

**TOWN OF NEWSTEAD - ZONING BOARD MINUTES**

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

**July 19, 2024**

**MEMBERS**

**PRESENT:** Bill Kaufman (WK) Chairperson  
Adam Burg (AB)  
Vickie Lombard (VL)  
Fred Pask (FP)  
Christine Falkowski (CF), Alternate  
**OTHER:** David Miller, Code Enforcement Officer  
Katie Bird, clerk  
**ABSENT:** John Klodzinski (JK)  
Joshua Kraft (JK) Alternate

<b>UN-APPROVED</b> <b>07/19/2024</b>
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The meeting was called to order at 7:02pm with the pledge to the flag.  
Bill K. reviewed the house rules and asked if there was any written correspondence. Katie B. answered no.

Katie B. read the legal notice as follows:

**Request for an area variance of 50' to erect a 24' X 36' Pole Barn, 15' from right of way.**

**Town Code varied:** Chapter 450-29 A (2)  
**Location:** 8080 Fletcher Road, Akron NY 14001  
**Owner/Applicant:** Shane Green & Kimberly Ott

Shane Green of 8080 Fletcher, owner and applicant explained that they would like to build a 24' x 36' pole barn but they have a unique property nestled in wetlands. He further explained, we have a variance of a 25 feet buffer zone difficult to find a location to put the barn. Without interfering with the buffer zone and out of the wetlands and flood plain. The pole barn will be difficult to place because of the horseshoe driveway. If placed in the location depicted it would be in alignment with the neighborhood aesthetics and 50 feet back from the right-of-way. We would like to maintain the characteristic of our home with similar pitch of the roof and siding. I have four cars to store and wanted a 34'x 40' but couldn't fit that so we ended up going smaller with the 24'x 36' to compromise.

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 7:09pm.

Bill K. asked Dave M. if the DEC had to get involved and Dave M. replied that is why they are here to avoid that. Dave M. shared the flood plain and wetland map to show the zoning board where the pole barn would be located. He explained that the letter of map amendment (LOMA) for the removal of the house from the flood plain has not been updated in 3 or 4 years when they originally built the house. According to FEMA the house is out of the floodplain. Christine F. confirmed that just the house was removed from the flood plain. Dave M. said the house is out of the buffer as well. Christine F. also asked if the pole barn would be outside of the flood plain. Dave M. answered yes, the little horseshoe area is out of the flood plain as well.

Bill K. asked what would happen if they moved it back. The owner said he would have to dig up the driveway which is millings. He has already invested money in the driveway and would hate to tear it up.

The zoning board discussed the flood plain, the driveway, the pole barn placement, and the neighborhood. Dave M stated it would be important for the board to consider whether the positioning of the pole barn could be moved as this is the closest to the road at 15 feet from the right-of-way. Dave created a revised GIS map to make it clear, showing that from the center of the road you measure 24.75 feet towards the property. This is the right-of-way. The applicant is

asking to construct the barn facing the horseshoe driveway, with the rear of the barn being only 15 feet from the right-of-way.

The neighboring home setbacks were discussed. As well as reducing the size of the barn by 10 feet to get 25 feet setback or if the turnaround was relocated. Dave M explained that the average set back is based on 500 feet on either side of the property. We try to find the median. This would be the closest building within either direction.

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-Y WK-Y VL-N FP - N CF-N (PASS)  
Reason: Adjustments made to driveway and building size
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 WK-N VL-N FP -N CF-N (PASS)  
Reason: No change, will fit into neighborhood
3. Whether the requested area variance is substantial.  
POLL: AB-N WK- N VL-N FP - N CF-N (FAIL)  
Reason: 50 Feet (apx.77%) is a large 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 WK-N VL-N FP-N CF-N (PASS)  
Reason: No effect (VK – will not cause water shed or wind changes, especially with current vegetation and location of trees)
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 WK-N VL-Y FP-N CF-Y (PASS)  
Reason: Not a necessity and the owner’s decision to build.

A motion was made to approve the variance request by Fred P. seconded by Christine F. The board was polled as follows:

Bill K. –	Aye
Adam B. –	Nay
Christine F. –	Aye
Vicki L. –	Aye
Fred P. –	Aye

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The minutes from June 20, 2024, were reviewed. Adam B. motioned to approve the minutes, seconded by Christine F. Hearing All Ayes, No Nays, the minutes were approved unanimously.

Bill K. motioned to adjourn the meeting, seconded by Adam B. Hearing All Ayes, No Nays the meeting was adjourned at 7:53pm.

Respectfully submitted by,

Katie Bird  
Recording Secretary