



# 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

#### April 11, 2022

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

**Roll Call:**

Present: Michael Schaffer (Chairman) Arthur Kroening  
 Matthew Kroening  
 Matthew F. Klettke Debbie Carr (Secretary, non-member)

Absent: Jerry Canada (Vice Chair)

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

Motion to approve Board minutes of March 28, 2022 was made by M. Klettke and seconded by M. Kroening:

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

Motion approved

**New Business:** None

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

**7:05 pm: Sam D'Angelo & Sons** requests an area variance for Marc-Shawn Estates, phases 2-5, to construct single family dwellings on 12,000 square foot lots where 16,000 square foot lots are required.

Motion to re-open the public hearing made by M. Schaffer, seconded by M. Kroening. Ayes: Unanimous  
Motion approved.

M. Klettke recused himself from the public hearing.

**Board Findings**

1. Original project was paused by the DEC for flood plain and wet land issues in approximately 2007.
2. The project lost 29 lots because of the changes required by the DEC. Deed restrictions and a split rail fence to designate the wetland area is a requirement per the DEC.

Motion to close the public hearing was made by M. Schaffer, seconded by M. Kroening. Ayes: Unanimous  
Motion approved

- M. Klettke - Recused
- A. Kroening - Yes
- J. Canada - Absent
- M. Kroening - Yes
- M. Schaffer - Yes

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

1. Yes. Applicant could make the lot sizes 16,000 square feet but it would be very costly for the applicant.
2. Lot sizes were originally approved in the 1990's at 12,000 square feet.
3. Yes. Numerically.
4. No. Phase 1 has been completed with a minimum of 12,000 square foot lots.
5. No. The zoning was changed after the first approvals.

Motion to approve the variance as submitted to construct single family dwellings from 16,000 sq ft lots to 12,000 sq ft lots, waive the 6-month building permit requirement and 1 year start requirement for all phases 2-5 and applicant must adhere to all planning board requirements made by M. Schaffer, seconded by M. Kroening.

- M. Klettke - Recused
- A. Kroening - Yes
- J. Canada - Absent
- M. Kroening - Yes
- M. Schaffer - Yes

Motion Approved

**Miscellaneous:** None at this time.

**Next Meeting Schedule :** April 25, 2022 @ 7:00 pm, sharp

**Public Hearings:** 7:05 - 2850 Stenzel Ave

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

Respectfully Submitted,  
Deborah Carr

ZBA Distribution Listing

Town Supervisor  
Building Dept.

Town Board  
Planning Board

ZBA Members  
Town Clerk