: Phillip Julias** requests an area variance for Lot # 174.08-1-57, located at 2152 River Rd to construct a fence 5' high where 4' is the maximum.

Board Findings

1. Waterfront Assessment form states 6' high fence. The form should state 5' high fence.
2. No neighbors physically attended today's meeting in favor of or against the request.
3. LWRP - There are no sightline or blockage view issues.

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

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

Motion approved

**Findings per New York State Law Guidelines:**

1. Yes. Applicant could put up a 4' fence but it would not contain the dog. The fence will be approximately 15' from the concrete break wall.
2. No.
3. No.
4. No. Sightline issues were addressed per the LWRP, Waterfront Assessment form. No issues found.
5. Yes.

Motion to approve the variance for the construction of a clear view black chain link fence 5' high with no slats to block any views was made by M. Schaffer, seconded by A. Kroening.

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

Motion Approved

**Miscellaneous:** None at this time.

**Next Meeting Schedule :** October 26, 2020 @7:00 pm, sharp, Court Room

**Public Hearings:** **7:05 pm: Krystyn Davis** requests an area variance for Lot # 163.13-1-5, located at 6989 Deborah Lane to construct and addition with a side yard setback of 5' where 10' is required and a front yard setback of 35' where 40' is required. Continuation of public hearing from September 21, 2020.

**7:30 pm: Cory Pause** requests an area variance for Lot # 162.02-1-20, located at 6946 Witmer Rd to construct a pole barn with a side yard setback of 3.5' where 5' is required.

**A motion to adjourn :** Made by A. Kroening, seconded by M. Klettke. Ayes: Unanimous

Respectfully Submitted,  
Deborah Carr  
Secretary (Redacted by Chair)

Distribution: ZBA Distribution Listing

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Dept.  
ZBA Members

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MIS Manager

Town Board  
Planning Board  
Town Clerk

Fire Advisory Board  
Record File

Building