



# 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

### July 22, 2019

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

#### **Roll Call:**

Present: Richard W. Muscatello (Chair) Michael Schaffer (Vice Chair)  
Art Gerbec Arthur Kroening  
Matthew F. Klettke Debbie Carr (Secretary, non-member)

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

Motion to approve Board minutes of July 8, 2019 with the following correction: the motion to approve the pole barn height of 16.5' at 2734 Stenzel Ave was made by A. Kroening and seconded by A. Gerbec:

Motion made by: M. Schaffer Seconded by: A. Gerbec

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

Motion approved

**Communications:** None

**Reports of Committees :** None

**Unfinished Business:** None

**New Business:** The ZBA, in cooperation of the Town Planning Board, will host a SEQRA Update presentation on August 6, 2019, in the Town Hall Auditorium, at 9:00 a.m., sharp. Please verify your attendance no later than 12 Noon, August 2, 2019.

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

**7:05pm, John DePasquale** requests an area variance for Lot # 135.03-2-61, located at 6360 Hidden Ridge, to construct a pole barn (approximately 36' x 44') with a height, not to exceed 17' in lieu the present 14' maximum.

#### **Board Findings:**

1. Applicant plans to build a pole barn for personal storage and installing a vehicle lift to store and maintain vintage cars. Uses are for personal (non-commercial) purposes. Unregistered vehicles on the property, is limited to one (1), as per Town law.
2. No neighbors physically attended the meeting to support or deny the request. However, four (4) neighbors signed a document supporting the construction of the pole barn, as presented on the variance application. All are available for inspection.

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

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

Motion approved

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

1. Needs a vehicle lift to store and maintains his classic vintage cars. Therefore, the plans require side walls of approximately 10'.

2. No. The applicant's lot exceeds **5 ½ acres**. The pole barn will match the house, preserving its road appeal, e.g., siding and shingles will match the residence.
3. No. Difference is only three (3) feet.
4. No. The intended location of the pole barn, designed to match the residence, will preserve and enhance the neighborhood. There are other pole barns in the area that are 14' or higher.
5. Yes

Motion to approve the request variance with the understanding the pole barn is for personal use only (no commercial activity) was made by M. Schaffer, seconded by M. Klettke.

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

Motion Approved

**7:25pm, Keith Ryan**, requests an area variance for lot #163.04-3-66, located at 3747 Sage Ct, to construct a 6' fence where a 4' fence is maximum.

Board Findings:

1. A similar Variance application was previously approved by the ZBA on August 22, 2017.
  - a. Applicant was unaware the variance came with an expiration date.
2. Applicant would like a 6' fence for his corner lot for privacy reasons.
3. No neighbors physically attended the meeting to support or deny the request. However, one (1) neighbor signed a document supporting the construction of a 6' fence.

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

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

Motion approved

Findings per New York State Law Guidelines:

1. No. Applicant has a corner lot.
2. No. There exist several similar fences on corner lots in the neighborhood. The fence will allow for greater use of the property lot.
3. Normally yes, but not visually.
4. There are no sight line issues noted by the board.
5. Yes

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

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

Motion Approved

**7:45pm, Jesse Gooch**, requests an area variance for Lot # 162.19-1-30.11, located at 2725 Homeyer Rd, to construct an attached garage with a side yard setback of 3' where 10' is required. The front yard setback would be 28' where 40' is required.

Motion to re-open the public hearing made by M. Schaffer, seconded by A. Kroening.

- A. Gerbec - Yes
- A. Kroening - Yes

- R. W. Muscatello - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion approved

Board Findings:

1. Applicant plans to build an attached garage for personal storage and uses (non-commercial purposes).
2. Applicant displayed and explained the contents/documents of his latest submission.
3. Applicant revised the original front yard set-back application from 28' to 34'.
4. The 3' side yard setback will be further reduced to 2' considering the garage overhang.

Subsequent to an energetic exchange of alternatives, a motion to close the public hearing was offered by M. Schaffer, seconded by A. Kroening. Ayes: Unanimous

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

Motion approved

Findings per New York State Law Guidelines:

1. Yes. A free standing garage could be built and located in the expansive rear yard by providing access on the opposite side of the house. Hence, the garage would not encroach on any property lines and would have an ample driveway access to the rear lot of approximately 15'. Several structures are sited accordingly in the immediate neighborhood.
2. Yes. The 2', referred to above, would be a definite detriment to the neighborhood and would set an undesirable precedent.
3. Yes. From a 10' side yard set-back to a 2' set-back. The applicant revised the front yard set-back from 28' to 34'.
4. As noted above. The applicant was advised that commercial activity is not allowed in a Residential Zone.
5. Yes

Motion to deny the request made by A. Gerbec, seconded by M. Klettke.

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

Motion denied

**Miscellaneous:** None at this time.

**Next Meeting Schedule :** August 12, 2019 @ 7:00pm, sharp, Building Dept. lower level conference room.

**Public Hearings:** Scheduled for August 12, 2019 - None

**A motion to adjourn :** Made by R.W. Muscatello, seconded by A. Gerbec Ayes: Unanimous

Respectfully Submitted,

Deborah Carr  
Secretary

Distribution: ZBA Distribution Listing

Town Supervisor  
Building Dept.  
Planning Board

Assessor  
ZBA Members  
Town Clerk

Town Board  
Don Wallace (MIS)  
Record File

Fire Advisory Board