

TOWN OF NEWSTEAD - ZONING BOARD MINUTES

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

August 20, 2026

UN-APPROVED
08/20/2026

MEMBERS

PRESENT: Bill Kaufman (BK) Chairperson
Vickie Lombard, (VL)
Joshua Kraft (JK)
Rebecca Baker (RB), Alternate
Bryan Mertzluft (BM), Alternate
OTHER: Dave Miller, Code Enforcement Officer
Katie Bird, Recording Clerk
ABSENT: Adam Burg (AB)

The meeting was called to order at 6:30pm 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 19' front yard area variance for a deck.

Town Code Varied: Chapter 450-29 A (2)
Location: 11720 Hunts Corner Road, Akron NY 14001
Owner/Applicant: Nathan Dawydko

Bill K. opened for public comment.

Cheyenne Reuillard resident of 11720 Hunts Corner Road, Akron NY, explained the existing deck was becoming an unsafe liability based on its current condition. She further explained the plans for the extension of the deck would provide a clear view of livestock in their pastures they were not able to see without the extension which would allow reasonable response in the case of an emergency.

Nathan Dawydko, owner of 11720 Hunts Corner Road, Akron NY, added that the stairs being placed on the side of the deck rather than the front also allowed for less liability in the case of children running toward the busy street.

Cheyenne R. added the updated deck would be 32 ½' from the center of the road. The existing deck is 42' off the center of the road.

Bill K. asked how far the current configuration of the stairs comes from the existing deck?

Cheyenne R. responded 6' from the existing deck, but they are extending the deck the length of the stairs and moving the stairs to the side of the deck.

Rebecca B. asked if the current structure was already an illegal non-confirming use?

Dave M. confirmed the owners already had an existing non-confirming use but since they are changing an already existing non-confirming use, they needed to be seen before the Zoning Board of Appeals for approval.

Rebecca B. asked if the applicants were planning to put a roof over the extension of the deck?

Nathan D. replied no, and that the existing roof will stay and the remainder of the extension will remain open.

Dave M. clarified that the 19' area variance request was measured from the edge of the pavement. The setback requirement since it is on a county road is 65'.

Bill K. asked if the deck was built with the home in the 1930's when it was originally constructed and if any variance was approved for its construction.

Dave M. confirmed no other variance was approved on the property for the deck construction.

Bill K. asked if there were any other comments. Hearing none, Rebecca B. motioned to close the public hearing, seconded by Joshua K. Hearing All Ayes, No Nays, the public hearing was closed at 6:41pm.

Rebecca B. asked how the new design would help with the applicant's livestock viewing?

Cheyenne R. explained that the Northwest pasture's view was obstructed and now with the 6' extension and no roof they can see past trees to the pasture for viewing.

Bill K. explained after reviewing the plans that the footprint of the new deck is in essence the same setback of the existing because the extension is no greater than the existing.

Bryan M. asked if the stair size was included in the deck size?

Nathan D. explained they are not, but stairs now face the driveway and backyard.

Josh K. asked if the applicant had explored other options?

Nathan D. thought about a wraparound deck but there is power ran from the street to the home, and he was not sure where the lines were placed and did not want to disturb the land in case of hitting a utility line. He further explained the front porch was deteriorating and becoming a safety hazard. The current deck is sitting on cinder blocks and is sinking into the ground, so they had limited options.

Cheyenne R. provided pictures of the condition of the deck to the Zoning Board.

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: VL-N BK-N RB-N BM- N JK-N (PASS)
Reason: Existing conditions needed to be replaced for safety and limited alternate options based on location of existing utility lines.
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: VL-N BK-N RB-N BM -N JK-N (PASS)
Reason: No effect, and improvement to existing conditions.
3. Whether the requested area variance is substantial.
POLL: VL-N BK- Y RB-Y BM- Y JK-N (FAIL)
Reason: Changing illegal preexisting non-conforming use with substantial percentage of requested area variance.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
POLL: VL-N BK-N RB-N BM-N JK-N (PASS)
Reason: No effect.
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: VL-N BK-Y RB-Y BM-Y JK-Y (FAIL)
Reason: The owner started the work before towns approval, and they did not have to expand the size.

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

The public hearing was opened by Bill K. to discuss the following.

Request for a use variance for a Tier 3 solar energy system in the R-A zoning district.

Town Code Varied: Chapter 450-15 in conjunction with Chapter 180-8

Location: 7300 Sand Hill Road, Akron NY 14001

Owner/Applicant: Ciminelli Muir Woods LLC; Applicant: Jeffery D. Palumbo, Attorney for National Energy Development LLC

Patricia Henning, owner at 285 Akron Road, Pembroke NY mentioned she was attending the meeting to see the results of the request variance. She also mentioned that she heard there was new ownership of the property and wanted to see if they had plans to install a park.

Joshua K., member of the Zoning Board, mentioned he had a neighboring property to 7300 Sandhill Road and received a letter from the new owners. In the letter the new owner conveyed he was using the property for recreational purposes and had intentions of only using it for enjoyment.

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

Bill K. motioned to deny the variance for a lack of standing. A motion was made to deny the variance by Joshua K., seconded by Bryan M. Hearing All Ayes, No Nays the variance was denied.

The minutes from July 16, 2026, were reviewed. Vickie L. motioned to approve the minutes, seconded by Bill K. Hearing All Ayes, No Nays, the minutes were approved unanimously.

Training options were discussed among the board members.

Joshua K. motioned to adjourn the meeting, seconded by Vickie L. Hearing All Ayes, No Nays the meeting was adjourned at 7:18pm.

Respectfully submitted by,

Katie Bird
Recording Secretary