



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 24 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)

Planned Absence: Matthew Kroening – Permitted Leave of Absence

General Business:

Motion to approve Board minutes of July 10, 2023 was made by W. Garrow, Seconded by M. Klettke.

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

Motion unanimously carried.

Hearings Held:

7:05 pm: Anthony & Julie Kunecki, request an area variance for Lot# 148.03-1-23, located at 6574 Errick Road, to construct a front porch which exceeds the front yard setback for residential dwellings. Town code states that dwellings must be forty (40) feet setback from the road Right-of-Way. The applicant's are requesting relief to thirty eight (38) feet, two (2) inches from the road Right-of-way.

Chairman Schaffer opened the Public Hearing at 7:02pm. The applicant's explained their request for a variance.

Board Findings

1. The applicant's acquired the property in 1985.
2. The applicant's are want an addition to their dwelling. They realized that it would not be economically feasible to add to the back of the dwelling, so they want to add to the front of the dwelling.
3. This proposal is not inconsistent with nearby dwellings.
4. The applicant's have a flower garden, which will extend closer to the road than this proposal.
5. The twelve (12) inch overhang for the addition is included in the proposal of 38 feet, 2 inches, as stated by the applicant's.

Motion to close the Public Hearing was made by M. Klettke, Seconded by A. Kroening.

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

Motion unanimously carried.

Findings per NYS Law Guidelines

1. Whether the benefit can be achieved by other means feasible to the applicant: The applicant's investigated the backyard addition and found the addition to be cost prohibitive.
2. Undesirable change in the neighborhood character or detriment to nearby properties: It should be noted that there are other neighbors' homes on the same side of the street that are closer to the street than this proposal. It should also be noted that no one appeared at this Hearing, voicing concerns for or against the proposal.
3. Whether request is substantial: No, the request is two (2) feet.
4. Whether request will have adverse physical or environmental effects: It should be noted that the applicant's have owned this property since 1985. There should not be any adverse effects with this proposal.
5. Whether alleged difficulty is self-created: This is a self-created hardship.

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

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

Motion unanimously carried.

Motion made by M. Klettke, Seconded by A. Kroening to grant the variance as requested.

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

Motion unanimously carried.

Member A. Gerbec was excused from the meeting at this point.

New Business

It should be noted that the Zoning Board of Appeals had a coaching session after the Public Hearing. The topic was SEQR and was led by ZBA member Walt Garrow.

Next meeting: August 14 2023 @ 7:00pm, Town Hall, Upper Level

Public Hearings: None at this time

A motion to adjourn: Motion made by W. Garrow, Seconded by A. Gerbec. Ayes: unanimous

Respectfully Submitted,
Melissa Germann, Secretary

ZBA Distribution Listing

Town Supervisor
Building Dept

Town Board
Planning Board

ZBA members
Town Clerk