

**TOWN OF NEWFANE ZONING BOARD OF APPEALS**

2737 MAIN STREET NEWFANE, NY 14108

March 17, 2026

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

**MEMBERS ABSENT:** Tyler Finley

**OTHERS PRESENT:** David Schmidt, Att. Corey Weber, Robin Bower, Charles and Paula Dahlke and 2 residents

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

Troy introduced the board including David Schmidt, Corey Weber, Robin Bower.

Troy stated for the record there were residents within 300' of said property were contacted.

Laura Marsh, 6182 Toledo Pl, Haymarket, VA 20169, has applied for Area and Use Variances under the Newfane Zoning provisions, upon premises known as 5780 Main Street, Olcott, New York, Tax Map No. 14.07-1-35, located in the Marine Business (MB) District. The applicant seeks to demolish an existing vacant building and construct 4 rental units and 1 single family residence on the property. The applicant seeks a use variance from §270-6.2(A)(1) of the Town Code, which limits residential use in the Marine Business (MB) District to dwelling units located over a first-floor non-residential use and does not permit a multi-family dwelling as a principal use. Also, the applicant seeks area variances to address applicable dimensional requirements of the Marine Business District.

Charles Dahlke from Life by Design introduced himself and stated he is here on behalf of Laura Marsh. He explained the idea as one residential home and four rental units that would be furnished. The idea of the four units becoming a short term or long-term rentals have not yet been established. He has presented the board with a layout of the area including all measurements of all the buildings.

The board was opened to ask any questions they may have.

Geoff asked if there was an architectural drawing of what the homes would look like? Mr. Dahlke said no he does not because if the variance is not granted it would have been a waste of time. Mrs. Dahlke said they have an idea of what they would look like, including a visual of the front for curb appeal. The ideas and drawings are all within the parameters. Bill asked how many parking spots would there be? Mr. Dahlke said there would be eight and the single-family residential home would have their own private garage. The rentals would have 2 parking spots each. Troy asked if the private residence would be owner occupied? Mr. Dahlke said yes it would. Mrs. Dahlke added that Ms. Marsh lives in Virginia but is moving back home. She has a lot of friends and family in the area. Geoff asked if the building was still there. Mrs. Dahlke replied that it's gone. Ms. Marsh signed off that the Fire Company could do fire training at the home. Marcy asked if they were going to the planning board to get a Multi family dwelling permit? Mr. Dahlke said no because it is not a multi-family dwelling, they are Town Houses. David reminded him that at the beginning, he said they would be Short Term Rentals and if they are Town Houses they have

different regulations. Mr. Dahlke was saying that they need to build it under the Residential code because anything else a sprinkler system would need to be installed and that would stop the entire project. Corey also stated that there were different regulations for Town houses. David asked why he would make them Town Houses and not a Short-term rental? Mr. Dahlke said he wanted to work within the residential rules so a sprinkler system does not have to be installed. Marcy was stating what Mrs. Marsh was building and then asked Mr. Dahlke why he was not sure if the 4 units would be long or short term? He explained that they were here to get a variance for non-residential use on the first floor. The board discussed amongst themselves with Corey, the town Attorney about the variance. Troy was informing Mr. Dahlke about the set-backs and different requirements for Town Houses. Mrs. Dahlke expressed that Mrs. Marsh would like to rent short term and possibly long term. Marcy asked if Mrs. Marsh was going to live here full time or seasonally? Mr. Dahlke said full time. Mrs. Marsh is building a primary residence on the property. Jeremy asked what was the total square feet on the apartments? Mrs. Dahlke said it would be 960 sq ft. Marcy asked what the hardship? Mr. Dahlke said that there are only a handful of business' in the area on the West side of the bridge and the town is telling Mrs. Marsh to create a business where no one goes and it is predominately residential houses. Marcy explained that there are business' in the area. The Boat doctors directly behind the property in question and across Route 18 there is a camp ground, motel a restaurant and a gas station. Mr. Dahlke wants to know what is the difference with the Motel and the rentals Mrs. Marsh wants to build? Marcy wasn't sure what the hotel, gas station etc. was zoned. Charles asked that wouldn't the rentals be the business? Mr. Dahlke was stating that the zoning laws says there does not have to be a business on the property but there is to be non-residential occupancy on the first floor. Everything that is on ground level would have to be non-business occupancy, including Mrs. Marsh's house. Bill asked what floor would the bedrooms be on? Mr. Dahlke said the 2<sup>nd</sup> floor. Chuck is saying that the hardship is Mrs. Marsh wants to create business by renting, therefore she needs the first floor for that. Mr. Dahlke felt that when he was at the planning board presenting his case, every idea that he had to satisfy the zoning ordinances was negated he came to the Zoning board to get a variance from this requirement for a non-residential use requirement. The board discussed what zones the local businesses were. Troy feels that it is considered permitted accessory use for owner occupied and short-term rentals are a special exception, and it should go to the Planning Board.

Troy asked anyone in the audience for questions. Brad Lederhouse co-owner of the homes next door from Mrs. Marsh's property, the address' are 5782-5788 West Main Street. He stated that it looks like a lot going on a small plot of land. Mr. Lederhouse is not for it or against it, he just doesn't know what is going on there. Marcy pointed out that he has .32 acres and Mrs. Marsh's is .18. David showed Mr. Lederhouse a drawing of the proposed site. Mrs. Dahlke stated that the set backs on the property met all of the requirements. Troy asked Mr. Lederhouse if he had any further questions. Mr. Lederhouse wants to know why Mrs. Marsh put her residence in the back of the property facing Jackson instead of facing Main Street. Troy suggested that question would need to be directed to the Planning Board because it has to do with the site plans. After much discussion about the look and placement of the homes, Mr. Dahlke was explaining that if they can't get the variance for residential use on the first floor then there will be no design, because she is not interested in putting a business on the first floor. If the homes are going to be named Townhouses and they need an area variance for a set-back for that and the Zoning Board is the one to make that decision, then he would hope it could happen tonight. The board discussed with Mr. Dahlke the steps he has to make. Mr. Dahlke was concerned why he needed to go to the Planning Board if all he wanted to do is build a residential home. The board reminded him he is in a MB District, which is Marine Business and the Planning Board would have to review the plan. Mr. Dahlke asked if there was an Architectural Review Board in Newfane? David said no we don't. Mr. Dahlke said then how can the Planning Board tell me what my building should look like? Corey said they review they site plan. Corey explained that ultimately Mr. Dahlke would be going back to the planning board if the

plan is to have an STR. Mr. Dahlke wasn't aware he would need sight plan approval if it is residential, but it is because the property is in a (MB) Marine Business district that he now understands.

Troy asked Mr. Lederhouse if he had any other questions? Mr. Lederhouse said, no. There was discussion amongst the board, attorney and building inspector about the zoning vs business of an STR vs. a residential home in a Marine Business district. Ultimately, the planning board does not recognize a Short-Term Rental as a business.

Troy asked if there were any other questions from the board?

Chuck made a motion to allow first floor residency. Jeremy second the motion. Troy asked if all were in favor to poll the board. All said Aye, no one opposed.

Bill grants the variance based on acceptable sections on the laws.

Chuck will grant variance based on the area is highly residential and Mrs. Marsh is replacing a home that was once there.

Marcy will grant the variance for residential on the first floor.

Jeremy will grant variance.

Geoff will grant variance.

Troy will not grant variance.

Tyler -absent

Variance for first floor residency is granted.

There was a discussion about the Setbacks and regulations of Townhouses in the Town of Newfane between everyone.

Troy asked for anyone to make a motion.

Troy made a motion to accept the proposed plan layout and that they don't change and will not exceed the proposed dimensions and set-backs and grant the area variance on which ever use you choose. Troy also made a motion on any area requirements will not exceed what is laid out on the site plan numbered C-125-094 Life by Design for Town house area requirements by the Town of Newfane code. Jeremy second the motion. All were in favor to poll the board. No one was opposed.

Bill votes to grant the variance based off of the drawings of the site plan. It does not hinder traffic.

Chuck grants the variance because it does not hinder the character of the neighborhood.

Marcy votes to grant the variance as long as it stays within the variance requirements.

Jeremy votes to grant variance.

Geoff votes to grant variance.

Troy votes not to grant variance.

Tyler – absent

Variance is granted.

Jeremy made a motion to adjourn. Marcy second the motion. All were in favor, motion carried.

Meeting adjourned 8:00pm

Respectfully submitted,

  
Robin R. Bower, Secretary