

TOWN OF NEWFANE PLANNING BOARD MINUTES
MARCH 25, 2025

Chairman William Clark, Presiding

The following Members were present:

Paul Conrad	Thomas Mays
Eoin Walsh	Daniel Whorley
James Evarts	

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

Excused: Peter Russell

2600 Fuller Road - accessory structure and auxiliary housing

The Planning Board of the Town of Newfane will meet March 25, 2025, at 7:00 PM, at the Town Hall, 2737 Main Street, Newfane, New York, to hear and consider the following application.

Robert Eberhart and Jessica Reinhart, residing at 2600 Fuller Road, Newfane, NY, have applied for a Special Exception Use permit, pursuant to Section 5-2 D (8) of the Zoning Ordinance of the Town of Newfane, NY, to build a post-frame storage building on the premises, which will contain an auxiliary dwelling unit for a family member. The premises is zoned Rural Residential under the Town of Newfane Zoning Ordinance, which permits Auxiliary Housing under the above Section as a special exception use. All parties of interest and citizens will be heard at the Public Hearing to be held as aforesaid.

Matthew Reinhardt was present and explained details about the placement and construction of the building and how it will be used for storage and as a residence for his father-in-law. The structure will have an appearance and design similar to their primary residence on the same site.

Mr. Brian Hellner, 2653 Fuller Road, asked about the sketch plans, auxiliary housing identification and if the structure would be larger than the house.

Pam Dunbar of Fuller Road said that the structure will be built on a site that has plenty of natural screening and it will not be noticeable off-site. She sees no reason for it not to be built and that the Reinhardt's property always looks nice.

Board members asked questions and discussed the following issues.

- Separate driveways
- What kind of siding
- Separate water meters
- Separate sanitation
- Same house number

Mr. Reinhardt noted the structure would have a separate driveway and that the siding, roof and design would be similar to and blend with the primary residence. There will be separate water meters but the house number/address will be the same as the primary residence and lot.

A Motion was made by Paul Conrad, seconded by Thomas Mays to close the Public Hearing.
All members present voted Aye. Motion carried.

A Motion to approve the Special Exception Use was made by Eoin Walsh, seconded by Daniel Whorley. Approval is subject to special provisions the Building Inspector recommends for auxiliary housing, which are defined in the NYS Uniform Fire Prevention and Building Code as Accessory Dwelling Units (ADU).

1. The ADU shall be at least 900 square feet in living area, but not more than 55% of the principal dwelling unit
2. The ADU shall conform to all New York State Building Codes
3. The ADU shall not have a separate mailing address
4. The ADU must be connected to the public sewer system where available or have on-site septic approved by the Niagara County Health Department
5. The ADU shall meet all Zoning district requirements
6. The ADU shall remain part of the primary residential lot and shall not be split to a separate lot
7. The ADU shall not be sold separately from the sale of the entire lot, including the principal dwelling unit
8. The ADU and any structure it is contained in shall have a similar profile, design and blended appearance as the principal residential structure
9. The ADU drawings, designs and site plans from the contractor or builder shall be reviewed by the Building Inspector

All members voted Aye

Motion carried.

A roll call vote was taken by Chairman Clark as follows:

Daniel Whorley	Aye
Eoin Walsh	Aye
Paul Conrad	Aye
James Evarts	Aye
Thomas Mays	Aye
William Clark	Aye
Peter Russell	Absent

Motion carried

2612 West Avenue - Forest Creek Business Park

Thomas Maxwell was present with a preliminary review for a Special Exception Use application to locate a hemp and cannabis processing facility in the Forest Creek Business Park. Mr. Maxwell has a New York State Cannabis Certificate/Permit. He explained his proposed business where cannabis/hemp will be processed at the site, but there will not be retail sales on premises. Mr. Maxwell was advised of plans and sketches the Board requires. The Board explained it will be necessary to have a public hearing but no county approval is needed. No action taken by board, a public hearing and further site plan review will be scheduled for the April 22 meeting.

Commercial Solar Installation-Nouryon, Burt, New York

The Board conducted a preliminary review of the proposal to erect three commercial solar energy facilities on the Nouryon property at 2153 Lockport-Olcott Road, Burt, New York.

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. The rights to the proposed solar projects at Nouryon were transferred from Omni and are now held by Radial Power.

Robert Lindbergh, Development Analyst, Radial Power, John McDonough, Vice President, Radial Power, and Matthew W. Mayan, PE, ENUSP Senior Project Manager, Tetra Tech were present and outlined the proposal, which is mostly the same as that reviewed in 2022 with minor modifications. Radial Power does not propose 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 Plans Reviews must be approved. The Planning Board previously approved the SEQR application for this project which has not expired and remains valid. The Board will review the applications and updated documents submitted by Radial Power. Further review and a public hearing will be scheduled for the April 22 Planning Board meeting.

A Motion to adjourn the meeting was made by Eoin Walsh, seconded by Paul Conrad

All present voted Aye. Motion carried.

Respectfully submitted,

Mickie M. Kramp
Secretary

Next Meeting April 22, 2025
7:00 pm