



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

February 1, 2021

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

Roll Call:

Present:

Michael Schaffer (Chairman)
Art Gerbec
Matthew F. Klettke

Arthur Kroening
Jerry Canada (Vice Chair)
Debbie Carr (Secretary, non-member)

Reading & Approval of Previous Meeting Minutes:

Motion to approve Board minutes of January 11, 2021 was made by A. Gerbec and seconded by A. Kroening:

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

Motion approved

New Business:

Motion made to use the attached cover letter placed on all variance requests made by M. Klettke, seconded by A. Kroening:

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

Motion Approved

Hearings(s) Held/Interpretations:

7:05 pm: Aurelio Cortez requests an area variance for Lot # 163.04-1-13, located at 3487 Stevenson Ct to construct an addition encroaching on the 10' side yard setback.

Board Findings

1. Addition was started without a permit.
2. No neighbors physically attended today's meeting in favor of or against the request however 3 neighbors sent in letters in support of the addition.

Motion to close the public hearing was made by J. Canada, seconded by M. Klettke. Ayes:
Unanimous

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

Motion approved

Findings per New York State Law Guidelines:

1. Not easily because of layout. It's the only option for safety of the grandchildren.
2. 3 letters from neighbors in favor of addition.
3. Yes from 10' to approximately 6'.
4. No
5. Yes

Motion to approve the variance side yard set-back from 10' to 5' 8" with the condition the applicant get a permit prior to additional construction and the building inspector review what has been completed and is up to code and whatever fines applicable by code enforcement are paid was made by A. Gerbec, seconded by M. Klettke.

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

Motion Approved

7:25 pm: Jerry Canada requests a Waterfront Assessment Review for Lot # 174.08-1-58, located at 2148 River Rd.

Note: J. Canada has recused himself as a board member and is an applicant only for this hearing.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request.
2. All answers on the Waterfront Assessment form ate no except mining, excavation, filling or dredging because of a new foundation.
3. Neighbor to the ease has a dwelling closer to the river than the applicants proposed structure.
4. Applicants lot is higher and will drain to the river.
5. No sightline or blockage view issues as submitted and will not be a detriment to nearby properties and conforms with the rules and regulations of the LWRP.

Motion that the board is in agreement with the above statements.

- A. Gerbec - Yes
- M. Klettke - Yes
- A. Kroening - Yes
- M. Schaffer - Yes

Motion approved

7:45 pm David Hall requests an area variance for Lot #162.02-1-25, located at 6924 Witmer Rd to construct an addition that encroaches on the front yard setback of existing homes within 500'.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request.

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

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

Motion approved

Findings per New York State Law Guidelines:

1. Doesn't want to change the plumbing and the stairwell is a concern. Would be compliant with a 40' set-back.
2. Yes. Beyond 500' there is a dwelling that is close in proximity to where he wants his addition.
3. Yes. From 69' to 43'. Close to 60%.
4. Yes. Has been there 7 years and would like to keep the house a ranch. Built in 1954 before zoning.
5. Yes

Motion to approve the variance for a 20 x 25 addition with a front yard set-back of 43' was made by A. Kroening, seconded by A. Gerbec.

- A. Gerbec - Yes
- M. Klettke - Yes
- A. Kroening - Yes
- J. Canada - No
- M. Schaffer - Yes

Motion Approved

8:05 pm Paulette Coty requests an area variance for Lot #163.00-1-24, located at 6969 Nash Rd to construct an accessory structure that encroaches on the front yard setback of 40'.

Board Findings

1. No neighbors physically attended today's meeting in favor of or against the request.
2. Applicant wants to build a 10 x 10 shed. No survey or plot plan was submitted.

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

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

Motion approved

Findings per New York State Law Guidelines:

1. Yes. Could be placed on the south side of the handicap ramp and would not need a variance.
2. Yes. Could cause traffic issues. Vegetable stands close to road but not permanent structures. Undesirable to see a shed in the middle of the front yard.
3. Yes. From 65' to 30'
4. Physically possible for future neighbors or residents.
5. Yes

Motion to deny the variance was made by J. Canada, seconded by A. Gerbec.

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

Motion Approved

Miscellaneous: None at this time.

Next Meeting Schedule : February 22, 2021 @ 7:00 pm, sharp, Court Room

Public Hearings: 7:05 Joseph Tedesco, 2041 Cayuga Dr. Ext

A motion to adjourn : Made by M. Schaffer, seconded by A. Gerbec. Ayes: Unanimous

Respectfully Submitted,
Deborah Carr

ZBA Distribution Listing

Town Supervisor
Building Dept.

Town Board
Planning Board

ZBA Members
Town Clerk