

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
June 18, 2024

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

MEMBERS ABSENT: Tyler Finley, Bill Koller, Zach Hanczarowski, James Sansone

OTHERS PRESENT: Sue Neidlinger, Barry Bronschidle, Michael & Pamela Bronschidle, Michael Sorg and Jesse Sorg.

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

Troy Barnes introduced the board to the public. He then read the public notice.

BARRY M BRONCHIDLE, OWNER, BY MICHAEL AND PAMELA BRONCHIDLE, APPLICANTS, residing at 66 Cape Henry Lane, East Amherst, NY 14051, have applied for an area variance under the Newfane Zoning Ordinance, upon premises being a Vacant Lot, Tax Map Number 54.00-2-36.12, located directly west off 7186 Bishop Road, Appleton, in the Town of Newfane, NY, in an Agricultural Residential District (AR) under said Zoning Ordinance, to construct a manufactured home upon said vacant lot, which lot has only 170.23 of frontage, in violation of Section 5-3(5) of the said ordinance, which requires a minimum of 200 feet frontage.

MICHAEL SORG, residing at 4256 Beach Ridge Road, North Tonawanda, NY 14120, has applied for a use variance to put up a pole barn/garage upon premises known as 6590 Ridge Road, Lockport (Town of Newfane), NY 14094, Tax Parcel No. 81.02-2-68.2, in an area zoned Multi-Family Residential (R-2), under the Zoning Ordinance of the Town of Newfane, NY, which is in violation of Section 5-2, B-8 of said Ordinance, which prohibits said construction in a Multi-Family Residential (R- 2) Zone.

The following residents within 300' of the said properties were mailed or emailed the public notice, including the date, time and place of the meeting.

Mr. and Mrs. Bronschidle -	66 Cape Henry Lane E., Amherst. NY 14051
Gary Bailey-	7280 Bishop Road, Appleton, NY 14008
Cynthia Bailey-	7170 Bishop Road, Appleton, NY 14008
Brian Miller-	7265 Ridge Road, Lockport, NY 14094
Scott Cummings-	7879 Bishop Road, Appleton, NY 14008
Gary Klump-	3063 Hess Road, Appleton, NY 14008
Scott Edmister-	2999 Hess Road, Appleton, NY 14008
Michael Sorg-	4256 Beach Ridge Road, N. Tonawanda, NY 14120
Richard Boyce-	6534 Ridge Road, Lockport, NY 14094
Gerald Branch-	6585 Ridge Road, Lockport, NY 14094

Alan Buhr- 7575 Slayton Settlement Road, Gasport, NY 14067
Wrights Corners Cemetery Assn.- 1971 N. Union St, Spencerport, NY 14559
Miller Hose Fire Company- PO Box 99, Newfane, NY 14108
Wrights Corners Firehall- Via E-mail
Olcott Fire Company Via E-mail
Barry Bronschidle- 7186 Bishop Road, Appleton, NY 14008
Dani Handrich- 3609 Day Road, Lockport, NY 14094

Barry Bronschidle introduced himself and then his son introduced himself and wife (Michael and Pamela Bronschidle).

Michael stated he wanted to build a manufactured home on the property with a full basement. They want to be close to his parents to help them out whenever they need it. Pamela stated the Square Feet of the property is 2128 sq. ft.

Troy asked the board for questions. No questions. He proposed to take a poll of the board. Marcy Ferington second it. Troy asked "All those in favor?"

Charles Maynard- Aye
Marcy Ferington- Aye Motion Carried
Troy Barnes- Aye
Jeremy Irwin- Aye

Charles Maynard is in favor to grant variance. He sees no detriment to the neighborhood and the property is ample size for the home located in the country.

Marcy Ferington is in agreement to grant the variance. The Bronschidles are not asking for a big change and they have the property to back it up.

Jeremy Irwin is in agreement to grant the variance there is no issues with property size and understands they would be using a sand filter system and there is plenty of room for that.

Troy is also in agreement to grant the variance. He agrees with his fellow board members that they are not asking for an extreme diversion from the required size. Motion to grant variance. Charles second. All of those in favor to grant variance.

Charles Maynard- Aye
Marcy Ferington- Aye Variance Granted
Troy Barnes- Aye
Jeremy Irwin- Aye

Troy read second use variance for 6590 Ridge Road, Lockport New York.

Michael Sorg and Dennis Sorg. On 5 Acre parcel they would like to build this garage to work on personal vehicles out of the elements of the weather. Troy asked for them to give him some history of this variance because this is the second time. Dennis bought the property before the whole thing then the property was sectioned of as different parcels. The zoning was agricultural and residential. The said property is zoned R-1 which would prohibit the construction of the garage first. Dennis Sorg was at the podium to explain the situation. He went on to explain that the property was bought as a whole

and then it was sectioned off and sold and then the 5 acres in question came back residential zoning. Marcy asked if he contacted anyone at the town hall regarding the zoning? He said he didn't realize it until he started filing for permits. Dennis continually went over the story of the properties and how he cleaned them up and partitioned them off. He now lives on property. Jeremy Irwin asked if he owned 6600 Ridge Road. Jeremy had remarked that the zoning map hasn't updated yet on line. Jeremy thinks the cemetery and the 5 acres in questions were zoned essentially together. Dennis stated how that doesn't make sense. He thinks they all should be zoned the same. He didn't understand why the property was zoned 2 different ways. It should all be zone A/R. Troy asked David Schmidt would he still be here even if the zone was correct because it is a secondary structure without a primary. David Schmidt said yes. Jeremy an AR listed as an exemption you can get, listed as a R-2 technically is not. Troy was concerned if it needed to go to the planning board. Marcy asked what their plans are for this garage. She was wondering if they were running a business or not. The owner went on to talk about his wood business he has right now but he wants to get out of that business and the new garage is for personal business. He would like to put in a lift and work on cars (toys). Marcy asked if there was a possibility to put garage on his commercial property. Marcy asked "Are you planning on selling the property where the tree business is?" Mr. Sorg replied "no". He wants to liquidate the tree business. Marcy asked if there is a possibility to put the pole barn on the commercial property where tree business is? Dennis went on describing the past scenario of how the entire property was working.

Jeremy and Dennis were discussing the pieces of property and the zoning of each and how did a portion of said property get zoned 2 different ways. Jeremy is pointing out that the yellow house is on a separate lot than the said property. Troy and Jeremy were discussing back and forth the house vs. said property and how zoning affects the accessory structure vs. pole barn. Mr. Sorg went on to tell the background of the story of the land. He cleaned the area up. He is now renting a place from Ford. He doesn't want to. Marcy expressed she didn't see a map of where on the said property the pole barn was going to be built. Mr. Sorg forgot what the offset was from the property line. Troy asked if it would be closer to the home. Mr. Sorg says he wants it to be put closer to cemetery. Troy asked if he wants to come off the set back and tight. Mr. Sorg asked David what the setback was. David said 15'. Jeremy remarked that it was up to David to give him the approval or disapproval depending on where he wants to put the pole barn. Mr. Sorg said the building would be 30x70' with 14' ceiling. Troy asked Mr. Sorg how this would fit in the neighborhood? Michael said there is a pole barn right across the street and the neighbors don't care. Marcy asked how close are you to the cemetery? Dennis explained that the lot is clear and he has a berm between him and the cemetery. Dennis said he allows the cemetery to dump on his lot and the neighbors are ok with it. Dennis explained he sold to his brother n law. He has the option to buy it back at any time. Jeremy asked David if this scenario ever went before the planning board before? David said no Mike never sent him there the case was never heard. Marcy asked if he was just storing vehicles there. Dennis said just personal business. Troy stated there can be a stipulation on it. No business. Dennis mentioned at the end of the day he's been running a business out of there for the last 10-15 years. Jeremy remarked that it was not on the said property though. Dennis said he wants to get the property rezoned. Jeremy stated that is not up to this board to do that. Dennis has said it's been 3 years and he wants this done. Troy asked if he wanted to go in front of the Town Board and get it re-zoned. Dennis said yes but it he has been dealing with this long enough and he wants a building up. Maybe down the road he will get it rezoned. Troy said they don't do "Spot Zone" so that would be a good argument to get it rezoned. Marcy was explaining that we tied to an R-1 zone which needs a residential structure. Troy asked what was the structure across the street? Dennis said the man built it about 1 year ago. He owns behind the cemetery. Marcy said he just built the building. Troy said he doesn't live there. Dennis said that he does live there. Marcy added that that is why he can build there because he made it a

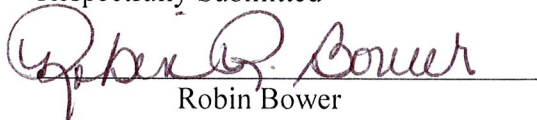
residence. Dennis said he planned on putting a living quarter in there eventually. Troy asked why is it still taxed as vacant land? Jeremy said that the map wasn't updated and it shows different information than what it presently is. Dennis wants to get going on this because it's been 3 years and Ford wants to raise his rent. Troy asked for any questions from the audience. Sue Neidlinger asked how long it would take to rezone the said property. Troy said it would go to the planning board this month, then the county next month. Sue asked would that take care of the problem. Troy suggested he add a residence to the building. Troy asked David Schmidt what it would take to do that. David said to add a kitchen and bathroom. Troy asked how much space. Troy and Jeremy said 750' sq.ft. Dennis said that wouldn't be a problem. Jeremy said that's what it will take to pass this. Dennis said he would like it to be in before the snow flies. It's already been 3 years. Dennis has a schedule for the building to be delivered in 6 weeks. If they do not take delivery the price will increase \$20,000.00. Marcy stated they need building plans to begin building and then the stipulations that there will be no business conducted on this property.

Troy made a motion to poll the board. Jeremy second the motion. Marcy has stipulation that there is no business conducted and that there needs to be plans for the pole barn that includes the living quarters and a begin building date. Troy interjected reminding him he would not need the variance for the building with the living quarters in it. Jeremy reiterated the same information that if Dennis makes the pole barn into a house, he does not a variance he goes to David and gets building permit. Dennis can build a house with a garage. He cannot build a garage first without a variance. Mike Sorg asked if they could approve the variance with a stipulation, they would have to pursue the steps to get the property rezoned. Marcy said, that is what has been done in the past. Jeremy asked the owner if he will make it a house now or in 3 years because those changes everything. He needs to know now. Dennis said he would do it now. Jeremy reminded him that the cost of building the home/pole barn will increase with adding the residential portion of this. Dennis said he is going to have water heat and air condition in it when it is built. Marcy said it sounds like you are working towards building it to a residential setting. Jermly asked when are you planning on adding the living quarters? Dennis said within a year. Jeremy said good because building permits are good for 1 year. Jeremy and marcy talked back and forth that he doesn't need to come before us to get a variance if they are building a "barn dominium" he falls within the R-1. Troy asked if he gets his 150.00 back. The board told Dennis to make sure he continues to get the rezoning done immediately. David Schmidt said Dennis wanted to get the rezoning done before with Mike Klock but it did not happen. Troy stated he had 2 avenues residential and rezoning. Jeremy said if it gets rezoned in time, he can build the pole barn and put the residence portion on hold. Everyone was talking about reimbursing Mr. Sorg for the variance cost. Troy suggested to get Dennis in the office asap with plans to David. Everyone was discussing the possibility that the zoning was configured in with the cemetery, creating spot zoning.

Troy made a motion to dismiss the case based on the rezoning of the property and a resident building permit. Jeremy second.

Meeting adjourned 7:40p.m.

Respectfully Submitted



Robin Bower
Zoning Board Secretary



Troy Barnes
Zoning Board Chairman