



**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 - January 7, 2019**

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

**Roll Call:**

Present:                                Richard W. Muscatello (Chair)                                Michael Schaffer (Vice Chair)  
   Matthew F. Klettke     Art Gerbec  
   Arthur Kroening     Deborah Carr (Secretary/Non Member)

**Reading & Approval of Previous Meeting Minutes:**

Motion to approve minutes of December 10, 2018:

Made by:                                R.W. Muscatello    Seconded by: A. Gerbec

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

Motion approved

**Communications**

M. Schaffer read a letter to the board giving Board Chairman R.W. Muscatello full support for the year 2019. He also shared 2 news print articles of interest with ZBA members relating to cell towers and subdivision controversy in a local community.

**Reports of Committees:**

ZBA portion of the Town’s Web Site:

- ✓ Richard cited the need to update the ZBA portion of the Town’s Web site. He suggested that members review that portion of the Web site and identify any thing, in their opinion, that needs updating or change and present them at the February 11, 2019 meeting.

**Unfinished Business:**

Continuing Education Discussion:

- ✓ “Use variance” as outlined in the NY State ZBA manual. State counsel cautions Town officials that the “Use” variances must be strictly controlled and minimized with substantial documented justification.
- ✓ Association of Towns magazine, Vol.32, No. 6, Nov/Dec edition, Town Topics, titled: Application of Town Law 282 “Automatic Stay.”

**New Business:**

Motion to appoint Debbie Carr Secretary (non-member) made by R.W, Muscatello, seconded by M. Schaffer

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

Motion Approved

Motion to appoint M. Schaffer Vice-Chair made by M. Klettke, seconded by A. Kroening

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

Motion Approved

Annual Meeting Dates for CY 2019

Motion to approve the 2019 Annual Meeting Schedule (attached) made by R. Muscatello, seconded by A. Gerbec

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

Motion Approved

**Interpretation** – In response to inquiries:

The generator located at 7167 Marigold has been relocated from the side of the preconstruction to the rear of the new construction which complies with the ZBA conditions from the March 12, 2018 minutes.

**Hearing(s) Held**

After discussion, it was agreed that the “Protocol for Conducting Public Hearings” that was previously distributed to each member was unanimously sustained via consensus. The purpose is to rotate the “Facilitator” responsibilities among each member of the Board starting with the January meeting.

**Public Hearings:** None scheduled at this time.

**Miscellaneous:**

- ✓ Town Supervisor Don MacSwan, made his services/advise available to the ZBA at future meetings that do not conflict with Town Board meetings. Don has over 30 years’ experience in areas of significant interest to our members. Identify subjects to be addressed and he will oblige.
- ✓ Members were reminded of the NY State Department of Environmental Conservation Flood Training program scheduled for Feb 6, 2019, Noon to 4 pm., to be held in the Town’s auditorium. Members are encouraged to attend. The Presenters are: Mary Binder and Eric Bradshaw. (Refer to Attachments)

**Next Meeting Schedule:** January 28, 2019 @ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

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

Respectfully Submitted,

Deborah Carr  
Secretary, Zoning Board of Appeals (edited)

Attachment:

1. 2019 Schedule – Zoning Board of Appeals
2. NYS Flood Training opportunity

Distribution: ZBA Distribution Listing

Don MacSwan, Supervisor  
Mike Klock (Building Dept.)  
Curt Doktor  
Art Gerbec  
Mike Schaffer  
Deborah Carr

Bridgette Grawe (Assessor)  
Matthew Klettke  
Walt Garrow (Planning Board)  
Art Kroening  
Harrington-McDonell ( Town Clerk)  
Richard W. Muscatello

Randy Retzlaff  
Gil Doucet  
Larry Helwig  
Don Wallace (MIS)  
Fire Advisory Board  
Record File

**Thought:** “Doing the best at this moment puts you in the best place for the next moment.”~ Author Unknown