

TOWN OF NEWFANE PLANNING BOARD
August 26, 2025

The following members were present:

Presiding: William Clark

Paul Conrad	Thomas Mays
Eoin Walsh	Daniel Whorley
James Evarts	Peter Russell

Attending: James Sansone, Town Attorney
David Schmidt, Building Inspector
Joshua Rogers, Consultant, Wendel Engineering

Hedley Boatyard, David Hedley, 1544 Cooper Street, Olcott
Public Hearing - Special Exception Use Permit for Short Term Rental

Mr. Clark read the public notice and opened the Public Hearing to consider the application for a Special Exception Use Permit to operate a Short Term Rental Establishment, pursuant to Section 260-5, Local Law #1 of the Code of the Town of Newfane.

Mr. Hedley was present. Board member Thomas Mays asked is this a new built, Mr. Hedley said no, it has been a long term rental I've owned for 20 years and I am converting it to a short term rental. Mr. Mays asked habout the size of the bedrooms, Mr. Hedley said they are 12 by 12 and there is ample off-street parking. Board member Walsh asked about the fire extinguishers, noting they were not checked on the application. Mr. Hedley said there are two fire extinguishers and the cottage is small, everything is brand new.

Larry Dorman, Exchange Street said that anything Mr. Hedley does is always done professionally.

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

A Motion was made by Eoin Walsh and seconded by Paul Conrad to approve the application for Short Term Housing, Special Exception Use Permit.
All members voted aye. Motion carried.

Joshua Harkleroad, 1911 Phillips Road

Special Exception Use Permit for auxiliary housing on premises

Mr. Clark read the public notice and opened the public hearing to consider installation of auxiliary housing on premises known as 1911 Phillips Road, Burt. The auxiliary residence will be a 12 x 30 foot pre-fabricated manufactured unit (tiny home) to be used as a mother-in-law residence, pursuant to Section 5-2-D-8 of the Newfane Zoning Ordinance which permits auxiliary housing.

Mr. Hackleroad was present and explained his proposal to put a 12 by 30 ft cabin on his property for his mother in-law. Board member Thomas Mays asked if it was stick built or modular. Joshua said it was a shop manufactured structure built by McKinley High School students. The structure meets NYS building codes but does not meet minimum square feet requirements of the Newfane ordinance. Mr. Mays asked if it will be permanent structure? Joshua said yes, after his mother in-law is finished with the house it will be used for guests or for his son. Board member David Whorley asked how far it will be from the property line and Joshua said 70 ft. Board member Peter Russell asked about the height of the ceilings and Joshua said the ceilings are normal size 12 ft.

A Motion was made by Paul Conrad and seconded by Thomas Mays to close the public hearing. All voted Aye. Motion carried.

A Motion was made by Peter Russell and seconded by Daniel Whorley authorizing conditional approval of the Special Exception Use Permit for the installation of auxiliary housing on premises known as 1911 Phillips Road, Burt. Approval is conditional upon the Zoning Board of Appeals granting an area variance to allow a residence with fewer square feet than that permitted by the town ordinance. Planning Board approval is also provided with the stipulations that the auxiliary housing cannot be sold or subdivided from the primary residence, and when use by the family concludes, the owners must return to the Planning Board to seek approval for any use that requires Board review or is not in compliance with the town zoning ordinance.

All members voted Aye Motion carried.

A roll call vote was taken:

Daniel Whorley	Voted Aye	
Eoin Walsh	Voted Aye	
Paul Conrad	Voted Aye	
Thomas Mays	Voted Aye	
Peter Russell	Voted Aye	
William Clark	Voted Aye	Motion carried.

Operate a home based business upon premises

Chairman Clark read the public notice, opened the public hearing and explained that 2760 Brown Road is in an agriculture and residential area where a business requires Planning Board approval. Mr. & Mrs. Hetrick are proposing a cottage style bakery on their property.

Board member Eoin Walsh asked about parking. Keith Hetrick said there will be plenty of parking on the property and there will not be parking on the road. It will be a pole barn style building situated 250 ft. off the road. Keith said the neighbor to the south, Scott Kerwin has no problem with the bakery. Lindsay Hetrick said the business will have very limited hours and days of operation and sales would be onsite retail or pickup, there will not be production for offsite distribution. Keith said the building will have preparation and retail sales in front and the back will be storage. Keith said that health department restrictions apply to the type and size of equipment they use and that they are not using a commercial stove.

A Motion was made by Eoin Walsh and seconded by Daniel Whorley to close the Public Hearing.

All members voted Aye Motion carried

A Motion was made by Eoin Walsh, seconded by Daniel Whorley to approve the application for a Special Exception Use Permit with stipulations there be no parking on the road, the structure be limited to 40 by 60 ft. and that lighting and signs comply with the town ordinance.

All members voted Aye Motion carried

Omni USG Newfane Drake Settlement Solar, 6260 Drake Settlement Road, Burt
Site Plan Review and Special Exception Use permit application

Continuing review of the OMNI USG proposal to develop a 5 megawatt solar energy project on property owned by Patrick Dannebrock, pursuant to the Solar Energy Local Law of the Town of Newfane.

Planning Board member Peter Russell recused himself as a voter on the project because he owns the adjoining property and is in negotiations with USG and the property owner regarding an easement for the project.

Chris Mavity, of UGE, USA, LOC, 417 Fifth Avenue, Suite 9833, was present with a presentation and update of the project. It will include resized modules for the solar panels. He noted the Stormwater Pollution and Decommission plans are complete and they are working on detailed design sets. Work continues to coordinate project requirements with NYS Department of Agriculture and Markets and NYSEG. Recommendations from Town of

Newfane Engineers are being reviewed and incorporated into the designs by USG engineers.

Town of Newfane solar consultant, Joshua Rogers of Wendel gave an update about their review of the project engineering and site plans, which includes recommendations from the Planning Board and public comments.

Chairman Clark said a draft resolution and a draft building permit, with proposed stipulations and requirements, have been prepared to assist the Planning Board in organizing their review and arriving at a decision.

Board member Eoin Walsh asked about project bonding. Chris Mavity noted that as the project plans are finalized and costs are more certain, they will meet with the Town and prepare an agreement.

Chairman Clark noted that at last month's meeting concerns were expressed about hazardous materials or contamination risks on the project site, but a review by Wendel and USG did not find evidence to support this claim.

Neighbors have raised questions about the proximity of power lines and poles leading to the National Grid lines on Transit Road. Brad Marble, LLP, representing Rita LaFountain, said he spoke with National Grid about the location of the power poles and their infringement on his client's property. Mr. Marble said Mrs. LaFountain is not willing to give up any of her property, which the project's current design would require.

Chris Mavity of USG noted the pole placements were determined by National Grid and USG was not notified of this conflict.

Mr. Clark noted that USG needs to contact National Grid about this conflict and report back to the Planning Board at its September meeting. Planning Board attorney, James Sansone said something in writing should be provided by National Grid about proposed pole placements.

A Motion was made by Eoin Walsh and seconded by Paul Conrad to postpone this public hearing and continue the hearing and review at the Board's September meeting.

All members voted Aye

Motion carried

Country Cottages, Ridge Road – Manufactured Housing update

Bart Adam's and Eric Pursey were present with a update on the Country Cottages, manufactured homes development in Wright's Corners. This project was previously approved by the Planning Board but there are revisions to the approved design. There are going to be 20 homes on the property and two homes from the original plan have to be reoriented in an amended layout.

A Motion was made by Eoin Walsh, seconded by Paul Conrad to approve the revised design and layout affecting two of the cottage.

All members voted Aye Motion carried

Discussion:

Application for NYS Forward Grant funding
Harbor Resort Campground expansion
McDonough Marine dock, restaurant and lodging proposal
Multi-Use recreation proposal for the Olcott Roller Skating Rink

A Motion to adjourn was made by Paul Conrad and seconded by Eoin Walsh.

All members voted Aye Motion carried.

Respectfully submitted,

Mickie M. Kramp, Secretary

Next Planning Board Meeting
September 23, 2025