

TOWN OF WALES
ZONING BOARD OF APPEALS
PUBLIC HEARING MEETING MINUTES
May 19, 2026

The meeting of the Zoning Board of Appeals of the Town of Wales was held on the 19th day of May 2026 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

CALL TO ORDER

Chairman Edward Wilkolaski called the meeting to order at 6:02 p.m. EST

ROLL CALL

Chairman Edward Wilkolaski – present

Board Member Mark Gietler - present

Board Member Russ Clothier Jr. - present

Board Member Kevin Ingraham – absent

Board Member James Cornell – absent

OTHERS PRESENT

Applicants – James and Jennifer Creighton

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MOTION # __ By Zoning Board of Appeals Member Mark Geitler, second by Zoning Board of Appeals Member Russell Clothier Jr., to accept the Zoning Board of Appeals Agenda of May 19, 2026. Carried ayes-3 nays-0

ACCEPTANCE OF MINUTES OF PRIOR MEETING

MOTION # __ By Zoning Board of Appeals Member Mark Geitler, second by Zoning Board of Appeals Member Russell Clothier Jr., to accept the Zoning Board of Appeals Workshop meeting minutes of May 6, 2026. Carried ayes-3 nays-0

OLD BUSINESS – none.

NEW BUSINESS

CASE#1 Applicants: James and Jennifer Creighton SBL# 178.00-1-45.12 and 178.00-1-67

The applicants at 12469 Big Tree Road, Wales Center, New York would like to appeal the allowance for a detached accessory building located in front of the primary building: *Wales Code Section 200-22* - Area Variance.

Public Hearing:

The applicant presented the proposed project. The Board confirmed that there were no significant changes to the proposal since the previous meeting.

Discussion noted that the structure would be placed in a location that is largely obscured from public view and consistent with the surrounding area. Board members commented that the proposal appeared aesthetically appropriate and not intrusive.

No additional public comments or questions were raised.

Board Deliberation:

The Chairman explained the Board deliberation process. He stated that the question asked can be all Aye or Nay and still have an opinion of opposing or granting a variance. He stated the Board will need a few minutes to go over the five questions then we will deliberate.

The Board reviewed the application according to the required five factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

ZBA Chairman Edward Wilkowlaski - No

ZBA Board Member Mark Geitler - No

ZBA Board Member Russell Clothier, Jr. - No

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – absent

Reasoning: Chairman stated that the proposed building will match current facade of area. Board member Clothier stated many properties have accessory buildings in front. The property is not very visible from the road. Board member Geitler stated that it fits well with character of neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

ZBA Chairman Edward Wilkowlaski - Yes

ZBA Board Member Mark Geitler - Yes

ZBA Board Member Russell Clothier, Jr. - Yes

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – absent

Reasoning: Board member Geitler stated that while there are alternatives, they are more costly and less desirable for the area. Also, alternatives cause hardships for applicants. Board member Clothier stated that there are other options. Chairman stated that they could place it behind main building, but this would minimize the ROI of the project.

3. Whether the requested variance is substantial:

ZBA Chairman Edward Wilkowlaski - No

ZBA Board Member Mark Geitler - No

ZBA Board Member Russell Clothier, Jr. - No

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – absent

Reasoning: Chairman stated that building proposal in front of house is minimal given the circumstances. Board member Clothier stated that this is very typical in our area. Board member Geitler stated minor, no visual impact.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

ZBA Chairman Edward Wilkowlaski - No

ZBA Board Member Mark Geitler - No

ZBA Board Member Russell Clothier, Jr. - No

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – absent

Reasoning: Board member Clothier stated no increase in traffic or detriment to area.

Chairman stated setback behind other properties. No impact expected to environment.

Board member Geitler stated that it is well within character.

5. Whether the alleged difficulty was self-created:

ZBA Chairman Edward Wilkowlaski - Yes

ZBA Board Member Mark Geitler - Yes

ZBA Board Member Russell Clothier, Jr. - Yes

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – absent

Reasoning: Chairman stated that most variances are self-created, Board member Clothier stated same and Board member Geitler stated same.

ROLL CALL VOTE ON Case#3-2026:

Chairman Edward Wilkowlaski – Aye

Board Member Mark Geitler - Aye

Board Member Russell Clothier Jr. – Aye

Board Member Kevin Ingraham – absent

Board Member James Cornell – absent

The motion to grant the variance is passed.

ADJOURNMENT MOTION#__ by Zoning Board of Appeals Member Mark Geitler and seconded by Zoning Board of Appeals Member Russell Clothier Jr. to adjourn the meeting at 7:28 p.m. Carried ayes-3 nays-0

Respectfully submitted, Michelle Homac, Zoning Board of Appeals Clerk

Town of Wales Zoning Board of Appeals

RESOLUTION NO. 3-2026

IN THE MATTER OF THE APPLICATION OF JAMES & JENNIFER CREIGHTON FOR AN AREA VARIANCE

PROPERTY ADDRESS: 12469 Big Tree Road, Wales Center, NY

TAX MAP NUMBER OR SBL#: 178.00-1-45.12 and 178.00-1-67

DATE: May 19, 2026

WHEREAS, an application was filed with the Zoning Board of Appeals of the Town of Wales by James and Jennifer Creighton for an area variance for the property located at 12469 Big Tree Road, Wales Center, NY. SBL# 178.00-1-45.12 and 178.00-1-67; and

WHEREAS, the application requests an area variance from Section 200-22 of the Town of Wales Zoning Code to appeal the allowance for a detached accessory building located in front of the primary building; and

WHEREAS, the Board received a referral from the Building Inspector/Code Enforcement Officer Dan Whitehead indicating that the project is not in compliance with the zoning law and requires an area variance; and

WHEREAS, a public hearing on the application was held on May 19, 2026, at which the Board heard testimony and received comments from the Applicant, neighbors, and other interested parties; and

WHEREAS, the Board has reviewed all applicable materials, including a Short Environmental Assessment Form, photos, and deed and has duly considered the standards for an area variance as set forth in New York State Town Law § 267-b, weighing the benefit to the Applicants against any detriment to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, having considered the entire record of the proceedings, made the following findings and hereby approves the application:

1. Undesirable Change or Detriment to Properties: The Board finds that the granting of this variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

Reasoning: The proposed building will match the current facade of the area. It fits well with the character of the neighborhood. There are many properties that have accessory buildings in front. The property is not very visible from the road.

2. Feasible Alternative: The Board finds that the benefit sought by the Applicants can be achieved by some other feasible method.

Reasoning: They could place it behind the main dwelling, but this would minimize the ROI of the project. There are other options. While there are alternatives, they are more costly and less desirable for the area. Also, the alternatives cause hardship for the applicants.

3. Substantiality of Variance: The Board finds that the requested area variance is not substantial.

Reasoning: The building proposal in front of the house is minimal given the circumstances. The placement is very typical in the area. There is no visual impact.

4. Adverse Environmental/Physical Impact: The Board finds that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Reasoning: There is no increase in traffic or detriment to area, it is setback behind other properties. No impact expected to environment, and it is well within character.

5. Self-Created Difficulty: The Board finds that the alleged difficulty was self-created.

BE IT FURTHER RESOLVED, that the variance is granted.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed in the office of the Town of Wales Town Clerk and the Town of Wales Building Department.

VOTE:

Chairman Edward Wilkolaski voted AYE

ZBA Member Mark Geitler voted AYE

ZBA Member Russell Clothier Jr voted AYE

ZBA Member Kevin Ingraham voted ABSENT

ZBA Member James Cornell voted ABSENT

Dated: May 19, 2026

By Order of the Zoning Board of Appeals Chairperson:

Edward Wilkolaski

Clerk:

Michelle Homac

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: James & Jennifer Coughton

Appeal Concerns Property at the following address: _____

12469 BigTree Rd

East Aurora NY

OFFICE USE ONLY:	
Application No. AV -	<u>3-2026</u>
Date of Application:	<u>4/2/26</u>
(Postmarked or Hand Delivered)	
Date of Public Hearing:	<u>5/19/26</u>
Date Notice Published:	<u>5/6/26</u>
Date of County Referral:	<u>N/A</u>
Date of Final Action:	<u>N/A</u>
Date or Filing of Decision with the Municipal Clerk:	<u>5/20/2026</u>

County Tax Map (S.B.L.) - Section: 178.00 Block: 1 / 1 Lot: 45.12 / 67

Zoning District Classification: _____

Requirements for which Variance is Requested: 200-22

Accessory Setback in front of house

Applicable Section of Zoning Code(s): 200-22

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: The proposed building will match current facade of area.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes X No _____

Reason: They could place it behind main dwelling
but this would minimize the rest of project.

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: Building proposal in front of house
is minimal given the circumstances.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: Set back behind other properties
No impact expected to environment.

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes X No _____

AREA VARIANCE FINDINGS & DECISION

Reason: ~~the~~ most variances are self created

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☒ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: minimal to no impact to water

GRANTED

The ZBA further finds that a variance of 200 from Section 22 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: - N/A.

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: - N/A -

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: Ed Wilkowsky Date: 19 MAY -26

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair <u>Ed Wilkowsky</u>	<u>X</u>	_____	<u>Ed Wilkowsky</u>
ZBA Member <u>Mark Geith</u>	<u>X</u>	_____	<u>Mark Geith</u>
ZBA Member <u>Russ Clothier</u>	<u>X</u>	_____	<u>Russ T. Clothier</u>
ZBA Member <u>—</u>	<u>—</u>	_____	<u>—</u>
ZBA Member <u>—</u>	<u>—</u>	_____	<u>—</u>

AREA VARIANCE FINDINGS & DECISION

Applicant: James & Jennifer Creighton

Appeal Concerns Property at the following address: _____

12469 Big Tree Road
Wales Center

OFFICE USE ONLY:

Application No. AV - _____
Date of Application: _____
(Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date Notice Published: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the Municipal Clerk: _____County Tax Map (S.B.L.) - Section: 178-1-45 Block: _____ Lot: _____178.00-1-67

Zoning District Classification: _____

Requirements for which Variance is Requested: AreaApplicable Section of Zoning Code(s): 200-22

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

*(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)*Yes _____ No xReason: Fits well with character of neighborhood.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes ✓ No _____

Reason: while there are Alternatives, they are more costly and less desirable for the Area.
Also Alternatives cause hardships for Applicants

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No ✓

Reason: minor - no visual impact.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No ✓

Reason: well within character.

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes ✓ No _____

AREA VARIANCE FINDINGS & DECISION

Reason: All variance requests are

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- ☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- ☐ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: _____

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: _____ Date: 5-14-20

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair <u>Ed W.</u>	_____	_____	_____
ZBA Member <u>Mark G.</u>	_____	_____	<u>[Signature]</u>
ZBA Member <u>Russ C.</u>	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____

AREA VARIANCE FINDINGS & DECISION

Applicant: JAMES + JENNIFER CREIGHTON

Appeal Concerns Property at the following address: _____

12469 BIG TREE RD.

EAST AURORA NY

OFFICE USE ONLY:

Application No. AV – _____

Date of Application: _____

(Postmarked or Hand Delivered)

Date of Public Hearing: _____

Date Notice Published: _____

Date of County Referral: _____

Date of Final Action: _____

Date of Filing of Decision with the Municipal

Clerk: _____

County Tax Map (S.B.L.) – Section: _____ Block: _____ Lot: _____

Zoning District Classification: _____

Requirements for which Variance is Requested: _____

Applicable Section of Zoning Code(s): 200-22 AREA VARIANCE

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: MANY PROPERTIES HAVE ALLESSORY BUILDINGS IN FRONT.

THE PROPERTY IS NOT VERY VISABLE FROM THE ROAD

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes ☒ No ☐

Reason: THERE ARE OTHER OPTIONS

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes ☐ No ☒

Reason: THIS IS VERY TYPICAL IN OUR AREA

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes ☐ No ☒

Reason: NO INCREASE IN TRAFFIC OR DETRIMENT TO AREA

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes ☒ No ☐

AREA VARIANCE FINDINGS & DECISION

Reason: ALL VARIANCE REQUESTS

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- ☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- ☒ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: I BELIEVE THERE IS NO DETRIMENT IN THIS CASE

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

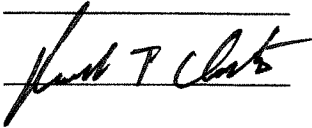
Condition No. 2: _____

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: _____ Date: _____

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair _____	_____	_____	_____
ZBA Member <u>RUSSELL CLOTHIER</u>	<u>✓</u>	_____	<u></u>
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____