

TOWN OF NEWFANE ZONING BOARD OF APPEALS
2737 MAIN STREET NEWFANE, NY 14108
September 15, 2026

MEMBERS PRESENT: Chairman Troy Barnes, Jeremy Irwin, Tyler Haley, Charles Maynard Geoff Harding, Bill Koller.

MEMBER ABSENT: Marcy Ferington

OTHERS PRESENT: Mr. Czelusta, Mr. Gavin and three 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 all residents within 300' of said property were contacted.

Troy read aloud the variance.

Gordon M. Czelusta, has applied for an Area Variance under the Newfane zoning provisions, upon premises known as 5576 West Bluff, Olcott, New York, and identified as SBL No. 14.06-1-28, to establish the above premises as a buildable lot, which premises are located in an R-1 District, and consists of a lot having a width of 87.29 feet, which is in violation of the Town's zoning provisions, which require a lot width minimum of 100 feet in an R-1 District.

Mr. Czelusta explained he bought property on the West Bluff across from him in 2021 or 2022. He was advised that the property did not meet building specifications to build. He now has the property for sale and the interested buyer thought it would be proper for him to get a variance instead of the interested party try to get a variance after they bought the property.

Troy spoke about the previous meeting in August that Mr. Czelusta did not attend. There were two residents that asked questions about the property. Their questions were about what were the intentions for the property?

Mr. Czelusta assumes the interested party wants to build a home. The sale is being handled by a realtor so he is not sure of the details.

Troy asked the board for any questions. No questions from the board.

Troy asked the public for any questions or comments on this variance. No questions.

Bill made a motion to poll the board and Jeremy second the motion. All were in favor and no one opposed. Marcy was absent. Motion carried.

Bill will grant the variance. The West Bluff characteristics are small properties. It would not change the character of the neighborhood.

Chuck will grant the variance because it is keeping within the character of the neighborhood.

Tyler will grant the variance.

Jeremey will grant the variance. It will not change the neighborhood.

Geoff will grant the variance.

Troy will grant the variance based on the same sentiments the board has already mentioned.

Variance was granted.

Troy read aloud the second variance.

John Gavin, has applied for an Area Variance under the Newfane zoning provisions, upon premises known as 5657 West Bluff, Olcott, New York, and identified as S.B.L. No. 5.80-1-11, and specifically upon that portion of said premises lying southerly of West Bluff Road, which portion the applicant proposes to establish as a separate lot by subdivision and to use as a buildable lot for the construction of a one-family dwelling of approximately 750 square feet, which premises are located in an R-1 District, and which proposed lot consists of a lot having a width of between 37 feet and 62 feet, a lot area of 5,396 square feet, and a lot depth of 111.5 feet, and upon which a rear setback of 31 feet is proposed, all of which is in violation of the Town's zoning provisions, which require a lot width minimum of 100 feet, a lot area minimum of 20,000 square feet, a lot depth minimum of 200 feet, and a rear setback minimum of 50 feet in an R-1 District.

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

John Gavin bought this property a year ago with his mom, she has since passed. He is originally from Niagara Falls. He has a career in Nashville as well as a home there. He has family that live here locally. He would like to add a small home across the road on the property of West Bluff. He wants his family to be able to visit and have somewhere to stay. He knows it does not fit in with the zoning of the area, but the zoning was created after the small homes were already built.

Troy asked the board for any questions.

Bill asked if he was separating his lot? Mr. Gavin said that this would be the best thing to do. He is open to any suggestions.

Jeremey stated that this is a perfect example of an Accessory Dwelling Unit.

David stated that we are working on that now but is not in effect at the moment.

Jeremy explained how the lots work on the Bluff. The owner has property on both sides of the road. He asked John if this home would be a seasonal home or year-round?

John said he would use it all year round. Between his family and the hot weather in Tennessee. He wants to be here in New York as much as his schedule allows him as he is semi-retired at this point.

Charles asked if his home was on the lake side? John said yes.

Bill asked if the small home would be across the street from the lakeside home?

John said yes and stated that he had just bought the home last year and that he is in for the long hall and is not going to "flip this house".

Charles needed clarification on the split of the lot. The total lot has a piece on the lake side and the North side of West Bluff. Most all of all the homes on the Bluff have the same property scenario.

Corey explained the legal terminology of the size of the lot. David explained how they determined the size of the home and the set-backs and meeting the minimum size requirement of the home.

Troy confirmed with John that he is staying within the character of the neighborhood as well as the aesthetics.

Troy asked the public for any comments.

Charles made a motion to poll the board. Bill second the motion. All were in favor and no one was opposed. Marcy was absent. Motion carried

Bill grants the variance. Olcott is a very unique situation and as you drive through out Olcott you see homes right by the road. This home will not be out of character and will not affect other properties.

Charles grants the variance. He states that it will not affect the character of the neighborhood. He does not see any of the neighbors here to oppose it.

Tyler votes to grant the variance. He agrees with the area of the home being built has the same characteristics.

Jeremey will grant the variance.

Geoff will grant the variance.

Troy will grant the variance. He agrees with the board.

Variance granted.

Charles made a motion to adjourn and Jeremy second the motion. All were in favor and no one was opposed. Marcy was absent. Motion carried.

Meeting adjourned @ 7:15p.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, Secretary