

TOWN OF WALES ZONING BOARD OF APPEALS

Workshop Meeting

Wednesday, February 4, 2026 at 6:00PM

***Emergency procedures: Follow the exit signs to the closest possible exit in an orderly manner.
Please turn off all cell phones.**

Location: 12345 Big Tree Road, Wales Center, New York

Date: February 4, 2026

Time: 6:00 PM

Meeting Type: Workshop

Applicant: Twinwood Forest, LLC. – David Schaub

Property Address: Carpenter Road/SBL#216.00-1-30 Vacant property.

Subject: Use and Area Variance, 1-2026 and 2-2026

Attendees:

- Chairman Edward Wilkolaski
- Board Members: Kevin Ingraham and Russell Clothier Jr. – present
- Board Members: James Cornell and Mark Gietler – absent.
- Applicants: Twinwood Forest, LLC. – David Schaub
35 Robert Drive
Lancaster, New York 14086
Daniel Schaub

The workshop was opened by the Chairman at 6:00PM EST.

The Chairman explained that the purpose of the workshop is to ask question, understand the proposal, review code issues, and identify information needed for the formal Public Hearing. The Chairman stated that no decisions will be made at this workshop; the application will be considered at a later Public Hearing where neighbors and other members of the public may speak for or against the request.

The variance is needed because of the zoning code violations:

200-13 – Habitable dwellings must be constructed on a continuous fully enclosed foundation extending below the frost line.

200-28 B(1) – No accessory building shall be occupied as a dwelling.

200-41 B – In any R, A or B District, no private garage or other accessory building shall be erected before the main building has been started, and under no condition shall a garage or other accessory building be used for living quarters unless attached to a dwelling.

200-52 – No dwelling shall be erected on any lot which does not have immediate frontage on an existing or platted street or highway or right of way in accordance with the schedule of area, lot and bulk requirements for all districts. A-Agricultural,20067.

200-74 A – A violation of this chapter is an offence punishable by fine not exceeding two hundred fifty dollars or imprisonment for a term not to exceed fifteen days or both.

200-74 B – Each day's violation shall constitute a separate offense and shall be punishable as such.

Application identification

The Chairman read the application description for the property. The written application stated use variance; however, the Board discussed that the relief sought concerns setbacks, placement, and physical location of sheds/accessory structures on the lot, not a change in the allowed use of the property under the zoning district. The Chairman clarified that a use variance would apply if

the applicant were seeking a use not allowed in the zoning district while an area variance relates to dimensional and physical requirements such as setbacks and placement.

Description of the property and existing conditions

The property consists of approximately 24 acres of wooded land, accessed by a private easement/right-of-way serving the parcel from the public road; there is currently no official assigned address in the Town's system, although an address number 11665 appears in real estate listings and has been used informally. The Chairman made clear that there is no record with 11665 Carpenter Road with Erie County. He also stated that this is a clarification and does not impact the pros or con for the sheds.

The applicant stated that the parcel was purchased for family camping, hunting and recreational use on weekends, and that they are not operating any business on the property.

There are two new \$11,000. Amish-built sheds on the parcel, one that is 12' x 20' and the second one 12' x 26', placed on piers or similar supports (not on a continuous foundation), along with an older rustic cabin-type structure that existed at the time of purchase.

One new shed is used as a sleeping/camping cabin with no plumbing; the second new shed is an accessory "bath house" structure containing a well, holding tank/septic, and bathroom facilities.

The applicant indicated that electric service already existed to a panel on the property and that they retained an electrician for reconnection and upgrades.

Background on permits, survey and easement

The applicant apologized and explained that the sheds were installed prior to obtaining zoning approval because of weather and access, and that this application is retroactive to bring the site into compliance.

A prior building application was submitted and denied by the Building Inspector/Code Enforcement Officer due to multiple zoning issues, including lack of primary dwelling, questions about access/frontage, and potential use as a dwelling/accessory dwelling.

The applicant paid cash for the property, and therefore a new survey was not required by a lender; they intended to update the survey after final placement of the structures rather than paying for two separate surveys.

The applicant and Board discussed a recorded access easement/right-of-way across the front lot which provides vehicular access to the interior parcel; the Board noted that the easement document appears to be recorded after the last dated survey and is used by Erie County for tax mapping.

The Board noted that the parcel has an SBL number and appears on Erie County tax maps which is vacant property, but that the Building Inspector/Code Enforcement Officer is the official responsible for assigning a Town address.

Intended use of the sheds and structures

The applicant stated that the primary purpose of both sheds is seasonal family camping and hunting:

- One shed is a small camping cabin for sleeping.
- The second shed is an accessory "bath house" with a bathroom, well, and septic to avoid having family members use the woods.

The applicant emphasized that no short-term rental or commercial use occurring at this time and that overnight stays are limited to occasional weekends.

The applicant acknowledged prior conversations with the Code Enforcement Officer about short-term rentals and indicated that any future Airbnb or similar use would be the subject of a separate permit or zoning process and is not part of this current application.

Discussion of applicable code provisions and violations

The Chairman summarized several sections of the zoning code that had been cited by the Code Enforcement Officer, and the Board discussed how they relate to the existing structures:

- 1.) Foundation requirement for habitable dwellings
 - The code requires habitable dwellings to be constructed on a continuous, fully enclosed foundation.

- The Board questioned whether either of the new sheds or the older cabin should be classified as a “dwelling” or “habitable structure,” which would trigger the foundation requirements.
- 2.) Accessory buildings not to be used as dwellings
- The code states that accessory buildings may not be occupied as dwellings or used for living quarters unless attached to a principal dwelling.
 - The Board noted that the bath house shed, with bathroom facilities, could potentially be interpreted as an accessory building being used in connection with overnight occupancy, and therefore potentially in conflict with this provision if considered a dwelling or living quarters.
- 3.) Principal structure before accessory structure
- The code requires that a principal building be started before accessory buildings are erected in certain residential and agricultural districts.
 - Because no conventional house exists on the parcel, the Board discussed whether either the old cabin or one of the new sheds could be regarded as a principal structure, or whether the sheds must be treated as accessory buildings without a principal building.
- 4.) Frontage and access
- The code requires that buildings be placed on lots with frontage on an existing or approved street or right-of-way.
 - The Board recognized that the applicant relies on a recorded easement, and members discussed whether the existing easement satisfies frontage/access requirements for zoning purposes.
- 5.) General violation and penalties section
- The Chairman acknowledged that the Code Enforcement and penalty provisions (fines, per day violations, etc.) are outside the scope of the ZBA’s variance decision and rest with the Code Enforcement Officer and Town Court.

Site conditions and possible site visit

The applicant described the topography as heavily wooded with ravines, making placement of structures and septic somewhat constrained.

The well and septic/holding tank are set back from the cabin area, with the bath house shed located approximately 60 yards away from the sleeping cabin to meet required separation distances.

Due to winter conditions and difficult access, Board members discussed the value of conducting a site visit before the public hearing to see:

- The location of both sheds, the older cabin, the well, and the septic.
- Approximate distances to property lines and separation between structures.
- The route of the driveway and the location of the easement.

The applicant invited Board members to visit the property, noted that the driveway is plowed but can be slippery and rutted, and recommended four-wheel drive or walking in from the road.

Future address assignment and utilities

The Board clarified that the Building Inspector/Code Enforcement Officer, not the Assessor, is responsible for assigning a town address.

The applicant stated they intend to obtain an official address in the near future to facilitate garbage collection, Wi-Fi installation, and Security cameras; they indicated that Spectrum requires a legal address before providing services.

The Board confirmed that address assignment and utilities connections are administrative matters and not determinative of the variance request.

Discussion of possible future short-term rental (Airbnb)

The applicant mentioned that, in the long term, they may consider limited short-term rental use in order to help offset future mortgage costs on the property.

The Chair noted that any short-term rental use would require separate approvals, and that current town regulations regarding short-term rentals are under review and may evolve.

The Board agreed that potential future Airbnb use is not part of the present variance request and will not be considered in deciding the current variance application, other than to note that a future change in use may require additional approvals.

Clarification of variance type for the record

After discussion, the Chairman restated that both cases on the agenda, 2026-1 and 2026-2 are identical applications for two sheds on the same property, and will be treated as sleeping shed and bath house shed.

Next steps

- Monday, February 23, 2026 at 7:00PM Planning Board Meeting at the Wales Town Hall.
- TBD Zoning Board of Appeal Public Hearing.

Adjournment Est 6:52PM.

Zoning Board of Appeals Workshop minutes respectfully submitted by Michelle Homac,
Zoning Board of Appeals Clerk.

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