

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
March 16, 2023

MEMBERS

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

The meeting was called to order at 6:35pm by Adam B. followed by pledge to the flag.

The public hearing was opened at 6:37pm and Julie B. read the legal notice:

Property Address: 7727 Moore Rd., Akron, NY

Zoning District: Rural Agricultural

Owner/Applicant: Michael and Darcy Zekas

SBL#: 20.03-2-2

Request for an Area Variance of 14' setback

to construct a 30x40 pole barn 57' 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

Vickie L. stated that the request should be for 18' not 14' based on the math. Request amended to 18'.

Michael Zekas, 7727 Moore Rd., Akron (owner/applicant) stated that he would like to build a pole barn even with his house and is unable to move it back the required 75' because he has a pool in that area. He also said that he has a 5th wheeler (38 1/2" long) that he is planning on storing in this pole barn so he cannot change the size of the pole barn. Michael also noted that the driveway is already widened with millings.

Adam B. asked if there were any correspondence. Julie B. stated no. Adam B. asked three times if there were any other comments, hearing none John K. motioned to close the public hearing, seconded by Vickie L. All Ayes, No Nays. The public hearing was closed at 6:40pm

Vickie L. asked the dimensions from the corner perpendicular out to the road at the closest point. Mike Z. estimated 4-5 feet.

The zoning board voted on the amended request of 18':

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 VL-N FP-N (PASS)
Reason: VL – not without infringing on other properties
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 VL-N FP-N (PASS)
3. Whether the requested area variance is substantial.
POLL: AB-N JK-N VL-Y FP-N (PASS)
Reason: VL – it is substantial because it is over 20%
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 VL-N FP-N (PASS)

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 VL-Y FP-N (PASS)

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

VOTE:

Adam B.	Aye
Joshua K.	Aye
Vickie L.	Aye
Fred P.	Aye

The variance was unanimously approved.

The minutes were tabled to the next meeting for approval.

Vickie L. motioned to adjourn the meeting at 6:45pm. Seconded by Fred P. Hearing All Ayes, No Nays the meeting was adjourned.

Respectfully submitted by,

Julie Brady
Recording Secretary
