

TOWN OF NEWSTEAD - ZONING BOARD MINUTES

Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY

May 23, 2024

MEMBERS

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

Other: Christine Falkowski, Alternate
Katie Bird, clerk
Dave Miller (DM) CEO
Julie Brady, Recording Secretary

ABSENT: John Klodzinski (JK)

APPROVED 06/20/2024

The meeting was called to order at 7:02pm with the pledge to the flag. Katie B. read the legal notice as follows:

Request for an Area Variance of 8 feet 4 inches for a front yard setback to a county road (Stage Road) to construct an addition on a Single-Family Home in the RA Zone 65' from the right of way.

Town Code varied: Chapter 450-29 A (2)

Location: 11241 Stage Road

Owner/Applicant: Benjamin Schultz

Bill K.. reviewed the house rules and opened the public hearing at 7:05pm. Bill K. asked if there was any correspondence. Katie B. answered no.

Ben Schultz, 12241 Stage Rd., stated he would like to construct an addition to his home. It is a historical house so in keeping with the design and not like an addition, he needs to place the addition closer to the road due to the bend in the road.

Bill K. asked if this was his primary resident? Ben S. answered, "Yes it is".

Bill K. asked three times if there were any further comments.

Dave M. stated that the zoning ordinance states that if the addition is encroaching the front yard setback but not beyond the existing home it is fine, but because of the bend in the road it creates an issue.

Josh K. asked if this is addition is to expand the living space? Ben S. answered, yes, he needs to expand due to his family needing more space and closets.

Bill K. asked if there were any other comments. Hearing none, Vickie L. motioned to close the public hearing, seconded by Fred P. Hearing All Ayes, No Nays, the public hearing was closed at 7:10pm.

Adam B. asked Ben S. if the septic was a factor in the design. Ben S. replied yes, the septic area created a courtyard in the back so as not build on it.

Bill K. asked the zoning board if they had any questions or comments. Hearing none, the zoning board voted on the variance request 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: AB-N JK-N WK-N VL-N FP-N (PASS)

Reason: No because the home is historical and the road bends.

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)

Reason: Septic, aesthetics, and alignment with house

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3. Whether the requested area variance is substantial.
POLL: : AB-N JK-N VL-N FP-N (PASS)
Reason: only 13%, 8'4" is not substantial relative to the request,
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 FP-N (PASS)
Reason: Will improve existing property and keeps in character of 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.
POLL: : AB-Y JK-Y WK-N VL-Y FP-Y (FAIL)
Reason: Curve in the road creates a unique situation. Owner knew how the property was when he purchased it.

A motion was made to approve the variance request by Adam B.. seconded by Josh K.. Hearing All Ayes, No Nays, the zoning board unanimously approved the variance request.

The minutes from October 19, 2023 were reviewed. Bill K. motioned to approve the minutes, seconded by Adam B. Hearing All Ayes, No Nays, the minutes were approved unanimously.

Adam B. motioned to adjourn the meeting, seconded by Josh K. Hearing All Ayes, No Nays the meeting was adjourned at 7:25pm.

Respectfully submitted by,

Julie Brady
Recording Secretary