

**TOWN OF NEWFANE ZONING BOARD OF APPEALS**  
2737 MAIN STREET, NEWFANE, NY 14108  
August 15, 2023

**MEMBERS PRESENT:** Chairman Francis Gilson, Members Philip Baehr, Marcy Ferington, David Schmidt, Colleen Schultz, and Donna Lakes

**MEMBERS ABSENT:** Tyler Finley

**OTHERS PRESENT:** Jim Sansone, Town Attorney, Michael Klock, Building Inspector, and Connie Kyle, Secretary.

**The meeting was called to order at 7:04 p.m.**

Chairman Gilson welcomed the public and introduced the board members, Town Attorney and Newfane Building Inspector. Chairman Gilson stated that there was one case being heard and one previous case to discuss the conditions for said variance. If you wish to speak, please stand, state your name and address for the record.

Chairman Gilson read the first Notice of Public Hearing.

**ROBERT HORANBURG**, 2474 Fuller Road, Town of Newfane, NY, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 2474 Fuller Road Town of Newfane, NY, to build a 40'x 88' pole barn on the south side of the above described property that will be 6'- 7' from the south property line of premises, in violation of the Newfane Zoning Ordinance, which requires a setback of 15 feet.

Chairman Gilson said all parties of interest will be heard in a public hearing tonight.

Robert Horanburg, 2474 Fuller Road, Newfane stated that the pole barn will impede on the Area Variance. He tried to move it closer to the existing pole barn, but it is still only 6-7 feet from the property line. He wouldn't be able to get his tractors out of the door. He spoke with his neighbors, and looking at the survey provided, they are all right with this. Chairman Gilson asked when the last time the property was surveyed. Donna Lakes stated it was 2014. Chairman Gilson then stated that he felt there should be another survey. If the survey is more than 2-3 years old, he should get a new survey. Robert then said there are stakes still in the ground from the initial survey. When we measured it, it was 9 feet, but just in case, he is asking for the variance. He also stated that his neighbor put up a pole barn 3-4 years ago. He asked if he could use the same stakes and he was told he could.

Jim Sansone says 9 feet is probably all right since it is the same as the neighbors' pole barn. Mike Klock, Building Inspector clarified that he is zoned Rural Residential, so height is not a problem. Donna Lakes then asked if it was for personal use and Robert stated it was.

Chairman Gilson then asked if there were any further questions and there were none. Chairman Gilson then stated they would poll the board. Colleen Schultz made the motion and Marcy Ferington second it. Chairman Gilson said those in favor say aye. All said aye.

Philip Baehr – grant variance  
Marcy Ferington – grant variance  
David Schmidt – grant variance  
Colleen Schultz – grant variance  
Donna Lakes – grant variance  
Fran Gilson – grant variance.

**Variance granted.**

Chairman Gilson made a motion to adjourn the meeting for a few minutes as the public was told the next public hearing would be at 7:45pm. Colleen Schultz seconded it, and all were in favor.

Meeting resumed at 7:45

TUCKER SERVICES, LLC, JEREMY IRWIN AND JERRY STEADY, 2683 Main Street Newfane, NY 14108, have applied for a use variance upon premises known as 6314 Dale Road, Newfane, NY, which is located in an R-1 Residential District under the Newfane Zoning Ordinance, to allow the use of the property for storage of business related tools and materials in a detached garage and surrounding parking area on premises, in violation of the said Newfane Zoning Ordinance, which prohibits business related activities in an R-1 Residential District.

Tucker Services were previously granted the variance with conditions yet to be implemented. Revisiting from last meeting as the board discussed conditions under which they would grant the variance.

Chairman Gilson stated that 6 members attended the previous meeting on July 18, 2023, and 1 member was absent. Of the 6 members, 5 members granted variance with conditions and 1 member denied the variance.

Jeremy Irwin is ready to hear the conditions. Chairman Gilson asked if there was anyone here that wanted to discuss this. There was no one, therefore Chairman Gilson asked to close the public hearing. Donna Lakes made the motion and Marcy Ferington second it.

Conditions are as follows:

**CONDITIONS ATTACHED TO THE GRANTING OF A USE VARIANCE BY THE TOWN OF NEWFANE ZONING BOARD TO TUCKER SERVICES, LLC, JEREMY IRVIN AND JERRY STEADY, APPLICANTS UPON PREMISES KNOWN AS 6314 DALE ROAD NEWFANE, NY**

After a public hearing held July 18, 2023, on a Use Variance request by the above-named applicants, the Town of Newfane Zoning Board granted said use variance with conditions to the granting of said variance to be set forth at a later date. Those conditions are as follows:

1. No business signs to be erected upon the premises.
2. No retail of any kind allowed on premises.
3. No office space allowed on the premises.
4. No areas on premises to be used for meeting clients of applicants.
5. No work-related activity of any kind to be conducted on premises on weekdays and Saturdays before 8:00. a.m., and after 10:00 p.m., and Sundays before 9:00 a.m. and

after 6:00 p.m.

6. Applicants must adhere to and comply with all Town Laws and Ordinances, including, but not limited to the Town Noise and Town Nuisance Lighting Ordinances.

A violation of any of the above conditions will result in a revocation of said use variance.

Dated: August 15, 2023

**BY ORDER OF THE ZONING BOARD OF THE TOWN OF NEWFANE**

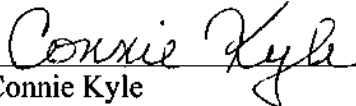
Jeremy Irwin wanted clarification of what this means. Jim Sansone asked the Building Inspector who said it should be clarified by the Board. Donna Lakes said it should be explained by the town Attorney, Jim Sansone. Chairman Gilson responded that he had nothing to do with this part.

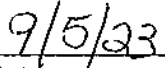
Jeremy was worried about coming and getting his trailer before 8am. Jeremy also stated that they are working on the house. Plumbers are coming next week, and they start before 8am. Jim Sansone stated that everything must be reasonable. Communication with neighbors. Jeremy stated there is no communication with this particular neighbor. He wished that the neighbor had attended this meeting. Jim then said the town doesn't want to be the referee. If you know something is happening, talk to him. Nobody wants to shut you down. Be friendly, smile and wave to him. Jeremy said he just wants to know he can go in and come out without a problem. Deliveries are in the afternoon. We can work around using equipment after 8am. What if we have to plow early in the morning? Chairman Gilson said everyone must plow. Jeremy said just in case this comes up and Mike Klock gets a call. We are working on the house. The windows are in, and the plumber is coming.

Chairman Gilson asked if they were going to flip the building and Jeremy replied that the only way they would sell is if they found something else or they received a lot of money. We are planning on renting the house.

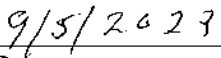
Chairman Gilson then asked if there were any further questions. No one had any further questions, so Chairman Gilson adjourned the meeting was adjourned at 8:01.

Respectfully submitted by:

  
\_\_\_\_\_  
Connie Kyle  
Zoning Board Secretary

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Approved by Chairman Francis Gilson

  
\_\_\_\_\_  
Date