

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

MEMBERS PRESENT: Chairman Troy Barnes, Jeremy Irwin, Charles Maynard, Bill Koller, Tyler Finley, Marcy Ferington

MEMBERS ABSENT: Geoff Harding

OTHERS PRESENT: David Schmidt, James Sansone, Robin Bower, Mr. and Mrs. Harkleroad, John and Lynn Harper, Diane and Brian Roberts, Scott and Colleen Dixon

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

Troy introduced the board including David Schmidt, James Sansone and Robin Bower.

Troy read the following variance and for the record all those within 300' of said premises were contacted by mail.

JOSHUA HARKLEROAD, 1911Phillips Road Burt, NY 14028, has applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 1911Phillips Road Burt, NY 14028, in the Town of Newfane, NY, located in an Agricultural Residential (A-R) District, to construct a single family residence with 336 square feet of floor space, in violation of Section 270-9-8-2 of the Newfane Zoning Ordinance, which requires a minimum floor space of 750 square feet.

Joshua Harkleroad explained that he moved here to raise his children in the country. He and his wife want to home school their children. He would like to build his mother n law a "tiny home" that would give her privacy away from the main house. She would assist them with the children.

Troy asked the board for any questions.

Marcy stated that she saw plans for a 20 x 20 addition as well as the tiny home. She asked Mr. Harkleroad what his plan was. Mr. Haarkleroad stated that he had the cement pillars there for both, and depending on the time the board gave him to build, would determine that.

Chuck mentioned that the county handles the septic system. David stated that he has already had to put a new system in and it would accommodate the tiny home. Mr. Harkleroad stated that upon the sale of the home the septic failed and that is why he is putting a new one in.

Bill asked if the Harkleroad's were already approved by the planning board. Mr. Harkleroad said yes.

Chuck asked how close to the house would the tiny home be? Mr. Harkleroad explained it would be behind the garage about 65' feet or so.

Troy confirmed with Jim Sansone that this is a special exception use.

Jim was confirming with Mr. Harkleroad of his intentions in building the addition as well as the tiny home. Jim also was stating that the Zoning Board may set a time limit on the project. Mr. Harkleroad was ok with that. Troy asked what the time frame was that Mr. Harkleroad had in mind.

Mr. Harkleroad said spring. Troy reminded him that most building permits are good for one year. Chuck mentioned that the mother in law could get early occupancy. Jim said yes and reiterated the reason why he was here at the Zoning Board meeting.

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

Tyler made a motion with the revision that the addition is to be built within a year. Marcy second the motion.

Troy made a motion to poll the board with the revisions. All were in favor and no one was opposed. Motion carried.

Bill grants the variance with the revision of one year to complete the addition.

Chuck grants the variance based on the pre-approval from the planning board as well as no adverse effect on the community.

Marcy grants the variance based on the addition will add square footage to the tiny home.

Tyler grants the variance based on the addition and the time limit.

Jeremy grants the variance.

Troy grants the variance.

Geoff Harding – absent.

Variance granted.

Troy read the next variance.

JOHN HARPER AND LYNN HARPER, both residing at 23 Annemarie Terrace, Cheektowaga, NY 14225, have applied for an area variance under the Newfane Zoning Ordinance, upon premises known as 6361 Dale Road Newfane, NY 14108, located in a Residential (R-1) District, to build a residence upon a lot with 66 feet of frontage upon Dale Road, in violation of the Newfane Zoning Ordinance which requires 100 feet of frontage.

Mr. Harper introduced himself and proceeded to talk about the property. He purchased the land in 2008. The property is 66' wide 200' deep that opens up wider in the back of the property, which turns out to be 29.2 acres. They have spoken to the Town of Newfane in the past and already has had a culvert put in. Now they want to build a single-family home over 250' back off

of the road. Jim asked if there was anything on the property now. Mr. Harper said no. He was going to build on the back of the property to the left. The driveway would be apart of the 66'. Marcy asked how wide the driveway would be, Mr. Harper responded with 30' or less. The standard is 12'. Marcy stated he would go back 200' and Mr. Harper said perhaps 50 – 75' more. Mr. Harper said he would be behind some houses.

Troy asked if there were natural barriers between you and the neighbors in front of you? Mr. Harper said yes, there are trees.

Chuck made mentioned that there was a for sale sign near his property and was it his. Mr. Harper said no.

Jim asked Mr. Harper if he knows of any other lots in the area that were below the 100' requirement. Mr. Harper said yes.

Bill asked Mr. Harper if his property butts up against another. Mr. Harper said no. Bill was questioning where his property extends to? The property extends to the North.

Troy asked for any additional questions from the audience. Mr. Dixon from 6343 Dale Road, Newfane spoke. He has a concern for his quality of life and the resale value of his property. Mr. Harper home will be directly behind Mr. Dixon's. Mr. Dixon asked if they were living there full or part time? Mr. Harper answered full time. Mr. Dixon also asked what they were doing with the land? Mr. Dixon knew of people hunting back there. Mr. Harper said once the home is built no one will be hunting back there. Mr. Dixon wanted to know an approximation of how far behind him the Harper's were going to build? Mr. Harper will be about 275' off the road behind Mr. Dixon whom is 100' off the road. Mr. Dixon wanted to know if the land would be cleared? Mrs. Harper explained they were not clearing the land, they want the trees there. Chuck asked the Dixon's if their land was cleared. Mr. Dixon said it was cleared all the way back to the home with 10' of trees on the back side of their property, which in turns runs into Mr. Harper's property. There are some wetlands on Mr. Harper's property opposite where he will build the home. That is the reason why the Harper's are building on the opposite side of the property. There was discussion as to how big the home would be. Mr. Harper said approximately 3 to 4 bedrooms or approximately 2000 sq. ft. Diane Roberts 6375 Dale Road, another neighbor, expressed her concern as well regarding the trees, and does not want to see them cut down. She likes to see the trees mature and doesn't want to see a house behind her.

Bill made a motion to poll the board. Chuck made the second motion.

All were in favor. No one was opposed. Motion carried.

Bill will grant the variance because it will not change the character of the neighborhood and there are properties in the area that have similar frontages.

Chuck concurs with what Bill has said as well as the fact that he has answered concerns from his neighbors. Chuck will grant the variance.

Marcy will grant the variance based on his driveway will be 200' back and approximately 50' behind the neighbors and there is plenty of land with owning 29 acres.

Tyler grants the variances based the board members statements.

Jeremey will also grant the variance.

Troy grants the variance.

Geoff Harding – Absent

Variance granted.

Respectfully submitted,

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

Robin R. Bower

Zoning Board Secretary