



**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**  
**March 11, 2019**

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

**Roll Call:**

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

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

Motion to approve minutes of February 25, 2019:

Made by:	A. Kroening	Seconded by: A. Gerbec
	<input type="checkbox"/> A. Gerbec - Yes	
	<input type="checkbox"/> A. Kroening – Yes	
	<input type="checkbox"/> M. Klettke – Absent	
	<input type="checkbox"/> R. W. Muscatello – Yes	
	<input type="checkbox"/> M. Schaffer – Absent	

Motion approved

**Communications:** Town Planning Board site plan processing results were previously distributed via the Internet.

**Reports of Committees:** None

**Unfinished Business:**

**New Business:** Refer to Use Variance Research – Source: Legal Intern with Town Attorney

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

**7:05 pm, Thomas Austen**, requests an area variance for Lot #177.01-2-112, located at 3837 Ontario Drive, to construct a single family dwelling with a front yard set-back of 75' where a 40' set-back is required. The Zoning Enforcement Officer cannot approve construction unless a variance of 22' front yard setback is approved.

Board Findings:

1. No one appeared to speak on behalf of or in opposition to this variance request.
2. Most homes in the sub-division have a 40' – 55' set-back and at an average of 3000 square feet. Most of the homes were constructed by the same construction company.
3. This home is intended to be a 3,500 square foot home on a 2-acre pulse plot.
4. Building siting is complicated by a 25' sewer easement along the south side of the property, and a 78.61 road frontage.

Motion to close the public hearing made by R. Muscatello, seconded by A. Kroening.

Ayes: Unanimous

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

Motion approved.

Findings per New York State Law Guidelines:

1. Reducing the size of the home would compromise the line of sight for the existing neighbor. A smaller home, on such a large lot, would be inconsistent with the neighborhood culture.
2. No. This home follows the symmetry of what exists at present. The proposed siting prevents crowding neighbors side yards.
3. Yes. However, the proposed siting is conducive to the way the lot is shaped and contending with existing easements and such narrow access to the road.
4. No. The proposed structure should have a positive effect on the neighborhood; adding to its "street appeal." It is of comparable same size to existing homes in the sub-division. The well-known developer alleges present neighbors heartily approve of the construction, e.g., they were concerned that such a large lot would result in an increase in density by building more conservative homes on smaller lots.
5. Yes.

Motion to approve the request, made by Art Gerbec, seconded by Art Kroening.

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

Motion approved

**Miscellaneous:** None at this time.

**Next Meeting Schedule: Change:** March 25, 2019 @ 7:00pm, sharp, Town Hall Auditorium.

**Public Hearings:** Scheduled for March 25, 2019

**7:05 pm, Andrew Gademsky,** for Child’s Creative Development Center, requests a use variance for Tax Parcel No. #147.00-1-41 located at 6700 Schultz Street, (formerly an elementary public school) for use as a business operated day care center, accommodating approximately 100 children).

**A motion to adjourn:** made by A. Kroening, seconded by A. Gerbec Ayes: Unanimous

Respectfully Submitted,

Deborah Carr  
 Secretary

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