

TOWN OF NEWFANE PLANNING BOARD MINUTES
SEPTEMBER 23, 2025

The following members were present:

Presiding: William Clark
Paul Conrad Thomas Mays
Eoin Walsh Daniel Whorley
James Evarts

Attending: James Sansone, Town Attorney

Excused: Peter Russell
David Schmidt, Building Inspector

Hope and Dennis Dalrymple, 6582 Lake Road, Appleton, New York
Public Hearing-Special Exception Use Application, Proposed Auxiliary Housing on Premises

Mr. Clark read the Public Notice and opened the Public Hearing to consider the application for a Special Exception Use Permit for auxiliary housing on premises known as 6582 Lake Road Appleton, New York 14008, to allow an existing apartment on the site to be used as auxiliary housing, pursuant to Article 5, Section 5-2-(D)-8 of the Newfane Zoning Ordinance, in an Agricultural-Residential (A-R) District.

Hope and Dennis Dalrymple explained they are in the process of selling their property and want to establish a permit that will allow the apartment to be used as auxiliary housing. When they purchased the property 20 years ago there was an existing barn and an apartment above it that they lived in. They later built another pole barn which also included a mother-in-law apartment, They are asking for an approved Special Exception Use Permit for the unit in the newer pole barn.

Eoin Walsh asked if there were one or more permits in place?

Mrs. Dalrymple said the first apartment was part of the property when they purchased and does not know about the original permit. They received a building permit for the new pole barn and included the second apartment, but there was no auxiliary housing permit and the unit has not previously been used as a residence.

Thomas Mays asked if the utilities are connected to the main house, Mrs. Dalrymple said the older apartment is connected to the main house, the mother-in-law apartment has its own utilities.

Thomas Mays asked how far is Keg Creek from the property?

Mrs. Dalrymple said it's about 600 yards from our house.

Chairman Clark explained that an auxiliary housing unit is typically connected to the primary residence, does not have its own utilities and ownership cannot be separated from the primary residence.

The Dalrymple's do not plan to use the apartment before selling. There was uncertainty about if the apartment could qualify as Auxiliary Housing or as an apartment in the AR zone, and that a Variance from the Zoning Board of Appeals may be required.

No action was taken by Planning Board and some suggested the application should be deferred and submitted by a new owner when they determine how the property will be used.

A Motion to close the Public Hearing was made by Daniel Whorley and seconded by Paul Conrad.

All members voted Aye. Motion carried.

Omni UGE Drake-Settlement Solar Energy Application

Chairman Clark said further action on this application is postponed pending OMNI UGE review with their attorney about issues with proposed placement of the power poles on the site access lane to Transit Rd,

Concerns about the Special Exception Permit previously issued for animal husbandry at 1707 West Creek Road.

Neighbor Nicole Smith of West Creek Rd. was present and expressed concerns that her neighbor's chickens are not being properly contained and are infringing on her property in violation of the Planning Board permit.

The Planning Board approved a conditional permit in June, stipulating that the owners of the chickens have 60 days to take steps that will effectively contain the chickens on their property. Chairman Clark said he will ask the Building Inspector, David Schmidt, to investigate the circumstances and report back to the Planning Board.

Updates and Discussion

Corey Sicard and Jerome Lang, contractors representing the owners of the former Gordie Harper's Restaurant, were present and outlined the proposal to open a restaurant, bar and grill with live music at the site. They asked about installing a sound barrier fence near the Lockport-Olcott road right-of-way, There is already a row of trees or shrubs on the property line. Chairman Clark directed Mr. Sicard to consult with the Building Inspector and the Highway Superintendent to determine if there are any setback or design requirements and if any special permits are required.

Janis Toenniessen, 3330 Lockport-Olcott Road, Newfane expressed concern about noise associated with operation of the restaurant.

Chairman Clark said the type of use at the property is not changing and they would have to comply with the noise ordinance.

Chairman Clark reviewed and discussed Newfane's New York Forward Grant Application, noting that proposed development projects are being sought. It was also highlighted that this and other state grants would emphasize the need to review and adapt local housing policies and zoning.

Upcoming Planning and Zoning training, October 1, 2025, East Aurora, New York.

A Motion to adjourn the meeting was made by Eoin Walsh and seconded by Jim Evarts. All present voted Aye. Motion carried.

Respectfully submitted,

Mickie M. Kramp, Secretary

Next meeting: ~~October 28, 2025~~ **November 25**, unless otherwise announced.

Amended meeting note: The October meeting is cancelled so members can attend County training for Board members on October 28.