

TOWN OF NEWFANE ZONING BOARD OF APPEALS

2737 MAIN STREET NEWFANE, NY 14108

April 21, 2026

MEMBERS PRESENT: Chairman Troy Barnes, Jeremy Irwin, Charles Maynard, Marcy Ferington, Geoff Harding

MEMBERS ABSENT: Tyler Finley, Bill Koller

OTHERS PRESENT: David Schmidt, Cory Weber Attorney for the Town, Robin Bower and 16 Residents

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

Troy opened the meeting and introduced the board as well as Cory Weber, our building inspector, David Schmidt, our secretary and our town deputy clerk, Robin Bower.

For the record, all parties that live within 300' of these variances were contacted.

Troy read the variances.

Please take notice that the zoning board of the town of Newfane will meet on April 21st, 2026 at 7 P.m. at the Town Hall, 2737 Main Street, Newfane, New York, to hear and consider the following application.

Michael Anderson, Abstract Architecture PC, on behalf of property owner Timothy Craig has applied for an area variance under the new things zoning provisions upon premises known as 1531 Jackson Street, tax map number 528-1-48, which is located in an area business district to construct additions to an existing single family dwelling, which additions will result in a rear yard setback of approximately 13.6 feet, where a minimum rear yard setback of 25 feet is required in the Marina Business District under Section 270-6.3 of the Newfane Town Code. All parties of interest and citizens will be heard at the public hearing to be held as for set.

Michael Anderson was not in attendance. A motion was made to table for next meeting? Motion to table. Chuck made the motion. Marcy second the motion. Any questions? All those in favor? All were in favor. Motion is carried. Variance tabled for next meeting.

Troy read the second variance.

Please take notice that the zoning board of the Town of Newfane will meet on April 21st, 2026 at 7 P.m. at the Town Hall, 2737 Main Street, Newfane, New York. to hear and consider the following application.

Adam Seibert has applied for a use variance under the new thing zoning provisions upon premises known as a lot on Charlotteville Road, tax map number 39.00-1-39.1 to construct and operate a self-storage facility consisting of approximately 90 units upon the above premises, which is located in the community facility district, where such use is not permitted. All parties of interest and citizens will be heard at the

public hearing to be held as for said. Troy asked if you'd like to stand up, tell us a little about your proposed projects.

Adam S. is here regarding a parcel Charlotteville Road near Transit Road and the Health Care Center. My partner Jerry and I are proposing to develop approximately 2 acres of the larger 8-acre parcel into a clean professionally maintained storage facility. The remaining land would remain open for future compatible uses or buffering. The site of use is low traffic, low noise and low impact compared with many commercial developments. There will be no manufacturing, no late-night activity, and limited daily traffic. The site will be designed for proper drainage, attractive appearance, controlled lighting, security measures, and landscaping to fit the area. Being respectful to neighboring properties and nearby community uses. This project can provide a needed local service for residents, small businesses, and people needing secure storage for household goods, seasonal items, boats, or equipment. The goal is to improve the property, invest in the town, and work with the board on any reasonable conditions or concerns.

Troy asked if anyone on the board have any questions?

Chuck asked that you acquired this on February 18th? Adam said that's correct. Chuck asked if that was through an auction? Adam said no, that was the prior owner.

Jeremey asked how far back would you be starting construction as far back your setback from the road? It's roughly 120 feet Adam stated. Jeremey asked are you looking to do storage units or outdoor storage of boats and also RV storage? Adam replied yes, both if possible. Adam stated he will work with engineers to make sure everything is correct and making sure we comply with the town. So, would your goal be to develop most of the property at, obviously not all at once, but future use would be to use? Yeah, if the town needs it, you know, I know that the other facilities, storage facilities in the area are, they're on waiting lists. So, it just seems like there's more of a demand.

Marcy said, you mentioned that there would be lighting. What kind of lighting? How long will the lighting be on? Adam said it would be motion detection. Marcy asked if there would there be a gate? Adam answered, yes. Do you have an office? Adam said there's no plan for an office right now. Marcy asked if there would be like a key card or something that people can get in and out? Adam responded, yes that's correct.

Troy asked if anyone in the public have any comments or questions? In fact, before you start, if you just stand up and state your name and address for the record.,

Robin McFarlane 6252 Charlotteville Rd. Robin stated that the property would butt up to hers in the back behind Chuck's. You want to build behind Chuck's house, so I'm going to visually see this all the time. Adam stated, there's a lot of trees and things, so we're going to try and keep it pretty, you know, secluded as far as keep as much brush as we can. Robin stated, I don't see how I'm NOT going to see it.

She also asked about the lighting and the drainage is a big question. We did touch on that, but I'm already a swamp there and it's only going to get worse. She also commented on motion detection lights and will the whole facility will be fenced in? Adam replied yes. Robin asked if they were building a single layer single layer. Adam replied yes.

Robin said you may want to develop the rest of that property later. With what? Adam said that's probably not going to happen. Robin said that's just it, probably, but if you get the variance, you can and I don't want anything else back there. She stated she did not move to the country for that. She has been here for forty-three years. There will be added traffic right next to my house, and Chuck's house. People will have key cards to access the storage units. They're not all the best kind of people, putting things in the units. They could very well be on my property. So, there's security issues.

Rick Jolly who lives at 6260 Charlotteville next to Robin. He wanted to say he understands you're going to have motion detection lights, and there is wildlife out there and people keep pushing them out. The deer will go by that detector and the lights are going to be flashing left and right and once you get your foot in the door, 2 acres, 3 acres, 4 acres, the next thing you know is you change the zoning and it's not residential no more.

Jeremey stated that it is not zoned residential right now.

Mary Ann Jolly 6260 Charlotteville Rd, we have 13 acres and so we go back. We're used night and day. Having flashing lights back there is going to be an issue for us. Traffic, it's going to be night time. It's always 24-7 for the storage units. You're not going to be able to stop them unless you turn off your gate. Another issue I have is with the element of we have so many storage units already in the area. I really don't care that they have a waiting list. They can always go to Lockport, Wright's Corners. There's so many around. The only one that has a waiting list that I know of is Eagle storage. The next thing I had was in regards to the R1 versus CF zoning that you have on this property. This property was obtained by the hospital, during the Claire Hare stage, and she purchased the property. At that point, it changed from being residential to CF, only because it became part of a hospital. It was never used. And here we have now several flips took place that I can see that we have here. We have the treasurer from Niagara County who put himself as the seller of the property on September the 18th with a trustee deed, and he shows the buyer being Niagara County, then within a week of that, we have no money shown on there, so I would gather it went with the value of 23K, which I think was what it was back in the day. Then we have September the 25th, we have this seller being Niagara County, then it goes to a Nicholas Curtis quit claim deed, and it's showing \$23,800. That was on September the 25th. Another place showed it September 30th. I don't know why there's a difference there. Then we have February 4th with Nicholas Curtis. I'm actually curious as to what the relationship with Nicholas Curtis and the treasurer

with Niagara County, because within a week, he's handling all things, and I don't know whether with the quit claim deed that's giving him, because it's going from trustee capacity to him being at least not held responsible maybe for things on title. So maybe it was a quit claim for him to look for a buyer. Why haven't they switched it to an R1 zoning? Because it's no longer part of the hospital. So no longer should be a CF. That's the issue I'm having with it. But not only are you asking for a variance for it being a CF, community facility district, but now that since it's no longer part of the hospital, it's no longer a community facility. It's actually a residential one, or I guess RR if you wanted to go that way, but I don't think so. I think R1 was where you'd go. So, then it would even be harder for you to get a change of use variance or whatever. He wants a variance on a CF. It shouldn't even be CF. It should be residential, it's close to schools. I am concerned about a criminal element. People possibly stolen stuff being stored there. That's something that I'm concerned with. Oh yeah, yeah. Really bad conspiracy theories, making drugs in there. But we do have an issue with the zoning in the first place. Since we are a residential one area, and that property was a residential one before the hospital purchased it. And that's the only reason why it became a CF, because the hospital needed a variance because it actually fell into the code, hospitals, churches, some other recreational things. Yours is actually more, in my capacity, very commercial, almost industrial. This is going to a totally different level, and it's going to impact our property values. It's going to impact our traffic. There's a lot of concern. I believe you're creating what they call a self-created hardship in this case. You ought to have known when you purchased the property that what you were planning to put on it was not going to be acceptable for the zoning, that it is CF, let alone the R1. I do believe the issue you have created yourself a hardship. You're already starting to take trees down, make up a driveway, we passed you as you were digging up a driveway in there acting like this is a done deal.

Jason Jackson who lives at 6261 Charlottesville Road, across the street from the property. As my neighbors have stated, I have the same concerns that they do with the lighting and everything. My other concern is the property value. What does that do to our property values when we go to sell? I've been in my house for the last 20 years. The lighting is a main concern. I have two small children they play with these children next door. They ride their bikes up and down the road, it is a 35 mile an hour zone. The nursing home is near and we have cars coming and going all day long. A lot of them, 50, 60 mile an hour in a 35 mile an hour zone. I'm worried about that. I was also talking to a friend of mine today, and I'll ask you guys the same question. He said to me, have you ever used a storage facility? And I'm going to ask you, the board, have any of you ever used a storage facility? Most likely not. And there's a reason for that, it draws undesirable people, people who are evicted every other week out of their departments, need a place to store their stuff.

Sandy Croisdale who lives at 6251 Charlottesville Road. I have met this gentleman. My husband and I have been there since 1972. A lot has changed in Newfane I know Mr. Capell who owned that property. He had all of that acreage. It was wonderful.

He was out there at least twice a week, and it was it was positively wonderful. Well, anyhow, in my estimation, this is a residential area. We all are in agreement, we do not think this is appropriate for that land.

William Gross, 6231 Charlotteville Road, directly across from the Nursing home employee parking lot. We are worried about the increase in traffic. We don't have kids anymore in the area, but I worry about our neighbors' kids with the employees going in and out of that parking lot. The speed zone is 35 miles an hour. People are going 60 in front of my house, which is the last house before the stop sign. We will see an increase traffic, whether it's during the day or at night. People will use that facility 24 hours a day, if that's available. The building will look industrial, and we're not in an industrial area. We understand that the nursing home is there, but the nursing home has been there for over 50 years.

Mrs. Gross who also lives across the street with Bill Gross. I just would like to add that I'm in agreement with everyone here, and it's my understanding that there has to be a burden of proof. I don't see any of those arguments indicated here, so I don't understand the process of this effort if an approval is provided and understanding why.

Don Tubo who lives on Transit Road 2755. I've seen this before. I live next to a mess. You granted the church to have buy that property, they stripped the property and now we have nothing but junk. The whole place. The Town raised my taxes. You didn't take care of the mess. I'd go to the town and complain about the speeding up and down Transit Road and it continues. I call and the town says "Oh, we're working on it. We're working on it". Nothing has been worked on. Now you got the owner, the church that's not building there. Now there's no trees. The Church property I always used to hunt on and I have been all over the property and there's deer, there's all kinds. So, no matter what tree you put there, they're eating it, other than a pine tree. That back property is nothing but a water hole. There's no way to drain it. When they build on that property, they got to build it up. The water from that property is going back and forth, east to west from their property. I know what it's like. I've lived there 30 some years now. That used to be the old snowmobile trail back in the day. I drove four-wheelers down there, and there were ruts knee deep back there. There are no set plans here. There's no reason to grant them a variance for anything. The variance the church received they didn't build, and now look at what we got, a mess. If they start to build then they quit. What do we have then? Stripped out property and nothing but a mess again. Besides we already have 3 storage facilities in town here, and one in Wrights Corners. I don't think we need any more. Let's get something useful in town. Thank you.

I'm Lisa Randolph. I live at 2747 Transit Road. I've lived in that house for 27 years and we built our house on that property for the reason that we had all that woods back

there. It's beautiful back there. We have moved from Lockport to Newfane because it's a rural, natural community, small community. I don't want a storage unit in my backyard. I don't want to see lights in my backyard. I don't want to see people that I don't know walking around back there, and I don't know what they're doing.

My backyard is already swampy and I'm going to have even more water in my yard if that facility goes in. There's a lot of natural habitats back there. There's a lot of wildlife back there. I have my deck, I have my porch, I look out there, I enjoy seeing what I'm seeing. I don't want to be looking at lights and listening to garage doors and traffic going in and out and crime. No, thank you.

My name is Allison Pearson Smith. I live at 6241 Charlotteville Road, directly across from where you're putting in the driveway for your facility. I have three kids who play in the area. They play with other kids down the street. I want to kind of have everybody else in the sense that I'm concerned about safety, I'm concerned about increased traffic that's not our community people. You're bringing outsiders into the area that don't know that it is a residential area. There are children, there are schools. There are kids that walk up and down Charlotteville Road because there is not a sidewalk. and they have to walk to and from school or to and from town activities. So, I am concerned from a safety standpoint. I'm also concerned from the standpoint of how this hardship was created if you knew that this was zoned as a community facility zoning. Seems like it should be residential. When we purchased our house about three years ago, we moved there because it was a residential area and we liked it that it was kind of seemed rural, but we were still within the town limits. If you knew that it was not zoned for what you wanted to build there, why purchase the property? There has to be other commercial property available elsewhere, maybe Lockport, where you would get where you would get more people who need it. I know you said that there is the need in our community, but if some of these facilities within a 10-to-15-minute drive from us have units that are available to rent, how does that make sense that there's a demand for the service. Would like to see how that's been proven, that there is a hardship in our community, is there even a need for this. How does this financially benefit our community? If our property values go down, that decreases tax revenue for Newfane. If there is increased police presence due to monitoring the area, that's tax dollars that are allocated elsewhere right now, they're going to be allocated to that patrolling. All of the things that have been said with the lights, and we live directly across the street, we hear a lot of noise There's traffic in and out of the nursing home. With the increase of traffic, it going to negatively impact not only my life, but my children's life. The property could be used for something that would benefit not only the current generation, but generations to come. Granting this is going to set a precedence for this kind of project in the future. But I don't know if the argument has been made is going to positively impact our community.

Mrs. Jolly asked if we can get a copy of the minutes so we can make sure that all of our items, our concerns were recorded properly and addressed. Would there be a

copy of the actual application posted? Robin stated that the minutes are posted on the Newfane website. Mrs. Jolley asked if the application is posted, or is it just copies here, or it's also on the website? Robin Bower said it's the variance itself.

Cory said the application is not on the website, just the variance.

Allison asked if Adam if this business would create jobs? Adam said we could.

There would be mowing and snowplowing. Allison remarked, that is only 2.

Troy asked that questions either directed to the board or comment. Does anyone else have a comment or question?

Larry Dormer from Exchange Street, if you're not going to have an office, how are people supposed to contact you and get an application?

Adam replied anyone can go online and phone calls.

Larry asked, there'll be no personal contract, no background checks, things of that sort?

Adam replied that they don't do back ground checks.

Mrs. Jolley asked if the applicants live in the area? If they were going to get this variance, would they be around to address issues that might come up in the neighborhood? Where do they live?

Jason Jackson asked where? Adam said Niagara Falls OK, because I had you listed in here.

Troy asked for any other comments?

Board, any questions or comments?

Chuck asked if Adam owns any other facilities currently like this, or is this going to be your first one? Adam replied this is the first one.

Marcy asked when you bought the property, you bought it to put the storage facility on?

Adam said based on the facility zoning, I thought that it would be possible to do put the storage facility on it.

Marcy asked if Adam look into it before you started?

Adam said he looked into it.

Robin saw that property posted for sale and it clearly stated what the zoning was. And what the zoning meant, it meant doctor, school, hospital, church.

Troy stated even if it wasn't posted, it's their responsibility.

Robin said that's right. But it was posted when he purchased it. It was right on there.

Any other questions?

Chuck made a motion to poll the board. Jeremey second the motion.

Troy all those in favor? Aye. Those against? Non one against. Tyler and Bill were absent. Motion carried.

Chuck stated as many of the neighbors have pointed out, and this board as well, one

of the key measures is how the hardship was created, why it exists and Since you recently purchased this, it wasn't something that you've had for a period of time. I don't see anything other than self-created hardship. I do share their concerns of the impact to their neighborhood. Some of their concerns, and this is for them, is this is your property if it fits within the zoning that you're allowed. You can still build there. You can build doctor's offices in the church or whatever. So those swamp issues, that's still going to exist. That'll be the planning board, as Troy pointed out. It's this hardship and whether it was self-created. I think it was self-created and therefore I'm in the vote to deny the request for the variance.

Marcy will also deny the request for the variance. I think the zoning. I do believe it's residential area more so than industrial or business. The self-inflicted hardship I don't think you really proved that. I think maybe you should have looked at the zoning before you purchased it.

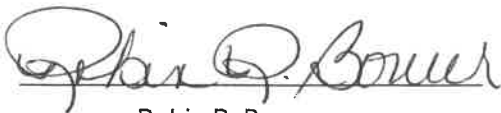
Jeremy denies the variance as well. The self-created hardship is the biggest thing. and I don't feel like you met it. Come to us before you buy a property or go to the owner to do that to make sure because nobody wants you to buy a property you can't do anything with.

Geoff denies the variance as well because of the hardship issue.

Troy will also vote to deny; I don't think it matches the character of the neighborhood. It is not just the self-created hardship; I don't think it really through lack of reasonable return. Like Jeremy said, this could easily revert back to a residential use. The price you listed here seems like a very reasonable residential lot. Your variance request is denied.

Jeremy made a motion to adjourn. Marcy second the motion. All in favor. Aye
Bill and Tyler were absent. Meeting adjourned at 7:36 p.m.

Respectfully submitted.

A handwritten signature in dark ink, appearing to read "Robin R. Bower". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Robin R. Bower
Zoning Board Secretary