

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
January 21, 2025

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

MEMBERS ABSENT: Zach Hanczarowski,

OTHERS PRESENT: David Schmidt, James Sansone, Robin Bower, Tim Teter

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

Troy introduced the board including David Schmidt, James Sansone, Robin Bower.

Troy read aloud the variance and those contacted with the 300' radius of said property.

JOAN C. COULSON, 121 Brock Run Rd. Sutton WV 26601, has applied for three (3) area variances for the following property, 5990 Chestnut Road Newfane, NY 14108, for violation of pond set back restrictions set forth in Section 5-2 (D-12) of the Newfane Zoning Ordinance, which require ponds to be at least 50 feet from any property line. The violations are as follows:

1. The west side of the north pond located on Parcel 1 as shown on a survey of the premises herein, made by 360° Land Survey, dated 12/17/2024, is indicated to be approximately 20 feet from the west line of said Parcel 1;
2. The west side of the pond located on Parcel 2, as shown on a survey of the premises herein, made by 360° Land Survey, dated 12/17/2024, is indicated to be approximately 20 feet from the west line of Parcel 2;
3. The southeast side of the pond located on Parcel 3, as shown on a survey of the premises herein, made by 360° Land Survey, dated 12/17/2024, is indicated to be approximately 20 feet from the east line of Parcel 3.

Troy asked Mr. Teter to introduce himself. Tim Teter is here representing Mrs. Coulson, who is his mother. He explained that they wanted to divide the property into 4 lots to sell. They have already attended a couple different meetings in regards to this.

Troy asked the board if they had any questions. Jim Sansone stated that these ponds are existing ponds, they were not just made. The violation was created when the property lines were made. Jim explained how the variance needs to be granted first before it can go in front of the Subdivision Committee to be passed.

Tyler asked how long Mrs. Coulson has owned the property? Tim replied that it was since 1990. Tyler asked if she purchased the land? Tim had said that she and his father did purchase the land. Marcy had asked if the land was also connected to the house as well. Tim replied yes but the house was sold approximately 5 years after the land was purchased. All of this land and more combined was also accessible on Ewings Road which has since been partitioned off and sold years ago.

Troy asked if he could explain how this situation could affect the neighborhood. Tim doesn't feel that it would affect the neighborhood at all. Tim's father always fished in those ponds and they did not have neighbors to worry about. Jim stated there was a Secor on the property and the ponds have been there. Marcy questioned how many lots were in this subdivision? Tim Teter said there were 4 total. Marcy asked if there would only be one home on each lot. There will only be one home per lot. The board and Mr. Teter spoke about the intentions of the properties by the prospective buyers. Troy asked David if the lots are buildable, David said yes.

Troy asked if there were any further questions from anyone.

Troy asked for a motion to poll the board. Tyler made the motion and Chuck seconded it. All those were in favor.

Bill grants the variance based on the lots are buildable and won't change the neighborhood. Chuck grants the variance based on the ponds existed prior to the sub-divisions and the lots are a good size and buildable.

Marcy grants the variance based on what was already mentioned and it is keeping with the neighborhood.

Tyler votes to grant the variance based on the information the board has already stated.

Jeremy votes to grant variance based on what the board has already stated.

Troy grants the variance.

Variance granted.

Motion to adjourn the meeting. Motion made, Marcy second motion. All were in favor, meeting adjourned at 7:15 p.m.

Respectfully submitted.

Robin R. Bower
Zoning Board Secretary