

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
MARCH 19, 2024

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

MEMBERS ABSENT: Marcy Ferington

OTHERS PRESENT: Mr. & Mrs. Brady, Sue Neidlinger, Maxwell Russell, Larry Dormer and Justin Westmoreland

Meeting was called to order @ 7:02pm

Chairman Barnes read aloud the public hearing re: Area Variance for Mr. & Mrs. Brady 3480 Ewings Road. He then introduced the Zoning Board, Attorney and the Building Inspector.

JAMES BRADY, residing at 7177 Schultz Road North Tonawanda, NY 14120, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 3480 Ewings Road in the Town of Newfane, NY, located in a Rural Residential District (RR District), to construct a 40 foot by 60 foot pole barn upon said premises, which premises only have 125 feet of frontage upon said highway, in violation of the current frontage restrictions set forth in a RR District in said ordinance, which require a minimum of 150 foot frontage.

Nancy Brady stood up and introduced herself and presented her case. The Brady's would like to construct a garage prior to building their house. The garage would be used for equipment to maintain the property. Then when her husband retires next year, they would build a home. The garage would not be at the 150' variance. It will be at 125'. She explained that the property is narrow in the front and then widens in the back.

Chairman Barnes opened up the floor to anyone with questions.

Bill Koller asked if this was personal or business. Mrs. Brady answered, personal and to store the lawn tractor and bobcat etc....

Charles Maynard asked Mrs. Brady you said a possible dwelling inside the barn or out? Mrs. Brady said that they would build an apartment on the end of garage or a separate dwelling whatever is easiest to do.

Tyler Finley asked if she already was going to the planning board? Mrs. Brady responded, yes.

Chairman Barnes asked if any of the surrounding neighbors had a similar situation less than 150' variance? Possibly to the north of you? Mrs., Brady replied yes.

Charles Maynard asked if the land was divided up or is it actually how you bought it? Mrs. Brady said that was the way they bought it.

Chairman Barnes asked if there were other residences that had large pole barns in the area? Mrs. Brady said yes there were several and she thought it went with the character of the neighborhood.

Jeremy Irwin asked how far does the property go back before it widens? Mrs. Brady said 450'. Mr. Brady asked Justin Westmoreland about how wide it was in the back it is about 300' wide. Mrs. Brady added that the neighbor has a smaller pole barn that theirs will set behind theirs and you probably wouldn't even see their pole barn from the road.

Tyler Finley added, so when you are going to build the residence, it would also be that far back. Mrs. Brady said yes.

Chairman Barnes ask David Schmidt (building inspector) if there were any set backs requirements. David said "no."

Chairman Barnes then read the list of residents and fire companies contacted within the 300' radius of said property. He also read the rules of conduct for the meeting.

Chairman Barnes opened up the floor to anyone in the audience for questions or statements.

Justin Westmoreland, previous owner of said property stated he spoke with the previous building inspector Mr. Nankey and he said that he met all conformities for building a home on said property. Justin said that the neighbor Mrs. Redman has a large pole barn with a small home and that the Brady's building and residence wouldn't really be seen because of Mrs. Redman's dwellings. Justin said he liked the Brady's and would like to see them be a part of the community.

There were no other questions or comments from the public or board so Chairman Barnes asked for a motion from the board to poll the board. Chairman Barnes asked all those in favor of granting the variance.

Bill Koller- Aye "It conforms with the neighborhood and will not be used as a business."

Charles Maynard- Aye "It is no detriment to the neighborhood."

Tyler Finley- Aye "It conforms with the esthetics of the neighborhood and already is on the agenda for the planning board"

Jeremy Irwin- Aye "It is far enough off the road and conforms with the rules"

Zach Hanczarowski- Aye "It is good for the neighborhood"

Chairman Troy Barnes-Aye "I will grant the variance with the same reasons as my fellow board members and this is not a substantial change to the law. We are only going from 150' variance to 125".

Marcy Ferington- Absent

Variance has been granted. Chairman Barnes "All those in favor?" The entire board said "Aye" no one opposed.

Chairman Barnes asked for a motion to adjourn meeting. Motion was made by Charles Maynard. Motion was seconded by Jeremy Irwin to adjourn.

Motion carried.

Meeting adjourned at 7:15 pm.

Respectfully Submitted By:

Robin R. Bower
Zoning Board Secretary

Date

Approved by Chairman Troy Barnes

Date