



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 22, 2021

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

Roll Call:

Present:

Michael Schaffer (Chairman)
Jerry Canada (Vice Chair)
Art Gerbec

Arthur Kroening
Matthew F. Klettke
Debbie Carr (Secretary, non-

member)

Note: Jerry Canada and Art Gerbec attended the meeting via teleconference.

Reading & Approval of Previous Meeting Minutes:

Motion to approve Board minutes of February 22, 2021 was made by A. Kroening and seconded by M. Klettke:

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

Motion approved

New Business: None

Hearings(s) Held/Interpretations:

7:05 pm: James & Brigitte Grawe requests an area variance for part of Lot # 162.12-2-20, located at 2925 Lemke Dr to construct a single-family dwelling on a lot that does not meet the minimum 80' frontage, minimum square footage of 16,000 square feet, and side yard set-back of 10'.

Matt Klettke recused himself from the hearing.

Board Findings

1. Residents from 2919 and 2933 Lemke attended the meeting and spoke about their concerns.
2. Property will be removed from the flood plain prior to the issuance of a building permit.

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

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

Motion approved

Findings per New York State Law Guidelines:

1. The area is limited but the new home will fit the residential neighborhood

2. A single-family dwelling fits in with the character of the neighborhood. The applicant's attorney supplied a diagram that showed 25 parcels in the area are below the 16,000 square foot requirement. The residence at 2919 Lemke Dr. is about 20' from the proposed structure.
3. Yes. Numerically from 16,000 to 11,880 and from 80' to 66'. Applicant is trying to make home fit on the small lot.
4. Neighbors from 2919 and 2933 Lemke were concerned about the drainage. Drain tile must be run on both sides of the property. Dwelling will have no basement which will not raise the base flood elevation.
5. Yes - 3 board members
No - 1 board member

Motion to approve the variance for the construction of single-family dwelling with a frontage of 66', a square foot area of 11,880 square feet and a side yard set-back of 8' only for the garage area and with side yard drainage on both sides of the property with review of the building inspector made by A. Kroening, seconded by J. Canada.

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

Motion Approved

7:35 pm: Christopher Chabriel requests an area variance for Lot # 174.08-1-31, located at 14 York Rd to add to the top of an existing fence in side yard making it higher than the maximum height of 6'.

Board Findings

1. Reminded the applicant the storage building is for personal storage/use only.
2. One neighbor to the east physically attended today's meeting not in favor of the request.

Motion to close the public hearing was made by M. Klettke, seconded by A. Kroening. 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. Applicant could have built a berm and placed the fence on a one-foot berm.
2. Niagara County owns the adjacent property. Applicant's fence is 5 feet from the property line. It is a see-through decorative fence enhancement.
3. No. From 6' to 7'. Last foot is mostly open.
4. No
5. Yes

Motion to approve the variance for an addition to the top of the fence no higher than 7' made by A. Gerbec, seconded by A. Kroening.

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

Motion Approved

7:50 pm: Kevin & Teresa Pierini request an area variance for Lot # 163.01-1-15, located at 3063 Stieg Rd to construct an accessory structure that exceeds the maximum height in an R-2 zone.

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 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. No. Wants to have a lift and a loft storage area.
2. Will be approximately 200' from the road. All properties are approximately 1000' deep. There will be no sight line issues.
3. Yes. Numerically from 14' to 20'4".
4. Similar structures in the same area are the same size.
5. Yes

Motion to approve the variance for the construction of a pole barn with a maximum height of 20'4" was made by A. Kroening, seconded by M. Klettke.

- 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 : April 12, 2021 @ 7:00 pm, sharp, Court Room

Public Hearings: CVE North America Inc. - Lockport Rd.

A motion to adjourn : Made by J. Canada, seconded by M. Klettke. Ayes: Unanimous

Respectfully Submitted,
Deborah Carr

ZBA Distribution Listing

Town Supervisor
Building Dept.

Town Board
Planning Board

ZBA Members
Town Clerk