

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

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

MEMBERS ABSENT: Zach Hanczarowski,

OTHERS PRESENT: Larry Dormer, Mary Hastings

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

Troy introduced the board as well as Jim Sansone, David Schmidt and Robin Bower.

Troy read aloud said variances. All parties of interest and citizens within 300' radius, were contacted via mail regarding said variances.

DONALD W. BUDZISZEWSKI, 6125 Godfrey Road, in the Town of Newfane, NY, has applied for a use variance under the Newfane Zoning Ordinance, upon premises known as 6127 1/2 Godfrey Road, in the Town of Newfane, NY, to operate an automotive repair business upon the premises, which is a violation of the Newfane Zoning Ordinance. The premises is located in a Single-Family Residential District (R-1), which prohibits said proposed use under the Ordinance.

Donald Budziszewski Jr & Sr. explained to the board that they would like to run a small car repair shop. Don Sr. is retired on a fixed income and they would like to have this shop which would help offset some of the property taxes and others costs of being a homeowner. When they purchased the property, they were told by the previous owner that they could operate a small car repair shop in the garage.

Troy asked the board if there were any questions. Troy started by asking who told them that they could operate a business out of the garage. Don Jr. said the previous owner did. Jim asked when did they bought the property? Don Jr. replied 2012. Chuck asked if Don bought it through the Estate of Leonard Enderby? He bought it through the Estate. Chuck stated that at the previous meeting there were some neighbors that were in support of this but wanted some stipulations. Don Jr. said he would put up a fence along the West side of property to block the view of the business from the neighbors. Chuck asked what are the hours. Don replied with Monday – Friday 9-5. Jim asked how many people would be working there? Don replied just one, myself. Jim explained that the board can impose restrictions on the variance. Marcy asked what kind of signage was Don thinking of using? Don replied with nothing fancy, nothing flashy, something simple so they can see where the driveway is to pull in to. Marcy also asked if he needed signage on the building? He said the only signage would be the repair sign and the New York State inspection sign. The board talked amongst themselves about the stipulations for this variance as well as signage. Jeremy asked if Don Jr. and Don Sr. lived in the duplex? They said yes. Tyler asked how many cars would Don have backed up waiting to be serviced? Don Jr. said he would like to get them out the same day, but if he had to wait for parts, it may be a couple days. Tyler asked less than 6 cars? Don Jr. said yes. Marcy was discussing the fence and where he would put

the fence? Don would put the fence on the West side of property. There was a discussion about the building not too visible behind the houses from the road. Marcy mentioned that there would be more traffic in the area because of the building there. Don remarked that there is a school learning center down the road and they have traffic. She was speaking specifically about the repair shop area. Tyler asked how many cars does a mechanic complete in 1 day? Don said it would depend on the job. Jeremy asked if Don had an inspection machine. Jim asked how many bays in there? Don answered 1 bay but would like to have more. Marcy asked David if there was a limit for a vehicle sitting for an extended amount of time at a mechanic shop. Dave said no. Bill made mention of the ordinance. The board discussed the ordinance for this situation. Jeremy asked if there could be a stipulation with variance and it would end with the Budzisewskis. Jim said no the variance goes with the property. Can there be a stipulation that it can't be rented out. Jim said no. Troy was discussing the use variance to be only owner/operated. The concern is that if Budzisewskis rent out the shop to someone else. Bill asked if it was connected with a home. It is all combined. The board asked if there could be a stipulation on mechanics to hire. Don asked if he could hire his daughter for office work. Jim said that's fine. The board discussed some of the stipulations for this variance. Jim suggested to make the stipulations as a condition of the variance.

Troy asked if anyone in the audience had a question.

Larry Dormer spoke about the business on chestnut and how there were stipulations for the number of vehicles based on acreage and number of bays at garage etc.

Different members of the board asked Don about how many cars he could park on the property.

Don said 5 vehicles. The board suggested to use the amount of 10 in case there were certain situations. Chuck asked if it was feasible to have a flatbed truck get back to the garage and be able to turn around. Don said yes.

The stipulations would be: Signage, Hours of Operation, Limit of cars and a fence on west side of property.

Troy asked for a motion to poll the board for the variance with stipulations of 10 car maximum, hours of operation 8-6 Mon- Fri, a screening on west side either a screening or vegetation maximum 6'. Motion made by Jeremy, second by Tyler. All those in favor? 6 Ayes. 1 Absent

Bill grants variance based on the hardships and the neighbors coming to the last meeting and were in favor of this.

Chuck grants the variance based on the fact that the neighbors came to the last meeting and showed support with some stipulations and Don's willingness to comply.

Marcy grants variance with the stipulations put in place, the support of the community and Don's ability to work with the board.

Tyler grants variance with the stipulations.

Jeremy grants variance.

Troy grants variance with stipulations and as what the other board members have said as well as does not change the character of the neighborhood.

Variance Granted.

JONATHAN BROSE, residing at 6890 Hatter Road, Newfane, NY 14108, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 6890 Hatter Road, in the Town of Newfane, NY, to build a house upon a lot in a Rural Residential District (RR) having a 110 foot lot width in the Town of Newfane, NY, in violation of Section 5-3(5) of the Newfane Zoning Ordinance, which requires a lot width minimum of 150 feet in a Rural Residential District (RR).

Mr. Brose moved in approximately December of 2023. His father n law will be retiring in 1 year so he would like to split the lot and build a home for his in laws. There are similar lots in the neighborhood with the same lot width.

Marcy asked looking at the lot with the 110', how far back are you going to put the house? Mr. Brose said he would put the house the same distance as the existing homes there now. It would be 382'. Marcy asked what the dwelling would be. It will be a wood stick home or a Barn dominium. Bill asked how soon would they be building? Mr. Brose said maybe spring or summer of next year. Chuck asked if this would be a full-time residence. Mr. Brose said yes, his in laws would sell their home in Lockport. Jeremy asked how far off his garage would he draw the property line? Mr. Brose says as far as the town ordinance rule is.

Marcy asked if the property was being divided? Yes, that is what Mr. Brose wants to do. Based on the 15' ordinance they would need to vote on a 94' lot. Mr. Brose is ok with changing the lot size to meet the required set-backs.

Troy asked the public for questions. Mr. Brose's neighbor, Charmaine Page spoke on behalf of the Brose's. She enjoys them as neighbors and the Brose's take very good care of their property. Jim Sansone told Mr. Brose that he needs to amend his application to be the 94' lot.

Troy motion to poll the board. Marcy second the motion. All the in favor 6 Ayes, 1 Absent Motion Carries.

Bill grants variance based on 94' lot and does not change the character of the neighborhood. Chuck will grant variance with 94' lot.

Marcy will grant variance based on the amendment of the 94' and does not affect the neighborhood characteristics.

Tyler will grant the variance of the amended 94'.

Jeremy will grant the variance for the amended 94'.

Troy grants the variance of the 94' and it will not change the character of the neighborhood.

Variance granted.

BEVERLY SEITZ, residing at 3538 Murphy Road Newfane, NY 14108, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 3546 Murphy Road, Newfane, NY, to build a house upon a lot in a Rural Residential District (RR), having a 146 foot lot width in the Town of Newfane, NY, in violation of Section 5-3(5) of the Newfane Zoning Ordinance, which requires a lot width minimum of 150 feet in a Rural Residential District (RR).

Mrs. Seitz purchased her property and then continued to purchase additional lots around her for her daughters to build homes on in the future. They were told to combine the properties for tax purposes only. They want to correctly divide the properties so they can be deeded to their daughters. They want the variance granted so her daughter can build on that lot. She will be building a single-family home, with a set back the same as the other homes.

Troy asked for any questions from the public. No questions.

Troy asked for a motion to poll the board. Jeremy made the motion, Tyler second the motion. All in favor. 6 Ayes, 1 Absent. Motion carried

Jeremy will grant variance; it will not change the character of the neighborhood. Lots are small.

Tyler will grant variance. Very straight forward.

Marcy will grant the variance based on it only being 4'. The other lots are smaller.

Chuck will grant the variance. It will not change the neighborhood.

Bill grants the variance on the bases that it will improve the neighborhood.

Troy will grant the variance based on the same information the board already has said and the hardship created when an attorney, some time ago, was told by the town that you could build on the lots.

Variance granted.

Troy made a motion to adjourn. Chuck second motion. All in favor, 6- Ayes. Meeting adjourned at 8:15 p.m.

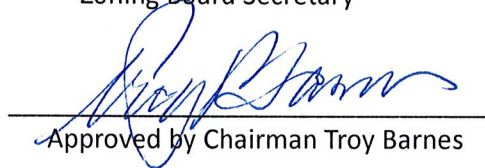
Respectfully submitted,



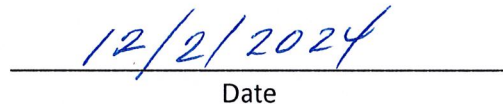
Robin R. Bower
Zoning Board Secretary



12/2/2024
Date



Approved by Chairman Troy Barnes



12/2/2024
Date