

**TOWN OF NEWSTEAD - ZONING BOARD MINUTES**  
**Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY**  
**March 17, 2022**

**MEMBERS**

- PRESENT:** Bill Kaufman (WK) Chairperson  
Adam Burg (AB)  
John Klodzinski (JK)  
Fred Pask (FP)  
Vickie Lombard (VL)
- Other:** Alissa Keller Recording Secretary, Julie Brady

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The meeting was called to order at 6:10pm by Bill K.  
Bill K. reviewed procedures and criteria for an area variance.

Alissa K. read the legal notice:

**Property Address: 6000 Crittenden Rd., Akron, NY**  
**Zoning District: Rural Agricultural**  
**Owner: James Sowinski, 6000 Crittenden Rd., Akron NY**  
**SBL#: 47.04-1-5.1**  
**Requesting the rear wall of a detached garage be positioned 5 feet from property line rather than the required 10 feet.**  
**Town Code varied: Chapter 450-27**

Alissa K. read the Acknowledgement without Objection letter submitted by James Sowinski: stating David Harrington residing at 6 Skyline Drive is aware James Sowinski would like to construct a detached garage at above location with dimensions of 20'W X 26' 8" D X 10'H. Garage will conform to zoning laws (R-1) of a minimum of 10' from the western boundary of the Wruck property but will be 5' from the property line on the north side of Harrington property. The Harrington party positively signed off on this acknowledgement with no objection.

Julie B. spoke on behalf of James Sowinski applicant who was not present. She described the project showing where the structure is being proposed and why the applicant would like to place it in that location. The driveway currently leads to the desired location. The garage doors will be south facing (not facing the road).

Fred P. asked the size of the building. Julie B. showed plans 20'W X 26' 8" D X 10' H. Again, it was noted that the neighbors signed a statement that they were aware and fine with this project and seeing as it is unlikely that there would be development on the adjacent property.

Bill K. asked three times if there were any further comments from the public hearing. Hearing None, Adam B. motioned to close the public hearing, seconded by Bill K. ALL ayes, no nays. Public hearing was closed out at 6:20pm.

The Zoning Board discussed the proposed project.

The vote for the area variance is as follows:

1. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue other than the area variance.  
POLL: WK-Y AB-Y JK-Y VL-N FP-Y (FAIL)  
Reason: Bill K., Adam B., John K. and Fred P., all answered yes because owners could build in the rear of the property or shorten the length of proposed site. While Vickie L. voted no because the proposed location is most feasible and economical due to the driveway that is already in place.
2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.  
POLL: WK-N AB-N JK-N VL-N FP-N (PASS)  
Reason: The detached garage is a common building and will fit in with existing structures in the area.
3. Whether the requested area variance is substantial.  
POLL: WK-N AB-Y JK-Y VL-Y FP-Y (FAIL)  
Reason: Yes, it is substantial because 5' to 10' is 50% which is substantial. Bill K. voted no because there is no future development that will be made behind the property's new structure.

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4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

POLL: WK-N AB-N JK-N VL-N FP-N (PASS)

Reason: This type of structure is common and will not adversely affect the area.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude granting of the area variance.

POLL: WK-Y AB-Y JK-Y VL-Y FP-Y (FAIL)

Reason: The applicant could place this garage elsewhere on property but this location is most feasible.

A motion was made to approve the variance request by Adam B., seconded by John K.

VOTE:	Bill K.	Aye
	Adam B.	Aye
	John K.	Aye
	Vickie L.	Aye
	Fred P.	Aye

A motion was made by Adam B. to accept minutes from May 20, 2021, seconded by Bill K., All Ayes, No Nays.

John K. motion to adjourn the meeting at 6:29pm. Seconded by Vickie L. Hearing all ayes, no nays the meeting was adjourned.

Respectfully submitted by,

Alissa Keller  
Recording Secretary