

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
December 17, 2020

MEMBERS

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

Other: Julie Brady, Recording Secretary

Absent: Dave Miller, CEO/Zoning Officer, Max Brady, Alternate, Mike Mutter (MM), Alternate

APPROVED 4/15/2021

The meeting was called to order at 6:30pm by Bill K. to continue the following area variance request from the December 3, 2020 public hearing.

Property Address: 12926 Carney Rd., Akron, NY
Zoning District: Rural Agricultural
Owner: Steven & Carol Ann Hill
SBL#: 21.00-3-49

Requesting a 7 ft area variance to place a 14'x28' prefab shed 3 ft from existing garage. Also requesting a 13 ft area variance to place said shed 62 ft from the right-of-way.
Town Code varied: Chapter 450-27 (A) & (D)

Bill K. summarized the information he had received from Brendan Neill, Town Attorney regarding the deed restriction on the abovementioned property. The Zoning Board does not need to consider the deed restriction itself, we can consider it if allowing the variance would create a 'substantial change' in the character of the neighborhood, (assuming all of the neighboring properties are adhering to similar deed restrictions) or in analyzing any of the other 4 factors the ZBA considers when evaluating a request for a variance.

Opened discussion up to the zoning board.

Vickie L. asked if the fire code had been discussed previously regarding ten feet between the two structures. Bill K. stated that it was not.

Adam B. asked the reason for not moving the structure further back or to the East away from the attached garage.

Steve Hill, 12926 Carney Rd., owner/applicant stated that he uses the land to the east to access his property to the rear and cannot move it further back from the road due to drainage tiles that run to the trees to absorb water.

The vote for the area variance 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. (PASS)
POLL: WK -N AB - N JK - N FP - N VL - N
Reason: The structure cannot be placed in any other area due to access to rear land & drainage.
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. (PASS)
POLL: WK N AB - N JK - N FP - N VL - N
Reason: The structure will look in line with the character of the neighborhood.
3. Is request substantial? (FAIL)
POLL: WK -N AB - Y JK - Y FP - N VL - Y
Reason: (WK) No, the structure can be moved (AB) - Yes, the request is 70% of the code
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. (PASS)
POLL: WK -N AB - N JK - N FP - N VL - N
Reason: NO, the barn would not impact the neighborhood
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? (PASS)
POLL: WK -N AB - N JK -N FP- N VL - N

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Reason: The existing structure and drainage tiles make it necessary to place it where the applicant has requested.

A motion was made by Fred P. to approve the variance request. Seconded by Vicki L. Hearing all ayes, no nays, the variance was passed unanimously.

A motion was made by Adam B. to approve the minutes from December 3, 2020. Seconded by Fred P. Hearing all ayes, no nays the minutes were approved.

A motion was made by Adam B. to approve the minutes from October 22, 2020. Seconded by John K. Hearing all ayes, no nays the minutes were approved.

Fred P. motioned to adjourn the meeting. Seconded by Bill K. Hearing all ayes, no nays, the meeting was adjourned.

Respectfully submitted,

Julie Brady, Recording Clerk