

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
October 15, 2024

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

MEMBERS ABSENT: Zach Hanczarowski, Tyler Finley

OTHERS PRESENT: Jason and Shannon Baldwin, Larry Dormer, Mr. Pippard, Mr. Michael Schultz, Diane Hickey, Mr. Charles Schultz

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.

ANDY SKAVINSKY AND KIM FARMER, 2339 Washington Avenue Wilson, NY 14172 have applied for a use variance under the Newfane Zoning Ordinance, upon premises known as 5977 Ontario Street Olcott, NY 14126, to construct a single-family home upon the premises, which is a violation of the Newfane Zoning Ordinance. The property is zoned Village Business (VB) under the Newfane Zoning Ordinance, and the proposed single-family home is a prohibited use in a Village Business District.

Andy Skavinski and Kim Farmer stated their name for the record. The house has been in Mrs. Farmers family for many years. They were going to sell it but decided not to, the house is in alot of disrepair and would cost too much money to repair instead of just ripping it down and rebuilding a single-story, single-family home with a basement.

Troy asked the board for any questions.

Marcy asked if they were going to use the same footprint as there is there now?

Mr. Skavinsky said yes but there is a way that they could move 7' forward which would leave enough room to build a garage and a driveway. It would also allow them to have a full kitchen in the back. Marcy asked if there is a basement there now? Mr. Skavinsky said yeas but the foundation walls are bad. Mrs. Farnham said years ago (40+) there was a water leak. The Town fixed the problem; however, her parents never addressed any problems in the basement from the water leak and that caused the walls to bow inward.

Chuck asked if her parents were the Picheys? Yes, they were. Chuck also asked if they were renting or for their own personal use?

Marcy asked if they could explain the neighborhood. Mrs. Farnham explained the neighborhood. There are houses and then the Lake shop Villages. Marcy state that their house would not be out of character. Mrs. Farnham stated no.

Jim asked if they acquired the house through an Estate? He went on to discuss the history of the house. Jim stated it was a self-created hardship. He knew the lot because he lives down the road. As Mrs. Farnham stated the house is very old and it originally went with the Hotel that was there on the lake. Jim asked if the house is in such a state of repair that it is uninhabitable. Andy replied that it would cost way too much money to repair the house than to just knock it down and build new. Ms. Farmer stated house the house is an eye sore and she wanted to make it beautiful again. She knows the neighbors would love it. Troy stated as well that the house would not pass inspection and no bank would give a loan to anyone for that house. Jim went on to ask if there were other single-family homes on that block. Ms. Farnham said yes. She mentioned all the house down the road and up to the Lakeview Villages. Jim was stating that it would substantially conform with the neighborhood. Marcy stated it will also "enhance" what is currently there. Bill asked if they were going to apply for the DEC permit. David said he has reach out to them. Jeremy stated they need to be 100' from lake. The board and the residents were talking back and forth about the rules the DEC has given them regarding erosion and so on... The DEC will be back to check on them. Jeremy asked if they were going to build a garage? Andy said yes. Jeremy asked if the plan was to put it more towards the front (roadside) of property. Andy said yes. The footprint of the garage takes up about 200' of property. Jeremy asked if he was having parking on his property. Anday says yes, he has 25' for a driveway. Troy stated he would not need public property to park. Andy will be able to park 2 cars in the driveway as long as he can stay with in the footprint other than coming forward the 7'.

Troy opened the floor up to the public for any questions.

Larry Dormer from Exchange Street in Newfane asked if this was going to be a Short-Term Rental. Andy said no this would be his primary residence. He is a landlord now and does not want to do it anymore.

Troy asked for a motion to poll the board. Jeremy made motion. Chuck second the motion. All those in favor:

Bill Koller: Aye
Charles Maynard; Aye
Marcy Ferington: Aye
Troy Barnes: Aye
Jeremy Irwin: Aye
Tyler Finley: absent
Zach Hanczarowski: Absent

Motion carried.

Bill granted variance. This home will not change the characteristic of the neighborhood and will not redefine the actual space it is sitting in.

Chuck will grant variance based on similar things. He welcomes this kind of improvement in Olcott. He agrees that the hardship has been met.

Marcy grants the variance based on the new home being built on the same footprint and because the home has had neglect and they are going from a one story to a two story, this will enhance the neighborhood.

Jeremy agrees with the same reasons the board has said. He also feels it would definitely be a better look in Olcott than what is there now.

Troy will also to grant variance based again on everything has been said from the other board members. They have met their financial hardship with the issues of the foundation and not being able to sell it.

Motion to grant the use variance. Jeremy made motion, Marcy second the motion. All were in favor. No one opposed. Zach and Tyler were absent.

Variance granted.

Troy read 2nd variance.....

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 Jr. introduced himself and his father Donald Sr. He stated the address is incorrect on the paperwork for this hearing, it is to be 6129 ½ Godfrey Road, Burt, NY York 14028. He then went on to explain the circumstances. He purchased Pippards Automotive that was operating in Wrights Corners for some time now. The owner of the building fell behind on paying taxes and the it fell back on Don. It started to affect his business and at that point he decided to move the business out of that location. He owns a building on his property that he wants to open his business in. He is not wanting to change anything as far as the building.

Because the address was incorrect Marcy was unable to view the building.

Chuck asked if they were living in one of the duplexes. Don replied yes, the one right next to the driveway to the building out back. Chuck asked if they acquired the building from the Enderby estate. Don said no from the son. Marcy asked if they owned the entire duplex. They do.

Don Sr. Has a map to show.

Jeremy was questioning the address number. Bill asked if he owned all the duplex's Don said, not just the first one and the garage.

Don Sr. has a blueprint of the property and brought it up to the board to view.

Copies of the blueprint was made for everyone to view.

Bill stated that this is the business from Wrights Corners that is not operating now? Don replied yes. Bill asked how many cars would you could service at this garage? Don said I have one lift installed now but he could probably have 2 more lifts in the building. He said it will be a small business, just himself. Bill aske how cars can he service? Don said about 5 in a day. Bill asked how much parking do you have on location. Don said he has a pretty big stone parking lot there. He could put 10-15.

Troy and Jim were talking about the application. Troy was telling Don about how his application was filled out. There are 4 core questions that need to be answered regarding the variance. Some of his answers were about his business needs and expectations instead of the variance (building). Jim's recommendation is to adjourn this for right now. Don can meet with David and they can fill out the application correctly for this variance. Right now, there is not enough information filled out on the application to make a determination. Jim wants to make sure Don understands the questions and information needed. Again, Jim recommends that this be adjourned.

Troy asked Jim if the board could hear questions/concerns from the public so some of them don't have to come back. Jim said yes because he feels there is enough information for the public to speak on.

Troy asked the public if they would like to speak, they are welcome to at this time. Please state their name and address.

Jason Baldwin 6129 Godfrey Road. The building in question is directly behind his home. He does not have a problem with Don's idea. What would go on in that barn cannot be seen from the road. He is the only other owner of the 4 duplexes. He has no issues with the business being there.

LeAnn Hickey at 6117 Godfrey Road. She has no problem with the idea she just is concerned with the view out her windows and seeing a bunch of vehicles back there and it starting to look like a junk yard.

Jim stated there can be conditions put on the variance.

Michael Schultz and his father own 6116 Godfrey Road they are good with the idea. He spoke to David and asked questions. He also went to Don Sr. to get some clarification. He is all about people making a living, he just does not want to see a mess.

Ms. Hickey asked if there could be a limit on how many cars could be on the property at a time.

Jim stated that the board could put any reasonable conditions on the granting of the variance.

Michael Schultz asked if the variance was forever, or is it renewable. Jim responded with the variance runs with the land, binding with new owners. It does not have to be renewed.

Chuck asked if it was one property with the duplex.

Larry Dormer from exchange street, Newfane said that any person in the USA should not have to show a hardship on the property that they own and should prosper and continue to grow. He does not agree with that law.

Jim said Larry's objection is part of the town law. He would have had to address the legislature.

Bill Pippard addressed the board. He ran the shop prior to Don. He does not feel that there is any other viable option in the town for this business. Pippard's has been in Newfane for 20 years. It will cost a lot for Don to build a shop with the cost of real-estate at this time. Don wants to keep the business in Newfane. He feels the hardship would be Don's financial situation by not being able to do business and pay his bills and taxes etc... The town would benefit with sales tax and so forth.

Jeremy asked about his plan for signage. Don said it would be nice to put up a sign at the end of the driveway. Larry made a statement about Steins Garage not having a sign because he's been here for 40 years. His work is all word of mouth. Jeremy agreed but he said you can see Steins from the road. Marcy could not see the garage in question. Mr. Pippard asked what the zoning was on Stein's sign. Chuck said it depends on the size of the sign. Troy said they would be considered Pre-existing non-conforming use. Marcy said if he sold the property the pre-existing rule would not apply to the next owner. Don made a comment about Dave Hedley Jr. who lives

on the end of Godfrey and Lockport Olcott Road. Mr. Hedley has a big parking area behind his house and he parks all of his equipment out there and runs his business from there.

Troy said to add that information to his application regarding property neighborhood focus, as well as adding how many vehicles will be on the property at one time.

Jeremy asked who “stuff” was all of that that had been sitting at Pippards for all those years?? Mr. Pippard said it was his stuff. Jeremy was making a point because the neighbors around him don’t want junk laying around.

Marcy wants to clarify the reasons why they need additional information from Don. They want to have all information on the application so they can make a clear decision.

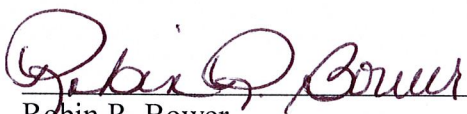
Mrs. Hickey spoke up regarding the stipulations. Chuck advised her to write down her concerns on paper and submit them to the Town and it will be documented.

Jeremy was speaking as a Board they have to think about the neighborhood now and the neighborhood in the future. The same people will not live in these houses forever. The decisions the board makes is important.

Troy asked for a motion to adjourn Chuck made the motion and Marcy second that motion. All in favor. No one was opposed. Motion carried.

Troy made a motion to adjourn meeting, Bill second motion.
Meeting adjourned at 7:57p.m.


Respectfully Submitted By:



Robin R. Bower
Zoning Board Secretary



Date



Approved by Chairman Troy Barnes



Date