

TOWN OF NEWSTEAD - ZONING BOARD MINUTES

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

September 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
Joshua Kraft (JK) Alternate

APPROVED 06/26/2025

The meeting was called to order at 7:01pm 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 a 5' front yard setback variance for a single-family home.

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

Location: 12440 Meahl Road, Akron NY 14001

Owner/Applicant: Philip Sperandeo

Philip Sperandeo of 12440 Meahl Road, owner and applicant explained that they would like to build a single-family home, next to his current residence. He further explained he and his wife are disabled and his current two-story residence is hard to navigate with the laundry being on the second floor.

Dave Miller commented that the property is requesting a 5' setback variance for the required 65' feet to code standard, because there is a pond that limits the applicant from moving back.

Bill K. asked if there were any other houses that are closer to the road?

Dave M. commented, no not within 500', but that is because the applicant is limited due to the location of the pond.

Vickie L. asked if this was the second house located on the same property?

Dave M. confirmed it was the second house on the property which is Philip's primary residence. The applicant has plans to subdivide the property once the new home is built.

Bill K. asked in Dave's experience was there enough room to avoid additional variance requests with the required setback requirements.

Vickie L. Asked how wide the property was?

Dave M. confirmed there was enough room, and it was 340' Feet wide roughly and met the 150' frontage required.

Bill K. asked if there were any other comments.

Douglas Palmer, 12400 Meahl Road, neighbor explained he was concerned with the utilities and power lines on where they would be in regard to safety. He noted he did not think it was unreasonable to move the pond.

Dave M. addressed the concern of the pond and explained he has had numerous discussions with Philip in regard to the amount of engineering it would take to go down to virgin soil, and it would take the foundation deeper then the typical 8' wall required by code standards.

Additionally, there is more concern with the overall engineering of buildings in a location that was once a pond.

Bill K. asked how close the house would be to the pond.

Dave M. noted it would be approximately 20' from the new construction.

Douglas Palmer, asked if the utilities would be taken into consideration when the building is being built. He asked if a gas line could be under a driveway.

Dave M. commented utility locations are not usually considered in conjunction with the building permit considering they are all usually located within the right of way.

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 7:13pm.

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 FP - N CF-Y (PASS)
Reason: Financial burden to move a pond that is unfeasible.
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: Will fit into neighborhood; character would remain the same.
3. Whether the requested area variance is substantial.
POLL: AB-N WK- N VL-N FP - N CF-N (PASS)
Reason: Minimal request (apx.7%).
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 –no drainage concerns, WK- Code Enforcement Officer did his diligence with the considerations).
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 WK-Y VL-Y FP-N CF-Y (FAIL)
Reason: The resident did not foresee his situation when his original residence was built.

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

The minutes from July 18th, 2024, were reviewed. Bill K. 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 7:25pm.

Respectfully submitted by,

Katie Bird
Recording Secretary