

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
December 17, 2024

MEMBERS PRESENT: Troy Barnes, Chairman, Charles Maynard, Marcy Ferington, Tyler Finley and Jeremy Irwin

MEMBERS ABSENT: William Koller and Zachary Hanczarowski

OTHERS PRESENT: David Schmidt, Building Inspector
James Sansone, Town Attorney
7 Residents

Meeting called to order by Troy Barnes, Chairman at 7:00 p.m.

Chairman Barnes introduced all the members of the board present, also introduced David Schmidt, Building Inspector and James Sansone, Town Attorney.

The Chairman read the first Application for the evening as follows. LOUANNE KOVAL, DEBBIE CARDONE, POA, 5617 SW Greyfox Drive, Palm City Florida 34990, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 1268 Lakeshore Terrace, in the Town of Newfane, NY, to construct a single story residence on a lot located in a Rural Residential (RR) Zoning District, having a front line width of 83 feet, in violation of the current front line lot restriction set forth in said ordinance, which requires a minimum of front line width of 150 feet in a Rural Residential (RR) Zoning District.

The Chairman invited the Applicant to come forward before the Board and present their case. The Real Estate Agent representing the seller, who presently lives in Florida, spoke on behalf of his client. The owner has listed the property with him and requested he act on her behalf as she is in Florida at this time. The Realtor advised the Board that they are asking for a variance to build a home on the vacant lot and suggested it is a large piece of property, however, there is not enough frontage per the Town Code. The perspective purchaser of the lot, Shawn McQuade, indicated that at some point in the past someone had to have approved of this subdivision. This particular lot is pie shaped with frontage of approximately 83 feet and widens out as the lines go to the back of the parcel. It's a total of 1.5 acres. All the utilities are already there underground, and feels that this was all planned out when all the lots in this cul-de-sac were developed. He indicated that there are at least three other homes in that cul-de-sac with less than 150 feet of frontage. Board Member Irwin asked the perspective buyer if he feels confident that he can meet the setback requirements without coming back to the board to build his house. He is not familiar with all the setback requirements; however, he feels that the way the lot widens he should be able to meet them.

The Chairman asked the Board if they had any questions at this time and if not, he would open the floor to the Public for comments. The Board Members did not have questions at this time.

Philip Baehr, owner of the property along the south side of the development all along the ditch that separates the properties indicated that he is not aware of where these lot sizes came from. The original map that he had showed all the lots with 150 feet of frontage. He is concerned that by allowing the size of the lots to be made smaller, it will have an effect on proper water drainage. As a farmer, proper drainage is a huge concern. After discussion over the surveys that were presented, it was determined that there is a filed Ditching Easement in place, Mr. McQuade understands that he cannot build or obstruct the Easement area and agrees that anything that would effect the water flow would definitely be a very bad thing for everyone, including himself.

Chairman Barnes asked if there were any other questions, hearing no questions the Chairman asked for a MOTION to poll the Board. Motion made by Member Charles Maynard, second by Member Marcy Ferington, all were in favor of the Motion, no one was opposed.

- Charles Maynard: Approve the variance as it conforms with the existing properties and is a large parcel of land despite the shortage of the road frontage as well as the ditch going all the way to the road allowing the Town to perform maintenance of the ditch with no issue.
- March Ferington: Grant the variance as there are existing homes on other lots that do not meet the frontage requirements, and the utilities are already all there.
- Tyler Finley: Grant the variance as it conforms with the neighborhood and should not be a problem for anybody.
- Jeremy Irwin: Grant the variance for all of the reasons that have been stated by the previous Board Members.
- Troy Barnes: Grant the variance also based on all previous statements, as well as the fact that the ditch already has access and an Easement which will restrict any action or development along that property line.
- Variance Granted

Chairman Troy Barnes read the next Application, ACME MARINE, ANDREW SHARP, 2505 Coomer Road Newfane, NY 14108, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 5831 West Main Street, Olcott, NY, in the Town of Newfane, NY, located in a Marine Business District (MB), to construct an accessory storage building including a covered patio, along the north side of the property, which will be two (2) feet from the north property line of said property, in violation of the current set back restriction set forth in said ordinance, which requires a minimum set back of 10 feet in a Marine Business District (MB).

The Chairman invited Andrew Sharp to come forward and speak with the Board. Andrew advised the Board that the available space on the property will not allow the

structure to fit according to the required setbacks. The garage will not impede anyone's activities or their view. It's simply going to be a garage for storage of things like the lawnmower, etc. Andrew provided a drawing of the garage with the patio attached to the Board for review.

David Hedley, owner of the property adjacent to the property line that Andrew is asking for the variance for, indicating that he has no objection to allow Andrew to put up the garage in order for him to have storage. At the present time he has nothing. That would be the most common sense place to put it. It is not blocking anyone's view and it is up against his parking lot which is nothing but cars anyway.

Andrew advised the Board that he did speak to the DEC regarding the placement of the garage and was told they have no jurisdiction of this in that area.

Chairman Barnes offered the Board the opportunity to ask further questions, there were none. Chairman Barnes offered the public an opportunity to speak, no one came forward.

Chairman Barnes asked for a MOTION to poll the Board. Motion made by Member Jeremy Irwin, second by Member Tyler Finley, all were in favor of the Motion, no one was opposed.

Charles Maynard:	Approve the variance as it falls within the character of the neighborhood, the location makes sense and sees no other reason to deny.
March Ferington:	Grant the variance as there is an obvious need for storage and the neighbors approve.
Tyler Finley:	Grant the variance as it fits in with the neighborhood and other properties in Olcott.
Jeremy Irwin:	Grant the variance.
Troy Barnes:	Grant the variance.

Variance Granted

Chairman Barnes entertained a MOTION to adjourn. Motion made by Member Maynard, second by Member Irwin. All were in favor, no one was opposed.

Motion Carried

Meeting adjourned at 7:38 p.m.

Respectfully submitted by

Donna Lakes
Acting Secretary