

TOWN OF WALES
PLANNING BOARD MEETING MINUTES
February 23, 2026

The meeting of the Planning Board of the Town of Wales was held on the 23rd day of February 2026 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

CALL TO ORDER

Chairman Richard Munn called the meeting to order at 7:00 p.m. EST

ROLL CALL

Chairman Richard Munn – present
Board Member Mark Gaston - present
Board Member Britt Donnelly - absent
Board Member Daniel Driver – present
Board Member Anthony Roncone – absent

OTHERS PRESENT

Applicant – Twinwood Forest, LLC. David Schaub and Daniel Schaub
(1) resident that is on file with the Town Clerk

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

The agenda and documentation are on file with the Clerk and on our Town website.

ACCEPTANCE OF MINUTES OF PRIOR MEETING

MOTION # __ By Planning Board Member Mark Gaston, second by Planning Board Member Daniel Driver, to accept the Planning Board meeting minutes of September 29, 2025. Carried ayes-3 nays-0

OLD BUSINESS – none.

NEW BUSINESS

Carpenter Road, SBL#216.00-1-30 Area and Use Variance

Zoning District: Agricultural, Seasonal Use – Classification 260.

- **Case #1 2026-1** – A 12'x20' prefabricated Amish built structure that is set on concrete piers with brackets and bolting, used for bathroom/bathhouse containing only bathroom facilities, served by a well and septic system. *Wales Code Section 200-13, 200-28 B(1), 200-41 B, 200-52 and 200-74 A and B – Area and Use Variance.*
- **Case #2 2026-2** -A 12'x26' prefabricated Amish built hunting cabin that is approximately 288 sq ft that is set on concrete piers with brackets and bolting, used for seasonal sleeping quarters with two beds. *Wales Code Section 200-13, 200-28 B(1), 200-41 B, 200-52 and 200-74 A and B – Area and Use Variance.*

1.) Project Description

The applicant explained that he and his brother purchased approximately 24.7 acres of land classified as 260 seasonal use on Carpenter Road. The parcel is landlocked with no direct road frontage and is accessed by an easement over the adjoining property. The applicant stated that two prefabricated Amish-built sheds were delivered and installed on the property, one measuring approximately 12 feet by 26 feet and the other approximately 12 feet by 20 feet, each set on concrete piers with approximate brackets and bolting. One structure is used as a small hunting cabin of about 288 square feet, containing only sleeping accommodations with two beds and no kitchen or plumbing, the other is used as an accessory bath house with bathroom facility only and no living quarters. The applicant further described that a drilled well and a septic system were installed and inspected through Erie County and the Erie County Department of Health, with the well and

septic constructed by licensed contractors and engineered plans submitted to Erie County. The Erie County Department of Health has not yet issued a certificate of completion, pending assignment of a proper address by the Town's Code Enforcement Officer/Building Inspector. The applicant indicated that the intended use is seasonal only, primarily for weekend camping, hunting, and outdoor recreation with family members, emphasizing that there is no intent to create a year-round dwelling or full-time residence.

2.) Existing Conditions and Prior Structures

The applicant reported that as the time of purchase there were two existing cabins or small structures on the property, one in deteriorated condition with a failing roof but containing an existing meter and main electrical panel, and another older cabin reportedly used historically as a party cabin. The applicant repaired the failing roof to stabilize one existing structure for basic storage use only. The Board discussed that the parcel currently carries only an SBL number on the Erie County GIS system and does not have a recognized postal address, although an address appears on real estate closing documents and on the former real estate listing.

3.) Applicant's Rationale

The applicant explained that prior to purchasing the property he reviewed the Town's zoning code, consulted with the Town's former CEO, spoke with Town staff and engineers, and understood that an area and/or use variance for frontage and accessory structures would be required. He noted that he also spoke with the Town's current Code Enforcement Officer, Mr. Dan Whitehead, and the Town Supervisor, Mr. Tim Howard, who visited the property, although no guarantees of approval were given. The applicant stated that the well and septic were installed primarily to provide sanitary facilities for his wife and young children during limited seasonal camping stays and that he did not intend to create a dwelling unit. He acknowledged that the sequence of construction and permitting was not ideal and was his fault but emphasized that he attempted to proceed in good faith and to follow the code as he understood it.

4.) Board Discussion

The Board reviewed the Town's zoning definitions relating to "dwelling," "habitable," and "accessory building," including provisions that: (a) a dwelling contains rooms designed for human occupancy by one family and includes customary kitchen facilities, and (b) no accessory building shall be occupied as a dwelling or used as living quarters unless attached to a dwelling and constructed on a continuous, code-compliant foundation. Members noted that the primary concern is not limited to the accessory structures themselves but to the presence of a permanent well and septic system on a landlocked parcel without required road frontage, which could effectively enable future residential use inconsistent with the code and established precedent. The Board discussed that prior approvals for accessory buildings on flag lots have been limited to storage buildings without well or septic, primarily for agricultural equipment and ATV storage, and located on parcels that retained required road frontage or were otherwise buildable.

Board members expressed concerns about:

- Establishing precedent for permitting well and septic systems on undersized or landlocked parcels without required frontage.
- The potential for future owners to convert seasonal or accessory buildings into full-time dwellings based on the existence of well and septic improvements.
- The need to maintain consistent application of minimum frontage and lot standards in agricultural and residential districts.

Members also noted that many residents have inquired about building on parcels with less than 250 feet of frontage or on landlocked parcels and have been consistently advised that such lots do not meet the code's minimum requirements without variances.

5.) Public and Neighbors

The applicant indicated that certified letters were mailed to all required adjacent landowners, including the owner of the frontage parcel and other abutting parcels, and that no written objections had been received to date. The applicant reported that at least one neighboring owner expressed no objection and was supportive of his intended seasonal use following a personal discussion. The Board noted that the Town Supervisor, as an adjacent landowner and Town official, is aware of the improvements but is required to remain neutral and would need to recuse himself from any formal decision-making on this matter.

6.) Variance Scope and Next Steps

The Board acknowledged that the application involves both area and use elements due to:

- Lack of required road frontage
- Location and nature of accessory structures
- Installation of well and septic
- The potential for residential-type use of the property

The Planning Board clarified that it acts in an advisory capacity on this application and that the final decision will rest with the Zoning Board of Appeals (ZBA) following a duly noticed public hearing. The Board suggested that the applicant may wish to:

- Discuss possible acquisition of additional frontage from the adjoining owner to reduce or eliminate the variance needed.
- Continue working with the Code Enforcement Officer regarding the process for assigning an address.
- Encourage adjacent owners to provide comments or attend the Zoning Board of Appeals Public Hearing to present their views on the proposal.

ROLL CALL VOTE ON Case#2026-1:

Chairman Richard Munn – nay
Board Member Mark Gaston - nay
Board Member Daniel Driver – nay
Board Member Anthony Roncone – absent
Board Member Britt Donnelly – absent

On February 23, 2026, the following motion was made by Chairman Richard Munn, seconded by Daniel Driver to deny the application for 2026-1 variance made by Twinwood Forest, LLC – David Schaub for property located at Carpenter Road/SBL#216.00-1-30.

ROLL CALL VOTE ON Case#2026-2:

Chairman Richard Munn – nay
Board Member Mark Gaston - nay
Board Member Daniel Driver – nay
Board Member Anthony Roncone – absent
Board Member Britt Donnelly – absent

On February 23, 2026, the following motion was made by Chairman Richard Munn, seconded by Mark Gaston to deny the application for 2026-2 variance made by Twinwood Forest, LLC – David Schaub for property located at Carpenter Road/SBL#216.00-1-30.

ADJOURNMENT MOTION#__ by Planning Board Member Mark Gaston and seconded by Planning Board Member Daniel Driver to adjourn the meeting at 8:10 pm. Carried ayes-3 nays-0

Respectfully submitted, Michelle Homac, Planning Board Clerk

Planning Board DECISION

OFFICE USE ONLY

Application No.: 2026-1
Date Received by: 2/23/26
Municipal Clerk: [Signature]

At a meeting of the Planning Board on
February 23, 2026, the following
motion was made Richard Munn, seconded by Daniel Driver
(name of planning board member)

I move that the Planning Board ☒ deny
☐ approve
☐ approve with conditions (see below)

the application for ☐ Site Plan Review Approval
☐ Preliminary Subdivision Approval
☐ Final Subdivision Approval
☐ Special Use Permit Approval
☐ Other _____

made by Twinwood Forest, LLC - David Schaub
(applicant name)
for property located at Carpenter Road /SBL#216.00-1-30
(address / tax map number)

Approval of this application is subject to the following conditions:

☐ Additional conditions are attached.

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>[Signature]</u>	_____	<u>X</u>
Member	<u>[Signature]</u>	_____	<u>X</u>
Member	<u>[Signature]</u>	_____	<u>X</u>
Member	_____	_____	_____
Member	_____	_____	_____

[Signature]
(Recorded by Planning Board Secretary/Clerk)

2/23/2026
(Date)

Planning Board DECISION

OFFICE USE ONLY

Application No.: 2026-2
Date Received by: 2/23/26
Municipal Clerk: [Signature]

At a meeting of the Planning Board on
February 23, 20 26, the following
motion was made Richard Hunn seconded by Mark Gaston:
(name of planning board member)

I move that the Planning Board ☒ deny
☐ approve
☐ approve with conditions (see below)

the application for ☐ Site Plan Review Approval
☐ Preliminary Subdivision Approval
☐ Final Subdivision Approval
☐ Special Use Permit Approval
☐ Other _____

made by Twinwood Forest, LLC - David Schaub
(applicant name)
for property located at Carpenter Road /SBL#216.00-1-30
(address / tax map number)

Approval of this application is subject to the following conditions:

☐ Additional conditions are attached.

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Richard Hunn</u>	_____	<u>X</u>
Member	<u>[Signature]</u>	_____	<u>X</u>
Member	<u>[Signature]</u>	_____	<u>X</u>
Member	_____	_____	_____
Member	_____	_____	_____

Michelle L. Horne
(Recorded by Planning Board Secretary/Clerk)

2/23/2026
(Date)