

**TOWN OF NEWFANE ZONING BOARD OF APPEALS**  
2737 MAIN STREET NEWFANE, NY 14108  
December 16, 2025

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

**Absent:** Bill Koller, Tyler Finley

**OTHERS PRESENT:** David Schmidt, Corey Weber, Robin Bower, Luke Werth and Max Russell

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

Troy introduced the board and then read aloud the variance.

**RICHARD H. WERTH, JR.**, 1144 Covenant Cove Lane, Bath Springs TN 38311, has applied for an Area Variance under the Newfane Zoning Ordinance, upon premises known as 6616 Swigert Road, Appleton, (Town of Newfane), NY 14008, to build a house (single family dwelling) upon the above premises, which is located in an Agricultural- Residential District (A-R District), and said premises consist of a lot width of 50 feet, which is in violation of said Zoning Ordinance, which requires minimum lot width of 200 feet, in an A-R District.

Luke Werth presented the plan for the property.

Troy asked for any questions from the board. David explained that this is one lot but, in the future may be split into two lots. Both Rick Werth and Luke Werth want to build a home on that property.

Marcy asked if the placement of the house still the same as the last meeting. Luke replied no, instead of it being on that triangular piece it is now back in the fifty-seven acres.

Chuck asked if it all was still the same parcel? Luke replied, yes. The board discussed amongst themselves regarding the triangle portion and the rest of the property were one parcel. They also discussed the "future" of the property. Jeremy was telling Luke to be proactive with the utilities so there won't be issues when the property gets divided. Corey said to Luke that when his father is ready to build, at that time the property will need to be split. Luke said yes that is his father's plan. You cannot have 2 homes on one parcel so then Rick would have to apply for a variance as well. The board discussed some information amongst themselves regarding the setbacks and frontage information.

Jeremy made a motion to poll the board Chuck seconded the motion. All were in favor no one was opposed. Motion carried.

Charles will approve the variance. It will not change the character of the neighborhood and it is a much better solution than the previous request.

Marcy grants the variance based on the means that the board wants you to be able to use your property and it will not change the characteristic of the neighborhood.

Jeremy votes to grant the variance.

Geoff also votes to grant the variance.

Troy will grant the variance based on the reasoning that was already stated from the board members.

Bill Koller- Absent

Tyler Finley- Absent

Variance granted.

Jeremy made a motion to adjourn; Chuck seconded the motion. All were in favor and no one opposed.

Meeting adjourned at 7:20 p.m.

Respectfully submitted.

A handwritten signature in cursive script that reads "Robin R. Bower". The signature is written in dark ink and is positioned above the printed name.

Robin R. Bower

Zoning Board Secretary