

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
FEBRUARY 20, 2024

MEMBERS PRESENT: Chairman Troy Barnes, Members Bill Koller, Jeremy Irwin, Charles Maynard, Marcy Ferington, Zach Hanczarowski,

MEMBERS ABSENT: Tyler Finley

OTHERS PRESENT: Jim Sansone, Town Attorney, David Schmidt, Building Inspector, Robin Bower, Secretary and 3 Residents

The meeting was called to order at 7:00 p.m.

Chairman, Troy Barnes welcomed everyone and began reading the open variance at 5686 West Bluff Olcott, NY 14126-0093.

1. **Richard Hueber and Elizabeth Hueber** residing at 5686 West Bluff, Olcott 14126 have applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 5686 West Bluff Olcott , NY 14126-0093 in the Town of Newfane, NY, to construct a 8' by 20' covered porch upon said premises, which will be 38' from the front line of the premises, in violation of the current front line set back restriction in said ordinance, which requires a minimum set back of 50 feet from the front line of premises, for Single Family Residences located in a Residential District (R-1). All citizens and parties will be heard at the public hearing.

Chairman Troy Barnes introduced the entire Zoning Board. Tyler Finley was absent. Also including Town Attorney Jim Sansone and the Building Inspector David Schmidt and Secretary Robin Bower.

Chairman Troy Barnes read aloud all of the residents notified within the 300' limit about the Public Hearing Timothy Blackley, PO Box 48 Olcott, NY, Timothy N. Veiders PO Box 267 Olcott, NY, Benny R. Maxwell PO Box 362, Olcott, NY, Alexander Hazlett, PO Box 326 Olcott, NY, Robert Cafora 2885 S. Main St. Newfane, NY 14108, Anne M. Kudla 5484 Tonawanda Creek Road, North Tonawanda, NY 14120, Richard K Hueber, PO Box 53, Olcott, NY 14126, Betty J Klomp, PO Box 107, Olcott, NY 14126, Irrev. Trust Judy G Sears, PO Box 751 Olcott, NY 14126, Timothy D. Blackley, PO Box 48 Olcott, Ny 14126, Barbara Hurley Holohan, 19520 Ridge Hts, Gaithersburg, MD 20879, Barbara Hurley, 19520 Ridge Hts, Gaithersburg, MD 20879, John Martin PO Box 313, Olcott, NY 14126, Anna Kuhns, PO Box 224, Olcott, NY 14126. Olcott Fire Company.

Richard and Elizabeth Hueber presented their case. They just moved into the house. They said the porch would add curb appeal, and for them to enjoy sitting outside under a roof. Elizabeth Hueber said they did not want to be sitting in the sun now that they are older and it would enhance the look of the house."

Chairman Troy Barnes ask for any open questions from the board. No questions came from the board so he opened the floor for questions. Attorney Jim Sansone ask if there was another place to build the covered porched so it wouldn't violate the variance? Mr. Hueber said no because the door is on the front of the house.

Marcy Ferington asked if there is an existing structure on the front now and is it covered? Mr. Hueber answered no just a small 5' deck, but we want to extend it out to 8'. Marcy asked if it was covered? The Huebers said no.

Attorney Jim Sansone said the front of the house is ok but how does it fit in with the other properties? Looks like from the drawing the front of your house is within that area too. Are there any other properties in the area that may encroach. Elizabeth Hueber said that the other houses have garages by the road and there is an addition going up down the road that will be close to the road. Chairman Troy Barnes said that what they are saying is that the house will fit right in the neighborhood. Mrs. Hueber said that the house would be more user friendly as well as making the neighborhood look good. Chairman Troy Barnes said, if what you are saying it will make the house look more appealing?

Donna Lakes asked if they would foresee any safety issues with people traveling down the road as far as obstructions? The Huebers said no.

Jeremy Irwin asked if the neighbor's garage sticks out farther than your house? Elizabeth Hueber said maybe it does not sure it might be very close. Jeremy wanted to know if it stuck out on the west side neighbor's house, the red brick house. Richard Hueber said it's hard to say because you can't get a good view looking through ours because of the front of the house and rocks.

Marcy Ferington asked what year was the house built? Richard Hueber said 1999. Richard Hueber said it was her father's home. He built it in 1999.

Chairman Troy Barnes Asked if there were anything from the audience.

Donna Lakes asked them in speaking of hardship, there was nowhere else to put the porch? Elizabeth Hueber said no there is not.

Max Russell from Appleton, NY said he had seen the house and the house would not alter the character of the community. On the north side of the road all of the houses and garages that are close to road and he is familiar with the house and there is plenty of room and it will make it a lot nicer.

Chairman Troy Barnes asked for any other questions. Hearing no other further questions, I will ask the board for a motion to poll the board. Marcy Ferington made the motion and Charles Maynard 2nd the motion to poll the board. Chairman Troy Barnes will start, he says yes to the variance and his reasons as the homeowners said it would benefit the character and there are no safety concerns so I will grant the variance. Marcy Ferington will grant variance Charles Maynard will grant the variance. Attorney Jim Sansone intervned and asked if the board would explain the reasons for their decision. Marcy Ferington explained that replacing the porch would add character and she drove by and saw that there was enough frontage and there wouldn't be a problem. Charles Maynard explained it definitely would improve the neighborhood, he said that he is familiar with the neighborhood and he does not see it harming the neighborhood at all. Bill Koller votes to grant the variance. The neighbors to the east of their house sits farther back as well as the house to the west. The current house sits 70' off the road will not affect the traffic on the road. Jeremy Irwin grants the variance saying it will definitely will not affect the neighborhood in a negative way. Driving down the Bluff you see a lot of houses close to the road and this is not the case with yours. Zach Hansczarowski will grant variance. He said there are no safety issues as well as there are other garages and buildings are close to the road.


Chairman Troy Barnes concluded 6 votes to grant variance, so grant the variance. motion carried.
Chairman Troy Barnes motion to adjourn meeting. Attorney Jim Sansone requested a directive to the Huebers to grant a building permit. Chairman Troy Barnes directed the Huebers to go see the Building Inspector to issue the building permit and the board will issue a determination.

Chairman Troy Barnes ask for a motion to adjourn the meeting. Marcy Ferington made the motion. Charles Maynard second the motion, all were in favor meeting adjourned.

Motion Carried

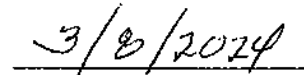
Meeting adjourned @ 7:16 p.m.

Respectfully Submitted By:


Robin Bower
Zoning Board Secretary


Date


Approved by Chairman Troy Barnes


Date

SUPERVISOR
716-778-8531

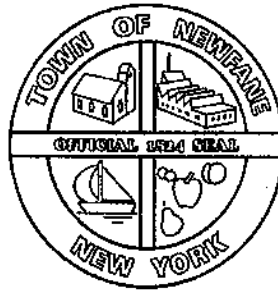
TOWN CLERK
716-778-8822
FAX 716-638-4183

ASSESSOR
716-778-8827

TAX COLLECTOR
716-778-6052

BUILDING INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108
FAX 716-638-4261

JUSTICE COURT
2896 Transit Road
Newfane, New York 14108
716-778-9292

HIGHWAY
716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York 14108

TDD 1-800-662-1220

NEWFANE ZONING BOARD OF APPEALS

Determination of Application

February 20, 2024

For Application Of:

Richard Hueber and Elizabeth Hueber residing at 5686 West Bluff, Olcott 14126 have applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 5686 West Bluff Olcott, NY 14126-0093 in the Town of Newfane, NY, to construct a 8' by 20' covered porch upon said premises, which will be 38' from the front line of the premises, in violation of the current front line set back restriction in said ordinance, which requires a minimum set back of 50 feet from the front line of premises, for Single Family Residences located in a Residential District (R-1).

Approved: X

Disapproved:

Votes:

Chairman Troy Barnes- **Grant Variance**

Bill Koller- **Grant Variance**

Charles Maynard- **Grant Variance**

Marcy Ferington- **Grant Variance**

Jeremy Irwin- **Grant Variance**

Zach Hanczarowski- **Grant Variance**

Tyler Finley- **Absent**



Troy Barnes, Chairman