

TOWN OF NEWSTEAD - ZONING BOARD MINUTES

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

October 16, 2025

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
Fred Pask (FP)
Joshua Kraft (JK)
Rebecca Baker (RB), Alternate
OTHER: Katie Bird, Clerk
ABSENT: Vickie Lombard, (VL)

UN-APPROVED 10/17/2025

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 yes. Bill K. confirmed he received a copy and noted the residents were not in attendance.

Bill K. then read the submitted correspondence from resident Bob and Laura Buonanno located at 13051 Main Road. The letter stated concerns about the stone wall located on the property line. In the letter the residents expressed the wall adds aesthetic value and they wish to maintain the wall and have it not be disturbed or any modifications be made.

Katie B. read the legal notice as follows:

Request for a 15' side yard area variance for a new structure.

Town Code Varied: Chapter 450-21 E (b)

Location: 13061 Main Road, Akron NY 14001

Owner/Applicant: Hume Construction, Inc.

Bill K. opened for public comment.

John Henning, construction manager at Hume Construction, located at 860 Main Street, Corfu NY, explained that the company has been looking for an office building that is larger since they have outgrown their current office located in Batavia. The owner purchased the property a year ago with intentions to build two buildings on the property. This location's intention is to be conducted in a two-phase operation. The phase-1 pole barn will be the first building constructed. Eventually this pole barn will serve storage for equipment, and storage for construction material but will serve as a mixed use of office and storage until the second phase. They have parking for employees and handicap accessible parking between the two proposed buildings, allowing for customer and employee parking as well as navigation for larger equipment and delivery trucks.

Bill K. asked how many employees Hume construction has.

John H. responded, 8 employees consisting of, 5 architects and 3 in construction. He said the phase-2 project will put an architecture office in front of the property to have a cleaner, more aesthetic place for customers to come. This will allow the pole barn to serve as a place for the construction and construction workers to conduct procedures separate from architecture work with their higher end clientele.

Bill K. asked if the phase-1 new structure will have temporary offices?

John H. responded that the building will be split into two separate spaces. The back half dedicated to construction and the front half will have office management offices, bathrooms and employee break space.

Rebecca B. asked how deep the property is.

John H. responded that he was unsure but after reviewing the land and plans there is a rear berm on the property and a neighboring horse trotting track. After conversation with the property owners, they are not going to disturb the track.

Rebecca B. asked if you could place parking at the back of the building.

John H. expressed that clearing out the berm that is located in the back would not be feasible and would be a financial burden to move and is a much larger undertaking with the limited manmade geography. He said that he cannot place parking up front with the septic location.

Joshua K. asked if the applicant was aware of the stone wall and its location and if he has any issues with the neighbor's request to preserve it.

John H. replied yes, it is on the property line with medium growth trees, and they do not plan to touch the wall, and they like the wall as well and it maintains privacy for both. If there are any plans to touch the wall they will be in contact with the owners and have been in current communication with them.

Bill K. asked if they had outdoor equipment that needed storage.

John H. responded yes, they have 2 work trucks, and heavy-duty equipment that will need storage, which is why they would like to store that out back to maintain aesthetics.

Rebecca B. asked if the fence would be part of phase-1 pole barn and if the 19 spaces for parking would be sufficient.

John H. responded that the fence would be part of the phase-1 construction plan, and they would level out the grade change to avoid drainage issues. The parking area has diagonal spaces and allows enough room to move standard sedan vehicles.

Rebecca asked if they could make the pole barn smaller.

John H. responded no, the office size is as small as they could get with the multi-use of construction and admin offices needed to accommodate his staff.

Bill K. asked if there were any other comments. Hearing none, Adam B. motioned to close the public hearing, seconded by Rebecca B. Hearing All Ayes, No Nays, the public hearing was closed at 7:27pm.

Bill K. noted that the stone wall and trees create a barrier for fire protection, and the vehicles have other avenues to reach the site from neighboring properties or the parking lot that is set to be in place. He also noted that this is zoned for a commercial project and zoned with the correct use in mind.

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-N RB-N FP - N JK-N (PASS)
Reason: Limited space for 100' frontage and septic location.
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 RB-N FP -N JK-N (PASS)
Reason: Commercial building in commercial zone.
3. Whether the requested area variance is substantial.
POLL: AB-Y WK- Y RB-Y FP - Y JK-Y (FAIL)
Reason: High request (apx.50%).

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 RB-N FP-N JK-N (PASS)

Reason: Commercial, most work will be conducted inside the building.

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-Y RB-Y FP-N JK-Y (FAIL)

Reason: The resident bought the property knowing where the septic was located and the limitations of the parcel.

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

Bill K. motioned to adjourn the meeting, seconded by Rebecca B. Hearing All Ayes, No Nays the meeting was adjourned at 7:48pm.

Respectfully submitted by,

Katie Bird
Recording Secretary