

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
October 24, 2019

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Mike Mutter (MM), Alternate
Other: David Miller, Zoning Officer
Julie Brady, Recording Secretary
Absent: Fred Pask (FP)
Vickie Lombard, (VL)
Max Brady (MB), Alternate

APPROVED 11/21/2019

Meeting was called to order at 6:03pm, followed by Julie B. reading the legal notice as follows:

Property Address: 7906 Cedar St., Akron, NY
Applicant/Owner Name: Michael Allen, 7906 Cedar St., Akron, NY
SBL#: 21.00-3-4.13

Requesting an area variance of 50 feet road frontage to subdivide a lot at the southern most part of the abovementioned parcel, creating a lot with 100 feet of frontage for a driveway which would open up behind his house to create a building lot to the rear (westerly) portion of his 36 acre parcel.
Town Code varied: 450-15D (1)(b)

Bill K. reviewed the procedures and asked if there was any correspondence. Julie B. stated that there was no correspondence at this time. Public hearing was open for comments at 6:05pm

Mike Allen, 7906 Cedar St., Akron, owner and applicant stated that when the prior buildings were being plotted in the 1980s, the frontage was 100' at that time. The intent was to be able to create another lot for his children, which is what he would like to do at this time. However, the town changed the frontage requirements shortly after his development to 150' frontage. Mr. Allen stated that he would like to subdivide this property so his daughter can build a house behind his existing home to help him as he gets older.

Dave Miller, CEO added that although there would only be 100' of frontage at the road, the property would then open up in the back providing for more than the 150' frontage where the home would be built. The more northerly section of the existing property contains federal wetlands, therefore Dave stated that a delineation of the property would need to be completed.

John Jendrowski questioned the disturbance of the wetlands. The map was reviewed by John J., Dave M. and Mike Allen.

Bill K. asked three times if there were any further comments, hearing none, John K. motioned to close the public hearing, Adam B. seconded the motion. All Ayes, No Nays, the public hearing was closed.

The zoning board discussed how many acres would be split off (approximately 26 acres out of 36 acres). Bill K. raised concerns regarding the access for the fire company and how far back the potential home would be placed. Mike Allen said his daughter would be building approximately 800' back and that the driveway would be wide and sturdy enough for trucks to go back without sinking. All utilities would be run underground from the road, (not branching off from his house). More discussion was had on the farming of the property, timeframe for developing and planning board requirements.

Bill K. reviewed other precedence cases (3 approved and 1 not approved due to speculation for selling)

The zoning board completed the review sheet 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.
WK (N) JK (N) AB (N) MM (N) Overall – (NO-PASS)
REASON: Due to the restrictions of the wetlands, other structures and at time of developing the parcel the town required 100' of frontage.
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.
WK (N) JK (N) AB (N) MM (N) Overall – (NO-PASS)
REASON: Rural area, keeping it residential. House so far back it will not even be noticeable and there is enough land/green space around it.
3. Whether the requested area variance is substantial.
WK (N) JK (N) AB (Y) MM (N) Overall – (NO-PASS)
REASON: There are many other 100' wide lots in the town due to the previous town code. (Adam B. voted yes because it is 30% of the current code)
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
WK (N) JK (N) AB (N) MM (N) Overall – (NO-PASS)
REASON: Small project in scope with plenty of land for any drainage issues/runoff. Continuing to farm the land. Well kept property.
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.
WK (N) JK (N) AB (N) MM (N) Overall – (NO-PASS)
REASON: When the property was purchased, the layout of structure met the code.

A motion was made by Adam B. to approve the variance, seconded by Mike M.
All Ayes, No Nays, the variance was approved unanimously.

A motion was made by Adam B. to approve the minutes from August 22, 2019, seconded by Mike M. All Ayes, No Nays

A motion was made at 6:30pm by John K. to adjourn the meeting. Seconded by Mike M. All Ayes, No Nays.
Meeting adjourned

Respectfully submitted,
Julie Brady, Recording Clerk