

**TOWN OF NEWSTEAD - ZONING BOARD MINUTES**  
**Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY**  
**September 27, 2018**

**MEMBERS**

**PRESENT:** Bill Kaufman (WK) Chairperson  
Adam Burg (AB),  
John Klodzinski (JK)  
Vicki Lombard, (VL)  
Fred Pask (FP)

**APPROVED**  
**11/8/2018**

**Other:** David Miller, Zoning Officer  
Julie Brady, Recording Secretary

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Meeting was called to order at 6:00pm, followed by the pledge to the flag.

Bill K. reviewed the procedures and asked if there was any correspondence. Julie B. stated that there was no correspondence at this time. Julie B. read the legal notice for the variance request as follows:

**Requesting a 20 foot area variance to place a shed 55 feet closer to the State road than the required 75 foot setback for an accessory structure at 7259 Maple Rd., owned by John & Theresa Mussell.**

**Variance Town Code varied: Article IV. Chapter 450-27 A SBL# 33.00-1-30.1**

Public hearing was open for comments at 6:03 pm.

Theresa Mussel, 7259 Maple Rd., Akron, (Owner of property) stated that they would like to put a 12x16 shed closer to the road than what is required due to the fact that they would like to store a snow blower in the shed and it would be very difficult to get it out to use due to the slope of the property to the backyard. The septic system is on the other side. There is a row of trees at the road which hide the house/shed from street view. The shed will be placed on a stone base and will not alter the drainage.

Bill K. asked 3 times if there were any other comments. Hearing none, a motion was made by Fred P., seconded by Adam B. to close the public hearing. All Ayes, no nays.

The board discussed the definition of accessory structure, the size of the structure, required permit, and placement of the shed.

The zoning board completed the review sheet 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.  
JK (N) WK (N) AB (N) VL (N) FP (N) Overall – (NO-PASS)  
REASON: Limited on placement due to slope of property & septic system.
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.  
JK (N) WK (N) AB (N) VL (N) FP (N) Overall – (NO-PASS)  
REASON: The trees provide a natural barrier – it fits right in with the neighborhood
3. Whether the requested area variance is substantial.  
JK (N) WK (N) AB (N) VL (N) FP (N) Overall – (NO-PASS)  
REASON: If the shed was 48 sq ft. less the owner would not need to get a permit.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
JK (N) WK (N) AB (N) VL (N) FP (N) Overall – (NO-PASS)  
REASON: There is no negative physical or environmental impact including drainage due to the slope of the land. The shed is not a permanent structure on a foundation.

ZBA

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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.

JK (N) WK (N) AB (N) VL (N) FP (N) Overall – (NO-PASS)

REASON: The applicant has tried to place the shed as far back as possible to meet their needs considering the slope of the land.

A motion was made by John K. to approve the variance. Seconded by Adam B. All Ayes, No Nays.

Variance request was approved unanimously.

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Motion was made to accept the minutes of the May 31, 2018 meeting by Fred P., seconded by Bill K. All Ayes, No nays.

A motion was made to close the meeting at 6:30pm by John K. seconded by Adam B., All Ayes. No Nays

Meeting adjourned.

Respectfully submitted,  
Julie Brady, Recording Clerk