

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
May 26, 2022

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
Fred Pask (FP)
Vickie Lombard (VL)
Joshua Kraft (JK)

Other: Julie Brady, Recording Secretary

ABSENT: John Klodzinski (JK)

The meeting was called to order at 6:03pm by Bill K., Josh K. led the pledge to the flag. Bill K. reviewed procedures and criteria for an area variance. Training was discussed.

Julie B. read the legal notice:

Property Address: 4384 Billo Road, Akron, NY
Zoning District: Rural Agricultural
Owner: Chris & Kolette Kreuzer, 4384 Billo Road Akron, NY
SBL#: 85.00-1-1.1

Requesting a (4) four-foot variance to build a garage (6) six feet from the south side lot line instead of the ten-foot code requirement. Town Code varied: 450-27

Julie B. read a letter from Kolette and Christopher Kreuzer, owner and Jacqueline Zielan, adjacent neighbor “We have discussed the side yard setback with our neighbor, Jacqueline Zielan. Instead of the standard ten-foot setback, she is agreeable to a six-foot setback. This setback is for the purpose of building a garage on the south side of our property, between our property and Mrs. Zielan’s property. Below is Ms. Zielan’s signature agreeing to the six-foot setback, as well as ours.”

Bill K. opened the public hearing at 6:13pm.

Kolette Kreuzer, owner, 4384 Billo Rd., explained that they have recently moved to their home that has no garage and no basement. The existing driveway leads directly to the location that they would like to put a garage, six feet to the south side lot line. If they moved the garage to the front, the 20x20 garage would cover the front of this small home. Moving the location of a garage would be cost-prohibitive to put in a new driveway.

Chris Kreuzer, owner, 4384 Billo Rd. stated that building the garage is the beginning of a future addition and remodeling project. By placing the garage on the south side allows room for the addition.

John Stockman, 4420 Billo Road, stated that he purchased his land so that he could have more space between the houses, not closer. John S. addressed his concerns with drainage when too many homes are built close together as well as what will be aesthetically pleasing to the neighborhood.

Kolette K. responded that Jackie Z.’s driveway goes back beyond their house so it’s not like they would be side by side for drainage issues.

Bill K. asked three times if anyone else would like to speak. Hearing none, the public hearing was motioned to close at 6:21pm by Fred P. and seconded by Adam B. All Ayes, No nays

The Zoning Board discussed the project. Kolette and Christopher explained the photos in greater detail, showing exactly where the 20’ x 20’ attached garage would be constructed. It will be 14’ closer to the road which will be approximately 86’ from the right-of-way.

The Zoning Board voted on the request of 4’ area variance 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-N AB-N JK-N VL-N FP-N (PASS)

Reason: In conjunction with the larger addition, this solution is the best method. Fits in to where the driveway already is, part of a larger modification

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: An attached garage positioned properly will increase the value and fits in with the neighborhood.

3. Whether the requested area variance is substantial.

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

Reason: Bill K. Yes, 40% is substantial. All others voted no due to the scope of the project.

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, in fact when the remodeling is completed, it will beautify the area and drainage is sufficient.

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 purchased the property knowing the circumstances without checking to see if the code would allow for their plan.

A motion was made to approve the variance request by Fred P., seconded by Adam B.

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

The variance was unanimously approved.

A motion was made by Vickie L. to accept minutes from March 17, 2022, seconded by Fred P. – Joshua K. abstained from the vote as he was absent on March 17, 2022. Remaining boards members voted Aye, hearing none, the minutes were approved.

Fred P. motioned to adjourn the meeting at 6:50pm. Seconded by Bill K. Hearing All Ayes, No Nays the meeting was adjourned.

Respectfully submitted by,

Julie Brady
Recording Secretary