



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

October 23, 2023

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

Roll Call:

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

General Business:

Motion to approve Board minutes of September 25, 2023, was made by W. Garrow, Seconded by M. Kroening.

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

Motion unanimously carried.

Hearings Held:

7:05pm: Daniel Murray, requests an area variance for Lot#: 164.03-1-7, located at 3989 Hill Road, to construct a pole barn which exceeds the maximum height for an accessory structure. Town code limits accessory structures to a height of fourteen (14) feet. The applicant is requesting a pole barn height of eighteen (18) feet.

Chairman Schaffer opened the Public Hearing at 7:04pm. The applicant explained his request for a variance. Mr. Murray is requesting a twelve (12) foot door to park his camper and other items in this pole barn. To have a twelve (12) foot door, the pole barn will need to have fourteen (14) foot side walls.

Board Findings

1. The applicant has owned the property since 2002.
2. There are potential floodplain issues with this property.
3. The railroad Right-of-Way has drainage ditches on either side of the Right-of-Way.
4. The Board will require that the pole barn be for personal use only, no commercial activity to take place in this pole barn.
5. The pole barn will be 34 feet X 56feet.
6. The applicant will need to have the property surveyed.
 - a. Verification of the 10-foot setback from the property line will be required.
 - b. The supplied survey indicates a discrepancy of the Hill Road pin is on the railroad Right-of-Way.

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

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

Motion unanimously carried.

Findings per NYS Guidelines

1. Whether the benefit can be achieved by other means feasible to the applicant: The pole barn is limited to the proposed location in the backyard. It should be noted that it is a proposed structure of 34 X 56 feet. The applicant shared with the Board that he needs the side wall height to get a camper inside.
2. Undesirable change in the neighborhood character or detriment to nearby properties: It should be noted that neighbor Mr. Aumick attended the meeting, supporting the application. No one else appeared for or against the variance request.
3. Whether request is substantial: Numerically, this variance request is substantial, from the permitted fourteen (14) to the requested eighteen (18) feet. However, once the barn is constructed, the pole barn will not be noticed as being higher than permitted due to the pole barn being in the backyard.
4. Whether request will have adverse physical or environmental effects: The Base Flood Elevation will need to be answered by the Town Building Dept. This information was not provided to the Board at the Public Hearing.
5. Whether alleged difficulty is self-created: This is a self-created hardship.

Motion made by W. Garrow, Seconded by M. Schaffer to recognize this request for variance as a Type 2 Action under SEQR.

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

Motion unanimously carried.

Motion made by A. Kroening, Seconded by W. Garrow to accept the variance with the following conditions:

- 1) The pole barn is for personal use only, no commercial activity permitted,
- 2) A boundary survey to be supplied to the Town. This survey to identify, at minimum,
 - the northwest property line along the railroad Right-of-Way which will determine the required ten (10) foot setback from this property line,
 - the discrepancy of the pin at Hill Road and the railroad Right-of-Way as shown on the survey you supplied the Board, and
- 3) Base flood elevation to verify any building limitations on floodplain restrictions.

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

Motion unanimously carried.

Next meeting:

November 13, 2023 @ 7:00pm, Town Hall, Upper Level

Public Hearings:

7:05pm – 2470 River Road – Salvatore & Lisa Buscaglia; 7:35pm – 3477 Stevenson Ct – Mark & Melissa Clouden

A motion to adjourn:

Motion made by W. Garrow, 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