

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
October 25, 2018

MEMBERS

PRESENT: Adam Burg (AB), Acting Chairman
John Klodzinski (JK)
Vickie Lombard, (VL)
Max Brady (MB)

APPROVED
11/8/2018

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

Absent: Bill Kaufman (WK) Chairperson
Fred Pask (FP)

Meeting was called to order at 6:04pm, followed by the pledge to the flag.

Adam B. 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 10’6” area variance to construct a 36’x40’ addition and a 12’x40’ lean to on an existing building at 12509 Stage Rd., owned by Sam & Lisa Torrelli. This addition will be 19’4” to the west lot line instead of the required 30 feet side setback.

**Variance Town Code varied: Article IV. Chapter 450-15E (2)(b)
SBL# 74.00-1-1.211**

Public hearing was open for comments at 6:06

Julie B. explained to the board that the Torrelli’s have had their business, Tonawanda General Concrete, Inc. located on Stage Rd. for many years and have recently merged that property with their home at 12509 Stage Rd. in order to apply for a home based business. The Torrelli’s have been in contact with Christine Falkowski, the planning board clerk in effort to accomplish this as soon as possible.

Lisa Torrelli, 12509 Stage Rd., Akron, NY – Owner of said property stated that they would like to put a pole barn constructed addition and lean-to on an existing building because they need more room. This addition requires building out to the west due to the fact that the septic system is to south of the existing building.

Adam B. asked if there was an easement for the adjacent owner’s driveway on this property. Lisa T. answered yes there is an easement but the neighbors have no problem with us putting on this addition. The land to the west is unused vacant land.

Adam B. asked if the purpose of the addition was to clean up the exterior storage or as an expansion of the business and Lisa answered “both”.

John Jendrowski, Town of Newstead councilman stated that the Torrelli’s are respected, hard-working people and they are not asking for too much.

Adam B. asked three times if there were any further comments, hearing none, John K. motioned to close the public hearing, Max B. seconded the motion. All Ayes, No Nays, the public hearing was closed.

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) AB (N) VL (N) MB (N) Overall – (NO-PASS)
REASON: Limited on placement due to the septic system to the south of the existing building
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) AB (N) VL (N) MB (N) Overall – (NO-PASS)

REASON: The business has been there a long time and there is just vacant land to the west of the existing building so it would not alter or be a detriment to the nearby properties. In fact, their intent is to clean up the property and be able to store more equipment inside.

3. Whether the requested area variance is substantial.

JK (N) AB (N) VL (N) MB(N) Overall – (NO-PASS)

REASON: No, the request is not substantial based on the surrounding area and other requests

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) AB (N) VL (N) MB (N) Overall – (NO-PASS)

REASON: There is no negative physical or environmental impact, rather it will improve the area by storing equipment inside.

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) AB (N) VL (N) MB (N) Overall – (NO-PASS)

REASON: The applicant is unable to put an addition in any other direction due to other obstacles such as the septic system, driveway and front setback.

A motion was made by John K. to approve the variance, seconded by Max B.
All Ayes, No Nays, the variance was approved unanimously.

Julie B. read the second legal notice:

Requesting lot frontage of two and a half foot (2.5') area variance for a potential used car lot at 13722 Main Rd., owned by David Glian. (SBL# 61.00-3-14)

Town Code varied: Chapter 450. Article III. 450-26 F (4)

Public Hearing was open at 6:20pm. Adam B. asked if there were any written comments, Julie said No.

David Glian, 5535 Old Goodrich Rd., Clarence, NY, owner of 13722 Main St., Akron stated that he is having a difficult time renting the property because if someone is interesting in having a used car lot they need 200' of frontage and he only has 197.5'. The interested parties don't want to come to the zoning board to get the variance so David G. thought it would be best for him to get the variance ahead of time in case he gets another interested party.

Adam B. asked three times if there were any more public comments. Hearing none, Vicki L. motioned to close the public hearing, Max B. seconded the motion. All Ayes, No Nays.

David Miller, CEO, recommended that the zoning board table this request and ask for a recommendation from the planning board to see if this request coincides with the comprehensive plan. David M. would also like to get into the building for an inspection.

Max B. asked if there was a car lift in the building. David G. said no because the ceilings are not high enough.

David M. stated that there are many other possible uses for this property. A special use permit would have to be applied for in the case of a used car lot through the planning board site plan approval process. David G. stated that he has not gone to the planning board yet.

Max B. recommended to table the variance request and refer this to the planning board for their recommendation. Adam B. seconded the motion. All Ayes No Nays.

The next available meeting date will be December 6, 2018 due to the Thanksgiving holiday.

A motion was made at 6:30pm by John K. to adjourn the meeting. Seconded by Max B. All Ayes, No Nays.
Meeting adjourned

Respectfully submitted,
Julie Brady, Recording Clerk