

NEWFANE PLANNING BOARD MINUTES

FEBRUARY 25, 2025

Chairman William Clark, Presiding

The following Members were present:

Paul Conrad Daniel Whorley
James Evarts

Attending: James Sansone, Town Attorney
 Andrew Reilly, Consulting Engineer, Wendel
 David Schmidt, Building Inspector

Excused: Peter Russell
 Eoin Walsh
 Thomas Mays

Nouryon Solar

The Board received an update about renewed Special Exception Use Permit applications and Site Plan Reviews for three solar energy projects on the Nouryon property at 2153 Lockport-Olcott Road, Burt. The Special Use Permits and Site Plan Reviews for the three solar facilities were approved in 2022, but no action was initiated by the developer and the permit approvals expired after one year. Consultant Andrew Reilly explained that the rights to the proposed solar projects at Nouryon were transferred from Omni and are now held by Radial Power. Radial does not propose any significant changes from the proposals submitted by Omni in 2022, but because the 2022 Planning Board approvals have expired, new Special Use Permits and Site Plan Reviews must be approved. The Planning Board also previously approved the SEQR application which has not expired and remains valid. No action was taken by the Planning Board, Radial Power will submit updated application materials and another Public Hearing must be scheduled.

Dannebrock Solar

Development rights for the Dannebrock solar project at 6260 Drake-Settlement Road have been transferred from Omni to another solar energy company. It is reported that the new developer plans to continue with the solar installation but has not contacted the Town about continuing plans. The SEQR for this project was approved but the Special Use Permit application and Site Plan Review were not completed. The Special Use Permit, Site Plan Review and a Public Hearing will need to be scheduled, No action was taken by the Planning Board.

2600 Fuller Road

The Board considered a Preliminary Review of a proposal for a post-frame accessory building, which will include an auxiliary residence for family members, at 2600 Fuller Road, Burt, New York. The property is zoned Rural Residential (RR).

The Newfane ordinance addressing ‘in-law’ residences requires they be attached to the primary residence. The Planning Board is not able to approve the structure as an in-law residence because it is

detached from the primary residence; approval as an 'in-law' residence would require that a variance be issued by the Zoning Board of Appeals. The ordinance also contains an undefined provision for Auxiliary Housing and the Board and advisors discussed options available to the Planning Board to consider the proposal using this provision. The Board discussed definitions for Auxiliary Housing used by the State and other nearby communities. It was determined that the Building Inspector can make a determination if the proposal can be considered by the Planning Board as Auxiliary Housing. Further review was postponed until the Board receives the Building Inspector's determination and review will resume at the Board's March meeting.

General discussion about housing in Newfane and housing provisions of the Zoning Ordinance

A discussion was held regarding the status of the housing market in Newfane and related provisions for housing options in the Zoning Ordinance. It was noted that while Newfane's population has remained relatively stable over the decades, the town's population has aged and there is a greater percentage of seniors and retirees. This demographic change -- along with current economic factors related to increased housing costs, and because Newfane has a significant population of seasonally transient 'snowbird' residents -- has led to numerous inquiries about housing options in the community. In particular, local officials are receiving a greater number of requests to erect manufactured housing, tiny homes or housing with smaller and less costly square footage requirements. There are also increasing inquiries about erecting in-law housing, dedicated senior housing and the availability of apartment space in the town.

It was suggested that a review of the current demand and economic profile for affordable housing in Newfane would help in evaluating this situation and in determining appropriate solutions. Newfane's current zoning ordinance was established in 1999 and is principally focused on the development of traditional, wood frame single family homes. No action was taken by the Board but the following suggestions and takeaways from the discussion were noted.

- The zoning ordinance and its provisions are an influential tool that significantly impacts economic decisions, development and the supply and type of housing in the community
- Newer building technologies and cost structures need to be integrated into the local regulatory process for building approvals in the town.
- The ordinance needs to be reviewed to evaluate the kinds and types of housing available in the various zoning districts
- If wider housing options are considered, such as in-law apartment or reduced square footage requirements, the changes need to be evaluated based on their overall positive and negative impacts on the community
- It was suggested that the zoning ordinance should offer increased provisions to build apartments, in-law residences and multi-unit housing for seniors and retirees
- Improved affordable housing opportunities, such as apartments and reasonably priced homes are needed for young families and seniors
- Funding and grant opportunities are needed to update the Town's Zoning Ordinance and Master Plan

Public Input

Dan Dy of West Bluff, Olcott commented about short-term housing, the housing market in general and about vacant property he owns at the end of Edward Avenue which might be a good location for senior housing.

Max Russell of Newfane commented that he would like more focus R-2 Zoning when updating Zoning Ordinances.

A Motion was made by Paul Conrad, seconded by Daniel Whorley to adjourn the meeting.
All present voted Aye. Motion carried.

Respectfully submitted,

Mickie M. Kramp
Planning Board, Secretary

Next Planning Board Meeting March 25, 2025