

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
June 22, 2023

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Vickie Lombard (VL)
Joshua Kraft (JK) Alternate
Other: Dave Miller (DM) CEO
ABSENT: Fred Pask (FP)
Mike Mutter (MM) Alternate
Julie Brady, Recording Secretary

The meeting was called to order at 6:30pm. Bill K. reviewed the process of the meeting.

The public hearing was opened with Bill K. read the legal notice:

Request for an Area Variance of 22' setback

to place an 18' x 24' premanufactured shed 53' from the right-of-way instead of the 75' setback for accessory structures in the Town of Newstead Code

Town Code Varied: 450-27 A

Location: 12288 Tonawanda Creek Rd., Akron, NY

Owner/Applicant: Ron Winkelman and Kathy Contrino

Bill K. read the criteria for an area variance.

Bill K. opened the public hearing.

Ron Winkelman, 12288 Tonawanda Creek Rd., Akron, NY- explained their need for the variance. My wife started a native tree farm (CW Native Plant Farm) to sell native trees and bushes. The nursery is next to and behind the garage and I believe the garage is about 50' plus from the road. She would like to place the pre-fab shed in front of the garage in order to have a place to work out of and have people come in to buy her product with a little register, so they have a place to come in. The shed is actually a 12' x 24' with a 6' covered deck area for them to duck under in case its raining. She positioned it there so people could pull in and drive right up to it. The shed is Amish built and will match the siding of our house. When they deliver it on July 5th the site will not be ready so they will place it on the driveway and then move it to the proper location.

Bill K. asked three times if anyone else would like to speak on this issue. Hearing none. The public hearing was closed.

Adam B. asked if this would require a home-based business. Dave M. said no because it is an agricultural business but it does not exempt them from zoning requirements.

The zoning board voted on the variance request:

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: AB-N JK-N WK-N VL-N (PASS)
Reason: Most practical location/feasible for purpose. Practical location for customers.
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: AB-N JK-N WK-N VL-N (PASS)
Reason: Fits character of neighborhood.
3. Whether the requested area variance is substantial.
POLL: AB-N JK-N WK-N VL-N (PASS)
Reason: For Agricultural use, it is not substantial

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

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

Reason: Open area will not affect anyone. Owner will endeavor to match the existing home. It is mobile, no foundation, no change in grading.

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

Reason: VL – It’s the applicant’s choice to put the shed there.

A motion was made to approve the variance request by John K. seconded by Vickie L.

VOTE:

Adam B.	Aye
John K.	Aye
Bill K.	Aye
Vickie L.	Aye

The variance was unanimously approved.

The minutes from March 16, 2023 were reviewed. John K. motioned to approve the minutes, seconded by Adam B.

John K. motioned to adjourn the meeting, seconded by Vicki L. Hearing All Ayes, No Nays the meeting was adjourned.

Respectfully submitted (per recording) by,

Julie Brady
Recording Secretary
