

TOWN OF NEWSTEAD - ZONING BOARD MINUTES

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

June 20, 2024

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
Vickie Lombard (VL)
Christine Falkowski, Alternate

OTHER: Katie Bird, clerk

ABSENT: John Klodzinski (JK)
Joshua Kraft (JK) Alternate
Fred Pask (FP)

APPROVED 07/18/2024

The meeting was called to order at 7:05pm with the pledge to the flag. Katie B. read the legal notice as follows:

Request for a 15’ variance to erect an 8’ X 20’ Front Porch with Pergola Cover, 50’ from right of way instead of 65’ required by code.

Town Code varied: Chapter 450-29 A (2)
Location: 13091 Steiner Road, Akron NY 14001
Owner/Applicant: Duane & Linda Chaffee

Bill K. reviewed the house rules and five criteria for the variance request and opened the public hearing at 7:07pm. Bill K. asked if there was any correspondence. Katie B. answered no.

Duane Chaffee, 13091 Steiner Road., stated it has been a goal since purchasing the home in 1977 to construct this project. When purchasing the home, he didn’t realize the current setback required by the code would infringe on this project. He stated his current 3’ X 3’ front porch/stairs constructed with the home does not meet current variance requirements.

Vickie K. asked if this was the same construction when they built the home? Duane C. answered, “That his neighbors have a closer porch”, and showed pictures as comparable to show that he was not aware of the setback codes in 1977, but they already infringe on the current standards.

Bill K. asked if he would enter the stairs from the lawn or off the driveway? Duane C. answered, “Yes, off the driveway”.

Bill K. commented that the bay windows shown in the provided photographs already put the resident over the variance. Duane C. confirmed that it would.

Bill K. asked if they were the original windows? Duane C. answered, “Yes, it is”.

Bill K. asked if the applicants built the house in 1977 and were the original owners? Duane C. answered, “Yes”.

Bill K. asked if he would do the construction himself, or if it would be a family project. Duane C. answered, “Yes, I come from a long line of carpenters”.

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

Bill K. asked if there were any other comments. Hearing none, Vickie L. motioned to close the public hearing, seconded by Adam B. Hearing All Ayes, No Nays, the public hearing was closed at 7:11pm.

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 WK-N VL-N CF-N (PASS)

Reason: Original construction from 1977 and it will improve front access to the home.

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 CF-N (PASS)

Reason: The appearance aligns with neighbors and will improve the character of the neighborhood.

3. Whether the requested area variance is substantial.

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

Reason: Not substantial, less than 25% (23.4%).

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 CF-N (PASS)

Reason: No changes in drainage or runoff.

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 CF-Y (FAIL)

Reason: Not a necessity and the owner's decision to build.

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

The minutes from May 23, 2024, were reviewed. Bill K. motioned to approve the minutes,
seconded by Adam B. Hearing All Ayes, No Nays, the minutes were approved unanimously.

Bill K. motioned to adjourn the meeting, seconded by Vickie L. Hearing All Ayes, No Nays the
meeting was adjourned at 7:17pm.

Respectfully submitted by,

Katie Bird
Recording Secretary