

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
March 22, 2012

APPROVED 7/19/12

MEMBERS

PRESENT: Bill Kaufmann, Chairman
 John Klodzinski
 Adam Burg
 Harold Finger
 Cheryl Esposito, Alt.

ABSENT: Corky Keppler
 Fred Pask, Alt.

OTHER: Julie Brady, Recording Clerk

Meeting came to order at 7:05 pm,

7557 Greenbush Road, use variance to move manufactured home:

Julie B. read the legal notice for an area variance at 7557 Greenbush Road, owned by Eddie L. Hoover and Gwendolyn D. Hoover. A use variance requesting permission to relocate their manufactured home to a different part of property on a permanent basis for the purpose of housing farm supervisor located at 7557 Greenbush Road. Newstead Town Code 450-24D states that manufactured homes shall only be permitted within the Town of Newstead, outside the Village of Akron, in the MHP (Mobile Home Park) District. 7557 Greenbush is zoned RA (Rural Agricultural).

Bill asked if there were any comments from the public. After asking three times and hearing no comments, Adam B. made a motion to close the public hearing Harold F. seconded the motion.

The board discussed the financial Schedule F supplied by Dr. Hoover which stated an income of over \$8,000. This statement did not show any expenses for hired farm help/labor.

JohnK. stated that he felt the financials were inadequate because they did not meet the \$10,000 requirement and were only shown one year of financial statements (2010).

Dr. Hoover came to the meeting at 7:15pm and requested an extension due to the fact that his attorney was delayed. Bill K. stated that the public hearing was already closed and that a decision must be made within 60 days. In addition, the courts and code enforcement officer were waiting for a decision by the ZBA. Bill K. said that because the ZBA has already closed the public hearing and began their discussion/vote, they would not be able to postpone the meeting.

The findings and decision are as follow:

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

VOTE: Adam B.-NO; John K.-NO; Harold F. – NO; Bill K. – NO; Cheryl E. – NO

REASON: Financial documentation provided was not adequate. No proof of paying a farm supervisor

2. The alleged hardship relating to the property is unique.

VOTE: Adam B – NO; John K.-NO; Harold F. – NO; Bill K. – NO; Cheryl E. – NO

REASON: There is no hardship

3. The requested USE variance, if granted will not alter the essential character of the neighborhood.

VOTE: Adam B – YES; John K.-YES; Harold F. – YES; Bill K. – YES; Cheryl E. – YES

REASON: YES – allowing the manufactured home to be moved to another location on a permanent basis will alter the character of the neighborhood because manufactured homes are NOT allowed in the RA zone.

4. The alleged hardship has been self-created:

VOTE: Adam B – YES; John K.-YES; Harold F. – YES; Bill K. – YES; Cheryl E. – YES

REASON: The manufactured home was allowed for six (6) months to help the Hoover's during the court hearing with the builder. When the Hoover's were issued a final CO on 3/16/11, they were notified to move the manufactured home.

Harold F. made a motion to accept the variance with the condition that no portion of the porch or other structure may be further towards the road (Rte 93) than 50 feet.

Motion was seconded by John K., All Ayes.

The minutes from the February 23, 2012 meeting will be discussed at the next meeting.

John K. made a motion to adjourn the meeting at 7:48pm, seconded by Adam B. All Ayes.

Respectfully Submitted,
Julie Brady
Recording Secretary